

## JOURNAL OF THE HOUSE

## Sixty-seventh Legislative Assembly

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Bismarck, April 5, 2021

The House convened at 1:00 p.m., with Speaker K. Koppelman presiding.

The prayer was offered by Monsignor Patrick Schumacher, Corpus Christi, Bismarck.

The roll was called and all members were present except Representatives Guggisberg and Porter.

A quorum was declared by the Speaker.

## MOTION

**REP. LOUSER MOVED** that Engrossed SB 2139, which is on the Sixth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Louser's motion, Engrossed SB 2139 was rereferred.

## MOTION

**REP. LOUSER MOVED** that SB 2146, which is on the Sixth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Louser's motion, SB 2146 was rereferred.

## MOTION

**REP. LOUSER MOVED** that Rep. Becker replace Rep. Paur on the Conference Committee on HB 1148, which motion prevailed on a voice vote.

## MOTION

**REP. LOUSER MOVED** that Rep. Paur replace Rep. Becker on the Conference Committee on HB 1502, which motion prevailed on a voice vote.

## SIXTH ORDER OF BUSINESS

**SPEAKER K. KOPPELMAN DEEMED** approval of the amendments to Engrossed SB 2007, Engrossed SB 2013, Engrossed SB 2017, Engrossed SB 2024, Engrossed SB 2025, Engrossed SB 2089, Engrossed SB 2245, and Engrossed SB 2332.

Engrossed SB 2007, Engrossed SB 2013, Engrossed SB 2017, Engrossed SB 2024, Engrossed SB 2025, Engrossed SB 2089, Engrossed SB 2245, and Engrossed SB 2332, as amended, were placed on the Fourteenth order of business on the calendar.

## CONSIDERATION OF MESSAGES FROM THE SENATE

**REP. LOUSER MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1117 as printed on HJ pages 1333-1340, in the Senate amendments to Engrossed HB 1175 as printed on HJ page 1203, in the Senate amendments to HB 1254 as printed on HJ page 1315, and in the Senate amendments to Engrossed HB 1298 as printed on HJ page 1341 and that a conference committee be appointed to meet with a like committee from the Senate on each of these measures, which motion prevailed on a voice vote.

## APPOINTMENT OF CONFERENCE COMMITTEES

**THE SPEAKER APPOINTED** as a Conference Committee on:

**Engrossed HB 1117:** Reps. Roers Jones, Karls, Buffalo.

**Engrossed HB 1175:** Reps. Nehring, Lefor, Stemen.

**HB 1254:** Reps. Rohr, Fegley, Schneider.

**Engrossed HB 1298:** Reps. Skroch, Rohr, Schneider.

## SECOND READING OF SENATE BILL

**SB 2093:** A BILL for an Act to amend and reenact section 55-08-05 of the North Dakota Century Code, relating to parks and recreation charges for services; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 3 NAYS, 0 EXCUSED, 2 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; Hager; Hagert; Hanson; Hatlestad; Hauck; 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.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Hoverson; Nelson, M.; Satrom

**ABSENT AND NOT VOTING:** Guggisberg; Porter

Engrossed SB 2093, as amended, passed and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2159:** A BILL for an Act to create and enact a new section to chapter 47-10 of the North Dakota Century Code, relating to mobile home park tenant rights; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 1 NAYS, 0 EXCUSED, 2 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; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; 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; 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

**ABSENT AND NOT VOTING:** Kiefert; Porter

Engrossed SB 2159, as amended, passed.

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**SECOND READING OF SENATE BILL**

**SB 2311:** A BILL for an Act to amend and reenact subsection 28 of section 50-06-05.1 of the North Dakota Century Code, relating to behavioral health resources for schools; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 82 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; 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; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Trottier; Tveit; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Becker; Bellew; Christensen; Delzer; Ertelt; Hoverson; Magrum; Marschall; Schatz; Skroch; Toman; Vetter

Engrossed SB 2311, as amended, passed.

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#### MOTION

**REP. LOUSER MOVED** that SB 2013 be moved to the top of the Fourteenth order, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2013:** A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; to provide for distributions from permanent funds; to provide a report; and to provide an exemption.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 74 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Becker; Christensen; Ertelt; Fegley; Hauck; Hoverson; Kading; Kasper; Keiser; Koppelman, B.; Magrum; Marschall; Owens; Paulson; Paur; Ruby, D.; Schatz; Skroch; Toman; Trottier

Engrossed SB 2013, as amended, passed.

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#### CORRECTION AND REVISION OF THE JOURNAL

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Bellew, Chairman)** has carefully examined the Journal of the Fifty-seventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1381, line 41, replace "Satrom, Vetter, Hanson" with "Becker, Paulson, Hager"

**REP. BELLEW MOVED** that the report be adopted, which motion prevailed on a voice vote.

#### COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on April 1, 2021, I have signed the following: HB 1087, HB 1131, HB 1339, HB 1359, HB 1379, and HB 1494.

**SECOND READING OF SENATE BILL**

**SB 2179:** A BILL for an Act to create and enact section 26.1-36-09.17 of the North Dakota Century Code, relating to a telehealth reimbursement parity pilot project; to provide for a legislative management study; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 29 YEAS, 64 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, P.; Boschee; Buffalo; Damschen; Dobervich; Fegley; Hager; Hanson; Hatlestad; Hauck; Ista; Jones; Karls; Longmuir; Magrum; Mitskog; Mock; Paur; Richter; Sanford; Schatz; Schneider; Schobinger; Skroch; Tveit; Westlind; Zubke

**NAYS:** Anderson, D.; Becker; Bellew; Beltz; Boe; Bosch; Brandenburg; Christensen; Cory; Delzer; Devlin; Dockter; Ertelt; Fisher; Guggisberg; Hagert; Headland; Heinert; Hoverson; Howe; Johnson, D.; Johnson, M.; Kading; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Louser; Marschall; Martinson; Meier; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Satrom; Schauer; Schmidt; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Vetter; Vigasaa; Weisz; Speaker Koppelman, K.

**ABSENT AND NOT VOTING:** Ruby, M.

Engrossed SB 2179, as amended, failed.

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**SECOND READING OF SENATE BILL**

**SB 2001:** A BILL for an Act to provide an appropriation for defraying the expenses of the legislative branch of state government; to amend and reenact sections 54-03-20 and 54-35-10 of the North Dakota Century Code, relating to legislative compensation; to provide for a report; to provide for application, transfer, and cancellation of unexpended appropriations; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 71 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Brandenburg; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fisher; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Keiser; Kempenich; Klemin; Koppelman, B.; Kreidt; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Paulson; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Stemen; Strinden; Thomas; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Becker; Bellew; Buffalo; Christensen; Ertelt; Fegley; Hauck; Hoverson; Kading; Kiefert; Lefor; Magrum; Owens; Paur; Ruby, D.; Schatz; Skroch; Steiner; Toman; Trottier; Tveit; Vetter

**ABSENT AND NOT VOTING:** Guggisberg

Engrossed SB 2001, as amended, passed and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2002:** A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; to amend and reenact sections 14-08.1-08, 14-09-08.1, 14-09-08.2,

14-09-09.29, 14-09-26, 27-02-02, and 27-05-03 and subsection 2 of section 50-09-02.1 of the North Dakota Century Code, relating to clerk of court responsibilities regarding child support, salaries of justices of the supreme court, and salaries of district court judges; to provide for a report; to provide a statement of legislative intent; and to provide an exemption.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; 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, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Stemen; Strinden; Thomas; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Becker; Buffalo; Christensen; Ertelt; Hoverson; Magrum; Ruby, D.; Steiner; Toman; Trottier

Engrossed SB 2002, as amended, passed.

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#### SECOND READING OF SENATE BILL

**SB 2008:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of financial institutions.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; 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; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Christensen; Ertelt; Magrum

**ABSENT AND NOT VOTING:** Guggisberg

Engrossed SB 2008, as amended, passed.

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#### SECOND READING OF SENATE BILL

**SB 2005:** A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission; 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, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 2

NAYS, 0 EXCUSED, 0 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; Hauck; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; 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; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Magrum; Schatz

Engrossed SB 2005, as amended, passed and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2010:** A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 69 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Ista; Johnson, D.; Johnson, M.; Jones; Karls; Keiser; Kempenich; Klemin; Koppelman, B.; Kreidt; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Paur; Pollert; Porter; Richter; Roers Jones; Rohr; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Vetter; Vigasaa; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Becker; Bellew; Christensen; Delzer; Ertelt; Hoverson; Howe; Kading; Kasper; Kiefert; Lefor; Magrum; Nehring; Owens; Paulson; Pyle; Ruby, D.; Ruby, M.; Schatz; Skroch; Thomas; Toman; Trottier; Tveit; Weisz

Engrossed SB 2010, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2022:** A BILL for an Act to provide an appropriation for defraying the expenses of the commission on legal counsel for indigents.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; 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; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen;

Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Bellew; Ertelt; Hoverson; Magrum; Nelson, M.

Engrossed SB 2022, as amended, passed.

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

**SB 2023:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota racing commission; to provide for a legislative management study; and to provide for a report.

### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 64 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Dobervich; Dockter; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kasper; Keiser; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Pollert; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Strinden; Thomas; Vigasaa; Weisz; Westlind; Zubke

**NAYS:** Adams; Anderson, D.; Becker; Bellew; Christensen; Delzer; Devlin; Ertelt; Fegley; Hauck; Hoverson; Kading; Karls; Koppelman, B.; Magrum; Marschall; Owens; Paulson; Paur; Porter; Ruby, D.; Schatz; Skroch; Steiner; Stemen; Toman; Trottier; Tveit; Vetter; Speaker Koppelman, K.

Engrossed SB 2023, as amended, passed.

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

**MR. PRESIDENT:** The House has passed, unchanged: SB 2054, SB 2259.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2002, SB 2008, SB 2010, SB 2013, SB 2022, SB 2023, SB 2159, SB 2161, SB 2311.

### **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 2001, SB 2005, SB 2093.

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

**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2179.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1195, HB 1309, HB 1435, HB 1470, HB 1503.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HCR 3014, HCR 3029, HCR 3046.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1006, HB 1024, HB 1027, HB 1135, HB 1151, HB 1337, HB 1471, HB 1493.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1006**

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

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

Page 1, line 5, remove "and"

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

Page 1, replace lines 16 through 23 with:

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

Page 2, after line 12, insert:

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

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

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

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

Page 2, after line 18, insert:

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

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



from farming activities which is sixty-six percent or more of annual gross income, including gross income of a spouse if married, during any of the two preceding calendar years. For purposes of this paragraph, "farmer" includes a:

- (a) "Beginning farmer", which means an individual who has begun occupancy and operation of a farm within the two preceding calendar years; who normally devotes the major portion of time to the activities of producing products of the soil, poultry, livestock, or dairy farming in such products' unmanufactured state; and who does not have a history of farm income from farm operation for each of the two preceding calendar years.
  - (b) "Retired farmer", which means an individual who is retired because of illness or age and who at the time of retirement owned and occupied as a farmer the residence in which the person lives and for which the exemption is claimed.
  - (c) "Surviving spouse of a farmer", which means the surviving spouse of an individual who is deceased, who at the time of death owned and occupied as a farmer the residence in which the surviving spouse lives and for which the exemption is claimed. The exemption under this subparagraph expires at the end of the fifth taxable year after the taxable year of death of an individual who at the time of death was an active farmer. The exemption under this subparagraph applies for as long as the residence is continuously occupied by the surviving spouse of an individual who at the time of death was a retired farmer.
- (3) "Gross income" means gross income as defined under the federal Internal Revenue Code and does not include a gain from the sale or exchange of farm machinery as computed for federal income tax purposes. For purposes of this paragraph, "farm machinery" means all vehicular implements and attachment units designed and sold for direct use in planting, cultivating, or harvesting farm products or used in connection with the production of agricultural produce or products, livestock, or poultry on farms which are operated, drawn, or propelled by motor or animal power. "Farm machinery" does not include vehicular implements operated wholly by hand or a motor vehicle that is required to be registered under chapter 57-40.3.
- (4) "Gross income from farming activities" means gross income from farming as defined for purposes of determining if an individual is a farmer eligible to use the special estimated income tax payment rules for farmers under section 6654 of the federal Internal Revenue Code [26 U.S.C. 6654].
- (5) When exemption is claimed under this subdivision for a residence, the occupant of the residence who it is claimed is a farmer shall provide to the assessor for the year or years specified by the assessor a written statement in which it is stated that sixty-six percent or more of the gross income of that occupant, and spouse if married and both spouses occupy the residence, was, or was not, gross income from farming activities. The individual claiming the exemption also shall provide to the assessor, on a form prescribed by the tax commissioner, the necessary income information to demonstrate eligibility. Any income information provided to the

assessor regarding eligibility for an exemption claimed under this subdivision is a confidential record.

- (6) For purposes of this ~~section~~subsection, "livestock" includes "nontraditional livestock" as defined in section 36-01-00.1.
- (7) A farmer operating a bed and breakfast facility in the farm residence occupied by that farmer is entitled to the exemption under this section for that residence if the farmer and the residence would qualify for exemption under this section except for the use of the residence as a bed and breakfast facility.

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

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

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

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

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

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

<sup>1</sup> Funding is adjusted to provide salary adjustments of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

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

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

This amendment also:

- Provides the statutory changes to increase the Tax Commissioner's salary. The Tax Commissioner's annual salary would increase from the current level of \$120,014 to

\$121,814, effective July 1, 2021, and to \$124,250, effective July 1, 2022, to reflect the 1.5 percent and 2 percent salary increase respectively. The House provided for a 1.5 percent annual salary increase.

- Includes the sale or exchange of farm machinery as gross income from farming activities to determine eligibility for a farming-related property tax exemption and provides an effective date for the changes to the property tax exemption.
- Directs the Attorney General to pay litigation-related expenses from the statewide litigation funding pool on behalf of the Tax Commissioner. The House did not include this section.

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1024

Page 1, replace lines 11 and 12 with:

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

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

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

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

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

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

<sup>1</sup> Funding is adjusted to provide salary adjustments of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

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

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1027

Page 2, line 12, after "section" insert "with the exception of the 2021-22 and 2022-23 school years, for which the superintendent of public instruction shall calculate each school district's payment based on the district's miles and ridership data from the 2018-19 school year or the previous school year, whichever is greater"

Page 3, line 20, after "districts" insert ", to and from area career and technology centers."

Page 3, line 21, replace "vocational" with "career"

Page 4, line 7, replace "vocational" with "career"

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1135**

Page 3, line 20, after the comma insert "integrated math II, or integrated math III."

Page 4, line 19, overstrike "which may be governed by rules adopted by the superintendent of"

Page 4, line 20, overstrike line 20 and insert immediately thereafter ". The education pathway must consist of one unit in teaching profession and educational methodology and at least one additional unit in advanced placement or dual-credit psychology, child development, peer-to-peer leadership, or child-related careers;"

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1151**

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

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

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

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

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

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

Page 2, after line 4, insert:

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

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

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

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

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

1. An individual may not be appointed as a dentist member of the board unless that individual:

- a. Is a dentist licensed and registered under this chapter; and
  - b. Is actively engaged in the practice of dentistry and has been so engaged in this state for at least five years immediately preceding the appointment.
2. An individual may not be appointed as the dental hygienist member of the board unless that individual:
  - a. Is a licensed and registered dental hygienist in accordance with chapter 43-20; and
  - b. Is actively engaged in the practice of dental hygiene and has been so engaged in this state for at least five years immediately preceding the dental hygienist's appointment.
3. An individual may not be appointed as the dental assistant member of the board unless that individual:
  - a. Is a registered dental assistant in accordance with chapter 43-20; and
  - b. Is actively practicing as a registered dental assistant and has been so practicing in this state for at least five years immediately preceding the dental assistant's appointment.
4. An individual may not be appointed as the independent consumer member of the board unless that individual:
  - a. Has been a resident of North Dakota for five years immediately preceding appointment;
  - b. Has no personal ~~or~~ family or financial relationship with the dental profession; and
  - c. Is not a dentist, a dental hygienist, a dental assistant, a physician, a nurse, or the spouse of an individual engaged in any of those occupations.
- 4-5. The dental hygienist, dental assistant, and independent consumer member of the board shall exercise full voting privileges in all areas except that the dental hygienist may not participate in the clinical examination of dentists for licensure and the dental assistant and independent consumer member may not participate in the clinical examination of dentists or hygienists for licensure."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Page 2, line 24, remove "meets this"

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

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

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

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

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

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

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

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

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

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

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

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

Page 3, remove lines 4 and 5

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

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

Page 3, remove line 10

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

Page 3, replace lines 12 through 23 with:

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

**Prohibition - Waivers.**

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

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

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1337**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15.1-12-07, 15.1-12-26, and 15.1-12-27 of the North Dakota Century Code, relating to the transfer of property of dissolved school districts.

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

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

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

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

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

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

1. A county committee shall initiate proceedings to dissolve a school district and attach the property to other operating high school districts in the same county, or to a non-high school district in the same county if there are no high school districts in the same county adjacent to the district being dissolved, when it is notified in writing by the county superintendent of schools whose jurisdiction includes the administrative headquarters of the district that:
  - a. The district is financially unable to effectively and efficiently educate its students;

- b. The district has not operated a school as required by section 15.1-12-24; or
  - c. A school board has determined that dissolution is in the best interest of its students.
2. Except as provided in subsection 3, a county committee shall initiate proceedings under section 15.1-12-27 to attach real property to an operating high school district in the same county, or to a non-high school district in the same county if there is no high school district in the same county adjacent to the district being dissolved, when it is notified in writing by the county superintendent that:
  - a. Real property has been severed from its school district by the expansion of a city and the severed portion is not contiguous with its district; or
  - b. There exists real property that does not belong to a school district.
3. If a school district reorganization plan which does not include all real property in a district is approved by the electors, the county committee shall, within forty-five days after the election, hold a hearing under section 15.1-12-27 to attach the remaining property to one or more operating high school districts in the same county, or to non-high school districts in the same county if there are no high school districts in the same county adjacent to the district being dissolved.
4. Subject to state board approval under section 15.1-12-27, a county committee that has initiated proceedings to dissolve a school district under this section may sell, exchange, or donate property or assets of the dissolving district to another political subdivision for less than fair market value provided the dissolving district has sufficient property and assets remaining to satisfy the requirements of sections 15.1-12-28 and 15.1-12-28.1.
5. Receipt of notice by a county committee under this section:
  - a. Renders an annexation petition involving any real property in the district void, unless the annexation has already been approved by the state board; and
  - b. Prohibits the acceptance of a new annexation petition involving any real property in the district until all dissolution proceedings have been completed.
- 5-6. One or more annexation petitions may not be used to annex all of the real property in a school district to surrounding school districts.

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

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

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



dissolved, at least fourteen days before the date of the hearing. The county superintendent shall provide notice of the public hearing to the business manager of each high school district adjacent to the dissolving district, or to non-high school districts in the same county if there are no high school districts in the same county adjacent to the district being dissolved.

2. At the hearing, the board of the dissolving district may propose a particular manner of dissolution, including the sale, exchange, or donation of property and assets of the dissolving district to another political subdivision for less than fair market value.
3. The county committee shall consider testimony and documentary evidence regarding:
  - a. The value and amount of property held by the dissolving school district;
  - b. The amount of all outstanding bonded and other indebtedness;
  - c. The distribution of property and assets among the school districts to which the dissolved district is attached, or to another political subdivision as proposed by the dissolving district;
  - d. The taxable valuation of the dissolving district and adjacent school districts and the taxable valuation of adjacent school districts under the proposed manner of dissolution;
  - e. The size, geographical features, and boundaries of the dissolving district and of adjacent school districts;
  - f. The number of students enrolled in the dissolving district and in adjacent school districts;
  - g. Each school in the dissolving district and in adjacent school districts, including its name, location, condition, accessibility, and the grade levels it offers;
  - h. The location and condition of roads, highways, and natural barriers in the dissolving district and in adjacent school districts;
  - i. Conditions affecting the welfare of students in the dissolving district and in adjacent school districts;
  - j. The boundaries of other governmental entities;
  - k. The educational needs of communities in the dissolving district and in adjacent school districts;
  - l. Potential savings in school district transportation and administrative services;
  - m. The anticipated future use of the dissolving districts' buildings, sites, and playfields;
  - n. The potential for a reduction in per student valuation disparities between the school districts to which the dissolved district is attached;
  - o. The potential to equalize or increase the educational opportunities for students from the dissolving district and for students in adjacent school districts; and
  - p. All other relevant factors.

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

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1471**

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

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

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

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

Renumber accordingly

#### **SENATE AMENDMENTS TO HOUSE BILL NO. 1493**

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

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

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

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

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

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

Renumber accordingly

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1144, HB 1234, HB 1272, HB 1310.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HCR 3010, HCR 3040.

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1043.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1117, HB 1175, HB 1254, and HB 1298, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1117:** Reps. Roers Jones; Karls; Buffalo

**HB 1175:** Reps. Nehring; Lefor; Stemen

**HB 1254:** Reps. Rohr; Fegley; Schneider

**HB 1298:** Reps. Skroch; Rohr; Schneider

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2041, SB 2048, SB 2074, SB 2077, SB 2117, SB 2137, SB 2168, SB 2202, SB 2208, SB 2217, SB 2244, and SB 2338, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2041:** Sens. Weber; Meyer; Kannianen

**SB 2048:** Sens. Klein; D. Larsen; Marcellais

**SB 2074:** Sens. Vedaa; Klein; Marcellais

**SB 2077:** Sens. Kreun; Vedaa; Burckhard

**SB 2117:** Sens. Wobbema; Elkin; Marcellais

**SB 2137:** Sens. Meyer; Bell; Piepkorn

**SB 2168:** Sens. Larson; Dwyer; Bakke

**SB 2202:** Sens. J. Roers; Meyer; Piepkorn

**SB 2208:** Sens. Luick; Myrdal; O. Larsen

**SB 2217:** Sens. Patten; Kannianen; Bell

**SB 2244:** Sens. Kreun; Burckhard; D. Larsen

**SB 2338:** Sens. Vedaa; Kreun; Marcellais

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1093, HB 1107, HB 1112, HB 1130, HB 1137, HB 1168, HB 1185, HB 1187, HB 1393, HB 1436, HB 1459, HB 1480.

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

**MR. SPEAKER:** The President has signed: HB 1093, HB 1107, HB 1112, HB 1130, HB 1137, HB 1168, HB 1185, HB 1187, HB 1393, HB 1436, HB 1459, HB 1480.

**MOTION**

**REP. LOUSER MOVED** that the absent members 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., Tuesday, April 6, 2021, which motion prevailed on a voice vote.

**REPORT OF STANDING COMMITTEE**

**SB 2016, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2016 was placed on the Sixth order on the calendar.

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; and to declare an emergency"

Page 1, replace lines 11 through 20 with:

"Salaries and wages	\$30,572,221	\$870,859	\$31,443,080
Operating expenses	17,840,895	(4,246,498)	13,594,397
Capital assets	20,000	0	20,000
Grants	6,166,112	2,114,939	8,281,051
Reed Act - unemployment insurance	10,475,114	470,012	10,945,126
computer modernization			
Total all funds	\$65,074,342	(\$790,688)	\$64,283,654
Less estimated income	64,643,718	(770,293)	63,873,425
Total general fund	\$430,624	(\$20,395)	\$410,229
Full-time equivalent positions	172.61	0	172.61"

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. 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 - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$30,572,221	\$28,961,152	\$2,481,928	\$31,443,080
Operating expenses	17,840,895	17,175,297	(3,580,900)	13,594,397
Capital assets	20,000	20,000		20,000
Grants	6,166,112	8,281,051		8,281,051
Reed Act - Computer modernization	10,475,114	10,945,126		10,945,126
Total all funds	\$65,074,342	\$65,382,626	(\$1,098,972)	\$64,283,654
Less estimated income	64,643,718	64,972,321	(1,098,896)	63,873,425
General fund	\$430,624	\$410,305	(\$76)	\$410,229
FTE	172.61	156.61	16.00	172.61

## Department 380 - Job Service North Dakota - Detail of House Changes

	Adjusts Funding for Salary and Benefit Increases <sup>1</sup>	Restores IT FTE Positions <sup>2</sup>	Total House Changes
Salaries and wages	\$113,153	\$2,368,775	\$2,481,928
Operating expenses		(3,580,900)	(3,580,900)
Capital assets			
Grants			
Reed Act - Computer modernization			
Total all funds	\$113,153	(\$1,212,125)	(\$1,098,972)
Less estimated income	113,229	(1,212,125)	(1,098,896)
General fund	(\$76)	\$0	(\$76)
FTE	0.00	16.00	16.00

<sup>1</sup> Salaries and wages funding is adjusted for 2021-23 biennium salary adjustments of 1.5 percent on July 1, 2021 with a minimum monthly increase of \$100 and 2 percent on July 1, 2022. The 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> Federal funding for the information technology unification initiative is adjusted to remove the transfer of 16 FTE information technology positions from Job Service North Dakota to the Information Technology Department (ITD), of which 5 FTE positions are unfunded. The Senate approved the transfer of 16 FTE information technology positions to ITD for information technology unification. The House amendments provide the 16 FTE positions will not be transferred to ITD.

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.

## REPORT OF STANDING COMMITTEE

**SB 2030, as reengrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2030 was placed on the Sixth order on the calendar.

Page 1, line 5, remove the first "and"

Page 1, line 6, remove ", subdivision a of subsection 1 of section"

Page 1, remove line 7

Page 1, line 8, replace "of section 15-10-49" with "and section 15-18.2-05"

Page 1, line 9, after "academics" insert "and state aid for institutions of higher education; to repeal subdivision d of subsection 1 of section 15-10-48 of the North Dakota Century Code, relating to the eligibility of the university of North Dakota school of medicine and health sciences to receive a matching grant for the advancement of academics; and to provide a penalty"

Page 1, line 12, replace "\$21,500,000" with "\$11,150,000"

Page 1, line 22, after "participating" insert "in"

Page 2, line 2, after the underscored period insert "This paragraph does not apply to agreements entered into with medical hospitals and clinics by the university of North Dakota school of medicine and health sciences or by any nursing education program at an institution under the control of the state board of higher education."

Page 2, line 5, remove the overstrike over "~~one million seven~~"

Page 2, line 5, remove "three million five"

Page 2, line 6, overstrike "to"

Page 2, line 6, overstrike "institution" and insert immediately thereafter "to the university of North Dakota and North Dakota state university; and up to one million five hundred thousand dollars in matching grants for projects at the university of North Dakota school of medicine and health sciences"

Page 2, remove lines 7 through 19

Page 2, line 25, after "participating" insert "in"

Page 2, line 29, after the underscored period insert "This paragraph does not apply to agreements entered into with medical hospitals and clinics by the university of North Dakota school of medicine and health sciences or by any nursing education program at an institution under the control of the state board of higher education."

Page 2, remove lines 30 and 31

Page 3, replace lines 1 through 15 with:

**"SECTION 5. AMENDMENT.** Section 15-18.2-05 of the North Dakota Century Code is amended and reenacted as follows:

**15-18.2-05. Base funding - Determination of state aid - Penalty.**

1. Except as provided under ~~subsections~~subsections 2 and 3, in order to determine the state aid payment to which each institution under its control is entitled, the state board of higher education shall multiply the product determined under section 15-18.2-04 by a base amount of:
  - a. \$60.87 in the case of North Dakota state university and the university of North Dakota;
  - b. \$90.98 in the case of Dickinson state university, Mayville state university, Minot state university, and Valley City state university; and
  - c. \$97.06 in the case of Bismarck state college, Dakota college at Bottineau, Lake Region state college, North Dakota state college of science, and Williston state college.
2. An institution is entitled to an amount equal to seventy-five percent of the product determined under subsection 1 for credits completed by students receiving a tuition waiver pursuant to section 54-12-35.
3. An institution must certify to the state board of higher education that the institution is not sponsoring, partnering with, applying for grants with, or

providing a grant subaward to any person or organization that performs or promotes the performance of an abortion unless the abortion is necessary to prevent the death of the woman, and not participating in or sponsoring any program producing, distributing, publishing, disseminating, endorsing, or approving materials of any type or from any organization which, between normal childbirth and abortion, do not give preference, encouragement, and support to normal childbirth. If an institution violates this subsection, the state board of higher education shall reduce the product determined in subsection 1 for that institution by two million eight hundred thousand dollars. This subsection does not apply to agreements entered into with medical hospitals and clinics by the university of North Dakota school of medicine and health sciences or by any nursing education program at an institution under the control of the state board of higher education.

4. Any individual who signs a contract in violation of subsection 3 is guilty of a class B misdemeanor. The state's attorney shall prosecute an offense under this subsection.

**SECTION 6. REPEAL.** Subdivision d of subsection 1 of section 15-10-48 of the North Dakota Century Code is repealed."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment reduces funding for the higher education challenge grant program from \$21,500,000 to \$11,150,000 from the general fund, removes program eligibility for the University of Jamestown and the University of Mary, and provides for the University of North Dakota School of Medicine and Health Sciences to be eligible to receive up to \$1,500,000 through the program. This amendment also provides for a funding reduction of \$2.8 million for any institution that provides a federal grant subaward to or partners with an organization that performs or promotes the performance of an abortion, excluding agreements entered into by either the University of North Dakota School of Medicine and Health Sciences or any nursing education program with a medical hospital or clinic. The amendment also adds a penalty provision.

**REPORT OF STANDING COMMITTEE**

**SB 2065, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2065 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "section 15-05-09.1 and"

Page 1, line 2, remove "the authority of the board of university and school lands to lease lands"

Page 1, line 3, remove "under its control for the underground storage of oil or gas and"

Page 1, line 5, after "gas" insert "; and to amend and reenact sections 15-05-09 and 15-05-10 of the North Dakota Century Code, relating to oil and gas leases and royalties from oil leases"

Page 1, replace lines 7 through 13 with:

**"SECTION 1. AMENDMENT.** Section 15-05-09 of the North Dakota Century Code is amended and reenacted as follows:

**15-05-09. Leases for oil, gas, and other products.**

The board of university and school lands may lease any lands under its control believed to contain oil, gas, coal, cement materials, sodium sulfate, sand and gravel, road material, building stone, chemical substances, metallic ores, or colloidal or other clays, or other naturally occurring elements and their compounds, and may

make and establish rules and regulations for development and, drilling, and mining operations.

**SECTION 2. AMENDMENT.** Section 15-05-10 of the North Dakota Century Code is amended and reenacted as follows:

**15-05-10. Royalties from oil and gas leases - Rents from other leases - Rules.**

Oil and gas leases must be made by the board of university and school lands at such annual minimum payments as are determined by the board, but the royalty shall be not less than twelve and one-half percent of the gross output of oil from the lands leased. Oil and gas leases made by the board may authorize a royalty of less than twelve and one-half percent for production from stripper well properties or individual stripper wells and qualifying secondary recovery and qualifying tertiary recovery projects as defined in section 57-51.1-01. ~~Leases for gas, coal, cement materials, sodium sulfate, sand and gravel, road material, building stone, chemical substances, metallic ores, or colloidal or other clays issued by the board under section 15-05-09 for products other than oil and gas must be made by the board in such annual payments provide for adequate rental payments and other provisions as~~ are determined by the board. The board may adopt rules regarding annual rental payments and royalties under this section."

Page 1, line 17, replace "section" with "chapter"

Page 2, line 6, after "7." insert "\"Prevent waste\" means the locating, spacing, drilling, equipping, operating, or producing of any oil or gas storage well or facility in a manner that increases the quantity of oil or gas stored, or which decreases unnecessary loss or destruction of oil or gas.

8."

Page 2, line 10, replace "8." with "9."

Page 2, line 13, replace "9." with "10."

Page 2, line 16, replace "10." with "11."

Page 2, line 20, replace "11." with "12."

Page 2, after line 20, insert:

"13. \"Waste\" means the inefficient storing of oil or gas."

Page 2, line 23, after "chapter" insert "when necessary to prevent waste, to protect correlative rights of the mineral and surface estate, or to effect greater ultimate storage and recovery of oil and gas"

Page 3, line 9, replace "for good cause" with "if required to comply with applicable federal law"

Page 3, line 19, replace "Notice" with "Written notice"

Page 3, line 19, replace "given" with "mailed"

Page 3, line 19, after "owner" insert "of record"

Page 3, line 21, after the underscored period insert "The notice of hearing must be mailed to an owner's last known address."

Page 3, line 23, replace "given" with "mailed"

Page 3, line 24, after the first "owner" insert "of record"

Page 3, line 24, after the second "owner" insert "of record"



Page 3, line 27, replace "given" with "mailed"

Page 3, line 27, after "owner" insert "of record"

Page 3, line 28, after "owner" insert "of record"

Page 4, line 2, replace "given" with "mailed"

Page 4, line 2, after "owner" insert "of record"

Page 4, line 19, after "space" insert "unless the percentage required to unitize the oil and gas unit is otherwise provided for by order of the commission before August 1, 2021, in which case the percentage in the order required to pool the mineral interests prevails as to the percentage of pore space owners from whom the storage operator must obtain consent"

Page 4, line 21, after "leases" insert "unless the percentage required to unitize the oil and gas unit is otherwise provided for by order of the commission before August 1, 2021, in which case the percentage in the order prevails"

Page 5, line 13, after "16." insert "The method of underground storage is reasonably necessary to effectively carry on the joint effort, will prevent waste, protect correlative rights of the mineral and surface estate, and, with reasonable probability, will result in the increased storage and recovery of more oil and gas.

17. The time, conditions, and method by which the storage facility must be dissolved and the facility's affairs wound up. A storage facility may be dissolved ten years after the storage facility permit is issued upon a petition to the commission by the pore space owners and mineral owners that are credited with at least the percentage of interest of the pore space required to ratify the storage facility amalgamation agreement, and a subsequent hearing and order by the commission.

18."

Page 5, line 25, replace "fifty-five" with "sixty"

Page 6, line 13, after "13." insert "The method of underground storage is reasonably necessary to effectively carry on the joint effort, will prevent waste, protect correlative rights of the mineral and surface estate, and, with reasonable probability, will result in the increased storage and recovery of more oil and gas.

14. The time, conditions, and method by which the storage facility must be dissolved and the facility's affairs wound up. A storage facility may be dissolved ten years after the storage facility permit is issued upon a petition to the commission by the pore space owners and mineral owners that are credited with at least the percentage of interest of the pore space required to ratify the storage facility amalgamation agreement, and a subsequent hearing and order by the commission.

15."

Page 6, line 27, replace "fifty-five" with "sixty"

Page 7, line 13, after "14." insert "The method of underground storage is reasonably necessary to effectively carry on the joint effort, will prevent waste, protect correlative rights of the mineral and surface estate, and, with reasonable probability, will result in the increased storage and recovery of more oil and gas.

15. The time, conditions, and method by which the storage facility must be dissolved and the facility's affairs wound up. A storage facility may be dissolved ten years after the storage facility permit is issued upon a petition to the commission by the pore space owners and mineral owners that are credited with at least the percentage of interest of the pore space

required to ratify the storage facility amalgamation agreement, and a subsequent hearing and order by the commission.

16."

Page 7, line 18, after "storage" insert "if the minimum percentage of consent is obtained as specified in this chapter. Any pore space owner who does not have responsibility over the construction, management, supervision, or control of the storage facility operations is not liable for money damages for personal or other property damages proximately caused by the operations"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2145, as engrossed: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2145 was placed on the Sixth order on the calendar.

Page 1, line 14, remove "assisted"

Page 1, line 15, remove "living facility."

Page 1, line 24, after "establish" insert "basic"

Page 2, line 3, after the underscored period insert "If a declaration of disaster or emergency results in restricted access to a long-term care facility, the department shall update the protocols within thirty days of the restricted access."

Page 2, line 11, after the underscored semicolon insert "and"

Page 2, line 13, remove "; and"

Page 2, remove lines 14 and 15

Page 2, line 16, remove "residents of the long-term care facility and essential caregivers"

Page 2, line 19, remove "of the long-term care facility if the requirements and cost are not so burdensome or"

Page 2, remove line 20

Page 2, line 21, remove "physical, spiritual, or emotional support to a resident of the long-term care facility"

Page 2, line 21, after the underscored period insert "The facility may require an essential caregiver to provide personal protective equipment for the essential caregiver and undergo any related training or assume the cost of the personal protective equipment and any related training provided by the facility to allow the essential caregiver to provide in-person physical, spiritual, or emotional support to a resident of the long-term care facility."

Page 2, after line 26, insert:

#### **"50-10.3-06. Liability.**

A facility, facility employee, or facility contractor that, in good faith, implements or complies with this chapter may not be held civilly liable for damages, including punitive damages, for any act or omission related to the implementation of this chapter. This section does not apply to any act or omission that constitutes gross negligence or willful or wanton misconduct."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2170, as engrossed: Industry, Business and Labor Committee (Rep. Lefor, Chairman)** recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2170 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2209, as engrossed: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2209 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2212, as engrossed: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2212 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 2, after "pricing" insert "; and the role pharmacy benefit managers play in drug pricing"

Page 1, line 5, replace "consider studying" with "study"

Page 1, line 6, remove "and"

Page 1, line 6, after "pricing" insert ", and the role pharmacy benefit managers play in drug pricing"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2213, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 5 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2213 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "nine" with "eight"

Page 1, line 22, replace "nine" with "eight"

Page 2, line 2, replace "nine" with "eight"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment provides for an increase in the taxable valuation of a homestead against which the disabled veterans tax credit may be applied from \$6,750 to \$8,000. The Senate provided for the taxable valuation to be increased from \$6,750 to \$9,000.

**REPORT OF STANDING COMMITTEE**

**SB 2256, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2256 was placed on the Sixth order on the calendar.

Page 1, line 1, after "developmental" insert "disability"

Page 1, line 2, remove "; and to provide an appropriation"

Page 1, line 13, after "sources" insert "including the federal Medicaid 1915(i) waiver"

Page 1, remove lines 22 through 24

Page 2, remove lines 1 and 2

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2269, as engrossed and amended: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (19 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2269, as amended, was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2271, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2271 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide a statement of legislative intent regarding presidential elections; and to provide a directive.

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

**SECTION 1. LEGISLATIVE INTENT - OPPOSITION TO NATIONAL POPULAR VOTE INTERSTATE COMPACT - APPEAL TO CONGRESS.** It is the intent of the sixty-seventh legislative assembly to oppose the national popular vote interstate compact, which would circumvent the electoral process set forth in the United States Constitution. If the compact becomes effective, the compact will require each signatory state to award the state's electoral college votes to the presidential candidate who received the most popular votes in all fifty states and the District of Columbia. Fifteen states and the District of Columbia have adopted the compact. However, the current system for awarding electoral college votes to the winners of state elections fulfills the requirements for appointing electoral college electors under Article II of the United States Constitution and ensures states have proportionate representation in presidential elections. The sixty-seventh legislative assembly urges Congress not to consent to the interstate compact and to oppose any efforts to seek a national popular election of a president other than through an amendment to the Constitution.

**SECTION 2. DIRECTIVE TO SECRETARY OF STATE.** The secretary of state shall forward a copy of the enrolled version of this bill to the president of the United States Senate, the speaker of the United States House of Representatives, and each member of the North Dakota congressional delegation."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2275: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO NOT PASS** (20 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2275 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2282, as engrossed: 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). Engrossed SB 2282 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study regarding the memberships of the board of university and school lands and the industrial commission.

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - MEMBERSHIPS OF BOARD OF UNIVERSITY AND SCHOOL LANDS AND INDUSTRIAL COMMISSION.** During the 2021-22 interim, the legislative management shall study the membership of the board of university and school lands and the membership of the industrial commission. The study must include consideration of potential conflicts

of interest relating to the memberships, possible changes to the composition of the memberships of the board of university and school lands and the industrial commission, and possible changes to article IX of the Constitution of North Dakota. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2289, as amended: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (15 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). SB 2289, as amended, was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2313, as amended: 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). SB 2313, as amended, was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact three new sections to chapter 49-05 of the North Dakota Century Code, relating to resource planning, planning reserve margin, and reliable service obligation; to"

Page 1, line 3, remove "repeal chapter 17-01 of the North Dakota Century"

Page 1, line 4, replace "Code, relating to the 25x25 initiative" with "provide a penalty"

Page 3, replace line 18 with:

**"SECTION 3.** A new section to chapter 49-05 of the North Dakota Century Code is created and enacted as follows:

#### **Resource planning.**

1. An integrated resource plan must include:
  - a. The electric public utility's forecast of demand for electric generation supply over the planning period with recommended plans for meeting the forecasted demand plus an additional planning reserve margin for ensuring adequate and sufficient reliability of service; and
  - b. Any additional information the commission requests related to how an electric public utility intends to provide sufficient electric generation service for use by retail customers within the state over the planning period.
2. An electric public utility shall include a least cost plan for providing adequate and reliable service to retail customers which is consistent with the provisions of this title and the rules and orders adopted and issued by the commission.
3. The commission may consider the qualitative benefits and provide value to a base-load generation and load-following generation resource and its proximity to load.
4. The commission may contract or consult with an expert to evaluate qualitative benefits of resources and to review reliability planning. The commission may require an electric public utility to pay a fee necessary for completion of an evaluation in an amount not to exceed two hundred fifty thousand dollars.
  - a. If additional funds are necessary for completion of the evaluation, upon approval of the emergency commission, the electric public

utility shall pay the additional fees reasonably necessary for the completion.

- b. If the evaluation applies to more than one electric public utility, the commission may assess each electric public utility the proportionate share of the fee.
- 5. An electric public utility shall report annually to the commission on cybersecurity preparedness, including an assessment of emerging threats and efforts taken by the electric public utility to implement cybersecurity measures. The commission may limit access to records and portions of a meeting relating to cybersecurity preparedness.

**SECTION 4.** A new section to chapter 49-05 of the North Dakota Century Code is created and enacted as follows:

**Planning reserve margin - Penalty.**

The commission may require action, assess a disallowance or fine, or provide a penalty in accordance with chapter 49-07 if an electric public utility fails to meet the minimum capacity requirement and reserve margin. Unless otherwise set by the commission, the minimum capacity requirement and planning reserve margin is as set by the regional transmission organization to which the electric public utility belongs.

**SECTION 5.** A new section to chapter 49-05 of the North Dakota Century Code is created and enacted as follows:

**Reliable service obligation.**

An electric public utility is responsible for ensuring reliable service. If an electric public utility fails to meet its obligation to provide reliable service to customers within the state, the commission may require action, assess disallowances or fines, or provide a penalty. The commission shall adopt rules and establish guidelines for assessment of penalties, fines, or disallowances which must take into consideration the nature, circumstances, and gravity of the violation, degree of culpability, history of prior outages, and good-faith attempts to ensure reliability."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4007, as engrossed: 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). Engrossed SCR 4007 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A concurrent resolution" replace the remainder of the resolution with "directing the Legislative Management to consider studying the memberships of the Board of University and School Lands and the Industrial Commission.

**WHEREAS**, the membership of the Board of University and School Lands overlaps partially with the membership of the Industrial Commission; and

**WHEREAS**, potential conflicts of interest may arise for members of the board and commission; and

**WHEREAS**, the membership of the Board of University and School Lands and the membership of the Industrial Commission have not been studied or addressed for many years;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Management consider studying the membership of the Board of University and School Lands and the membership of the Industrial Commission as the memberships relate to any potential conflicts of interest; and

**BE IT FURTHER RESOLVED**, that the study include consideration of possible changes to the composition of the membership of the Board of University and School Lands and membership of the Industrial Commission relating to potential conflicts of interest, and include consideration of possible changes to Article IX of the Constitution of North Dakota; and

**BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-eighth Legislative Assembly."

Renumber accordingly

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

**Buell J. Reich, Chief Clerk**

