

JOURNAL OF THE HOUSE

Sixty-seventh Legislative Assembly

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Bismarck, March 12, 2021

The House convened at 12:30 p.m., with Speaker K. Koppelman presiding.

The prayer was offered by Chaplain Les Wolfgram, Highway Patrol, Bismarck.

The roll was called and all members were present except Representative Hoverson.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

SPEAKER K. KOPPELMAN DEEMED approval of the amendments to HCR 3043, SB 2088, Engrossed SB 2113, Engrossed SB 2187, Engrossed SB 2261, and Engrossed SB 2341.

HCR 3043, as amended, was placed on the Eleventh order of business on the calendar.

SB 2088, Engrossed SB 2113, Engrossed SB 2187, Engrossed SB 2261, and Engrossed SB 2341, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL ON CONSENT CALENDAR

SB 2299: A BILL for an Act to provide for a legislative management study regarding the motor vehicle excise tax.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trotter; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

ABSENT AND NOT VOTING: Hoverson

SB 2299 passed.

SECOND READING OF HOUSE AND SENATE RESOLUTION ON CONSENT CALENDAR

HCR 3046: A concurrent resolution directing the Legislative Management to consider studying the administrative rules process, including a review of any relevant statutes regarding administrative rules to determine if any statutes are unclear or ambiguous, the degree to which agencies are complying with the process, which state agencies are specifically exempt from the process, and if those state agencies should remain exempt.

The question being on the final adoption of the resolution, which has been read.

HCR 3046 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3047: A concurrent resolution urging Congress not to adopt H.R. 1 of the 117th Congress.

REQUEST

REP. KASPER REQUESTED a recorded roll call vote on the adoption of HCR 3047, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 79 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Becker; Bellew; Beltz; Boe; Bosch; Brandenburg; Christensen; Cory; Damschen; Delzer; Devlin; Dockter; Ertelt; Fegley; Fisher; Hagert; Hatlestad; Headland; Heinert; Howe; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Monson; Nathe; Nehring; Nelson, J.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

NAYS: Adams; Anderson, P.; Boschee; Buffalo; Dobervich; Guggisberg; Hager; Hanson; Ista; Mitskog; Mock; Nelson, M.; Schneider

ABSENT AND NOT VOTING: Hoverson

HCR 3047 was declared adopted on a recorded roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3043: A concurrent resolution directing the Legislative Management to consider studying the amount, type, cost, and occupancy of property leased by the state or any state agency since January 1, 2018.

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

Engrossed HCR 3043 was declared adopted on a voice vote.

MOTION

REP. LOUSER MOVED that a committee of two be appointed to escort the Honorable Kevin Cramer, United States Senate, to the podium, which motion prevailed on a voice vote.

SPEAKER K. KOPPELMAN APPOINTED Reps. Becker and Schreiber-Beck.

REMARKS OF SENATOR KEVIN CRAMER
United States Senate

Thank you, Speaker Koppelman, for your kind invitation to address this assembly. Leader Pollert, Leader Boschee, fellow legislators, I consider it a high honor to be standing here in the North Dakota's People's House to share some thoughts about the future of our great state and nation. As a "Senator," it is not lost on me how self-respecting Representatives view my title. However, as you all know, I did have the privilege of serving as a "Representative" in Congress for six years, and will always consider myself a man of the House. In both roles I have seen how state and federal policies intersect and looked for ways we can work together to maximize the benefit we can deliver to the people of North Dakota. This year, I believe there is great potential.

First, congratulations on how well the state has navigated the challenges presented by the COVID-19 pandemic. The virus has brought complex and ever-changing challenges this past year, and without a doubt, there are more opinions on what could have been done differently than there are people in this room. The urgency and uncertainty of this crisis required fast decisions which will always make people smarter after the fact than in the moment the action was required. But, from my perch in our nation's capital, North Dakota takes a back seat to no one. Governor Burgum and his team struck a balance that made the most of the vast federal resources Congress appropriated to fight the virus, protect our most vulnerable, keep people employed, help workers, and preserve our economy. The legislature provided the governor with appropriate freedom and necessary flexibility while maintaining a watchful eye to ensure proper oversight. Our National Guard, our incredible National Guard, brought a level of professionalism and certainty to an uncertain time. And of course the dedicated front line healthcare workers showed us what heroism looks like. Now we are in what looks to be the final stage of this battle. And just like every other step, North Dakota is leading the way, getting vaccine shots in the arms of people who need and want them while keeping the state open for business. Nationwide, there are now more people fully vaccinated than there are people who have tested positive. We have every reason to hope, not to fear. To embrace optimism, not cynicism. And to prepare for a bright future free from the pandemic, and with a special emphasis on free!

As you are aware, when Congress unanimously passed the CARES Act almost one year ago, one of the ways we helped employers and employees was through the creation of the Paycheck Protection Program. As a member of the Banking Committee, I was fortunate to have had unique insight and assistance from the experts here at home. With the facilities and leadership of Eric Hardmeyer at the Bank of North Dakota, I was able to engage with literally hundreds of lenders through the ND Bankers Association, Independent Community Bankers of ND and the Credit Unions of the Dakotas, using BND's technology as we developed and evaluated the program. Eric helped facilitate webinars prior to the bill's passage, including the day we finalized and passed the bill, and after its passage. BND gave North Dakota's lending community a seat at the table so their voices were heard. And it paid dividends, not only to our employers and employees, but to the nation. North Dakota had the highest per capita participation in the program, making it wildly successful here at home. The Bank of North Dakota has been an invaluable resource, and I am grateful for the partnership of everyone there.

As I am sure you read, Congress passed another stimulus package earlier this week that President Biden signed yesterday, making it the sixth in less than a year. It is a massive spending bill characterized as COVID-19 relief, funded entirely by borrowing two trillion dollars from our kids and grandkids. It had no bipartisan support, only bipartisan opposition. I opposed it strongly. It does not meet the needs of the moment, and could end up harming the economy and our workers more than it helps. But, now that it is law, there are areas North Dakota can take advantage of, including \$350 billion specifically set aside for states. The original draft adopted by the House left states like North Dakota out of the federal cash sweepstakes. Earmarks for big states that shut down their economies were replaced with a formula amended by the Senate to include a minimum payment to all states, and we expect North Dakota to receive a sizeable amount. I am sure there will be restrictions on how the money is used, but I have faith that you will be as creative and innovative as possible with the resources you're given to benefit all North Dakotans.

One area not addressed at the federal level, and one of the many unfortunate consequences of the pandemic, has been a rash of lawsuits encouraged by ambulance chasing lawyers who want to take advantage of educational institutions, health care providers, businesses and any organization that dares to interact with the public. Attempts by many of us in the Senate to rein in these predatory practices have been met with fierce resistance by trial lawyers, their lobbyists and their legislative allies. But, tort reform is almost exclusively a state responsibility. I have been monitoring the progress of the various pieces of legislation introduced in this body by Representatives Howe, Kasper, and Koppelman to address liability concerns. You all deserve applause for this, and I am glad it is an effort at the forefront of your work here. I encourage you to see this to fruition and make North Dakota a safe place for responsible institutions and organizations to operate. While many businesses in our neighboring state of Minnesota have been sidelined by overly restrictive government mandates, North Dakota businesses continued to operate safely and efficiently. We are better off this year because of it. Sadly, since then, the threat of nuisance litigation has been held over the heads of many employers. That's not the culture of our state. Let's make North Dakota a regional sanctuary for businesses that do the right thing.

As the nation moves beyond the urgent needs of the pandemic, one area in which we hope to make progress during this session of Congress is building, improving and maintaining our aging transportation infrastructure. In the Environment and Public Works Committee over the last few years, we have held numerous hearings on this important topic, including one just last week. Unlike the recent assortment of one-time, short-term programs found in this week's partisan spending bill, infrastructure is a long-term investment to spur job creation and economic growth. Of course, transportation infrastructure is more than highways and bridges. It includes pipelines, ports, waterways, broadband, railroads and more, all of which provide jobs in their construction and maintenance. But just as important, it creates assets that carry our commodities, manufactured goods and services to customers and clients around the world. It is impossible to put too high a value on an asset that has as its primary goal, the safety and profitability of our economy and citizens. It remains one of the most bipartisan policy areas in Washington, and one I support. This week I was named the ranking member on the Transportation and Infrastructure Subcommittee, giving you a seat at the table as we develop the next comprehensive and long term transportation legislation. Last year we were able to make some real progress. We saw our biannual water infrastructure legislation signed into law, which included support for several North Dakota priorities. It showed success was possible and gave us a blueprint to follow as we seek to continue to make more progress.

My priority is to pass a long-term bill that prioritizes the distribution of funds by formula so rural states like North Dakota with our vast miles and small population get adequate resources and flexibility to spend money on the priorities that make sense to us. Too often, Congress diverts to discretionary grant programs that look good on paper but short change low-population states with less money and representation. ND DOT Director Bill Panos has been an excellent partner in these efforts, keeping me and my office apprised of North Dakota's priorities. I will continue to partner with him as we build an infrastructure bill that works for our state. While infrastructure is a high priority of mine, the work of the Environment and Public Works Committee covers much more than that. When I was elected to the Senate in 2018, I put together a committee assignment strategy to maximize North Dakota's muscle in the upper chamber, requesting assignments to complement Senator Hoeven's longstanding memberships. One of them was EPW, where overseeing environmental issues pairs well with Senator Hoeven's agriculture and energy assignments. EPW oversees issues on water, air, highways, bridges, dams, nuclear energy, fisheries and wildlife, and others. Tackling each of those issues has been an opportunity to work with the State of North Dakota to protect its regulatory primacy, work on behalf of North Dakotans to advocate for their needs, and showcase North Dakota and the incredible work being done here which can serve as a model across the country.

One example is in our transmission grid resiliency. The grid failures in other states over the last several years, most recently Texas and California, tragically highlight the shortcomings of their policies. We in North Dakota know that intermittent energy sources are not sufficiently reliable, no matter how much some may want them to be. Texas and California were brought to their knees due to poor planning and investments. And they only have themselves to blame. My work on the Environment and Public Works Committee has provided a valuable avenue to support coal and nuclear producers so we can make sure our state and nation have access to reliable electricity 24 hours a day, 365 days a year. That's one of many reasons I invite North Dakotans to share their common sense with Washington. In the last two years, I've had the privilege of welcoming four of them to testify before the EPW Committee. One was our great Agriculture Commissioner Doug Goehring who outlined the detrimental impact brought by the Obama Administration's WOTUS rule. He has been a powerful voice, pushing back against Washington's incursion on our farmers and landowners. Game and Fish Director Terry Steinwand did a superb job of testifying about combating invasive species. Environmental Quality Director Dave Glatt shared his expertise before the committee when we debated cooperative federalism, making sure Congress remembers sovereign states are supposed to be a partner of, not a slave to the federal government. And Paul Sukut of Basin Electric showcased North Dakota's ability to reduce emissions through innovation rather than federal mandates.

Thankfully, with North Dakotans' help, I have had some success. I was able to secure the passage of several water infrastructure priorities like authorizing Minot's Flood Control plan, rethinking Snake Creek Embankment's maintenance problems, certifying the Williston Levee, and several others. We were also able to use the bully pulpit to get a withdrawal of the Water Supply Rule, a bureaucratic overreach by the U.S. Army Corps of Engineers to

federalize all the water in our country's major rivers. This was followed by the Trump Administration repealing other misguided water policies and further removing the federal government's fingerprints from North Dakota's water decisions. In both cases, I had a great partner in our state's Attorney General, Wayne Stenehjem, who has relentlessly fought with me for North Dakota's rights. I appreciate his leadership, and as we head into the Biden Administration, his office will need all the support we can give. The defense of state sovereignty and private property rights is growing increasingly difficult, but this is a fight where we all must stand our ground and not surrender. With the dramatic increase in executive actions coming from our new President, it is important you equip the Attorney General with the resources he needs to push back. Whether major federal acts like the Clean Power Plan or Waters of the U.S., or obstruction to important energy infrastructure like the Dakota Access Pipeline, it is impossible to put a value on victory in the federal judiciary against infringement by Washington, but the cost of defeat is enormous and North Dakota's leadership is critical to securing every state's sovereignty in our system of federalism.

When you hear Senator Hoeven and me talking about confirming 200-plus federal judges, like Dan Traynor and Peter Welte here in North Dakota over the last four years, it was for moments like this. Their presence and hundreds like them on District and Appellate Courts as well as the Supreme Court helps ensure we are ready to meet the moment.

Just as North Dakota contributes to our energy security, it also plays a vital role in our national security. As a complement to Senator Hoeven's work as a defense appropriator, I became the first member of Congress from North Dakota to serve on an Armed Services Committee. Whether it's two of the three legs of the nuclear triad in Minot; Space Force operations in Cavalier; critical Air Force intelligence, surveillance, and reconnaissance capabilities in Grand Forks and Fargo; or our National Guard installations in Bismarck and throughout the state, North Dakota punches way above its weight class in defending our nation. From my seat on the Armed Services Committee, I've had the privilege to see firsthand how North Dakota has established an environment in which our defense assets can thrive. First and foremost, thank you for the support you've given to our service members and their families. This hasn't gone unnoticed by leadership in the Pentagon and in Congress. Legislation for military spouse teacher certification, military spouse occupational licensure access, and hopefully this year enhanced military spouse license portability, are all not only the right actions to take, but they make our job at the federal level easier when advocating for increased missions and manpower in our state.

Also, your continued investments in capabilities like Beyond Visual Line of Sight, the Northern Plains UAS Test Site, and the UAS Test Center at Grand Sky have helped grow our national defense capabilities in ways few could imagine. That seed money helped attract major defense technology companies to invest in Grand Sky and operate in our airspace. I talk to companies like Northrop Gruman, General Atomics, Boeing, Lockheed, SpaceX and dozens of others on a regular basis, and they have taken notice. The investments have paid off. North Dakota was recently rated number one for "States Prepared for the Drone Industry," which has helped us generate even more interest from businesses and government, both big and small, to consider bringing some operations to North Dakota. But don't take my word for it, look at the people who have come to the Grand Forks Air Force Base and the University of North Dakota to see what we're accomplishing. Within the last two years we've had visits from the Administrator of NASA, the first Space Force Chief of Space Operations (as his very first official visit as a member of the Joint Chiefs I might add), the Secretary of Defense, the Secretary of Energy, the Commander of Space Command, the Director of the Space Development Agency, and most recently the Chief of Staff of the Air Force. They all come to see the amazing work being done in our state for the security of our nation, work made possible by the defense professionals thriving in the environment you helped create. And that work will lead to greater opportunities for the region. Future space missions at Grand Forks Air Force Base may be on the horizon, and we expect to see Space Force research opportunities coming soon to UND. UND President Andrew Armacost is proving to be a capable leader as we position the university for such possibilities, and I am grateful for his continued partnership. So whenever the opportunity presents itself, I urge you to continue your part in fostering a culture of military excellence. While we are always thinking of the current and future generations of warfighters, North Dakota never forgets those who risked their lives for our freedom.

As a member of the Senate Veterans' Affairs Committee, it is heartwarming to see the excellent work being done on the state and local level to care for the over-fifty-thousand veterans who call North Dakota home. And opportunities for us to partner and collaborate on

behalf of these heroes abound. One obvious area is Hyperbaric Oxygen Therapy. You will not find a louder proponent of this innovative treatment in the United States Senate than me, with the exception maybe of John Hoeven. And that's because we have heard from many North Dakotans who tell stories of how HBOT changed their lives when no other treatment worked. Last year Congress passed a comprehensive veterans mental health package that included my legislation to have the Veterans Affairs Department further study HBOT in an objective manner. There is obvious resistance to this treatment by the bureaucracy, but an objective study would force them to accept the obvious reality that this treatment can greatly improve people's lives, and such an acknowledgement will open the door to further opportunities. You all have been excellent partners in this fight. Your legislation to authorize and fund an HBOT pilot program last session helps me advance those same efforts on a federal level, and it gets help to veterans in need along the way. I have spoken with our new Secretary of Veterans Affairs Denis McDonough about this issue several times, both publicly and privately - as recently as yesterday - and will continue to do so. Together our efforts will help create a brighter future for the people who were willing to risk their lives for the safety and security of our country.

And in the fight for national security, it is impossible to ignore the issue of election integrity. Every time Americans go to the ballot box, threats both foreign and domestic are at work to infiltrate our elections systems and undermine the American people's confidence in their vote. The Constitution sets the groundwork for elections and leaves their administration to state legislators, as it should. It doesn't take much time talking to our constituents to know trust in our elections systems is low. It is our duty to fix that. The best way to guard against distrust is to run a system above reproach. We should make North Dakota an example and show the country what a well-run election system looks like. I urge you to support any legislation that would help accomplish that. At the federal level, we'll make sure you continue to have the right to do so. In January, Senator Hoeven and I introduced legislation to establish a commission that could examine the 2020 election and provide state legislatures recommendations for future election improvements. Just last week, Senators Hagerty, Rubio and I introduced a bill to protect the Electoral College and the Constitutional authority given to state legislatures. It prohibits federal election security grants from being awarded to states that unconstitutionally disregard their own election laws. Prohibiting states from getting federal funds if they're going to use that money to break their own laws seems like common sense. It's the type of reform I believe meets the moment, unlike the monstrosity of a bill the House of Representatives sent to the United States Senate last week. Named the "For the People Act," this awful legislation should be called the "For the Politicians Act." It is a nuclear attack on free speech and states' rights that federalizes elections and makes it easier for incumbents to stay in office. Under this law, states would be forced to provide same-day registration, online registration, and automatic registration for people receiving government assistance. They're forced to permanently and dramatically expand mail-in voting. They're forced to register 16-year-olds and let felons vote. States can't check with other states for duplicates close to an election. They can't remove unresponsive registrants. They can't have voter ID laws. They have to allow ballot harvesting. They have to allow weeks of early voting. What if a state has a problem with any of that? Too bad. Washington D.C. calls this voting rights. North Dakota knows better. It's a partisan bill that takes all the bad ideas that have created the distrust we see today, makes them permanent, and forces states to follow all of them. It's madness.

And, if those First Amendment freedoms were not already under attack, religious liberty is also imperiled through a bill Democrats have dubbed the Equality Act. I strongly oppose this act and urge you to do the same. All citizens should be treated with dignity and respect, without fear of discrimination, but that is not what the Equality Act does. This legislation would deny Americans constitutionally guaranteed liberties and force them to comply with federal laws that violate their conscience. It would greatly expand access to abortions, force health care providers to provide them, supersede existing state laws banning them, and use federal tax dollars to pay for them. It is a dramatic federal overreach and violation of the Constitution's protection of religious liberty, and it would limit your ability to make that case in court. The Equality Act levels unequal treatment on unborn children and religious Americans. It's antithetical to our nation's founding, trampling on the First Amendment. It is the job of our nation's leaders to uphold God-given rights, not chip away at them. If equality is really the goal, one area to start would be prohibiting biological men from participating in women's sports.

We're in the fourth quarter of a global health pandemic with stagnant unemployment and crippling debt, and the President decided one of his first priorities the day after his

inauguration is to sign an Executive Order requiring schools that receive federal funding to allow biological boys onto girls' sports teams or face the wrath of the bureaucracy in Washington. We have all praised and encouraged our daughters and sisters as they compete in sports. We applauded their achievements and the great strides they have made. How disappointing to see their progress be trampled by mandates to pad the egos of biological boys who obliterate the competition. We are turning into a culture that teaches our daughters the best way to succeed as a woman is to be a man. My colleagues and I have introduced legislation to protect women's sports, and I urge you to help resist these efforts at the state level. Women deserve better.

Friends, we live in the most exceptional country in the history of the world. Better than that, you and I get to serve the people in the most exceptional state of this great nation of ours. Our country needs North Dakota's example in many areas, common sense, work ethic, respect for each other, and do I dare say, traditional values and virtues rooted in faith in the God who put us here. We don't all have to look or be the same to share common values. We don't all have to vote the same to love one another. In fact, diversity in a nation that values the individual is one of our greatest strengths if channeled properly. The rise of socialism as a legitimate economic and cultural model is the enemy of creativity and innovation. The woke culture being pushed on us aims to erase our history and judge our nation by its sins rather than its unmatched contributions to freedom here and around the world. And if you meet anyone who thinks cancel culture doesn't exist, show them some of what's happening in the United States Congress. The actions of the House are reflective of a society increasingly eager to whitewash history and silence opposition, rather than learn from our past and foster a spirit desiring of debate and discussion. It's a sect of society that carries a banner of justice and equality but seems fine with disenfranchising those with whom they disagree and deploying the actions of history's oppressors, not the oppressed. Book banning never seems to end after just a couple authors. Censorship rarely stops with the silence of just a few fringe actors. Rewriting history seems to only increase the chance the buried lessons will be repeated. And let me be crystal clear -we have no reason to rewrite our history. We are the most exceptional country in the world. We have never been perfect. No nation has. We are still forming our "more perfect union". Our exceptionalism should be championed in the classroom and all of our institutions, not spoken of as a pejorative. The United States is still a shining city on a hill, and I refuse to be guilted into apologizing for American greatness. I hope you'll join me in that fight, too. The success of cancel culture and its legislative agenda relies on the failure of dissenting voices at the federal level and acquiescence at the state level. We've all heard the famous words of Edmund Burke, "The only thing necessary for the triumph of evil is for good people to do nothing." States like ours are becoming the guardians of God-given liberties and freedoms. Where persuasion in the public square fails, states stand as a defense against federal tyranny. If you hear one thing from me, let it be this - stand strong.

As you move forward in the second half of this legislative session in earnest, great opportunity awaits where federal and state policies intersect. The spirit of ingenuity is alive here. And, it is not waiting to be freed by an insurgence of federal involvement. Rather, it is waiting to be further unshackled and allowed to grow. Together we can achieve great accomplishments in the areas of energy, infrastructure, national security, technology, manufacturing and of course agriculture, all in the name of American exceptionalism. And may this time, and our partnership, be defined not as a time of just stringent opposition to inevitable progress, but a time of bold solutions developed through collaboration and an understanding that North Dakota's excellence will always be better than Washington's mediocrity. Now is not the time for good men and women to do nothing, and I know you won't. Thank you, and God bless you and your work. And God Bless the United States of America!

MOTION

REP. LOUSER MOVED that the remarks of Senator Cramer be printed in the journal, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2076: A BILL for an Act to amend and reenact section 26.1-31.2-01 of the North Dakota Century Code, relating to reinsurance credit of insurers.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

NAYS: Ertelt; Magrum

ABSENT AND NOT VOTING: Anderson, D.; Boschee; Hoverson; Kempenich

SB 2076 passed.

SECOND READING OF SENATE BILL

SB 2243: A BILL for an Act to amend and reenact subsection 4 of section 47-20.1-02 of the North Dakota Century Code, relating to the definition of the practice of land surveying.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

ABSENT AND NOT VOTING: Anderson, D.; Boschee; Hoverson; Kempenich; Stemen

SB 2243 passed.

SECOND READING OF SENATE BILL

SB 2200: A BILL for an Act to create and enact a new subsection to section 57-38-31 of the North Dakota Century Code, relating to use tax reporting and remittance on income tax returns; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 85 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Howe; Jones; Magrum; Pyle

NAYS: Adams; Anderson, B.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Ista; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.;

O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

ABSENT AND NOT VOTING: Anderson, D.; Boschee; Hoverson; Kempenich

SB 2200 failed.

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

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HCR 3043, HCR 3046, HCR 3047.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2061, SB 2075, SB 2105, SB 2106, SB 2111, SB 2134, SB 2152, SB 2224.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2068, SB 2099, SB 2110, SB 2189.

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 2059, SB 2123, SB 2214, SB 2216.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1278, HB 1332, HB 1343, HB 1351, HB 1402.

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

MR. SPEAKER: The Senate has passed, unchanged: HCR 3013.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1316.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1441, HB 1479.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HCR 3008.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1113, HB 1125, HB 1153, HB 1160, HB 1314, HB 1405.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2027, SB 2050, SB 2053, SB 2056, SB 2066, SB 2081, SB 2094, SB 2109, SB 2114, SB 2115, SB 2135, SB 2157, SB 2250.

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

MR. SPEAKER: The President has signed: HB 1113, HB 1125, HB 1153, HB 1160, HB 1314, HB 1405.

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

MR. PRESIDENT: The Speaker has signed: HB 1076, HB 1082, HB 1088, HB 1095, HB 1122, HB 1140, HB 1146, HB 1150, HB 1184, HB 1252, HB 1286, HB 1406.

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

MR. PRESIDENT: The Speaker has signed: HCR 3009, HCR 3025, HCR 3026, HCR 3027, HCR 3028.

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

MR. PRESIDENT: The Speaker has signed: SB 2035, SB 2039, SB 2049, SB 2051, SB 2055, SB 2057, SB 2175, SB 2254, SB 2260.

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

MR. SPEAKER: The President has signed: SB 2035, SB 2039, SB 2049, SB 2051, SB 2055, SB 2057, SB 2175, SB 2254, SB 2260.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 12, 2021: HB 1076, HB 1082, HB 1088, HB 1095, HB 1122, HB 1140, HB 1146, HB 1150, HB 1184, HB 1252, HB 1286, HB 1406.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on March 12, 2021: HCR 3009, HCR 3025, HCR 3026, HCR 3027, HCR 3028.

MOTION

REP. LOUSER MOVED that the absent member be excused, which motion prevailed on a voice vote.

MOTION

REP. LOUSER MOVED that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, March 15, 2021, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

SB 2044: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2044 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2054: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2054 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2062: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2062 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2069, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2069 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2087: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2087 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2097: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2097 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2098: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2098 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2112, as engrossed: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2112 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2117: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2117 was placed on the Sixth order on the calendar.

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

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

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2119: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2119 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2120: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2120 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "encompassing one county"

Page 1, line 12, after the period insert "A water resource board for a district including two or more counties must have seven managers appointed by the boards of county commissioners of the respective counties in the district pursuant to this section."

Page 1, line 13, overstrike "five managers, three appointed by the board of county commissioners of" and insert immediately thereafter "four managers from"

Page 1, line 14, overstrike "two appointed by the board of"

Page 1, line 15, overstrike "county commissioners of" and insert immediately thereafter "three managers from"

Page 1, line 16, overstrike "five managers, one appointed by the board of county"

Page 1, line 17, overstrike "commissioners"

Page 1, line 17, after "~~having~~" insert "three managers from the county"

Page 1, line 17, overstrike "lowest" and insert immediately thereafter "largest"

Page 1, line 18, overstrike "appointed by the board of county commissioners of" and insert immediately thereafter "managers from"

Page 1, line 19, overstrike "or six"

Page 1, line 19, overstrike "two"

Page 1, line 20, overstrike "members" and insert immediately thereafter "three managers"

Page 1, line 21, after the comma insert "two managers from the county with the second largest aggregate taxable valuation of property in the district."

Page 1, line 21, overstrike "or seven"

Page 1, line 22, after "of" insert "two managers from each of the two counties with the two largest aggregate taxable valuations of property in the district, and"

Page 1, line 22, overstrike "county" and insert immediately thereafter "of the other counties"

Page 1, line 23, overstrike "Appointments to the water resource board"

Page 1, line 23, remove "must"

Page 1, line 23, overstrike "be made by the boards of county"

Page 1, line 24, overstrike "commissioners of the respective counties" and insert immediately thereafter "If a district includes six counties, the water resource board must consist of two managers from the county with the largest aggregate taxable valuation of property in the district, and one member from each of the other counties. If a district includes seven counties, the water resource board must consist of one manager from each county"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2149: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2149 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2172: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2172 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2191, as engrossed: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2191 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2207: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2207 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2237: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2237 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2238, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2238 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2241, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2241 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2263, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2263 was placed on the Sixth order on the calendar.

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

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

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

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

Page 3, after line 7, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2277: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2277 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2291, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2291 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2294: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2294 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2297: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2297 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2302: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO NOT PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2302 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2317, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2317 was placed on the Sixth order on the calendar.

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

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

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

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

Page 1, after line 21 insert:

"1."

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

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

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

Page 2, after line 3, insert:

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

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

- a. Grant the regulatory authority a first mortgage, first deed of trust, or perfected first-lien security interest in the real property with a right to sell or dispose of the real property in the event of forfeiture; and
- b. Include a schedule, submitted by the applicant, of the real property mortgaged or pledged to secure the obligations under the indemnity agreement. The schedule of the real property must allow the regulatory authority to evaluate the adequacy of the real property offered to satisfy collateral requirements. The schedule must include:
 - (1) A description of the property;
 - (2) The fair market value of the property, as determined by an independent appraisal conducted by a certified appraiser; and
 - (3) Proof of possession and title to the real property."

Page 2, after line 4 insert:

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

Page 2, after line 13, insert:

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

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2336, as engrossed: Human Services Committee (Rep. Weisz, Chairman)
recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING).
Engrossed SB 2336 was placed on the Fourteenth order on the calendar.

The House stood adjourned pursuant to Representative Louser's motion.

Buell J. Reich, Chief Clerk