

**JOURNAL OF THE SENATE****Sixty-seventh Legislative Assembly**

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**Bismarck, April 21, 2021**

The Senate convened at 8:00 a.m., with President Sanford presiding.

The prayer was offered by Pastor Paul Herr, Century Baptist Church, Bismarck.

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

A quorum was declared by the President.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. POOLMAN MOVED** that the conference committee report on Engrossed SB 2019 as printed on SJ pages 1562-1565 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2019, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2019:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of career and technical education; and to provide a statement of legislative intent.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Wobbema

Reengrossed SB 2019 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. WANZEK MOVED** that the conference committee report on Engrossed SB 2015 as printed on SJ pages 1560-1562 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2015, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2015:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to provide for a report; to provide a statement of legislative intent; to provide for a legislative management study; to provide an exemption; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn;

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

**ABSENT AND NOT VOTING:** Wobbema

Reengrossed SB 2015 passed and the emergency clause was declared carried.

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**MOTION**

**SEN. KLEIN MOVED** that pursuant to Rule 509, Legislative Day 69 be replaced with Legislative Day 72, which motion prevailed.

**MOTION**

**SEN. KLEIN MOVED** that the Senate stand in recess until 12:30 p.m., which motion prevailed on a voice vote.

**THE SENATE RECONVENED** pursuant to recess taken, with President Sanford presiding.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2124.

**AMENDMENTS TO ENGROSSED SENATE BILL NO. 2124**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 23-12, two new subsections to section 37-17.1-05, a new section to chapter 50-11, and a new section to chapter 54-03 of the North Dakota Century Code, relating to prohibitions on vaccine passports, the governor's authority to issue executive orders, unaccompanied undocumented children, and permitting a virtual meeting of the legislative management and a virtual session of the legislative assembly during a declared disaster or emergency; to amend and reenact subsection 12 of section 23-01-05 and subsections 3 and 6 of section 37-17.1-05 of the North Dakota Century Code and section 50-25.1-11.1 of the North Dakota Century Code, as amended in section 2 of Senate Bill No. 2131, as approved by the sixty-seventh legislative assembly, relating to the authority of the state health officer, the gubernatorial declaration of disaster or emergency powers of the department of human services, and criminal history record checks for children's advocacy centers; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Subsection 12 of section 23-01-05 of the North Dakota Century Code is amended and reenacted as follows:

12. Issue ~~any orders~~ a written order relating to a disease control ~~measures~~ measure deemed necessary to prevent the spread of a communicable disease. ~~Disease~~ A disease control ~~measures~~ measure may include a special immunization ~~activities~~ activity and decontamination ~~measures~~ measure. ~~Written orders~~
  - a. The state health officer shall limit a written order issued under this section to the geographical area affected by the communicable disease. The state health officer may not issue a statewide order under this section unless the governor has declared a statewide disaster or emergency under chapter 37-17.1 and the governor consents to the order. The statewide order is limited in duration to the duration of the declared disaster or emergency unless terminated earlier pursuant to chapter 37-17.1.
  - b. A written order issued under this section ~~shall have~~ has the same effect as a physician's standing medical order.
  - c. The state health officer ~~may~~ shall apply to the district court in a judicial district where a communicable disease is present for an

injunction ~~canceling~~ if the state health officer seeks to cancel a public event ~~event~~ or closing places ~~close~~ a place of business. On application of the state health officer showing the necessity of such ~~the~~ cancellation or closure, the court may issue an ex parte preliminary injunction, pending a full hearing.

**SECTION 2.** A new section to chapter 23-12 of the North Dakota Century Code is created and enacted as follows:

**Vaccine passports - Prohibition.**

Except as provided under section 23-07-17.1, a state or local government may not mandate that a private entity require documentation of an individual's vaccination status.

**SECTION 3. AMENDMENT.** Subsection 3 of section 37-17.1-05 of the North Dakota Century Code is amended and reenacted as follows:

3. A disaster or emergency must be declared by executive order or proclamation of the governor if the governor determines a disaster has occurred or a state of emergency exists. ~~The~~
  - a. Except as provided in subdivision b, the state of disaster or emergency shall ~~continue~~ continues until the governor determines that the threat of an emergency has passed or the governor determines the disaster has been dealt with to the extent that emergency conditions no longer exist, whichever occurs first.
  - b. If a state of disaster or emergency relating to public health is declared and in effect and the legislative assembly is not in session, the legislative management may meet to vote on whether the legislative management should request the governor call a special session of the legislative assembly. If the governor does not call a special session within seven days after the legislative management sends a request to the governor, the declared state of disaster or emergency relating to public health terminates thirty days after the request from the legislative management was sent to the governor. If the governor calls a special session within seven days after the request from the legislative management was sent, the special session must be held within fifteen days of the governor's call for a special session. If the legislative assembly meets to address a declared state of disaster or emergency, the legislative assembly by concurrent resolution may terminate, extend, or modify the state of disaster or emergency.
  - c. The legislative assembly by concurrent resolution may terminate a state of disaster or emergency at any time.
  - d. All executive orders or proclamations issued under this subsection must indicate the nature of the disaster or emergency, the area or areas threatened, the conditions ~~which~~ that have brought it about or which make possible termination of the state of disaster or emergency. An executive order or proclamation must be disseminated promptly by means calculated to bring its contents to the attention of the general public, unless the circumstances attendant upon the disaster or emergency prevent or impede such dissemination, and it must be ~~promptly-filed~~ promptly with the department of emergency services, the legislative council, the secretary of state, and the county or city auditor of the jurisdictions affected.

**SECTION 4. AMENDMENT.** Subsection 6 of section 37-17.1-05 of the North Dakota Century Code is amended and reenacted as follow:

6. ~~¶~~The governor may not amend or repeal the provisions of a statute, but subject to prohibitions and limitations in law, and in addition to any other powers conferred upon the governor by law, the governor may:
- a. Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in managing a disaster or emergency.
  - b. Utilize all available resources of the state government as reasonably necessary to manage the disaster or emergency and of each political subdivision of the state.
  - c. Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency management activities.
  - d. Subject to any applicable requirements for compensation under section 37-17.1-12, commandeer or utilize any private property if the governor finds this necessary to manage the disaster or emergency.
  - e. Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if the governor deems this action necessary for the preservation of life or other disaster or emergency mitigation, response, or recovery.
  - f. Prescribe routes, modes of transportation, and destinations in connection with an evacuation.
  - g. Control ingress and egress in a designated disaster or emergency area, the movement of persons within the area, and the occupancy of premises therein.
  - h. Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles, not including ammunition.
  - i. Make provision for the availability and use of temporary emergency housing.
  - j. Make provisions for the control, allocation, and the use of quotas for critical shortages of fuel or other life and property sustaining commodities.
  - k. Designate members of the highway patrol, North Dakota national guard, or others trained in law enforcement, as peace officers.

**SECTION 5.** A new subsection to section 37-17.1-05 of the North Dakota Century Code is created and enacted as follows:

Notwithstanding subsection 3, if a state of disaster or emergency relating to public health is declared and in effect, the governor may not issue an executive order under this section unless the executive order specifically addresses the mitigation of the declared state of disaster or emergency relating to public health.

**SECTION 6.** A new subsection to section 37-17.1-05 of the North Dakota Century Code is created and enacted as follows:

The governor may not take any action under this section which violates a resident's due process rights.

**SECTION 7.** A new section to chapter 50-11 of the North Dakota Century Code is created and enacted as follows:

**Unaccompanied undocumented children.**

A person may not arrange for or promote care provided in a facility for unaccompanied undocumented children unless the facility has a license or approval issued by the department.

**SECTION 8. AMENDMENT.** Section 50-25.1-11.1 of the North Dakota Century Code, as amended in section 2 of Senate Bill No. 2131, as approved by the sixty-seventh legislative assembly, is amended and reenacted as follows:

**50-25.1-11.1. Children's advocacy centers - Confidentiality of records - Criminal history record checks.**

1. Records and digital media in the possession of a children's advocacy center relating to a forensic medical examination, forensic interview, or therapy are confidential and may be released only to a person other than a law enforcement agency, the department or the department's authorized agent, or a medical or mental health professional when the child comes before the medical or mental health professional in that person's professional capacity, upon service of a subpoena signed by a judge.
2. Upon receipt of a request by a children's advocacy center, ~~the~~The department may submit a request for a criminal history record check under section 12-60-24. ~~Under this subsection, a children's advocacy center may require the following individuals to submit to a criminal history record check:~~
  - a. ~~An on an~~ employee, final applicant for employment, contractor, multidisciplinary team member, or volunteer; ~~of a children's advocacy center~~ who has contact with a child at or through a children's advocacy center; ~~and~~
  - b. ~~An individual a children's advocacy center determines requires a criminal history record check to participate in services at a center.~~

**SECTION 9.** A new section to chapter 54-03 of the North Dakota Century Code is created and enacted as follows:

**Virtual session of the legislative management and legislative assembly during emergency or disaster.**

1. If the legislative management meets to vote on whether the legislative management should request the governor call a special session of the legislative assembly, the legislative management may use any technology or electronic means available to conduct meetings and transact legislative business.
2. If the governor calls a special session of the legislative assembly to address a state of emergency or disaster or if the legislative assembly reconvenes to address a state of emergency or disaster, the legislative assembly may use any technology or electronic means available to conduct meetings and transact legislative business.
3. For purposes of section 7 of article IV of the Constitution of North Dakota, a meeting of the legislative assembly which occurs under this section is deemed to have occurred at the seat of the government, and all actions taken during the meeting have the same legal effect as if the members of the legislative assembly were physically present at the seat of government.

**SECTION 10. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LARSON MOVED** that the Senate do concur in the House amendments to Engrossed SB 2124, which motion prevailed on a voice vote.

Engrossed SB 2124, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2124:** A BILL for an Act to create and enact a new section to chapter 23-12, two new subsections to section 37-17.1-05, a new section to chapter 50-11, and a new section to chapter 54-03 of the North Dakota Century Code, relating to prohibitions on vaccine passports, the governor's authority to issue executive orders, unaccompanied undocumented children, and permitting a virtual meeting of the legislative management and a virtual session of the legislative assembly during a declared disaster or emergency; to amend and reenact subsection 12 of section 23-01-05 and subsections 3 and 6 of section 37-17.1-05 of the North Dakota Century Code and section 50-25.1-11.1 of the North Dakota Century Code, as amended in section 2 of Senate Bill No. 2131, as approved by the sixty-seventh legislative assembly, relating to the authority of the state health officer, the gubernatorial declaration of disaster or emergency powers of the department of human services, and criminal history record checks for children's advocacy centers; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 10 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bell; Heitkamp; Kannianen; Larsen, D.; Larsen, O.; Larson, D.; Meyer; Patten; Poolman; Wanzek

**NAYS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Hogan; Hogue; Holmberg; Klein; Krebsbach; Kreun; Lee; Lemm; Luick; Marcellais; Mathern; Myrdal; Oban; Oehlke; Piepkorn; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wardner; Weber

**ABSENT AND NOT VOTING:** Wobbema

Reengrossed SB 2124 failed.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2144:** Your conference committee (Sens. Schaible, Patten, Erbele and Reps. Heinert, Porter, M. Ruby) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1021-1022, adopt amendments as follows, and place SB 2144 on the Seventh order:

That the House recede from its amendments as printed on pages 1021 and 1022 of the Senate Journal and pages 1250 and 1251 of the House Journal and that Senate Bill No. 2144 be amended as follows:

Page 1, line 23, overstrike "individual in charge of the premises or other authorized individual" and insert immediately thereafter "owner or an individual authorized by the owner"

Page 2, line 3, overstrike ", tenant,"

Page 2, line 5, overstrike ", tenant,"

Page 2, line 14, after "is" insert "or a place enclosed by a fence as defined in subsection 2"

Page 2, line 15, after "subsection" insert "2 or"

Page 3, line 24, overstrike "or tenant"

Page 4, line 9, overstrike "or tenant"

Page 4, line 10, overstrike ", tenant,"

Page 4, line 12, overstrike ", tenant,"

Renumber accordingly

SB 2144 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. SCHAIBLE MOVED** that the conference committee report on SB 2144 be adopted, which motion prevailed on a voice vote.

SB 2144, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2144:** A BILL for an Act to amend and reenact sections 12.1-22-03 and 20.1-01-17 of the North Dakota Century Code, relating to criminal trespass and electronic posting; and to provide a penalty.

#### ROLL CALL

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

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

**NAYS:** Dever; Larsen, O.

**ABSENT AND NOT VOTING:** Wobbema

Engrossed SB 2144 passed.

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#### REPORT OF CONFERENCE COMMITTEE

**SB 2161, as engrossed:** Your conference committee (Sens. Anderson, Lee, Hogan and Reps. Beltz, Westlind, M. Ruby) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1159-1160, adopt further amendments as follows, and place SB 2161 on the Seventh order:

That the Senate accede to the House amendments as printed on page 1159 of the Senate Journal and pages 1301 and 1302 of the House Journal and that Engrossed Senate Bill No. 2161 be further amended as follows:

Page 1, line 3, after "study" insert "; and to declare an emergency"

Page 2, after line 4, insert:

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

Renumber accordingly

Engrossed SB 2161 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. HOGAN MOVED** that the conference committee report on Engrossed SB 2161 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2161, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2161:** A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to a mental health program registry; to provide for a legislative management study; and to declare an emergency.

**ROLL CALL**

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

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

**NAYS:** Larsen, O.; Myrdal

**ABSENT AND NOT VOTING:** Wobbema

Reengrossed SB 2161 passed and the emergency clause was declared carried.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2319, as reengrossed:** Your conference committee (Sens. Kannianen, Patten, Bell and Reps. Headland, Bosch, Dockter) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1360-1368, adopt amendments as follows, and place SB 2319 on the Seventh order:

That the House recede from its amendments as printed on pages 1367 and 1368 of the Senate Journal and pages 1548 and 1549 of the House Journal and that Reengrossed Senate Bill No. 2319 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 57-51.1 of the North Dakota Century Code, relating to distribution of revenue from wells located outside reservation boundaries; and to provide for application.

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

**SECTION 1.** A new section to chapter 57-51.1 of the North Dakota Century Code is created and enacted as follows:

**Straddle well distribution.**

1. By August 1, 2021, and on or before April thirtieth of each subsequent fiscal year, the industrial commission shall certify to the tax commissioner the on-reservation trust lands acreage ratio and the on-reservation nontrust lands acreage ratio for each reservation with on-reservation spacing unit acreage. For each reservation, the on-reservation trust lands acreage ratio is calculated by dividing the on-reservation spacing unit acreage consisting of trust lands by the total spacing unit acreage. For each reservation, the on-reservation nontrust lands acreage ratio is calculated by dividing the on-reservation spacing unit acreage consisting of nontrust lands by the total spacing unit acreage. The on-reservation acreage ratios for each reservation are effective for taxable production each fiscal year beginning July first. By August 1, 2021, and on or before June first of each subsequent fiscal year, the tax commissioner shall publish the on-reservation acreage ratios for each reservation.
2. The tax commissioner shall certify to the state treasurer the total oil and gas gross production and oil extraction taxes attributable to production from straddle wells drilled before July 1, 2019, by reservation, and the total oil and gas gross production and oil extraction taxes attributable to production from straddle wells drilled on or after July 1, 2019, by



reservation. Before allocation of the state's share of oil and gas tax revenues under section 57-51.1-07.5, the state treasurer shall allocate monthly to the governing body of a tribe associated with a reservation that has on-reservation spacing unit acreage, an amount equal to:

- a. Fifty percent of the taxes certified under this section for wells drilled before July 1, 2019, multiplied by the on-reservation trust lands acreage ratio calculated under subsection 1 for that reservation;
  - b. Fifty percent of the taxes certified under this section for wells drilled before July 1, 2019, multiplied by the on-reservation nontrust lands acreage ratio calculated under subsection 1 for that reservation;
  - c. Eighty percent of the taxes certified under this section for wells drilled on or after July 1, 2019, multiplied by the on-reservation trust lands acreage ratio calculated under subsection 1 for that reservation; and
  - d. Twenty percent of the taxes certified under this section for wells drilled on or after July 1, 2019, multiplied by the on-reservation nontrust lands acreage ratio calculated under subsection 1 for that reservation.
3. For purposes of this section:
- a. "On-reservation spacing unit acreage" means the mineral acreage located within the exterior boundaries of a reservation in this state from all spacing units with one or more straddle wells.
  - b. "Straddle well" means an oil and gas well located outside the exterior boundaries of a reservation which has one or more laterals penetrating a reservation boundary.
  - c. "Total spacing unit acreage" means the total mineral acreage from all spacing units with one or more straddle wells.
4. Upon accepting a payment under this section, if a tribe assesses any tax or fee or imposes any regulation on any current or future straddle well, or assesses an additional tax on any well subject to an agreement under chapter 57-51.2, the agreement under chapter 57-51.2 is void and the state treasurer may not distribute any funds to the tribe under this section or chapter 57-51.2.

**SECTION 2. APPLICATION.** This Act applies to oil and gas tax revenue collections allocated by the state treasurer after September 1, 2021."

Renumber accordingly

Reengrossed SB 2319 was placed on the Seventh order of business on the calendar.

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. KANNIANEN MOVED** that the conference committee report on Reengrossed SB 2319 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2319, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF SENATE BILL**

**SB 2319:** A BILL for an Act to create and enact a new section to chapter 57-51.1 of the North Dakota Century Code, relating to distribution of revenue from wells located outside reservation boundaries; and to provide for application.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; 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

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

**ABSENT AND NOT VOTING:** Wobbema

Reengrossed SB 2319, as amended, passed.

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#### REPORT OF CONFERENCE COMMITTEE

**SB 2247:** Your conference committee (Sens. Burckhard, Larson, Kannianen and Reps. Louser, D. Ruby, Adams) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1082-1287, adopt amendments as follows, and place SB 2247 on the Seventh order:

That the House recede from its amendments as printed on page 1082 of the Senate Journal and page 1287 of the House Journal and that Senate Bill No. 2247 be amended as follows:

Page 1, line 7, replace "Except as provided under subsection 6" with "Unless the transaction is exempted under subsection 7"

Page 1, line 8, remove the overstrike over the overstruck colon

Page 1, remove the overstrike over lines 9 through 11

Page 1, line 12, remove the overstrike over "b.—The"

Page 1, line 12, remove "the"

Page 1, line 15, remove "by the prospective buyer in the purchase"

Page 1, line 16, remove "agreement, before"

Page 1, line 16, overstrike "the parties sign"

Page 1, line 16, remove "a final"

Page 1, line 16, overstrike "agreement for the sale, exchange, or"

Page 1, overstrike lines 17 through 21

Page 1, line 22, overstrike "structural systems, and mechanical issues regarding the property" and insert immediately thereafter "in an offer to purchase agreement, before the parties sign the final acceptance of the purchase agreement for the sale, exchange, or purchase of the real property, the seller in a transaction subject to subsection 1 shall prepare a written disclosure form and shall make the written disclosure form available to the prospective buyer. The written disclosure form must include all material facts the seller is aware could adversely and significantly affect an ordinary buyer's use and enjoyment of the property or any intended use of the property of which the seller is aware. The written disclosure form must be in the form of the written disclosure form established by the North Dakota real estate commission under subsection 4 or in a substantially similar form and must include latent defects, general condition, environmental issues, structural systems, and mechanical issues regarding the property"

Page 1, line 23, overstrike "make" and insert immediately thereafter "complete"

Page 2, line 13, after "6." insert "Unless the transaction is subject to subsection 1 or exempted under subsection 7, the seller of real property that is a residential dwelling with no more than four units located in this state being sold or exchanged by the

owner shall comply with the provisions of this subsection. Except as otherwise provided in an offer to purchase agreement, before the parties sign the final acceptance of the purchase agreement for the sale, exchange, or purchase of the real property, the seller in a transaction subject to this subsection shall disclose to the buyer, in writing, all material facts the seller is aware could adversely and significantly affect an ordinary buyer's use and enjoyment of the property or any intended use of the property of which the seller is aware. The written disclosure may be in the form of a written property disclosure form.

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Renumber accordingly

SB 2247 was placed on the Seventh order of business on the calendar.

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. LARSON MOVED** that the conference committee report on SB 2247 be adopted, which motion prevailed on a voice vote.

SB 2247, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF SENATE BILL**

**SB 2247:** A BILL for an Act to amend and reenact section 47-10-02.1 of the North Dakota Century Code, relating to property disclosure requirements.

#### **ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Wobbema

Engrossed SB 2247 passed.

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#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1020, as engrossed:** Your conference committee (Sens. Sorvaag, Hogue, Heckaman and Reps. Schmidt, Monson, Boe) recommends that the **HOUSE ACCEDE** to the Senate amendments and place HB 1020 on the Seventh order.

Engrossed HB 1020 was placed on the Seventh order of business on the calendar.

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. SORVAAG MOVED** that the conference committee report on Reengrossed HB 1020 be adopted, which motion prevailed on a voice vote.

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause failed: SB 2018.

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2018**

Page 1, line 5, replace "section" with "sections 54-34.3-13 and"

Page 1, line 6, after the first "to" insert "the rural growth incentive program and"

Page 1, line 8, remove "and"

Page 1, line 9, after "exemption" insert "; to provide a statement of legislative intent; to provide for a legislative management study; and to declare an emergency"

Page 1, line 15, replace "biennium" with "period"

Page 1, line 15, replace "July 1, 2021," with "with the effective date of this Act"

Page 1, remove lines 18 through 24

Page 2, replace lines 1 through 4 with:

"Salaries and wages	\$13,217,286	(\$227,956)	\$12,989,330
Operating expenses	14,873,203	9,191,240	24,064,443
Grants	52,638,527	35,193,803	87,832,330
Discretionary funds	2,150,000	0	2,150,000
North Dakota trade office	1,600,000	(1,600,000)	0
Partner programs	1,562,531	0	1,562,531
Entrepreneurship grants and vouchers	<u>948,467</u>	<u>0</u>	<u>948,467</u>
Total all funds	\$86,990,014	\$42,557,087	\$129,547,101
Less estimated income	<u>54,123,293</u>	<u>29,421,086</u>	<u>83,544,379</u>
Total general fund	\$32,866,721	\$13,136,001	\$46,002,722
Full-time equivalent positions	61.80	(2.00)	59.80"

Page 2, replace lines 15 through 25 with:

"Workforce safety grant	1,000,000	1,500,000
Entrepreneurship grants and vouchers	2,000,000	0
Sculpture maintenance grants	75,000	0
Nonresident nurse employment recruitment	500,000	0
Intermodal container transportation shipping fees	1,300,000	0
Economic development, growth, and diversification grant	0	5,000,000
Job development and economic growth grant	25,000	1,500,000
Tourism marketing	0	6,900,000
Technical skills training grants	0	1,000,000
Motion picture production and recruitment grant	<u>0</u>	<u>100,000</u>
Total all funds	\$11,625,000	\$44,500,000
Less estimated income	<u>4,300,000</u>	<u>30,000,000</u>
Total general fund	\$7,325,000	\$14,500,000"

Page 2, line 29, replace "biennium" with "period"

Page 2, line 29, replace "July 1, 2021," with "with the effective date of this Act"

Page 3, line 2, replace "11" with "14"

Page 3, line 3, replace "\$28,000,000" with "\$5,000,000"

Page 3, line 4, remove "tower"

Page 3, line 5, replace "biennium" with "period"

Page 3, line 6, replace "July 1, 2021," with "with the effective date of this Act"

Page 3, line 7, remove "tower"

Page 3, line 12, replace "biennium" with "period"

Page 3, line 12, replace "July 1, 2021," with "with the effective date of this Act"

Page 3, after line 20, insert:

**"SECTION 6. RURAL HEALTH CARE GRANT PROGRAM - MATCHING FUNDS REQUIREMENT.** The grants line item in section 1 of this Act includes \$250,000 from the general fund for providing matching funds to an organization assisting in the recruitment, distribution, and supply, and enhancing the quality and

efficiency of personnel providing health services in rural areas of the state. The department of commerce may spend the funds appropriated in this section only to the extent the organization has secured matching funds from nonstate sources on a dollar-for-dollar basis.

**SECTION 7. ECONOMIC DEVELOPMENT, GROWTH, AND DIVERSIFICATION GRANT PROGRAM - MATCHING REQUIREMENT - ONE-TIME FUNDING.**

The grants line item in section 1 of this Act includes \$5,000,000 from the general fund for the purpose of providing a grant to an organization dedicated to expanding economic development, growth, and diversification. This funding is considered a one-time funding item. To qualify for a grant under this program, an organization must have:

1. Secured a loan under the legacy infrastructure loan fund program established in House Bill No. 1425 as approved by the sixty-seventh legislative assembly for construction of an event and entertainment venue focused on highlighting North Dakota history and attractions;
2. Obtained \$5,000,000 of matching funds from nonstate sources; and
3. Entered a lease with the state of North Dakota for use of land for the event and entertainment venue.

Grant funds awarded may be used only for the operating costs of an event and entertainment venue used to promote the expansion of tourism and economic development and growth in the state."

Page 3, line 23, replace "\$26,000,000" with "\$29,000,000"

Page 3, line 24, replace "and" with a comma

Page 3, line 25, after "grants" insert ", \$1,500,000 is for a job development grant to an organization dedicated to promoting job development and economic growth, and \$1,500,000 is for a workforce safety grant to an organization that provides workforce safety"

Page 5, after line 6, insert:

**"SECTION 11. AMENDMENT.** Section 54-34.3-13 of the North Dakota Century Code is amended and reenacted as follows:

**54-34.3-13. Rural growth incentive program.**

1. The department shall manage and administer the rural growth incentive program. A city with a population of less than two thousand five hundred may apply to the department to be designated as a rural growth incentive city. A rural growth incentive city may be eligible for a loan, grant, or both under this section.
2. The department shall designate an applicant city as a rural growth incentive city eligible for a loan if the city raises funds in the amount of a dollar-for-dollar match for the amount requested in the loan and meets any additional program requirements provided by rule. The source of city funds used for loan matching funds may be any combination of public and private funds. If the department designates a city as a rural growth incentive city eligible for a loan under this section, subject to the availability of funds, the state shall make a loan to the city in an amount not less than twenty-five thousand dollars and not more than seventy-five thousand dollars. The department shall establish the amount of the interest rate for loans provided to a city under this subsection. The funding source of the state loan is the North Dakota development fund. The city shall distribute the city and state funds to qualifying new or expanded ~~primary sector~~ businesses in the city. A qualifying business in the city includes a business that provides essential services to the city. For purposes of this subsection, a business that provides essential

services does not include a public utility. The governing body of the city determines whether a new or expanded ~~primary-sector~~ business qualifies for funding, and the director of the department determines whether a business that provides essential services to the city qualifies for funding. The state shall distribute a loan to a rural growth incentive city once the city establishes the city has chosen a specified qualified business to receive funding.

3. The department shall designate an applicant city as a rural growth incentive city eligible for a grant if the city raises funds in the amount of a dollar-for-dollar match for the amount requested in the grant application and meets any additional program requirements provided by rule. The source of city funds used for grant matching funds may be any combination of public and private funds. If the department designates a city as a rural growth incentive city eligible for a grant under this section, subject to availability of funds, the state shall make a grant to the city in an amount not to exceed ten thousand dollars. The recipient rural growth incentive city shall use the grant money received to conduct a feasibility study for the location of a new business, including an expansion of a business with the primary place of business outside the rural growth incentive city. ~~The business under this subsection is not limited to primary-sector businesses.~~ The funding source of the state grant is the North Dakota development fund. Total grants awarded by the department under this subsection may not exceed one hundred thousand dollars per biennium.
4. The city may not use city or state funds raised or provided under this section for costs associated with administering the rural growth incentive city. The department shall provide the rural growth incentive city with training to assist the city in expanding ~~primary-sector~~ businesses, locating new businesses, and working with state economic development programs."

Page 5, line 23, replace "The amount of" with "Of the"

Page 5, line 25, replace "and" with ", up to \$5,000,000 of unexpended funds may be continued and"

Page 5, line 27, replace "\$28,000,000" with "\$5,000,000"

Page 5, line 28, remove "tower"

Page 5, line 30, replace "2021-23 biennium" with "period beginning with the effective date of this Act and ending June 30, 2023"

Page 6, remove lines 11 through 15

Page 6, after line 28, insert:

**"SECTION 19. LEGISLATIVE INTENT - NORTHERN PLAINS UNMANNED AIRCRAFT SYSTEM TEST SITE.** It is the intent of the sixty-seventh legislative assembly that the northern plains unmanned aircraft system test site maximize earned revenue to the extent possible while operating and conducting business of the test site.

**SECTION 20. LEGISLATIVE MANAGEMENT STUDY - DATA STORAGE.** During the 2021-22 interim, the legislative management shall consider studying data storage by state entities. The study must include input from the information technology department, North Dakota university system, and kindergarten through grade twelve education coordination council. The study must consider data security, geographical locations of storage, geographical locations of corporate contractors, state and federal laws that may affect North Dakota data, ownership and control of data storage, and current and estimated data storage costs related to cloud-based, out-of-state data storage of North Dakota state and local government data. The legislative management shall report its findings and recommendations, together with

any legislation necessary to implement the recommendations, to the sixty-eighth legislative assembly.

**SECTION 21. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2018 - Summary of House Action**

	Base Budget	Senate Version	House Changes	House Version
Department of Commerce				
Total all funds	\$86,990,014	\$122,425,241	\$7,121,860	\$129,547,101
Less estimated income	54,123,293	80,548,067	2,996,312	83,544,379
General fund	<u>\$32,866,721</u>	<u>\$41,877,174</u>	<u>\$4,125,548</u>	<u>\$46,002,722</u>
FTE	61.80	58.80	1.00	59.80
Department of Transportation				
Total all funds	\$0	\$28,000,000	(\$23,000,000)	\$5,000,000
Less estimated income	0	28,000,000	(23,000,000)	5,000,000
General fund	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
FTE	0.00	0.00	0.00	0.00
Bill total				
Total all funds	\$86,990,014	\$150,425,241	(\$15,878,140)	\$134,547,101
Less estimated income	54,123,293	108,548,067	(20,003,688)	88,544,379
General fund	<u>\$32,866,721</u>	<u>\$41,877,174</u>	<u>\$4,125,548</u>	<u>\$46,002,722</u>
FTE	61.80	58.80	1.00	59.80

**Senate Bill No. 2018 - Department of Commerce - House Action**

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$13,217,286	\$12,864,153	\$125,177	\$12,989,330
Operating expenses	14,873,203	24,317,760	(253,317)	24,064,443
Grants	52,638,527	81,182,330	6,650,000	87,832,330
Discretionary funds	2,150,000	1,550,000	600,000	2,150,000
North Dakota Trade Office	1,600,000			
Entrepreneurship grants and vouchers	948,467	948,467		948,467
Partner programs	<u>1,562,531</u>	<u>1,562,531</u>		<u>1,562,531</u>
Total all funds	\$86,990,014	\$122,425,241	\$7,121,860	\$129,547,101
Less estimated income	54,123,293	80,548,067	2,996,312	83,544,379
General fund	<u>\$32,866,721</u>	<u>\$41,877,174</u>	<u>\$4,125,548</u>	<u>\$46,002,722</u>
FTE	61.80	58.80	1.00	59.80

**Department 601 - Department of Commerce - Detail of House Changes**

	Adjusts Funding for Salary and Benefit Increases <sup>1</sup>	Restores IT Position <sup>2</sup>	Transfers Early Childhood Education Program to DHS <sup>3</sup>	Adds Funding for Rural Health Care Grants <sup>3</sup>	Restores Funding for Discretionary Funds <sup>2</sup>	Reduces One-Time Funding for Tourism Marketing <sup>3</sup>
Salaries and wages	(\$24,615)	\$149,792				
Operating expenses		(153,317)				(\$100,000)
Grants			(\$1,500,000)	\$50,000		
Discretionary funds					\$600,000	
North Dakota Trade Office						
Entrepreneurship grants and vouchers						
Partner programs						
Total all funds	(\$24,615)	(\$3,525)	(\$1,500,000)	\$50,000	\$600,000	(\$100,000)
Less estimated income	(3,688)	0	0	0	0	0
General fund	<u>(\$20,927)</u>	<u>(\$3,525)</u>	<u>(\$1,500,000)</u>	<u>\$50,000</u>	<u>\$600,000</u>	<u>(\$100,000)</u>
FTE	0.00	1.00	0.00	0.00	0.00	0.00

	Adds One-Time Funding for Film and Theater Production Grant <sup>7</sup>	Adds One-Time Funding for Economic Development and Growth Grant <sup>8</sup>	Adds One-Time Funding for Job Development Grant <sup>9</sup>	Adds One-Time Funding for Workforce Safety Grant <sup>10</sup>	Total House Changes
Salaries and wages					\$125,177
Operating expenses					(253,317)
Grants	\$100,000	\$5,000,000	\$1,500,000	\$1,500,000	6,650,000
Discretionary funds					600,000
North Dakota Trade Office					
Entrepreneurship grants and vouchers					
Partner programs					
Total all funds	\$100,000	\$5,000,000	\$1,500,000	\$1,500,000	\$7,121,860
Less estimated income	0	0	1,500,000	1,500,000	2,996,312
General fund	\$100,000	\$5,000,000	\$0	\$0	\$4,125,548
FTE	0.00	0.00	0.00	0.00	1.00

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

<sup>2</sup> One FTE information technology position and related funding is restored. The Senate transferred 1 FTE information technology position to the Information Technology Department (ITD) for the information technology unification initiative. The House amendments do not transfer the FTE position to ITD.

<sup>3</sup> Funding of \$1.5 million from the general fund for the early childhood education program is removed in the Department of Commerce budget. The House and Senate have added \$1.5 million for this program in the Department of Human Services budget relating to the changes in House Bill No. 1466.

<sup>4</sup> Funding of \$50,000 is added from the general fund for rural health care grants to provide a total of \$250,000 from the general fund. The Senate provided \$200,000 from the general fund. A separate section is added to the bill requiring a dollar-for-dollar match.

<sup>5</sup> Funding of \$600,000 from the general fund, removed by the Senate, is restored to provide a total of \$2.15 million from the general fund in the discretionary funds line item, the same as the base level. The Senate provided a total of \$1.55 million.

<sup>6</sup> One-time funding of \$100,000 from the general fund for tourism marketing and branding operating expenses is removed to provide a total of \$6.9 million for tourism marketing and branding. The Senate authorized a total of \$7 million.

<sup>7</sup> One-time funding of \$100,000 is added from the general fund to provide a film and theater production grant directly to an organization dedicated to the preservation and honor of North Dakota land, history, and citizens.

<sup>8</sup> One-time funding of \$5 million is added from the general fund for providing a grant to an organization dedicated to expanding economic development, growth, and diversification for the 2021-23 biennium. A separate section of the bill is added to provide the organization receiving the grant funding must have:

- Secured a loan under the legacy infrastructure loan fund program established in House Bill No. 1425 as approved by the 67th Legislative Assembly for construction of an event and entertainment venue focused on highlighting North Dakota history and attractions;
- Obtained \$5 million of matching funds from nonstate sources; and
- Entered a lease with the State of North Dakota for use of land for the event and entertainment venue.

Grant funds awarded may be used only for the operating costs of an event and entertainment venue used to promote the expansion of tourism and economic development and growth in the state.



<sup>9</sup> One-time funding of \$1.5 million is added from the strategic investment and improvements fund to provide a job development and economic growth grant directly to an organization dedicated to promoting job development and economic growth in the state.

<sup>10</sup> One-time funding of \$1.5 million is added from the strategic investment and improvements fund to provide a workforce safety grant directly to an organization that provides workforce safety.

This amendment also:

- Amends a section that provides an exemption for the \$28 million 2017-19 biennium supplemental appropriation for the beyond visual line of sight unmanned aircraft system (UAS) program that was continued into the 2019-21 biennium to continue into the 2021-23 biennium. The Department of Commerce may provide grants of up to \$5 million from this funding to the Department of Transportation for infrastructure construction of the beyond visual line of sight UAS program during the 2021-23 biennium. The Senate authorized the Department of Commerce to provide a grant of up to \$28 million to the Department of Transportation.
- Amends a section identifying the amount of funding appropriated to the Department of Commerce from the strategic investment and improvements fund.
- Adds a section to amend North Dakota Century Code Section 54-34.3-13 to remove the requirement that businesses be "primary sector" businesses to qualify for the rural growth incentive program, which is administered by the North Dakota Development Fund in the rural growth incentive fund.
- Removes a section added by the Senate that provided an exemption to the Department of Commerce to continue 2019-21 biennium funding for the early childhood education program into the 2021-23 biennium.
- Adds a section of legislative intent that the Northern Plains UAS Test Site maximize earned revenue when possible.
- Adds a section providing for a Legislative Management study of data storage by state entities.
- Adds a section to declare the bill an emergency measure.

#### Senate Bill No. 2018 - Department of Transportation - House Action

	Base Budget	Senate Version	House Changes	House Version
Grants		\$28,000,000	(\$23,000,000)	\$5,000,000
Total all funds	\$0	\$28,000,000	(\$23,000,000)	\$5,000,000
Less estimated income	0	28,000,000	(23,000,000)	5,000,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

#### Department 801 - Department of Transportation - Detail of House Changes

	Reduces One-Time Funding for UAS <sup>1</sup>	Total House Changes
Grants	(\$23,000,000)	(\$23,000,000)
Total all funds	(\$23,000,000)	(\$23,000,000)
Less estimated income	(23,000,000)	(23,000,000)
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> A separate section of the bill is amended to provide one-time funding of \$5 million to the Department of Transportation from grant funds received from the Department of Commerce pursuant to an exemption provided in the bill for infrastructure construction expenses of the beyond visual line of sight UAS program during the 2021-23 biennium. The Senate provided one-time funding of \$28 million. The House reduced this amount by \$23 million to reflect the most recent estimate of unspent funding the Department of Commerce will have available at the end of the 2019-21 biennium.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently failed to pass: SB 2124.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1020.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2019.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2144, SB 2247, SB 2319.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2015.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2161.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report on: SB 2089, SB 2212.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2332.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1020.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has appointed as a new conference committee to act with a like committee from the Senate on:

**HB 1021:** Reps. Nathe; Schatz; Boe

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2003, SB 2089, SB 2212, SB 2271, SB 2332.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1017, HB 1183.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2290.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2290.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1017, HB 1183.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HB 1118.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HB 1232, HB 1246, HB 1375, HB 1383, HB 1394, HB 1412, HB 1452.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on April 21, 2021: SB 2290.

**MOTION**

**SEN. KLEIN MOVED** that the absent member be excused, which motion prevailed on a voice vote.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Thursday, April 22, 2021, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1015, 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 1015 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to provide an appropriation to the department of career and technical education, the department of public instruction, the university of North Dakota, Dickinson state university, the highway patrol, the judicial branch, the department of transportation, and the agriculture commissioner; to create and enact a new section to chapter 10-04 of the North Dakota Century Code, relating to notice filing for certain legacy fund investments;"

Page 1, line 3, after "reenact" insert "subsection 1 of section 10-04-03, a new chapter to title 54, as created by section 3 in House Bill No. 1452, as approved by the sixty-seventh legislative assembly,"

Page 1, line 5, after "to" insert "qualifications of the securities commissioner, the clean sustainable energy authority,"

Page 1, line 11, remove "and"

Page 1, line 11, after "report" insert "; and to declare an emergency"

Page 1, remove lines 21 through 24

Page 2, replace lines 1 through 9 with:

"Salaries and wages	\$21,903,816	\$23,163	\$21,926,979
Operating expenses	14,937,426	1,375,788	16,313,214
Emergency commission contingency fund	500,000	(100,000)	400,000
Capital assets	767,125	4,767,494	5,534,619
Grants	54,000	(54,000)	0
Guardianship grants	1,950,000	500,000	2,450,000
Prairie public broadcasting	1,200,000	1	1,200,001
Community service supervision grants	350,000	50,000	400,000
State student internship program	0	100,000	100,000
Total all funds	\$41,662,367	\$6,662,446	\$48,324,813
Less estimated income	<u>8,746,515</u>	<u>5,501,898</u>	<u>14,248,413</u>
Total general fund	\$32,915,852	\$1,160,548	\$34,076,400
Full-time equivalent positions	112.00	(4.00)	108.00"

Page 3, line 14, replace "\$8,100,000" with "\$8,200,000"

Page 3, line 18, replace "\$8,100,000" with "\$8,200,000"

Page 3, after line 31, insert:

**"SECTION 5. APPROPRIATION - FEDERAL CORONAVIRUS CAPITAL PROJECTS FUND - MATCHING FUNDS - ONE-TIME FUNDING.**

1. There is appropriated from federal funds derived from the federal coronavirus capital projects fund, not otherwise appropriated, the sum of

\$78,000,000, or so much of the sum as may be necessary, to the department of career and technical education for the purpose of a statewide career academy initiative grant program for the period beginning with the effective date of this Act, and ending June 30, 2023. The department of career and technical education shall establish the application process and develop eligibility requirements for the grant program that must include:

- a. Funding may be used only for career and technical education projects involving construction, addition, maintenance, and equipment for new and existing career academies;
  - b. Grants awarded to each recipient must be at least \$500,000, but may not exceed \$10,000,000;
  - c. Grants may be awarded only to the extent a school district has secured matching funds from nonstate sources on a dollar-for-dollar basis;
  - d. The application period for the grant program begins with the effective date of this Act and ends on June 30, 2022. If funding remains after June 30, 2022, a second application period is available from July 1, 2022, through December 31, 2022. Successful applicants from the first application period are eligible for funding during the second application period. Any funding not committed by December 31, 2022, may not be spent and must be canceled at the end of the 2021-23 biennium in accordance with section 54-44.1-11;
  - e. Preference must be given to school districts that collaborate with other school districts for a regional career academy facility or to school districts to create a new career academy or use an existing career academy to positively affect that region of the state; and
  - f. Preference must be given to school districts that will promote postsecondary education and workforce training education in conjunction with secondary education.
2. There is appropriated from federal funds derived from the federal coronavirus capital projects fund, not otherwise appropriated, the sum of \$5,900,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing a grant to an entity for the development of a children's science center for the period beginning with the effective date of this Act, and ending June 30, 2023.
  3. There is appropriated from federal funds derived from the federal coronavirus capital projects fund, not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be necessary, to the university of North Dakota for the purpose of reconstruction of the university's apron at the Grand Forks airport for the period beginning with the effective date of this Act, and ending June 30, 2023.
  4. There is appropriated from federal funds derived from the federal coronavirus capital projects fund, not otherwise appropriated, the sum of \$4,000,000, or so much of the sum as may be necessary, to Dickinson state university for the purpose of a Pulver hall project, a meat processing laboratory remodel, and other projects for the period beginning with the effective date of this Act, and ending June 30, 2023.
  5. There is appropriated from federal funds derived from the federal coronavirus capital projects fund, not otherwise appropriated, the sum of \$3,000,000, or so much of the sum as may be necessary, to the highway patrol for the purpose of a law enforcement training center remodel project for the period beginning with the effective date of this Act, and ending June 30, 2023.

6. There is appropriated from federal funds derived from the federal coronavirus capital projects fund, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of providing a grant to a medical center located in the county seat of Griggs County for the period beginning with the effective date of this Act, and ending June 30, 2023.
7. There is appropriated from federal funds derived from the federal coronavirus capital projects fund, not otherwise appropriated, the sum of \$157,600, or so much of the sum as may be necessary, to the judicial branch for the purpose of purchasing information technology equipment for the period beginning with the effective date of this Act, and ending June 30, 2023.
8. If the federal government distributes funding derived from the federal coronavirus capital projects fund to the state in more than one funding round, the office of management and budget shall prioritize the amounts received in the first funding round as follows:
  - a. \$21,763,000 to the department of career and technical education;
  - b. \$11,716,400 to the parks and recreation department;
  - c. \$5,900,000 to the department of public instruction;
  - d. \$5,000,000 to the university of North Dakota;
  - e. \$4,200,000 to the state historical society;
  - f. \$4,000,000 to Dickinson state university;
  - g. \$3,000,000 to the highway patrol;
  - h. \$500,000 to the office of management and budget; and
  - i. \$157,600 to the judicial branch.
9. In addition to the amounts appropriated under this section, section 1 of House Bill No. 1019, as approved by the sixty-seventh legislative assembly, includes \$11,716,400 and section 1 of House Bill No. 1018, as approved by the sixty-seventh legislative assembly, includes \$4,200,000 to provide a total of \$112,474,000 from federal funds derived from the federal coronavirus capital projects fund.
10. The funding provided under this section may be spent only to the extent the director of the office of management and budget, in consultation with the budget section, determines the use of the funding complies with federal guidance for the federal coronavirus capital projects fund. The funding provided under this section is considered a one-time funding item.

**SECTION 6. APPROPRIATION - HIGHWAY FUND - DEPARTMENT OF TRANSPORTATION - ONE-TIME FUNDING - REPORT.**

1. There is appropriated out of any moneys in the highway fund in the state treasury, not otherwise appropriated, the sum of \$21,800,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of distributions to townships for road and bridge infrastructure needs for the biennium beginning July 1, 2021, and ending June 30, 2023, as follows:
  - a. The department shall award grants with preference given to grant applications for projects that:
    - (1) Leverage available state, local, or federal funding;

- (2) Coordinate with state, county, and other township projects;
  - (3) Focus on flood control and infrastructure resilience;
  - (4) Reduce road restrictions, improve mobility, and improve safety;
  - (5) Improve the agricultural economy and goods movement; and
  - (6) Confirm participating townships' ability to maintain the improvements.
- b. The department shall establish an application process that must include the following eligibility requirements:
- (1) The roadways or bridges associated with the project must provide continuity and connectivity to efficiently integrate and improve paved and unpaved corridors within the township and across township borders;
  - (2) The project must be consistent with applicable township long-range planning;
  - (3) The project must result in the roadway segment meeting an appropriate legal load limit; and
  - (4) The project must comply with the American association of state highway transportation officials pavement and bridge design procedures and standards developed by the department of transportation in conjunction with the local jurisdiction.
2. For approved projects, the department initially shall distribute the portion of the approved grant funding for engineering and plan development costs. Upon execution of a construction contract by the township, the department shall distribute the remainder of the approved funding. Townships shall report to the department upon awarding of each contract and upon completion of each project.
3. Grants may be awarded for construction, engineering, and plan development costs, but may not be used for routine maintenance. Grants awarded may be applied to engineering, design, and construction costs incurred on related projects as of January 1, 2021. Section 54-44.1-11 does not apply to funding under this section and any funds not spent by June 30, 2023, must be continued into the biennium beginning July 1, 2023, and ending June 30, 2025, and may be expended only for the purposes authorized by this section.
4. For the purposes of this section, a "non-oil-producing county" means a county that has received no allocation of funding or a total allocation of funding under subsection 2 of section 57-51-15 of less than \$5,000,000 for the period beginning September 1, 2019, and ending August 31, 2020.
5. The funding provided under this section is considered a one-time funding item and the department shall report to the budget section and to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding, including the amounts awarded and distributed to each township, the amounts spent to date, and the amounts anticipated to be continued into the 2023-25 biennium.

**SECTION 7. APPROPRIATION - UNIVERSITY OF NORTH DAKOTA - ONE-TIME FUNDING.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,000,000, or so much of the sum as may be necessary, to the university of North Dakota for the purpose of a space command initiative and related technical programs, including equipment, renovation costs, a sensitive compartmental information facility, and other expenses

for the biennium beginning July 1, 2021, and ending June 30, 2023. The funding provided under this section is considered a one-time funding item.

**SECTION 8. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - GRASSLANDS GRAZING GRANT PROGRAM - ONE-TIME FUNDING - MATCHING FUNDS.** There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be necessary, to the agriculture commissioner for the purpose of providing grassland grazing grants to an organization representing cooperative grazing associations in the state for the biennium beginning July 1, 2021, and ending June 30, 2023. To be eligible for a grant under this program, an organization must provide one dollar of matching funds from nonstate sources for every four dollars of grant funding. An organization that receives a grant under this program may distribute the funding to cooperative grazing associations for eligible infrastructure projects, which must be located on national grasslands within the state. Eligible infrastructure projects include water development; fencing; conservation initiatives; compliance with federal permitting requirements, including fees for professional services; and other projects to enhance wildlife habitat, capture carbon, or increase the health of grasslands. The agriculture commissioner shall establish additional guidelines for the program. This funding is considered a one-time funding item.

**SECTION 9. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO CULTURAL ENDOWMENT FUND - INTENT.** The office of management and budget shall transfer the sum of \$1,000,000 from the strategic investment and improvements fund to the cultural endowment fund during the biennium beginning July 1, 2021, and ending June 30, 2023. It is the intent of the sixty-seventh legislative assembly that the council on the arts expend up to \$50,000 annually from the cultural endowment fund pursuant to the appropriation authority provided in section 2 of Senate Bill No. 2010 during the 2021-23 biennium for the maintenance of the public arts projects constructed as part of the North Dakota creative placemaking program. It is further the intent of the legislative assembly that the council on the arts continue to expend \$50,000 annually from the cultural endowment fund for the maintenance of the public arts projects constructed as part of the North Dakota creative placemaking program until the moneys derived from the strategic investment and improvements fund transfer authorized under this section and deposited in the fund have been fully expended.

**SECTION 10. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO HIGHWAY FUND.** The office of management and budget shall transfer the sum of \$10,000,000 from the strategic investment and improvements fund to the highway fund during the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION 11. TRANSFER - TAX RELIEF FUND TO HIGHWAY FUND.** The office of management and budget shall transfer the sum of \$11,800,000 from the tax relief fund to the highway fund during the biennium beginning July 1, 2021, and ending June 30, 2023."

Page 4, line 2, replace "\$187,385,888" with "\$187,223,092"

Page 4, line 11, replace "\$2,268,800" with "\$2,168,800"

Page 4, line 12, replace "\$2,268,800" with "\$2,168,800"

Page 4, line 14, replace "\$600,000" with "\$500,000"

Page 4, replace line 26 with:

"Statewide memberships and related expenses	\$642,089"
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Page 5, line 10, remove "and a maximum of \$250"

Page 5, line 11, remove "per month"

Page 5, line 11, replace "each" with "the first"

Page 5, line 11, after "biennium" insert "and are to average 2 percent per eligible employee for the second year of the biennium"

Page 5, line 15, remove "and maximum"

Page 5, after line 26, insert:

**"SECTION 19. AMENDMENT.** Subsection 1 of section 10-04-03 of the North Dakota Century Code is amended and reenacted as follows:

1. The state securities department is under the supervision of a chief officer designated as the securities commissioner. The securities commissioner must be appointed by the governor and confirmed by the senate and shall hold office for a term of four years, beginning on the first day of July following a national presidential election and continuing until a successor has been appointed, confirmed by the senate, and has qualified, unless removed as herein provided. If the senate is not in session, the governor may make an interim appointment, and the interim appointee ~~shall~~may hold office until the senate confirms or rejects the appointment. ~~The commissioner must be skilled in securities and may not be an incumbent of any other public office in the state.~~ The commissioner may not own or control any security required to be registered under this chapter, or any security which is exempt based on the approval of the securities department. The commissioner may not be an officer, director, or employee of any broker-dealer, agent, investment adviser, or investment adviser representative required to be registered under this chapter, or of a federal covered adviser required to be notice-filed under this chapter. The governor may remove from office any commissioner who fails to discharge faithfully the duties of office or who becomes disqualified under the provisions of this section.

It is the prime duty of the commissioner to administer the provisions of this chapter. The commissioner shall receive a salary within the amount appropriated for salaries by the legislative assembly. The commissioner shall use a seal with the words "securities commissioner, North Dakota" and such design as the commissioner may prescribe engraved thereon by which seal the commissioner may authenticate documents used in the administration of this chapter. The commissioner may employ such employees as are necessary for the administration of this chapter. In the absence or disability of the commissioner, the deputy or designee of the commissioner ~~shall~~may administer the provisions of this chapter as acting commissioner.

**SECTION 20.** A new section to chapter 10-04 of the North Dakota Century Code is created and enacted as follows:

**Legacy fund investments - Notice filing.**

1. Within thirty days of completion of the transaction, any issuer of securities in receipt of an investment from the legacy fund under paragraph 3 of subdivision a of subsection 3 of section 21-10-11 or under subdivision b of subsection 3 of section 21-10-11, as created by section 4 of House Bill No. 1425 as approved by the sixty-seventh legislative assembly, shall file electronically a notice on a form prescribed by the commissioner and containing information as required by the commissioner.
2. The notice filing requirement under this section does not exempt the issuer from or supersede any other provision of this chapter.

**SECTION 21. AMENDMENT.** A new chapter to title 54 of the North Dakota Century Code, as created by section 3 of House Bill No. 1452 as approved by the sixty-seventh legislative assembly, is amended and reenacted as follows:



**Definitions.**

As used in this chapter:

1. "Authority" means the clean sustainable energy authority.
2. "Clean" means a technology or concept that reduces emissions to the air, water, or land and meets or exceeds state and federal environmental regulations.
3. "Commission" means the industrial commission.
4. "Fund" means the clean sustainable energy fund.
5. "Program" means the clean sustainable energy program.
6. "Sustainable" means a technology or concept that allows the use of a natural resource to be maintained or enhanced through increased efficiency and life cycle benefits while either increasing or not adversely impacting energy security, affordability, reliability, resilience, or national security.

**Clean sustainable energy authority - Purpose.**

There is created the clean sustainable energy authority to support research, development, and technological advancements through partnerships and financial support for the large scale development and commercialization of projects, processes, activities, and technologies that reduce environmental impacts and increase sustainability of energy production and delivery. The purpose of the financial support is to enhance the production of clean sustainable energy, to make the state a world leader in the production of clean sustainable energy, and to diversify and grow the state's economy.

**Clean sustainable energy authority - Membership - Meetings.**

1. The clean sustainable energy authority consists of sixteen members, including eight voting members and eight nonvoting technical advisors.
2. The eight voting members consist of:
  - a. One member appointed by the legislative management to serve as chairman;
  - b. Two members appointed by the lignite research council;
  - c. Two members appointed by the oil and gas research council;
  - d. Two members appointed by the renewable energy council; and
  - e. One member appointed by the western Dakota energy association.
3. The eight nonvoting technical advisors consist of:
  - a. One member appointed by the North Dakota outdoor heritage fund advisory board;
  - b. The commissioner of commerce or the commissioner's designee;
  - c. The director of the department of environmental quality or the director's designee;
  - d. The director of mineral resources or the director's designee;
  - e. The director of the North Dakota pipeline authority or the director's designee;

- f. The director of the North Dakota transmission authority or the director's designee;
  - g. The director of the state energy research center or the director's designee;
  - h. The president of the Bank of North Dakota or the president's designee;
4. The term of office for the chairman is two years. The term of office for the other voting members is four years, and the other voting members may not serve more than two consecutive terms. The terms of office for the voting members commence on July first. The initial terms for the voting members of the authority must be staggered following a method determined by the authority.
  5. The authority shall meet at least semiannually. The chairman shall call a meeting upon written request from three voting members of the authority. Five voting members is a quorum at any meeting.
  6. The authority may not forward a recommendation to the commission unless the recommendation fulfills the purposes of this chapter and is approved by a majority of the voting members of the authority.

**Clean sustainable energy authority - Duties - Report.**

1. The authority shall make recommendations to the commission for program guidelines, including eligibility criteria for entities to receive funding under this chapter.
2. The nonvoting technical advisors shall develop a process to review and evaluate projects to determine the technical merits and feasibility of any application, including potential benefits of the development of low-emission technology, the expansion of the development of the state's natural resources or energy production, and the contribution to the economic diversity in the state.
3. The authority may develop a loan program or a loan guarantee program under the clean sustainable energy fund. The Bank of North Dakota shall administer the loan program or loan guarantee program. The interest rate of a loan under this program may not exceed two percent per year. The maximum term of a loan under this section must be approved by the commission based on a recommendation from the authority. The Bank shall review applications for loans or loan guarantees and shall consider the business plan, financial statements, and other information necessary to evaluate the application. To be eligible for a loan or loan guarantee, an entity shall agree to provide the Bank of North Dakota with information as requested. The Bank of North Dakota may develop policies for loan participation with local financial institutions.
4. The authority shall make recommendations to the commission for grant awards, loan approvals, or other financial assistance to provide funding to support research, development, and technological advancements for the large scale development and commercialization of projects, processes, activities, and technologies that reduce environmental impacts and increase sustainability of energy production and delivery in accordance with this chapter. Any projects, processes, activities, and technologies selected by the commission for funding must have been recommended by the authority, must demonstrate feasibility based on a technical review conducted by the nonvoting technical advisors of the authority, must have other sources of financial support, and must achieve the priorities and purposes of the program. At the request of the authority, the Bank of North Dakota shall provide a recommendation regarding the economic feasibility of a project, process, activity, or technology under consideration by the authority. The Bank shall review the business plan,

financial statements, and other information necessary to provide a recommendation.

5. The authority may consult with any other state agency necessary to carry out the purposes under this chapter.
6. Each biennium, the authority shall provide a written report to the legislative management regarding its activities and the program's financial impact on state revenues and the state's economy.

**Clean sustainable energy program - Powers and duties of the commission.**

1. The commission is granted all the powers necessary to carry out the purposes of this chapter, including the power to:
  - a. Provide grants, loans, or other forms of financial assistance to qualified entities for the research, demonstration, development, and commercialization of projects, processes, activities, and technologies that reduce environmental impacts and use energy sources derived from within the state. Other forms of financial assistance include venture capital investments and interest rate buydowns. The commission must require an entity to provide assurance of financial and other types of support that demonstrate a commitment to the project, process, activity, or technology. The commission may develop policies for the approval of loans or loan guarantees issued from the clean sustainable energy fund.
  - b. Enter into contracts or agreements to carry out the purposes of this chapter, including contracting for the administration of the program.
  - c. Keep accurate records of all financial transactions performed under this chapter.
  - d. Cooperate with any private, local, state, or national organization to make contracts and agreements for programs that advance the mission of the program.
  - e. Accept loan repayments, donations, grants, contributions, or gifts from any public or private source to carry out the purposes of this chapter, which must be deposited in the clean sustainable energy fund.
  - f. Make guidelines necessary to carry out the purposes of this chapter, including guidelines relating to the ownership of intellectual property.
  - g. Borrow from the Bank of North Dakota, as authorized by the legislative assembly, to make loans or loan guarantees under a loan program or loan guarantee program developed by the clean sustainable energy authority.
2. The commission may acquire, purchase, hold, use, lease, license, sell, transfer, or dispose of any interest in an asset necessary for clean sustainable energy technology development to facilitate the production, transportation, distribution, or delivery of clean energy commodities produced in the state as a purchases of last resort.
3. The commission shall provide administrative support to the authority for the operation of the program, including the preparation of forms, review of applications, and ongoing review of any contracts. The commission may contract with a public or private entity to provide technical assistance necessary to implement the purposes of this chapter.
4. The commission is not subject to the reporting requirements under chapter 54-60.1.

**Clean sustainable energy program - Access to records.**

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

**Clean sustainable energy fund - Continuing appropriation - Line of credit - Loans - Repayments.**

1. There is created in the state treasury the clean sustainable energy fund. The fund consists of all moneys transferred to the fund by the legislative assembly; loan proceeds; interest upon moneys in the fund; principal and interest payments to the fund; and donations, grants, and other contributions received by the commission for deposit in the fund. All moneys in the fund are appropriated to the commission on a continuing basis to provide grants, loans, and other financial assistance and for administrative and operating costs of the authority and program pursuant to the provisions under this chapter.
2. Any bond proceeds deposited in the fund must be used for loans or loan guarantees. The Bank of North Dakota shall deposit in the fund all principal and interest paid on the loans made from the fund. The Bank may use a portion of the interest paid on the outstanding loans as a servicing fee to pay for administrative costs, not to exceed one-half of

one percent of the amount of the interest payment. The Bank shall contract with a certified public accounting firm to audit the fund annually if the fund has any outstanding loans. The cost of the audit must be paid from the fund.

3. The Bank of North Dakota shall extend a line of credit to the industrial commission to support loans or loan guarantees issued from the clean sustainable energy fund. The line of credit may not exceed two hundred fifty million dollars, and the interest rate associated with the line of credit must be the prevailing interest rate charged to North Dakota governmental entities. The industrial commission shall repay the line of credit from moneys available in the clean sustainable energy fund or other funds, as appropriated by the legislative assembly. If the moneys available from the clean sustainable energy fund on June 30, 2025, are not sufficient to repay the line of credit, the industrial commission shall request from the legislative assembly a deficiency appropriation to repay the line of credit.
  
4. The industrial commission may access the line of credit to the extent needed through June 30, 2025, to provide funding as authorized by the legislative assembly to support loans or loan guarantees issued from the clean sustainable energy fund. Any moneys borrowed from the Bank of North Dakota pursuant to this section must be transferred to the clean sustainable energy fund to support loans or loan guarantees."

Page 12, after line 12, insert:

**"SECTION 34. LEGISLATIVE MANAGEMENT STUDY - STATE EMPLOYEE COMPENSATION.** During the 2021-22 interim, the legislative management shall consider studying the classified state employee compensation system, including a review of the development and determination of pay grades and classifications. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

**SECTION 35. EMERGENCY.** Sections 3 and 5 of this Act and Senate Bill No. 2140, as approved by the sixty-seventh legislative assembly, are declared to be an emergency measure."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1015 - Summary of Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
<b>Office of Management and Budget</b>				
Total all funds	\$41,662,367	\$47,361,750	\$1,463,063	\$48,824,813
Less estimated income	8,746,515	14,252,906	495,507	14,748,413
General fund	\$32,915,852	\$33,108,844	\$967,556	\$34,076,400
FTE	112.00	112.00	(4.00)	108.00
<b>State Treasurer</b>				
Total all funds	\$0	\$8,100,000	\$100,000	\$8,200,000
Less estimated income	0	8,100,000	100,000	8,200,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00
<b>Judicial Branch</b>				
Total all funds	\$0	\$0	\$157,600	\$157,600
Less estimated income	0	0	157,600	157,600
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00
<b>Department of Public Instruction</b>				
Total all funds	\$0	\$0	\$5,900,000	\$5,900,000
Less estimated income	0	0	5,900,000	5,900,000
General fund	\$0	\$0	\$0	\$0

FTE	0.00	0.00	0.00	0.00
University of North Dakota				
Total all funds	\$0	\$0	\$9,000,000	\$9,000,000
Less estimated income	0	0	5,000,000	5,000,000
General fund	\$0	\$0	\$4,000,000	\$4,000,000
FTE	0.00	0.00	0.00	0.00
Dickinson State University				
Total all funds	\$0	\$0	\$4,000,000	\$4,000,000
Less estimated income	0	0	4,000,000	4,000,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00
Dept. of Career and Technical Education				
Total all funds	\$0	\$0	\$78,000,000	\$78,000,000
Less estimated income	0	0	78,000,000	78,000,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00
Highway Patrol				
Total all funds	\$0	\$0	\$3,000,000	\$3,000,000
Less estimated income	0	0	3,000,000	3,000,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00
Department of Agriculture				
Total all funds	\$0	\$0	\$5,000,000	\$5,000,000
Less estimated income	0	0	5,000,000	5,000,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00
State Historical Society				
Total all funds	\$0	\$0	\$0	\$0
Less estimated income	0	0	0	0
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00
Parks and Recreation Department				
Total all funds	\$0	\$0	\$0	\$0
Less estimated income	0	0	0	0
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00
Department of Transportation				
Total all funds	\$0	\$0	\$21,800,000	\$21,800,000
Less estimated income	0	0	21,800,000	21,800,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00
Bill total				
Total all funds	\$41,662,367	\$55,461,750	\$128,420,663	\$183,882,413
Less estimated income	8,746,515	22,352,906	123,453,107	145,806,013
General fund	\$32,915,852	\$33,108,844	\$4,967,556	\$38,076,400
FTE	112.00	112.00	(4.00)	108.00

House Bill No. 1015 - Office of Management and Budget - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$21,903,816	\$22,797,003	(\$870,024)	\$21,926,979
Operating expenses	14,937,426	15,430,128	883,086	16,313,214
Capital assets	767,125	5,534,619		5,534,619
Grants	54,000			
Emergency commission contingency fund	500,000	400,000		400,000
Guardianship grants	1,950,000	2,050,000	400,000	2,450,000
Prairie public broadcasting	1,200,000	800,000	400,001	1,200,001
Community service supervision grants	350,000	250,000	150,000	400,000
Student internship program		100,000		100,000
Federal coronavirus capital projects			500,000	500,000
Total all funds	\$41,662,367	\$47,361,750	\$1,463,063	\$48,824,813
Less estimated income	8,746,515	14,252,906	495,507	14,748,413
General fund	\$32,915,852	\$33,108,844	\$967,556	\$34,076,400
FTE	112.00	112.00	(4.00)	108.00

## Department 110 - Office of Management and Budget - Detail of Senate Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Transfers FTE Positions for IT Unification <sup>2</sup>	Adds Funding for Statewide Dues <sup>3</sup>	Adds Funding for Grants <sup>4</sup>	Total Senate Changes
Salaries and wages	(\$23,477)	(\$846,547)			(\$870,024)
Operating expenses		866,061	\$17,025		883,086
Capital assets					
Grants					
Emergency commission contingency fund					
Guardianship grants				\$400,000	400,000
Prairie public broadcasting				400,001	400,001
Community service supervision grants				150,000	150,000
Student internship program					
Federal coronavirus capital projects				500,000	500,000
Total all funds	(\$23,477)	\$19,514	\$17,025	\$1,450,001	\$1,463,063
Less estimated income	(4,493)	0	0	500,000	495,507
General fund	(\$18,984)	\$19,514	\$17,025	\$950,001	\$967,556
FTE	0.00	(4.00)	0.00	0.00	(4.00)

<sup>1</sup> Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The 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> Four FTE positions are transferred to the Information Technology Department for the IT unification project, reducing salaries and wages by \$846,547 and increasing operating expenses by \$866,061. The House did not include the IT unification project.

<sup>3</sup> Funding of \$17,025 from the general fund is added for increased costs associated with statewide memberships and dues.

<sup>4</sup> Funding of \$1,450,001 is added as follows:

- \$400,000 from the general fund for guardianship grants to provide a total of \$2,450,000. The House provided a total of \$2,050,000.
- \$400,001 from the general fund for Prairie Public Broadcasting to provide a total of \$1,200,001. The House provided a total of \$800,000.
- \$150,000 from the general fund for community service supervision grants to provide a total of \$400,000. The House provided a total of \$250,000.
- \$500,000 from federal funds derived from the federal Coronavirus Capital Projects Fund for a capital project grant to a medical center in Griggs County. The House did not include this funding.

This amendment also:

- Adds a section to appropriate funding from the federal Coronavirus Capital Projects Fund to various agencies for eligible capital projects. The House did not include this section.
- Transfers \$11.8 million from the tax relief fund and \$10 million from the strategic investment and improvements fund to the highway fund for township road and bridge projects. The House did not provide for a transfer to the highway fund.
- Transfers \$1 million from the strategic investment and improvements fund to the cultural endowment fund for arts initiatives. The House did not include this transfer.
- Adjusts the transfer from the tax relief fund to the human service finance fund to provide \$187,223,092. The House provided for a transfer of \$187,385,888.
- Adjusts the funding identified from the Capitol building fund for extraordinary repairs to match the \$500,000 appropriated in Section 1 of the bill. The House appropriated \$500,000 for extraordinary repairs.
- Increases the amount of funding identified for statewide memberships and dues totaling \$642,089. The House provided \$625,064 for statewide memberships and dues.
- Adjusts the compensation guidelines to reflect an average increase of 1.5 percent with a monthly minimum of \$100 in the 1st year of the biennium and an

average increase of 2 percent in the 2nd year of the biennium. The House provided an average increase of 1.5 percent with a monthly minimum of \$100 and a monthly maximum of \$200 for both years of the biennium.

- Removes the requirement for the Securities Commissioner to be skilled in securities and removes the restriction that the Securities Commissioner may not hold any other public office. The House did not include this change.
- Requires a notice filing for certain securities held as investments from the legacy fund. The House did not include this requirement.
- Authorizes the Bank of North Dakota to provide a line of credit of up to \$250 million to support loans or loan guarantees under the clean sustainable energy fund. The House did not authorize this line of credit.
- Adds a Legislative Management study of state employee compensation. The House did not include a study of state employee compensation.
- Provides an emergency clause for community service supervision fund grants, federal coronavirus capital projects, and Senate Bill No. 2140, relating to repayments under the professional student exchange program. The House did not include an emergency clause.

**House Bill No. 1015 - State Treasurer - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Non-oil township grants		\$8,100,000	\$100,000	\$8,200,000
Total all funds	\$0	\$8,100,000	\$100,000	\$8,200,000
Less estimated income	0	8,100,000	100,000	8,200,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

**Department 120 - State Treasurer - Detail of Senate Changes**

	Increases Funding for Grants <sup>1</sup>	Total Senate Changes
Non-oil township grants	\$100,000	\$100,000
Total all funds	\$100,000	\$100,000
Less estimated income	100,000	100,000
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> Funding for grants to non-oil-producing townships is increased by \$100,000 to provide a total of \$8.2 million from the state disaster relief fund.

**House Bill No. 1015 - Judicial Branch - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Federal coronavirus capital projects			\$157,600	\$157,600
Total all funds	\$0	\$0	\$157,600	\$157,600
Less estimated income	0	0	157,600	157,600
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

**Department 180 - Judicial Branch - Detail of Senate Changes**

	Adds Funding for Capital Projects <sup>1</sup>	Total Senate Changes
Federal coronavirus capital projects	\$157,600	\$157,600
Total all funds	\$157,600	\$157,600
Less estimated income	157,600	157,600
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> One-time funding of \$157,600 from the federal Coronavirus Capital Projects Fund is added for information technology equipment. The House did not include this funding.



**House Bill No. 1015 - Department of Public Instruction - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Federal coronavirus capital projects			\$5,900,000	\$5,900,000
Total all funds	\$0	\$0	\$5,900,000	\$5,900,000
Less estimated income	0	0	5,900,000	5,900,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

**Department 201 - Department of Public Instruction - Detail of Senate Changes**

	Adds Funding for Capital Projects <sup>1</sup>	Total Senate Changes
Federal coronavirus capital projects	\$5,900,000	\$5,900,000
Total all funds	\$5,900,000	\$5,900,000
Less estimated income	5,900,000	5,900,000
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> One-time funding of \$5.9 million from the federal Coronavirus Capital Projects Fund is added for a grant to an entity for the development of a children's science center in Minot. The House did not include this funding.

**House Bill No. 1015 - University of North Dakota - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Federal coronavirus capital projects			\$5,000,000	\$5,000,000
Space command initiative			4,000,000	4,000,000
Total all funds	\$0	\$0	\$9,000,000	\$9,000,000
Less estimated income	0	0	5,000,000	5,000,000
General fund	\$0	\$0	\$4,000,000	\$4,000,000
FTE	0.00	0.00	0.00	0.00

**Department 230 - University of North Dakota - Detail of Senate Changes**

	Adds Funding for Capital Projects <sup>1</sup>	Total Senate Changes
Federal coronavirus capital projects	\$5,000,000	\$5,000,000
Space command initiative	4,000,000	4,000,000
Total all funds	\$9,000,000	\$9,000,000
Less estimated income	5,000,000	5,000,000
General fund	\$4,000,000	\$4,000,000
FTE	0.00	0.00

<sup>1</sup> One-time funding of \$5 million from the federal Coronavirus Capital Projects Fund is added for reconstruction of the University of North Dakota's apron at the Grand Forks airport. One-time funding of \$4 million from the general fund is added for a space command initiative. The House did not include funding for these items.

**House Bill No. 1015 - Dickinson State University - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Federal coronavirus capital projects			\$4,000,000	\$4,000,000
Total all funds	\$0	\$0	\$4,000,000	\$4,000,000
Less estimated income	0	0	4,000,000	4,000,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

**Department 239 - Dickinson State University - Detail of Senate Changes**

	Adds Funding for Capital Projects <sup>1</sup>	Total Senate Changes
Federal coronavirus capital projects	\$4,000,000	\$4,000,000
Total all funds	\$4,000,000	\$4,000,000
Less estimated income	4,000,000	4,000,000
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> One-time funding of \$4 million from the federal Coronavirus Capital Projects Fund is added for a Pulver Hall, meat processing laboratory, and other projects at Dickinson State University. The House did not include this funding.

**House Bill No. 1015 - Dept. of Career and Technical Education - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Federal coronavirus capital projects			\$78,000,000	\$78,000,000
Total all funds	\$0	\$0	\$78,000,000	\$78,000,000
Less estimated income	0	0	78,000,000	78,000,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

**Department 270 - Dept. of Career and Technical Education - Detail of Senate Changes**

	Adds Funding for Capital Projects <sup>1</sup>	Total Senate Changes
Federal coronavirus capital projects	\$78,000,000	\$78,000,000
Total all funds	\$78,000,000	\$78,000,000
Less estimated income	78,000,000	78,000,000
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> One-time funding of \$78 million from the federal Coronavirus Capital Projects Fund is added for a statewide career academy initiative grant program. The House did not include this funding.

**House Bill No. 1015 - Highway Patrol - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Federal coronavirus capital projects			\$3,000,000	\$3,000,000
Total all funds	\$0	\$0	\$3,000,000	\$3,000,000
Less estimated income	0	0	3,000,000	3,000,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

**Department 504 - Highway Patrol - Detail of Senate Changes**

	Adds Funding for Capital Projects <sup>1</sup>	Total Senate Changes
Federal coronavirus capital projects	\$3,000,000	\$3,000,000
Total all funds	\$3,000,000	\$3,000,000
Less estimated income	3,000,000	3,000,000
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> One-time funding of \$3 million from the federal Coronavirus Capital Projects Fund is added for a law enforcement training center remodel project. The House did not include this funding.

**House Bill No. 1015 - Department of Agriculture - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Grasslands grants			\$5,000,000	\$5,000,000
Total all funds	\$0	\$0	\$5,000,000	\$5,000,000
Less estimated income	0	0	5,000,000	5,000,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

**Department 602 - Department of Agriculture - Detail of Senate Changes**

	Adds Funding for Grasslands Grants <sup>1</sup>	Total Senate Changes
Grasslands grants	\$5,000,000	\$5,000,000
Total all funds	\$5,000,000	\$5,000,000
Less estimated income	5,000,000	5,000,000
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> One-time funding of \$5 million from the strategic investment and improvements fund is added for grassland grazing grants. The House did not include funding for grassland grazing grants.

**House Bill No. 1015 - Department of Transportation - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Township road projects			\$21,800,000	\$21,800,000
Total all funds	\$0	\$0	\$21,800,000	\$21,800,000
Less estimated income	0	0	21,800,000	21,800,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

**Department 801 - Department of Transportation - Detail of Senate Changes**

	Adds Funding for Township Roads <sup>1</sup>	Total Senate Changes
Township road projects	\$21,800,000	\$21,800,000
Total all funds	\$21,800,000	\$21,800,000
Less estimated income	21,800,000	21,800,000
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> One-time funding of \$21.8 million from the highway fund is added for township road and bridge projects. The funding is derived from a transfer of \$11.8 million from the tax relief fund and a transfer of \$10 million from the strategic investment and improvements fund.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2016, as engrossed:** Your conference committee (Sens. Davison, Krebsbach, Heckaman and Reps. Schmidt, Sanford, Boe) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1316-1318, adopt amendments as follows, and place SB 2016 on the Seventh order:

That the House recede from its amendments as printed on pages 1316-1318 of the Senate Journal and pages 1430 and 1431 of the House Journal and that Engrossed Senate Bill No. 2016 be amended as follows:

Page 1, line 2, after "Dakota" insert "; to amend and reenact subsection 4 of section 52-06-01 of the North Dakota Century Code, relating to conditions required to be eligible for unemployment benefits; to provide for a report; to provide for a statement of legislative intent; and to declare an emergency"

Page 1, replace lines 11 through 20 with:

"Salaries and wages	\$30,572,221	(\$1,577,279)	\$28,994,942
Operating expenses	17,840,895	(676,522)	17,164,373
Capital assets	20,000	0	20,000
Grants	6,166,112	2,114,939	8,281,051
Reed Act - unemployment insurance computer modernization	<u>10,475,114</u>	<u>470,012</u>	<u>10,945,126</u>
Total all funds	\$65,074,342	\$331,150	\$65,405,492
Less estimated income	<u>64,643,718</u>	<u>351,545</u>	<u>64,995,263</u>
Total general fund	\$430,624	(\$20,395)	\$410,229
Full-time equivalent positions	172.61	(16.00)	156.61"

Page 2, after line 14, insert:

**"SECTION 5. AMENDMENT.** Subsection 4 of section 52-06-01 of the North Dakota Century Code is amended and reenacted as follows:

4. The individual has been unemployed for a waiting period of one week. The executive director may suspend the waiting period during periods of time when federal reimbursement for benefit charges incurred for the suspended waiting period is made available to the bureau. Any suspension of the waiting period applies to all new initial claims filed with an effective date within the time period in which the waiting period is suspended. No week may be counted as a week of unemployment for the purposes of this subsection:
  - a. Unless it occurs within the benefit year which includes the week with respect to which the individual claims payment of benefits;
  - b. If benefits have been paid with respect thereto; and
  - c. Unless the individual was eligible for benefits, with respect thereto as provided in this section and section 52-06-02; and

**SECTION 6. INFORMATION TECHNOLOGY UNIFICATION - LEGISLATIVE INTENT - LEGISLATIVE MANAGEMENT REPORT.** The information technology department may not charge state agencies selected to participate in the 2021-23 biennium information technology unification initiative an amount in excess of the salaries and wages and related operating expenses of any full-time equivalent positions transferred to the information technology department during the 2021-23 biennium. It is the intent of the sixty-seventh legislative assembly that any full-time equivalent positions transferred to the information technology department for the 2021-23 biennium information technology unification initiative be transferred to the agency employing the positions during the 2019-21 biennium, unless the sixty-eighth legislative assembly is presented with sufficient evidence of efficiencies gained and cost-savings realized by the state as a result of the 2021-23 biennium information technology unification initiative. During the 2021-22 interim, the information technology department shall report annually to the legislative management regarding any efficiencies gained and cost-savings realized as a result of the 2021-23 biennium information technology unification initiative.

**SECTION 7. EMERGENCY.** Section 5 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2016 - Job Service North Dakota - Conference Committee Action**

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$30,572,221	\$28,961,152	\$33,790	\$28,994,942	\$31,443,080	(\$2,448,138)
Operating expenses	17,840,895	17,175,297	(10,924)	17,164,373	13,594,397	3,569,976
Capital assets	20,000	20,000		20,000	20,000	
Grants	6,166,112	8,281,051		8,281,051	8,281,051	

Reed Act - Computer modernization	10,475,114	10,945,126		10,945,126	10,945,126	
Total all funds	\$65,074,342	\$65,382,626	\$22,866	\$65,405,492	\$64,283,654	\$1,121,838
Less estimated income	64,643,718	64,972,321	22,942	64,995,263	63,873,425	1,121,838
General fund	\$430,624	\$410,305	(\$76)	\$410,229	\$410,229	\$0
FTE	172.61	156.61	0.00	156.61	172.61	(16.00)

### Department 380 - Job Service North Dakota - Detail of Conference Committee Changes

	Adjusts Funding for Salary and Benefit Increases <sup>1</sup>	Adjusts Funding for IT Unification <sup>2</sup>	Total Conference Committee Changes
Salaries and wages	\$33,790		\$33,790
Operating expenses		(\$10,924)	(10,924)
Capital assets			
Grants			
Reed Act - Computer modernization			
Total all funds	\$33,790	(\$10,924)	\$22,866
Less estimated income	33,866	(10,924)	22,942
General fund	(\$76)	\$0	(\$76)
FTE	0.00	0.00	0.00

<sup>1</sup> Salaries and wages funding is adjusted for 2021-23 biennium salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100 and 2 percent on July 1, 2022, the same as provided by the House; however, the amount for salary increases is reduced compared to the House version due to the Conference Committee approving Job Service North Dakota to participate in the information technology (IT) unification initiative. The Senate provided salary adjustments of 2 percent with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 on July 1, 2021, and 2 percent on July 1, 2022.

<sup>2</sup> Funding of \$10,924 is removed to reflect the change in salary increases for FTE positions approved to be transferred to the Information Technology Department (ITD) as part of the IT unification initiative. The Conference Committee approved the transfer of 16 FTE positions to ITD for IT unification, the same as the Senate. The House did not approve IT unification. Of the 16 FTE positions, 5 FTE positions are unfunded.

This amendment also:

- Adds a section to amend North Dakota Century Code Section 52-06-01(4) to allow the executive director of Job Service North Dakota to suspend the unemployment benefit waiting period when federal reimbursement for benefit charges incurred are made available to Job Service North Dakota. This section is declared an emergency measure. The House also included this section.
- Adds a section to provide ITD may not charge state agencies selected to participate in the 2021-23 biennium IT unification initiative an amount in excess of the salaries and wages and related operating expenses of any FTE positions transferred to ITD during the 2021-23 biennium. Legislative intent is provided that any FTE position transferred to ITD for the 2021-23 biennium IT unification initiative be transferred to the agency employing the positions during the 2019-21 biennium, unless the 68th Legislative Assembly is presented with sufficient evidence of efficiencies gained and cost-savings realized by the state as a result of the 2021-23 biennium IT unification initiative. During the 2021-22 interim, ITD is required to report annually to the Legislative Management regarding any efficiencies gained and cost-savings realized as a result of the 2021-23 biennium IT unification initiative. This section was not included in the Senate or House versions.

Engrossed SB 2016 was placed on the Seventh order of business on the calendar.

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

**Shanda Morgan, Secretary**

