

JOURNAL OF THE HOUSE

Sixty-seventh Legislative Assembly

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Bismarck, April 14, 2021

The House convened at 8:00 a.m., with Speaker K. Koppelman presiding.

The prayer was offered by Marcia Princivalli, Page and Legislative Assistant.

The roll was called and all members were present.

A quorum was declared by the Speaker.

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 Sixtieth, Sixty-third, and Sixty-fourth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1477, line 36, replace "Engrossed SB 2041" with "SB 2041"

Page 1477, line 40, remove "Engrossed"

Page 1618, after line 46, insert:

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

MR. SPEAKER: The President has signed SCR 4011."

Page 1622, line 33, replace "Hanson, Christensen" with "Christensen, Hanson"

Page 1627, line 19, replace "Steiner" with "Stemen"

Page 1633, after line 20, insert:

"VETO MEASURE"

REP. BELLEW MOVED that the report be adopted, which motion prevailed.

ANNOUNCEMENT

SPEAKER K. KOPPELMAN ANNOUNCED that Rep. Weisz replace Rep. Porter on the Conference Committee on HB 1493.

ANNOUNCEMENT

SPEAKER K. KOPPELMAN ANNOUNCED that the division of the proposed amendments to Engrossed SB 2003 yesterday was not in order due to omitted language and is therefore a nullity. At this time, the House has before it the complete proposed amendments to Engrossed SB 2003 as found in the document numbered 21.0285.02005.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. LOUSER MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2016, Engrossed SB 2304, Engrossed SB 2311, Engrossed SB 2332, and Engrossed SCR 4014, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2016: Reps. Schmidt, Sanford, Boe

Engrossed SB 2304: Reps. Longmuir, Richter, Marschall

Engrossed SB 2311: Reps. Schreiber-Beck, Zubke, Heinert

Engrossed SB 2332: Reps. Owens, Richter, Guggisberg

Engrossed SCR 4014: Reps. Ertelt, B. Koppelman, Fisher

CONSIDERATION OF MESSAGES FROM THE SENATE

REP. LOUSER MOVED that the House do not concur in the Senate amendments to Engrossed HB 1013 as printed on HJ pages 1608-1616, in the Senate amendments to Reengrossed HB 1388 as printed on HJ pages 1599-1605, and in the Senate amendments to Engrossed HB 1453 as printed on HJ page 1605 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 1013: Reps. Monson, Sanford, Boe.

Reengrossed HB 1388: Reps. Monson, Sanford, Owens.

Engrossed HB 1453: Reps. Bellew, Mock, Howe.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WESTLIND MOVED that the conference committee report on Engrossed HB 1163 as printed on HJ page 1670 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1163, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1163: A BILL for an Act to amend and reenact section 23-01-44 of the North Dakota Century Code, relating to the needle exchange program.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 55 YEAS, 38 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Boschee; Brandenburg; Buffalo; Devlin; Dobervich; Dockter; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Keiser; Kempenich; Klemin; Kreidt; Longmuir; Martinson; Mitskog; Mock; Nathe; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Pollert; Pyle; Richter; Roers Jones; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Stemen; Strinden; Thomas; Vigasaa; Weisz; Westlind; Zubke

NAYS: Becker; Bellew; Bosch; Christensen; Cory; Damschen; Delzer; Ertelt; Fegley; Fisher; Hauck; Hoverson; Kading; Karls; Kasper; Koppelman, B.; Lefor; Louser; Magrum; Marschall; Meier; Monson; Nehring; Owens; Paulson; Paur; Porter; Rohr; Ruby, D.; Ruby, M.; Schatz; Skroch; Steiner; Toman; Trottier; Tveit; Vetter; Speaker Koppelman, K.

ABSENT AND NOT VOTING: Kiefert

Reengrossed HB 1163 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DEVLIN MOVED that the conference committee report on Engrossed HB 1103 as printed on HJ page 1670 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DOCKTER MOVED that the House do concur in the Senate amendments to Engrossed HB 1206 as printed on HJ page 1281, which motion prevailed on a voice vote.

Engrossed HB 1206, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1206: A BILL for an Act to amend and reenact sections 57-40.6-01, 57-40.6-05, and 57-40.6-06, subsection 3 of section 57-40.6-07, subsections 3 and 4 of section 57-40.6-10, sections 57-40.6-12 and 57-40.6-13, and subdivision c of subsection 8 of section 57-40.6-14 of the North Dakota Century Code, relating to emergency services communication systems.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 1 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; 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; 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: Ertelt

ABSENT AND NOT VOTING: Kiefert

Reengrossed HB 1206 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KLEMIN MOVED that the House do concur in the Senate amendments to Engrossed HB 1207 as printed on HJ pages 1359-1360, which motion prevailed on a voice vote.

Engrossed HB 1207, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1207: A BILL for an Act to create and enact chapter 32-46.2 of the North Dakota Century Code, relating to civil actions involving asbestos; to amend and reenact subsection 2 of section 28-01.3-04 of the North Dakota Century Code, relating to liability of nonmanufacturing sellers; and to provide for application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 78 YEAS, 15 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; Hauck; Headland; Heinert; Hoverson; Howe; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Monson; Nathe; Nehring; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; 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, J.; Nelson, M.; Roers Jones; Schneider

ABSENT AND NOT VOTING: Kiefert

Reengrossed HB 1207 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KLEMIN MOVED that the House do concur in the Senate amendments to Reengrossed HB 1410 as printed on HJ page 1388, which motion prevailed on a voice vote.

Reengrossed HB 1410, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1410: A BILL for an Act to create and enact a new section to chapter 25-01 of the North Dakota Century Code, relating to prohibiting department of human services from substantially burdening the exercise of religion by a patient or resident under the department's care; to amend and reenact sections 12-44.1-14 and 12-47-26, subsection 12 of section 23-01-05, and section 37-17.1-05 of the North Dakota Century Code, relating to prohibiting a correctional facility or facility under the control of the department of corrections and rehabilitation from substantially burdening the exercise of religion by an offender in the facility's custody, the state health officer's authority, and the governor's authority during a declared disaster or emergency; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 83 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Adams; Anderson, P.; Dobervich; Guggisberg; Hanson; Ista; Mock; Nelson, M.; Roers Jones; Schneider

ABSENT AND NOT VOTING: Kiefert

Reengrossed HB 1410 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. HEADLAND MOVED that the House do concur in the Senate amendments to Engrossed HB 1471 as printed on HJ pages 1428-1429, which motion prevailed on a voice vote.

Engrossed HB 1471, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1471: A BILL for an Act to amend and reenact subsection 9 of section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for property of churches; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 78 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Becker; Bellew; Beltz; Bosch; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dockter; Ertelt; Fegley; Fisher; Hagert; Hatlestad; Hauck; Headland; Heinert; Hoverson; Howe; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Kempenich; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Monson; Nathe; Nehring; Nelson, J.; 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; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

NAYS: Adams; Anderson, P.; Boe; Boschee; Dobervich; Guggisberg; Hager; Hanson; Ista; Keiser; Mock; Nelson, M.; O'Brien; Schneider; Trottier

ABSENT AND NOT VOTING: Kiefert

Reengrossed HB 1471 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PORTER MOVED that the House do concur in the Senate amendments to Engrossed HB 1455 as printed on HJ page 1464, which motion prevailed on a voice vote.

Engrossed HB 1455, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1455: A BILL for an Act to amend and reenact section 49-22-04 of the North Dakota Century Code, relating to ten-year plans; and to provide for a legislative management study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 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; 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; 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.

ABSENT AND NOT VOTING: Kiefert

Reengrossed HB 1455 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WEISZ MOVED that the House do concur in the Senate amendments to HB 1151 as printed on HJ pages 1422-1425, which motion prevailed on a voice vote.

HB 1151, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1151: A BILL for an Act to create and enact two new sections to chapter 43-28 of the North Dakota Century Code, relating to telehealth and the practice of dentistry; to amend and reenact sections 43-28-01, 43-28-03, and 43-28-04 of the North Dakota Century Code, relating to the membership of the state board of dental examiners and the definition of telehealth; and to provide for application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 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; 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; 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.

ABSENT AND NOT VOTING: Kiefert

Engrossed HB 1151 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. HEADLAND MOVED that the House do concur in the Senate amendments to Engrossed HB 1099 as printed on HJ page 1462, which motion prevailed on a voice vote.

Engrossed HB 1099, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1099: A BILL for an Act to amend and reenact subsection 3 of section 5-01-01, subsection 3 of section 5-03-09, section 57-01-06, and subsection 5 of section 57-39.2-23 of the North Dakota Century Code, relating to the definition of beer; the authority of the tax commissioner to waive penalties for late or nonfiled alcoholic beverage tax returns; sales, market, and productivity studies for property tax purposes; and disclosure of county lodging taxes and county lodging and restaurant taxes information to a county governing body; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 1 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; 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, 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: Nelson, J.

ABSENT AND NOT VOTING: Kiefert

Reengrossed HB 1099 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KASPER MOVED that the House do concur in the Senate amendments to HB 1135 as printed on HJ page 1422, which motion prevailed on a voice vote.

HB 1135, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1135: A BILL for an Act to amend and reenact sections 15.1-21-02.4 and 15.1-21-02.5 of the North Dakota Century Code, relating to eligibility for the North Dakota career and technical education scholarship and the North Dakota academic scholarship for high school students enrolled in school districts using course proficiency-based grading systems.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 1 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; Hauck; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; 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: Magrum

ABSENT AND NOT VOTING: Kiefert

Engrossed HB 1135 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. OWENS MOVED that the House do concur in the Senate amendments to Engrossed HB 1027 as printed on HJ page 1421, which motion failed on a voice vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DOCKTER MOVED that the House do concur in the Senate amendments to Engrossed HB 1419 as printed on HJ pages 1463-1464, which motion prevailed on a voice vote.

Engrossed HB 1419, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1419: A BILL for an Act to create and enact a new section to chapter 40-22 of the North Dakota Century Code, relating to the authority of a city to levy an infrastructure fee in lieu of special assessments; and to amend and reenact sections 11-09.1-05, 11-11-55.1, 40-05.1-06, and 40-23-21 of the North Dakota Century Code, relating to the authority of cities and counties to levy an infrastructure fee in lieu of special assessments and special assessment fund balances.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 68 YEAS, 24 NAYS, 0 EXCUSED, 2 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; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Jones; Kading; Kasper; Keiser; Kempenich; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Marschall; Meier; Mitskog; Mock; Nathe; Nelson, J.; O'Brien; Ostlie; Owens; Paur; Pollert; Pyle; Richter; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Trottier; Tveit; Vetter; Westlind; Zubke; Speaker Koppelman, K.

NAYS: Becker; Bellew; Christensen; Delzer; Ertelt; Guggisberg; Hager; Hauck; Hoverson; Karls; Magrum; Martinson; Monson; Nehring; Nelson, M.; Paulson; Porter; Rohr; Schatz; Schmidt; Skroch; Toman; Vigasaa; Weisz

ABSENT AND NOT VOTING: Johnson, M.; Kiefert

Reengrossed HB 1419 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KASPER MOVED that the House do concur in the Senate amendments to Engrossed HB 1285 as printed on HJ page 1463, which motion prevailed on a voice vote.

Engrossed HB 1285, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1285: A BILL for an Act to create and enact two new sections to chapter 55-01 of the North Dakota Century Code, relating to a commission for the commemoration of the two hundred fifty years since America's founding; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 74 YEAS, 19 NAYS, 0 EXCUSED, 1 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; Heinert; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Klemin; Koppelman, B.; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Pollert; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Skroch; Stemen; Strinden; Trottier; Tveit; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

NAYS: Becker; Bellew; Christensen; Delzer; Ertelt; Hauck; Headland; Hoverson; Howe; Kreidt; Magrum; Paulson; Paur; Rohr; Schobinger; Steiner; Thomas; Toman; Vetter

ABSENT AND NOT VOTING: Kiefert

Reengrossed HB 1285 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KASPER MOVED that the House do concur in the Senate amendments to Engrossed HB 1031 as printed on HJ page 1073, which motion prevailed on a voice vote.

Engrossed HB 1031, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1031: A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to legislative management studies of state agency fees; to provide for a legislative management study relating to establishing new state agency fees; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 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; 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; 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.

ABSENT AND NOT VOTING: Kiefert

Reengrossed HB 1031 passed and the emergency clause was declared carried.

ANNOUNCEMENT

SPEAKER K. KOPPELMAN ANNOUNCED that the House stand in recess until 1:00 p.m.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker K. Koppelman presiding.

REPORT OF CONFERENCE COMMITTEE

HB 1199, as engrossed: Your conference committee (Sens. Weber, Patten, Piepkorn and Reps. B. Koppelman, Steiner, Ista) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1462-1463, adopt amendments as follows, and place HB 1199 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1462 and 1463 of the House Journal and page 1133 of the Senate Journal and that Engrossed House Bill No. 1199 be amended as follows:

Page 1, line 12, overstrike "original"

Page 1, line 12, overstrike "without" and insert immediately thereafter "with"

Page 1, line 14, after the first underscored comma insert "interest."

Page 1, line 15, overstrike "credited to the"

Page 1, line 16, remove "owner of the record title of the real estate listed in the notice"

Page 1, remove lines 17 through 19

Page 1, line 20, replace "should be paid to a lienholder or other party" with "retained by the county for ninety days following the date of the sale. After the ninety-day retention period, any excess proceeds must be distributed:

- a. To the owner of the record title of the real estate listed in the notice of foreclosure of tax lien if the owner of record submitted an undisputed claim for the excess proceeds within the ninety-day retention period;
- b. To the clerk of the district court in the county in which all or a majority of the property is located if a disputed claim or multiple claims for the excess proceeds were submitted within the ninety-day retention period; or
- c. To the unclaimed property administrator under chapter 47-30.1 if a claim for the excess proceeds was not submitted within the ninety-day retention period"

Page 1, line 23, overstrike "without" and insert immediately thereafter "with"

Page 2, line 2, overstrike "credited to the"

Page 2, line 3, remove "owner of the record title of the real estate listed in the notice of"

Page 2, remove lines 4 through 6

Page 2, line 7, replace "be paid to a lienholder or other party" with "retained by the county for ninety days following the date of the sale. After the ninety-day retention period, any excess proceeds must be distributed in the manner provided in subsection 1"

Renumber accordingly

Engrossed HB 1199 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. B. KOPPELMAN MOVED that the conference committee report on Engrossed HB 1199 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1199, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1199: A BILL for an Act to amend and reenact section 57-28-20 of the North Dakota Century Code, relating to the disposition of proceeds from tax lien foreclosures.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 0 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; 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; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

Reengrossed HB 1199 passed.

REPORT OF CONFERENCE COMMITTEE

HB 1298, as engrossed: Your conference committee (Sens. Dwyer, Myrdal, Bakke and Reps. Skroch, Rohr, Schneider) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1341, adopt amendments as follows, and place HB 1298 on the Seventh order:

That the Senate recede from its amendments as printed on page 1341 of the House Journal and pages 1050 and 1051 of the Senate Journal and that Engrossed House Bill No. 1298 be amended as follows:

Page 1, line 2, after "females" insert "; and to provide for a legislative management study"

Page 1, line 7, remove "The state, a political subdivision of the state, or an entity that receives public funding"

Page 1, line 8, replace "from the state or from a political subdivision of the state" with "A public elementary or secondary school"

Page 1, line 8, remove the underscored colon

Page 1, line 9, replace "a. Allow" with "knowingly allow"

Page 1, line 9, remove "who is under eighteen years of age or"

Page 1, line 10, replace "high" with "a public elementary or secondary"

Page 1, line 10, replace "an" with "a school-sponsored"

Page 1, line 10, remove "sponsored or funded"

Page 1, line 11, replace "by the state, political subdivision, or entity and which" with "that"

Page 1, remove lines 13 through 20

Page 1, after line 24, insert:

"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - STUDENT ATHLETIC EVENTS. During the 2021-22 interim, the legislative management shall consider studying student athletic events that are exclusively for males or exclusively for females and the impact of a policy that prohibits participation in those events by individuals who are of the opposite sex. The 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

Engrossed HB 1298 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. SKROCH MOVED that the conference committee report on Engrossed HB 1298 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1298, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1298: A BILL for an Act to create and enact a new section to chapter 14-02.4 of the North Dakota Century Code, relating to participation in athletic events exclusively for males or females; and to provide for a legislative management study.

ROLL CALL

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

YEAS: Anderson, B.; Anderson, D.; Becker; Bellew; Bosch; Brandenburg; Christensen; Cory; Damschen; Delzer; Devlin; Dockter; Ertelt; Fegley; Fisher; Hauck; Headland; Heinert; Hoverson; Howe; Johnson, D.; Jones; Kading; Karls; Kasper; Kempenich; Kiefert; Klemm; Koppelman, B.; Kreidt; Lefor; Louser; Magrum; Marschall; Martinson; Meier; Monson; Nathe; Nehring; Nelson, J.; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Schauer; Schmidt; Schobinger; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trotter; Tveit; Vetter; Vigasaa; Weisz; Zubke; Speaker Koppelman, K.

NAYS: Adams; Anderson, P.; Beltz; Boe; Boschee; Buffalo; Dobervich; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Ista; Johnson, M.; Keiser; Longmuir; Mitskog; Mock; Nelson, M.; O'Brien; Roers Jones; Sanford; Schneider; Schreiber-Beck; Westlind

Reengrossed HB 1298 passed.

REPORT OF CONFERENCE COMMITTEE

HB 1276, as engrossed: Your conference committee (Sens. Meyer, K. Roers, Wobbema and Reps. Kasper, B. Koppelman, Steiner) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1340-1341 and place HB 1276 on the Seventh order.

Engrossed HB 1276 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. B. KOPPELMAN MOVED that the conference committee report on Engrossed HB 1276 be adopted, which motion prevailed on a verification vote.

SIXTH ORDER OF BUSINESS

SB 2003, as engrossed: REP. SANFORD (Appropriations Committee) MOVED that the amendments on HJ pages 1636-1645 be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

REP. B. KOPPELMAN REQUESTED that the House divide the amendments to Engrossed SB 2003, which request was granted.

DIVISION A:

Page 2, replace lines 16 and 17 with:

"Dakota digital academy	0	200,000	200,000
Education challenge fund	0	11,150,000	11,150,000"

Page 7, replace lines 16 and 17 with:

"Dakota digital academy	0	200,000
Education challenge grants	0	11,150,000"

DIVISION B: the remainder of the amendment instructions

REQUEST

REP. B. KOPPELMAN REQUESTED a recorded roll call vote on Division A of the proposed amendments to Engrossed SB 2003, which request was granted.

ROLL CALL

The question being the adoption of Division A of the proposed amendments to Engrossed SB 2003, the roll was called and there were 35 YEAS, 59 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, P.; Beltz; Boe; Boschee; Buffalo; Dobervich; Fegley; Guggisberg; Hager; Hagert; Hanson; Howe; Ista; Johnson, D.; Johnson, M.; Keiser; Longmuir; Martinson; Mitskog; Mock; Nathe; Nelson, J.; Nelson, M.; O'Brien; Pollert; Richter; Roers Jones; Sanford; Schauer; Schmidt; Schneider; Schreiber-Beck; Stemen; Weisz

NAYS: Anderson, B.; Anderson, D.; Becker; Bellew; Bosch; Brandenburg; Christensen; Cory; Damschen; Delzer; Devlin; Dockter; Ertelt; Fisher; Hatlestad; Hauck; Headland; Heinert; Hoverson; Jones; Kading; Karls; Kasper; Kempenich; Kiefert; Klemm; Koppelman, B.; Kreidt; Lefor; Louser; Magrum; Marschall; Meier; Monson; Nehring; Ostlie; Owens; Paulson; Paur; Porter; Pyle; Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Schobinger; Skroch; Steiner; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigasaa; Westlind; Zubke; Speaker Koppelman, K.

Division A of the proposed amendments to Engrossed SB 2003 failed on a recorded roll call vote.

The question being the adoption of Division B of the proposed amendments to Engrossed SB 2003, the motion passed on a voice vote.

Division B of the proposed amendments to Engrossed SB 2003 was adopted on a voice vote.

Therefore, the question being on the motion to adopt the amendments to Engrossed SB 2003, which consists of Division B only, the proposed amendments were adopted on a voice vote.

SECOND READING OF SENATE BILL

SB 2003: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system; to create and enact a new chapter to title 15 of the North Dakota Century Code, relating to a university system capital building fund; to amend and reenact subdivision c of subsection 1 of section 15-10-48, subdivision k of subsection 1 of section 15-18.2-02, sections 15-18.2-03, 15-18.2-05, and 54-44.1-11 of the North Dakota Century Code and section 2 of chapter 53 of the 2019 Session Laws, relating to matching grants for the advancement of academics, the higher education funding formula, the cancellation of unexpended

appropriations, and appropriations for higher education capital projects; to repeal subdivision d of subsection 1 of section 15-10-48 and section 15-18.2-04 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 the institutional size factor of the higher education funding formula; to provide for a transfer; to provide for a report; to provide an exemption; to provide for a study; to provide a statement of legislative intent; to provide a continuing appropriation; 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 72 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Bosch; Boschee; Brandenburg; Buffalo; Cory; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; 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; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Sanford; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

NAYS: Becker; Bellew; Boe; Christensen; Damschen; Delzer; Devlin; Ertelt; Hauck; Hoverson; Jones; Kading; Magrum; Owens; Paulson; Rohr; Ruby, M.; Satrom; Schatz; Skroch; Toman; Trottier

Engrossed SB 2003, as amended, passed and the emergency clause was declared carried.

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 2003.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1418.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1253, HB 1380, HB 1412.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1253

Page 1, line 6, after the third comma insert "and"

Page 1, line 6, after the fourth comma insert "the new section to chapter 16.1-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1256, as approved by the sixty-seventh legislative assembly, sections"

Page 1, line 14, after the third comma insert "16.1-11.1-02,"

Page 10, after line 26, insert:

"SECTION 14. AMENDMENT. Section 1 of House Bill No. 1256, as approved by the sixty-seventh legislative assembly, is amended and reenacted as follows:

SECTION 1. A new section to chapter 16.1-01 of the North Dakota Century Code is created and enacted as follows:

Use of nonpublic funds prohibited - Penalty.

1. The state and political subdivisions may not solicit, accept, or use any grants or donations from private persons for elections operations or administration except:
 - a. The use of privately owned facilities for polling places;
 - b. Food for poll workers; and
 - c. Other nonmonetary donations that are not used to prepare, process, mark, collect, or tabulate ballots or votes.
2. An individual who knowingly violates subsection 1 is guilty of a class A misdemeanor."

Page 11, line 26, remove the overstrike over "~~Within~~"

Page 11, line 26, replace "~~Before the meeting of the county canvassing board~~" with "twelve business days"

Page 13, line 20, remove the overstrike over "~~Within~~"

Page 13, line 20, after "~~seventy-five~~" insert "fifty calendar"

Page 13, line 20, remove the overstrike over "~~days after each election~~"

Page 13, line 20, remove "~~Before the end of the contest period allowed~~"

Page 13, line 21, remove "~~under section 16.1-16-04~~"

Page 17, line 12, remove "~~Have printed on the ballot 'The word 'endorsed' following or under a candidate's'~~"

Page 17, remove lines 13 through 15

Page 17, line 16, remove "~~f.~~"

Page 17, line 18, replace "~~g.~~" with "f."

Page 17, line 22, replace "~~h.~~" with "g."

Page 25, line 8, after "signature" insert ", a notification the signature on this affidavit will be compared to the signature on the affidavit on the envelope in which the absentee ballot must be placed"

Page 27, line 21, replace "~~voter who is blind, visually impaired, or print disabled~~" with "qualified elector living with a disability that prevents the elector from reading or marking the ballot without assistance"

Page 27, line 21, after "~~and~~" insert "who"

Page 28, after line 17, insert:

"The signature on this affidavit will be compared to the signature on the affidavit included in the application for the absentee ballot."

Page 50, line 9, after the period insert "The word 'endorsed' or 'petition' will appear after or under the name of a candidate for statewide or legislative district office. The word 'endorsed' in this context means the candidate was endorsed by the political party indicated. The word 'petition' in this context means the candidate circulated a petition for signatures to be included on the ballot."

Page 50, line 23, after the first "a" insert "statewide or legislative district"

Page 50, line 26, after "a" insert "statewide or legislative district"

Page 53, after line 17, insert:

"SECTION 64. AMENDMENT. Section 16.1-11.1-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11.1-02. Application for mail ballots.

The county auditor shall mail an application form for a mail ballot to each ~~individual~~active voter listed in the central voter file for the county and each qualified individual eligible to vote in the state for the first time on one date no sooner than the fiftieth day before the election and no later than the fortieth day before the election. The county auditor, for two consecutive weeks after the date on which the mail ballot applications are mailed, shall publish in the official newspaper of the county an application form for a mail ballot and a notice that additional mail ballot applications may be obtained from the election official. The application form for a mail ballot must be in substantially the form provided in section 16.1-07-06."

Page 53, line 28, replace "individual" with "active voter"

Page 53, line 29, after "mail" insert "and each qualified individual eligible to vote in the state for the first time"

Page 64, line 11, remove "A voter may take up to thirty minutes to mark and cast the ballot after"

Page 64, remove lines 12 through 20

Page 66, line 6, overstrike "shall" and insert immediately thereafter "must"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1380

In lieu of the amendments adopted by the Senate as printed on pages 1033 through 1037 of the Senate Journal, Engrossed House Bill No. 1380 is amended as follows:

Page 1, line 1, after "enact" insert "a new section to chapter 6-09,"

Page 1, line 1, after "6-09.4" insert ", a new section to chapter 15-20.1"

Page 1, line 1, replace the second "a" with "four"

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

Page 1, line 2, replace "57-38" with "54-60"

Page 1, line 2, after the second "to" insert "an economic diversification research fund,"

Page 1, line 3, after the first "fund" insert ", a workforce development and enrichment fund"

Page 1, line 3, after the second "fund" insert ", a legacy infrastructure fund, a legacy project fund, a legacy project advisory board"

Page 1, line 3, replace "income tax relief" with "innovative research and economic development"

Page 1, line 4, after "reenact" insert "subsection 1 of section 21-10-06 and"

Page 1, line 4, after "to" insert "funds invested by the state investment board and"

Page 1, line 5, remove "and"

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

Page 1, after line 6, insert:

"SECTION 1. A new section to chapter 6-09 of the North Dakota Century Code is created and enacted as follows:

Economic diversification research fund - Economic diversification research committee - Legislative management report.

1. There is created in the state treasury the economic diversification research fund. The fund consists of all moneys deposited in the fund under section 6 of this Act. Moneys in the fund may be spent by the Bank of North Dakota pursuant to legislative appropriations to provide grants to institutions under the control of the state board of higher education for economic diversification research.
2. The economic diversification research committee consists of:
 - a. The president of the Bank of North Dakota, as chairman;
 - b. Four members with experience in research or venture capital appointed by the president of the Bank of North Dakota;
 - c. The state commissioner of higher education, or a designee; and
 - d. The president of North Dakota state university and the president of the university of North Dakota.
3. In consultation with representatives of North Dakota state university and the university of North Dakota, the committee shall award grants to institutions under the control of the state board of higher education. Up to ninety percent of the funding must be awarded to North Dakota state university and the university of North Dakota with equal amounts awarded to each institution. The remaining funding must be awarded to the other institutions under the control of the state board of higher education, as determined by the committee. The committee may not award more than fifty percent of the available funding during the first year of the biennium. The Bank of North Dakota shall distribute the grant funding as awarded by the committee.
4. The committee shall develop guidelines for the economic diversification research grants. The purpose of the grants is to stimulate economic activity across the state through innovation of new technology, concepts, and products; to promote job creation and career and wage growth; to enhance health care outcomes; to address loss of revenue and jobs in communities with economies that depend primarily on the fossil fuel industry; and to provide experiential learning opportunities for students. Research projects may be initiated by an institution under the control of the state board of higher education or by the private sector. The guidelines must include consideration for research projects with matching funds and provisions for grant oversight by an internal advisory committee and an external advisory committee.
5. The committee shall develop reporting requirements for the institutions under the control of the state board of higher education. The reporting requirements must include criteria for assessing performance outcomes related to the grants. The committee shall compile the reports and shall submit a comprehensive report annually to the legislative management. The comprehensive report must include information on how the research efforts by each institution align with the state's priorities, how the institutions collaborate when appropriate, and how the outcomes of the research meet established performance expectations."

Page 1, line 12, replace "3" with "6"

Page 1, line 14, after "authority" insert "for transfer to the Bank of North Dakota for allocations to infrastructure projects and programs and the clean sustainable energy fund"

Page 1, line 15 replace "necessary" with "appropriated from the fund"

Page 1, line 15, remove the underscored comma

Page 1, after line 16, insert:

"SECTION 3. A new section to chapter 15-20.1 of the North Dakota Century Code is created and enacted as follows:

Workforce development and enrichment fund.

1. There is created in the state treasury the workforce development and enrichment fund. The fund consists of all moneys deposited in the fund under section 6 of this Act. Moneys in the fund may be spent pursuant to legislative appropriations to provide grants to support:
 - a. Strategic workforce development;
 - b. Technical education;
 - c. Workforce diversification initiatives; and
 - d. Workforce guidance and support.
2. Grant funding may be awarded only for one-time projects and initiatives.
3. Grants awarded for capital projects must have a matching requirement.
4. Thirty percent of the moneys in the fund must be designated to support workforce initiatives in cities located in oil-producing counties that receive five million dollars or more of allocations per fiscal year under subsection 2 of section 57-51-15 with priority given to cities that have:
 - a. The highest percent of mining, quarrying, and oil and gas extraction employment relative to the total employment of all industries in the city;
 - b. The highest number of employees in the mining, quarrying, and oil and gas extraction sector relative to the other cities located in oil-producing counties that receive five million dollars or more of allocations per fiscal year under subsection 2 of section 57-51-15; and
 - c. The highest total taxable sales and purchases relative to the total taxable sales and purchases of all the cities located in oil-producing counties that receive five million dollars or more of allocations per fiscal year under subsection 2 of section 57-51-15.

SECTION 4. AMENDMENT. Subsection 1 of section 21-10-06 of the North Dakota Century Code is amended and reenacted as follows:

1. Subject to the provisions of section 21-10-02, the board shall invest the following funds:
 - a. State bonding fund.
 - b. Teachers' fund for retirement.
 - c. State fire and tornado fund.
 - d. Workforce safety and insurance fund.
 - e. Public employees retirement system.
 - f. Insurance regulatory trust fund.

- g. State risk management fund.
- h. Budget stabilization fund.
- i. Health care trust fund.
- j. Cultural endowment fund.
- k. Petroleum tank release compensation fund.
- l. Legacy fund.
- m. Legacy earnings fund.
- n. A fund under contract with the board pursuant to subsection 3."

Page 2, line 12, remove "If the amounts transferred under subsection 2 exceed the amount available for"

Page 2, remove lines 13 through 18

Page 2, line 19, remove "4."

Page 2, line 21, replace "six" with "eight"

Page 2, line 25, replace "5." with "4."

Page 2, remove lines 28 through 30

Page 3, replace lines 1 through 11 with:

- "a. Twenty percent, with a minimum of one hundred million dollars, to a sinking and interest fund, of which:
 - (1) An amount equal to any bond payments appropriated by the most recently adjourned special or regular session of the legislative assembly from the legacy sinking and interest fund, with a minimum of one hundred million dollars, must be transferred to the legacy sinking and interest fund under section 2 of this Act; and
 - (2) Any remaining amounts under this subdivision are available for other purposes designated by the legislative assembly;
- b. Twenty-five percent to infrastructure funds, of which:
 - (1) Forty-five percent must be transferred to the highway tax distribution fund for allocations under section 54-27-19;
 - (2) Five percent to the state park fund under section 55-08-07 for state park construction and improvement projects and other state park initiatives designated by the legislative assembly; and
 - (3) The remaining amount to the legacy infrastructure fund under section 7 of this Act;
- c. Twenty-five percent to research and economic development funds, of which:
 - (1) Thirty percent must be transferred to the clean sustainable energy fund;
 - (2) Thirty percent must be transferred to the economic diversification research fund under section 1 of this Act;

- (3) Thirty percent must be transferred to the innovation loan fund to support technology advancement under section 6-09.18-05; and
- (4) The remaining amount must be transferred to the innovative research and economic diversification fund;
- d. Ten percent to the legacy project fund under section 8 of this Act;
- e. Eight percent to the workforce development and enrichment fund under section 3 of this Act; and
- f. The remaining amount for other purposes designated by the legislative assembly.

SECTION 7. A new section to chapter 21-10 of the North Dakota Century Code is created and enacted as follows:

Legacy infrastructure fund.

- 1. There is created in the state treasury the legacy infrastructure fund. The fund consists of all moneys deposited in the fund under section 6 of this Act. Moneys in the fund may be spent pursuant to legislative appropriations to support one-time infrastructure projects, including road and bridge projects, airport projects, and water projects.
- 2. If a political subdivision receives funding from the legacy project fund, the political subdivision shall provide a report to the state treasurer by May thirtieth of each even-numbered year on the use of the funding. The state treasurer shall determine the format of the report. The state treasurer shall make the reports available to the public on the state treasurer's website.

SECTION 8. A new section to chapter 21-10 of the North Dakota Century Code is created and enacted as follows:

Legacy project fund.

- 1. There is created in the state treasury the legacy project fund. The fund consists of all moneys deposited in the fund under section 6 of this Act. Moneys in the fund may be spent pursuant to legislative appropriations for projects and infrastructure. Funding designated for projects must be used to support statewide economic diversification and growth. Funding designated for infrastructure must be used to support one-time infrastructure with a statewide benefit.
- 2. If a political subdivision receives funding from the legacy project fund, the political subdivision shall provide a report to the state treasurer by May thirtieth of each even-numbered year on the use of the funding. The state treasurer shall determine the format of the report. The state treasurer shall make the reports available to the public on the state treasurer's website.
- 3. Up to one hundred thousand dollars per biennium may be appropriated to the office of management and budget for administrative expenses related to the legacy project advisory board.

SECTION 9. A new section to chapter 21-10 of the North Dakota Century Code is created and enacted as follows:

Legacy project advisory board - Report to legislative assembly.

- 1. The legacy project advisory board consists of:
 - a. The governor or the the governor's designee, to serve as chairman;

- b. The majority and minority leaders of the house of representatives and senate, or their legislative designees;
 - c. The chairmen of the appropriations committees of the house of representatives and the senate, or their legislative designees;
 - d. The chairmen of the finance and taxation standing committees of the house of representatives and the senate, or their legislative designees;
 - e. One member appointed by the North Dakota petroleum council;
 - f. One member appointed by the greater North Dakota chamber of commerce;
 - g. One member appointed by the agriculture commissioner; and
 - h. Three members appointed by the governor.
2. The advisory board shall meet at least once per biennium. The office of management and budget shall provide administrative services to the advisory board.
 3. The advisory board shall submit a report to the legislative assembly regarding recommendations for projects and infrastructure under the legacy project fund.
 4. The advisory board may not include a recommendation in the report to the legislative assembly unless the recommendation fulfills the purposes of the legacy project fund under section 8 of this Act and is approved by a majority of the members of the advisory board.

SECTION 10. A new section to chapter 54-60 of the North Dakota Century Code is created and enacted as follows:

Innovative research and economic diversification fund.

There is created in the state treasury the innovative research and economic diversification fund. The fund consists of all moneys deposited in the fund under section 6 of this Act. Moneys in the fund may be spent pursuant to legislative appropriations with seventy percent designated for the lignite research council, the oil and gas research council, and other research councils and thirty percent designated for tourism initiatives."

Page 3, line 14, remove "the highway tax distribution fund,"

Page 3, line 15, remove "the innovation loan fund to support technology advancement,"

Page 3, line 17, after the comma insert "and"

Page 3, line 18, remove ", and to reduce ongoing general fund appropriations of state"

Page 3, line 19, remove "agencies"

Page 3, after line 19, insert:

"SECTION 12. EFFECTIVE DATE. This section becomes effective on August 1, 2021."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Compared to the previous amendment adopted by the Senate, this amendment:

- Clarifies the bond payments designated for repayment from a newly created legacy sinking and interest fund;
- Designates 30 percent from a newly created workforce development and enrichment fund to cities with economies that depend primarily on the oil and gas industry;

- Authorizes the State Investment Board to invest money in the newly created legacy earnings fund;
- Decreases the allocation to a legacy sinking and interest fund by 10 percent, from 30 to 20 percent;
- Removes an allocation to the Public Employee Retirement System main system plan;
- Designates, from an allocation for research and economic development, 30 percent to a clean sustainable energy fund, 30 percent to an economic diversification research fund, and 30 percent to the innovation loan fund to support technology advancement;
- Increases the allocation to a workforce development and enrichment fund by 3 percent, from 5 to 8 percent; and
- Designates, from an innovative research and economic diversification fund, 70 percent for research councils and 30 percent for tourism initiatives.

SENATE AMENDMENTS TO HOUSE BILL NO. 1412

Page 1, line 3, after "reenact" insert "section 57-60-02,"

Page 1, line 3, after "57-60-14" insert ", and section 57-61-01"

Page 1, line 4, after "to" insert "an exemption from the coal conversion facilities tax,"

Page 1, line 5, after the second "tax" insert ", and an exemption from the coal severance tax"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 57-60-02 of the North Dakota Century Code is amended and reenacted as follows:

57-60-02. Imposition of taxes.

There is hereby imposed upon the operator of each coal conversion facility a tax paid monthly for the privilege of producing products of such coal conversion facility. The rate of the tax must be computed as follows:

1. For all coal conversion facilities, except as otherwise provided in this section, the tax is measured by the gross receipts derived from the facility for the preceding month and is in the amount of two percent of its gross receipts. Gross receipts derived from the sale of a capital asset are not subject to the tax imposed by this subsection.
2. For electrical generating plants, the tax is at a rate of sixty-five one-hundredths of one mill times sixty percent of the installed capacity of each unit times the number of hours in the taxable period. All electrical energy generating units that begin construction or complete repowering are exempt from eighty-five percent of the tax imposed by this subsection for five years from the date of the first taxable production or from the date of the first taxable production after repowering from the unit. ~~The board of county commissioners may, by resolution, grant to the operator of an electrical generating plant located within the county partial or complete exemption from the remaining fifteen percent of the tax imposed by this subsection for a period not exceeding five years from the date of the first taxable production or from the date of the first taxable production after repowering from the unit. If a board of county commissioners grants a partial or complete exemption for a specific coal conversion facility under this subsection, the provisions of subsection 2 of section 57-60-14 do not apply as that subsection relates to revenue from the specific unit of the~~

- ~~coal conversion facility for which the partial or complete exemption has been granted. Notwithstanding section 57-60-14, any tax collected from a unit subject to the exemption provided by this subsection must be allocated entirely to the county for allocation as provided in section 57-60-15. If a unit is incapable of generating electricity for eighteen consecutive months, the tax on that unit for taxable periods beginning after the eighteenth month must be reduced by the ratio that the cost of repair of the unit bears to the original cost of the unit. This reduced rate remains in effect until the unit is capable of generating electricity.~~
3. For electrical generating plants, in addition to the tax imposed by subsection 2, there is a tax at the rate of twenty-five one-hundredths of one mill on each kilowatt hour of electricity produced for the purpose of sale. For all electrical generating plants that begin construction or complete repowering, the production from the plants is exempt from the tax imposed by this subsection for five years from the date of the first taxable production or from the date of the first taxable production after repowering from the plant.
 4. For coal gasification plants, the tax is the greater of either the amount provided in subsection 1 or thirteen and one-half cents on each one thousand cubic feet [28316.85 liters] of synthetic natural gas produced for the purpose of sale but not including any amount of synthetic natural gas in excess of one hundred ten million cubic feet per day.
 5.
 - a. For all coal conversion facilities, other than electrical generating plants, the production from the facilities is exempt from eighty-five percent of the tax imposed by this section for a period of five years from the date of first taxable production from the facility. The operator of each facility applying for exemption under this subsection shall certify to the tax commissioner the date of first taxable production of the facility.
 - b. ~~The board of county commissioners may, by resolution, grant to the operator of a coal conversion facility, other than an electrical generating plant, located within the county a partial or complete exemption from the remaining fifteen percent of tax imposed by this section for a period not exceeding five years from the date of the first taxable production from the facility. Notwithstanding the provisions of section 57-60-14, any tax collected which is based upon the production of a facility subject to the exemption provided by this subsection must be allocated entirely to the county for allocation as provided in section 57-60-15.~~
 6. For coal beneficiation plants, the tax is twenty cents on each ton of two thousand pounds [907.18 kilograms] of beneficiated coal produced for the purpose of sale, or one and one-quarter percent of the gross receipts derived from such facility for the preceding month, whichever amount is greater. Any amount of beneficiated coal produced in excess of eighty percent of the design capacity of the coal beneficiation plant or produced for use within a coal conversion facility is exempt from such tax.
 7. With the exception of the tax imposed under subsection 3, the board of county commissioners, by resolution, may grant the operator of a plant or facility located within the county a partial or complete exemption from up to fifteen percent of the tax imposed under this section for a period not to extend past June 30, 2026. If a board of county commissioners grants a partial or complete exemption for a specific plant or facility under this subsection, subsection 2 of section 57-60-14 does not apply. Notwithstanding section 57-60-14, any tax collected from a plant or facility subject to the exemption provided by this subsection must be allocated entirely to the county for allocation as provided in section 57-60-15."

Page 1, line 16, remove "eighty-five percent of"

Page 2, line 5, remove "The coal conversion tax collections under subsection 3 of section 57-60-02 to the"

Page 2, remove lines 6 through 9

Page 2, line 10, remove "d."

Page 2, line 11, replace "general fund" with "county"

Page 2, after line 12, insert:

"SECTION 4. AMENDMENT. Section 57-61-01 of the North Dakota Century Code is amended and reenacted as follows:

57-61-01. Severance tax upon coal - Imposition - In lieu of sales and use taxes - Payment to the tax commissioner.

1. There is hereby imposed upon all coal severed for sale or for industrial purposes by coal mines within the state a tax of thirty-seven and one-half cents per ton of two thousand pounds [907.18 kilograms]. The severance tax is in lieu of any sales or use taxes imposed by law. Each coal mine owner or operator shall remit the tax for each month, within twenty-five days after the end of each month, to the tax commissioner on reports and forms as the tax commissioner deems necessary. For the purposes of this chapter, commercial leonardite is taxed in the same manner as coal.
2. The board of county commissioners, by resolution, may grant to the operator of a mine from which the coal or commercial leonardite is mined a partial or complete exemption from up to seventy percent of the tax imposed under this section for a period not to extend past June 30, 2026. Any tax revenue exceeding thirty percent of the tax imposed under this subsection must be allocated to the county under subsection 3 of section 57-62-02."

Renumber accordingly

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1020.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1020

Page 1, line 3, after "61-40" insert "of the North Dakota Century Code"

Page 1, line 6, after the second "for" insert "a"

Page 1, line 6, replace "studies" with "study"

Page 1, line 7 replace "statements" with "for a statement"

Page 1, line 8, remove the first "an"

Page 1, replace line 17 with:

"Salaries and wages	\$19,831,986	\$705,881	\$20,537,867"
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Page 1, replace line 19 with:

"Capital assets	105,938,758	42,528,679	148,467,437"
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Page 1, replace lines 21 through 23 with:

"Water supply - grants	128,000,000	(3,000,000)	125,000,000
Rural water supply - grants	37,200,000	22,400,000	59,600,000
Flood control projects	0	48,000,000	48,000,000"

Page 2, replace line 8 with:

"Total special funds \$867,254,091 (\$406,954,962) \$460,299,129"

Page 2, replace line 15 with:

"Line of credit - Bank of North Dakota \$75,000,000 \$50,000,000"

Page 2, replace line 18 with:

"Total special funds \$100,900,000 \$51,100,000"

Page 3, after line 2, insert:

"SECTION 4. APPROPRIATION - RESOURCES TRUST FUND - STATE WATER COMMISSION DISCRETIONARY FUND. There is appropriated out of any moneys in the resources trust fund in the state treasury, not otherwise appropriated, the sum of \$6,000,000, or so much of the sum as may be necessary, to the state water commission for the purpose of providing discretionary funds for water project grants, for the biennium beginning July 1, 2021, and ending June 30, 2023. This funding is considered to be a one-time funding item."

Page 3, line 17, after the second "project" insert "that has had a cost-share agreement in place"

Page 3, line 18, replace "three" with "four"

Page 4, line 4, overstrike "seventy-five" and insert immediately thereafter "fifty"

Page 4, line 10, overstrike "water supply projects approved before June 30,"

Page 4, line 10, remove "2023"

Page 4, line 10, overstrike ", and"

Page 4, line 11, overstrike "flood control projects that have approval for funding before" and insert immediately thereafter "the northwest area water supply project during the biennium beginning July 1, 2021, and ending"

Page 4, line 14, replace "exemption" with "exempt"

Page 5, line 14, remove ", the applicable cost-"

Page 5, line 15, remove "share requirements"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1020 - State Water Commission - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$19,831,986	\$20,514,747	\$23,120	\$20,537,867
Operating expenses	43,855,753	43,366,550		43,366,550
Capital assets	105,938,758	163,467,437	(15,000,000)	148,467,437
Project carryover	308,333,818			
Water supply - Grants	128,000,000	96,000,000	29,000,000	125,000,000
Rural water supply - Grants	37,200,000	40,600,000	19,000,000	59,600,000
Fargo area flood control	66,500,000			
Mouse River flood control	82,500,000			
Other flood control projects	48,000,000			
General water - Grants	27,093,776	14,227,275		14,227,275
Basinwide plan implementation		1,100,000		1,100,000
Flood control - Grants		38,000,000	10,000,000	48,000,000
Discretionary water projects			6,000,000	6,000,000
Total all funds	\$867,254,091	\$417,276,009	\$49,023,120	\$466,299,129
Less estimated income	867,254,091	417,276,009	49,023,120	466,299,129
General fund	\$0	\$0	\$0	\$0
FTE	90.00	90.00	0.00	90.00

Department 770 - State Water Commission - Detail of Senate Changes

	Adds Funding for Salary Increases ¹	Adjusts Funding for Capital Assets ²	Adjusts Funding for Water Supply Grants ³	Adjusts Funding for Rural Water Supply Grants ⁴	Increases Funding for Flood Control Projects ⁵	Reduces Funding from Bank of North Dakota Line of Credit ⁶
Salaries and wages	\$23,120					
Operating expenses						
Capital assets		\$10,000,000				(\$25,000,000)
Project carryover						
Water supply - Grants			\$29,000,000			
Rural water supply - Grants				\$19,000,000		
Fargo area flood control						
Mouse River flood control						
Other flood control projects						
General water - Grants						
Basinwide plan implementation						
Flood control - Grants					\$10,000,000	
Discretionary water projects						
Total all funds	\$23,120	\$10,000,000	\$29,000,000	\$19,000,000	\$10,000,000	(\$25,000,000)
Less estimated income	23,120	10,000,000	29,000,000	19,000,000	10,000,000	(25,000,000)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One-Time Funding for State Water Commission Discretionary Spending ⁷	Total Senate Changes
Salaries and wages		\$23,120
Operating expenses		
Capital assets		(15,000,000)
Project carryover		
Water supply - Grants		29,000,000
Rural water supply - Grants		19,000,000
Fargo area flood control		
Mouse River flood control		
Other flood control projects		
General water - Grants		
Basinwide plan implementation		
Flood control - Grants		10,000,000
Discretionary water projects	\$6,000,000	6,000,000
Total all funds	\$6,000,000	\$49,023,120
Less estimated income	6,000,000	49,023,120
General fund	\$0	\$0
FTE	0.00	0.00

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

² Funding for capital assets is increased by \$10 million from the resources trust fund to provide a total of \$148,467,437. The House provided \$138,467,437.

³ Funding of \$29 million is added from the resources trust fund for water supply grants to provide a total of \$125 million. The House provided \$96 million.

⁴ Funding of \$19 million is added from the resources trust fund for rural water supply grants to provide a total of \$59.6 million. The House provided \$40.6 million.

⁵ Funding of \$10 million is added from the resources trust fund to provide a total of \$48 million for flood control grants. The House provided \$38 million.

⁶ Funding available from a Bank of North Dakota line of credit is reduced by \$25 million, from \$75 million to \$50 million. A section is added amending North Dakota Century Code Section 61-02-79 reducing the Bank of North Dakota line of credit from \$75 million to \$50 million and, specifically identifying the line of credit as being available for costs associated with the Northwest Area Water Supply Project for the 2021-23 biennium. The House provided a \$75 million line of credit with no restrictions on the use of the funds.

⁷ A section is added to provide one-time funding of \$6 million from the resources trust fund for providing discretionary water project funding to the State Water Commission. The State Water Commission may allocate the funding based on the needs of the state. The House did not include this section.

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 1031, HB 1099, HB 1135, HB 1151, HB 1206, HB 1207, HB 1285, HB 1410, HB 1419, HB 1455, and HB 1471.

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 1013, HB 1388, and HB 1453, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1013: Reps. Monson; Sanford; Boe

HB 1388: Reps. Monson; Sanford; Owens

HB 1453: Reps. Bellew; Mock; Howe

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2012, SB 2065, SB 2146, SB 2159, SB 2230, SB 2269, SB 2282, SB 2289, and SB 2313.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2011, SB 2014, SB 2020, and SB 2213, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2011: Sens. Krebsbach; Davison; Heckaman

SB 2014: Sens. Sorvaag; Hogue; Mathern

SB 2020: Sens. Erbele; Wanzek; Heckaman

SB 2213: Sens. Patten; Dever; Piepkorn

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

MR. PRESIDENT: The House has appointed as a conference committee to act with a like committee from the Senate on:

SB 2016: Reps. Schmidt; Sanford; Boe

SB 2304: Reps. Longmuir; Richter; Marschall

SB 2311: Reps. Schreiber-Beck; Zubke; Heinert

SB 2332: Reps. Owens; Richter; Guggisberg

SCR 4014: Reps. Ertelt; B. Koppelman; Fisher

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

MR. SPEAKER: The Senate has dissolved the Senate conference committee on: SB 2012.

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

MR. SPEAKER: The Senate has not adopted the conference committee report on: SB 2026.

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

MR. PRESIDENT: The House has adopted the conference committee report on: HB 1103, HB 1276.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1163, HB 1199, HB 1298.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2077, SB 2137, SB 2168, SB 2202, SB 2208, SB 2293.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1498.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2048, SB 2117.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1498.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1043, HB 1195, HB 1256, HB 1309, HB 1326, HB 1435, HB 1470, HB 1503, HCR 3014, HCR 3029, HCR 3046.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1067, HB 1231, HB 1263, HB 1295, HB 1302, HB 1344, HB 1356, HB 1427, HB 1466, HCR 3015, HCR 3023, HCR 3048.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2005, SB 2007, SB 2017, SB 2022, SB 2023, SB 2024, SB 2025, SB 2059, SB 2060, SB 2078, SB 2085, SB 2088, SB 2093, SB 2103, SB 2123, SB 2132, SB 2164, SB 2165, SB 2166, SB 2187, SB 2189, SB 2214, SB 2233, SB 2258, SB 2261, SB 2273, SB 2276, SB 2281, SB 2299, SB 2308, SB 2329, SB 2340.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2005, SB 2007, SB 2017, SB 2022, SB 2023, SB 2024, SB 2025, SB 2059, SB 2060, SB 2078, SB 2085, SB 2088, SB 2093, SB 2103, SB 2123, SB 2132, SB 2164, SB 2165, SB 2166, SB 2187, SB 2189, SB 2214, SB 2233, SB 2258, SB 2261, SB 2273, SB 2276, SB 2281, SB 2299, SB 2308, SB 2329, SB 2340.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 14, 2021: HB 1043, HB 1195, HB 1256, HB 1309, HB 1326, HB 1435, HB 1470, HB 1503.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on April 14, 2021: HCR 3014, HCR 3029, HCR 3034, HCR 3046.

MOTION

REP. LOUSER MOVED that the House be on the Fourth, Fifth, Seventh, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Thursday, April 15, 2021, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

SB 2021, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2021 was placed on the Sixth order on the calendar.

Page 1, line 2, after the first semicolon insert "to amend and reenact section 54-59-07 of the North Dakota Century Code, relating to the state information technology advisory committee;"

Page 1, line 3, remove "and"

Page 1, line 3, after "intent" insert "; to provide for a legislative management study; and to declare an emergency"

Page 1, remove lines 13 through 23

Page 2, replace lines 1 and 2 with:

"Salaries and wages	\$81,374,501	\$19,406,617	\$100,781,118
Operating expenses	89,957,364	30,850,748	120,808,112

Capital assets	4,253,117	(830,242)	3,422,875
Statewide longitudinal data system	4,387,145	99,133	4,486,278
Edutech	9,645,773	46,166	9,691,939
K-12 wide area network	5,167,970	(488,252)	4,679,718
Geographic information system	1,052,629	49,177	1,101,806
Health information technology office	4,879,146	9,846,725	14,725,871
Statewide interoperable radio network	<u>12,330,000</u>	<u>1,863,796</u>	<u>14,193,796</u>
Total all funds	\$213,047,645	\$60,843,868	\$273,891,513
Less estimated income	<u>195,882,334</u>	<u>50,843,690</u>	<u>246,726,024</u>
Total general fund	\$17,165,311	\$10,000,178	\$27,165,489
Full-time equivalent positions	402.00	75.00	477.00"

Page 2, replace line 8 with:

Cybersecurity	\$15,400,000	\$6,500,000
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Page 2, replace lines 12 through 14 with:

Total all funds	\$136,550,000	\$12,500,000
Less estimated income	<u>125,150,000</u>	<u>12,500,000</u>
Total general fund	\$11,400,000	\$0

Page 2, line 20, remove **"INFORMATION TECHNOLOGY DEPARTMENT"**

Page 2, line 21, replace **"OPERATING SERVICE"** with **"ELECTRONIC HEALTH INFORMATION EXCHANGE"**

Page 2, line 25, replace "information technology department operating service" with "electronic health information exchange"

Page 3, after line 6, insert:

"SECTION 5. ESTIMATED INCOME - FEDERAL CORONAVIRUS RELIEF FUND. The estimated income line item in section 1 of this Act includes the sum of \$6,500,000, or so much of the sum as may be necessary, from the federal coronavirus relief fund for cybersecurity operating expenses.

SECTION 6. AMENDMENT. Section 54-59-07 of the North Dakota Century Code is amended and reenacted as follows:

54-59-07. State information technology advisory committee.

The state information technology advisory committee consists of the chief information officer; the commissioner of higher education or the commissioner's designee; the attorney general or the attorney general's designee; the secretary of state or the secretary of state's designee; the tax commissioner or the commissioner's designee; the chief justice of the supreme court or the chief justice's designee; two members of the legislative assembly appointed by the legislative management, of which one member must be the chairman of the information technology committee; a minimum of eight members representing state agencies, appointed by the governor; and two members with technology management expertise representing private industry, appointed by the governor. The appointees of the governor serve at the pleasure of the governor. The governor shall designate the chairman, chief information officer and chairman of the information technology committee shall serve as co-chairmen of the state information technology advisory committee. Additional members may be asked to participate at the request of the chairman. The department shall provide staff services to the committee. The members of the committee representing private industry are entitled to be compensated for time spent in attendance at meetings of the committee and for other travel as approved by the chairman of the committee at the rate of sixty-two dollars and fifty cents per day and are entitled to reimbursement for actual and necessary expenses incurred in the same manner as other state officials. The compensation and expenses are to be paid from appropriations for the department. The committee shall advise the department regarding statewide information technology planning and budgeting, services of the information technology

department, and statewide information technology initiatives and policy and shall review reports on major information technology projects as required by this chapter and policies, standards, and guidelines developed by the department. The chief information officer shall submit recommendations of the committee regarding information technology issues to the information technology committee for its consideration."

Page 3, replace lines 12 through 17 with:

"SECTION 8. LEGISLATIVE INTENT - PHONE EQUIPMENT. It is the intent of the sixty-seventh legislative assembly that the information technology department:

1. Supply at least one physical phone in each state agency;
2. Give state agencies the option of having a physical phone for each employee in the agency; and
3. Allow the head of each agency to determine the number of phones provided to the agency.

SECTION 9. LEGISLATIVE INTENT - LEGISLATIVE MANAGEMENT STUDY - INFORMATION TECHNOLOGY DIRECTION. It is the intent of the sixty-seventh legislative assembly that the information technology department provide direction to executive branch agencies regarding information technology strategic planning and operations during the biennium beginning July 1, 2021, and ending June 30, 2023. During the 2021-22 interim, the legislative management shall consider studying the feasibility and desirability of the legislative branch and judicial branch receiving strategic planning and operational information technology direction from the information technology department beginning in the 2023-25 biennium. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

SECTION 10. LEGISLATIVE MANAGEMENT STUDY - STATE GOVERNMENT INFORMATION TECHNOLOGY BUDGETING AND APPROPRIATION PROCESS. During the 2021-22 interim, the legislative management shall consider studying the state government information technology budgeting and appropriations process. The study must include a review of the current process and the feasibility and desirability of providing a general fund appropriation to the information technology department rather than providing general fund appropriations to state agencies to pay the information technology department for information technology services. The study must include consideration of any cost or cost-savings that may result and any transparency benefits of the potential budgeting and appropriation changes. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

SECTION 11. LEGISLATIVE MANAGEMENT STUDY - INFORMATION TECHNOLOGY UNIFICATION. During the 2021-22 interim, the legislative management shall consider studying the effectiveness, efficiency, cost, and any cost-savings of the 2019-21 biennium and 2021-23 biennium information technology unification initiatives and the feasibility and desirability of continuing these initiatives. The study must include a review of changes in fees, services, operations, processes, and systems. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

SECTION 12. LEGISLATIVE MANAGEMENT STUDY - CYBERSECURITY. During the 2021-22 interim, the legislative management shall consider studying costs incurred by the information technology department to deliver core technology services and cybersecurity services to state agencies and political subdivisions. The study must consider the feasibility and desirability of political subdivisions paying their share of the cost of these services. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

SECTION 13. LEGISLATIVE MANAGEMENT STUDY - IMPACT OF LARGE TECHNOLOGY COMPANIES. During the 2021-22 interim, the legislative management shall consider studying competitive fairness, economic development implications, and other economic and societal impacts of large technology companies conducting business in 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.

SECTION 14. LEGISLATIVE MANAGEMENT STUDY - VIRTUAL CURRENCY BUSINESS ACTIVITY. During the 2021-22 interim, the legislative management shall consider studying the feasibility and desirability of regulating special purpose depository institutions and regulating other entities engaged in virtual currency business activities. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

SECTION 15. EMERGENCY. House Bill No. 1417, as approved by the sixty-seventh legislative assembly, is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2021 - Information Technology Department - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$81,374,501	\$103,677,594	(\$2,896,476)	\$100,781,118
Operating expenses	89,957,364	121,248,112	(440,000)	120,808,112
Capital assets	4,253,117	3,443,909	(21,034)	3,422,875
Statewide longitudinal data system	4,387,145	4,493,432	(7,154)	4,486,278
EduTech	9,645,773	9,701,266	(9,327)	9,691,939
K-12 wide area network	5,167,970	4,682,489	(2,771)	4,679,718
Geographic information system	1,052,629	1,103,054	(1,248)	1,101,806
Health information technology office	4,879,146	14,729,523	(3,652)	14,725,871
Statewide interoperable radio network	12,330,000	14,194,902	(1,106)	14,193,796
Total all funds	\$213,047,645	\$277,274,281	(\$3,382,768)	\$273,891,513
Less estimated income	195,882,334	242,862,695	3,863,329	246,726,024
General fund	\$17,165,311	\$34,411,586	(\$7,246,097)	\$27,165,489
FTE	402.00	488.00	(11.00)	477.00

Department 112 - Information Technology Department - Detail of House Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Removes 9 FTE Positions ²	Removes Funding for 2 FTE Cybersecurity FTE ³	Reduces Cybersecurity Initiative Funding ⁴	Adds One-Time Funding for Cybersecurity Initiatives ⁵	Total House Changes
Salaries and wages	(\$488,312)	(\$1,900,326)	(\$507,838)			(\$2,896,476)
Operating expenses		(360,000)	(80,000)	(\$6,500,000)	\$6,500,000	(440,000)
Capital assets			(21,034)			(21,034)
Statewide longitudinal data system	(7,154)					(7,154)
EduTech	(9,327)					(9,327)
K-12 wide area network	(2,771)					(2,771)
Geographic information system	(1,248)					(1,248)
Health information technology office	(3,652)					(3,652)
Statewide interoperable radio network	(1,106)					(1,106)
Total all funds	(\$513,570)	(\$2,260,326)	(\$608,872)	(\$6,500,000)	\$6,500,000	(\$3,382,768)
Less estimated income	(376,345)	(2,260,326)	0	0	6,500,000	3,863,329
General fund	(\$137,225)	\$0	(\$608,872)	(\$6,500,000)	\$0	(\$7,246,097)
FTE	0.00	(9.00)	(2.00)	0.00	0.00	(11.00)

¹ Salaries and wages funding is adjusted for 2021-23 biennium salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100 and 2 percent on July 1, 2022. The 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.

² Funding of \$2,260,326, of which \$1,900,326 is for salaries and wages and \$360,000 is for operating expenses, and 9 FTE positions are removed. The Senate did not remove funding for these FTE positions.

³ Funding of \$608,872 for 2 FTE cybersecurity positions is removed from the general fund, of which \$507,838 is for salaries and wages, \$80,000 is for operating expenses, and \$21,034 is for capital assets, resulting in 17 FTE cybersecurity positions approved by the House for state cybersecurity initiatives, of which 1 FTE cybersecurity position is related to information technology and data security for the Bank of North Dakota. The Senate approved funding for 19 FTE cybersecurity positions.

⁴ Ongoing funding of \$6.5 million from the general fund for cybersecurity operating expenses is removed.

⁵ One-time funding of \$6.5 million is added from the federal Coronavirus Relief Fund for cybersecurity initiative operating expenses. Total cybersecurity initiative funding provided by the House is \$15,938,161, of which \$9,438,161 is considered ongoing funding from the general fund.

Of the total, \$4,316,627 is ongoing funding for salaries and wages of 17 FTE cybersecurity positions, \$11,511,534 is for operating expenses, and \$110,000 is ongoing funding for capital assets. Of the \$11,511,534 of operating expenses, \$6.5 million is considered one-time funding and \$5,011,534 is considered ongoing funding. A separate section of the bill is added to identify the \$6.5 million from the federal Coronavirus Relief Fund.

The Senate approved \$16,547,033 of ongoing funding from the general fund, of which \$4,824,465 was for salaries and wages of 19 FTE cybersecurity positions, \$11,591,534 was for operating expenses, and \$131,034 was for capital assets.

This amendment also:

- Amends a section to provide a \$6 million transfer from the health information technology planning loan fund to the electronic health information exchange fund. The Senate approved the transfer to be to the Information Technology Department (ITD) operating service fund.
- Amends North Dakota Century Code Section 54-59-07 regarding the membership of the State Information Technology Advisory Committee, commonly known as SITAC.
- Removes a section identifying funding approved for cybersecurity salaries and wages, operating expenses, and capital assets is from the general fund and derived from legacy fund earnings, as approved by the Senate. The House has approved funding from the general fund for these cybersecurity costs but is not identifying the funding as from legacy fund earnings.
- Adds a section of legislative intent that ITD supply at least one physical phone in each state agency and must provide the option to have physical phones for each employee in state agencies, at the discretion of the head of each agency.
- Adds a section of legislative intent that ITD provide direction to executive branch agencies regarding information technology strategic planning and operations during the 2021-23 biennium and provides for a Legislative Management study regarding the feasibility and desirability of the legislative branch and judicial branch receiving strategic planning and operational information technology direction from ITD beginning in the 2023-25 biennium.
- Adds a section to provide for a Legislative Management study of the state government information technology budgeting and appropriation process. The study must include a review of the current process and the feasibility and desirability of providing a general fund appropriation to ITD rather than providing general fund appropriations to state agencies to pay ITD for information technology services, including any cost or cost-savings that may be obtained and any transparency benefits of the potential budgeting and appropriation changes.
- Adds a section to provide for a Legislative Management study of the effectiveness, efficiency, cost, and any cost-savings of the 2019-21 biennium and 2021-23 biennium information technology unification initiatives and the feasibility and desirability of continuing these initiatives.

- Adds a section to provide for a Legislative Management study of the cost to deliver core technology services and cybersecurity to state agencies and political subdivisions, including the feasibility and desirability of political subdivisions paying their share of the cost of these services.
- Adds a section to provide for a Legislative Management study of competitive fairness, economic development implications, and other economic and societal impacts of large technology companies conducting business in North Dakota.
- Adds a section to provide for a Legislative Management study of the feasibility and desirability of regulating special purpose depository institutions and regulating other entities engaged in virtual currency business activities.
- Adds a section to declare House Bill No. 1417 (2021), related to the powers and duties of ITD and the ability to enter a memorandum of understanding with other state, local, tribal, or territorial governments for cybersecurity purposes, to be an emergency measure.

REPORT OF CONFERENCE COMMITTEE

SB 2077, as engrossed: Your conference committee (Sens. Kreun, Vedaa, Burckhard and Reps. Thomas, O'Brien, Adams) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 973 and place SB 2077 on the Seventh order.

Engrossed SB 2077 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2137, as engrossed: Your conference committee (Sens. Meyer, Bell, Piepkorn and Reps. D. Anderson, Bosch, Toman) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1171 and place SB 2137 on the Seventh order.

Engrossed SB 2137 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2168, as engrossed: Your conference committee (Sens. Bakke, Dwyer, Larson and Reps. Vetter, Magrum, Hanson) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1053-1054 and place SB 2168 on the Seventh order.

Engrossed SB 2168 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2202: Your conference committee (Sens. J. Roers, Meyer, Kannianen and Reps. Steiner, Hatlestad, Ista) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1107 and place SB 2202 on the Seventh order.

SB 2202 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2208, as engrossed: Your conference committee (Sens. Luick, Myrdal, O. Larsen and Reps. D. Johnson, Beltz, Headland) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 908, adopt further amendments as follows, and place SB 2208 on the Seventh order:

That the Senate accede to the House amendments as printed on page 908 of the Senate Journal and page 1155 of the House Journal and that Engrossed Senate Bill No. 2208 be further amended as follows:

Page 1, line 16, after the semicolon insert "the process for awarding irrigation permits; the length of time irrigation permit applications are held in abeyance; prioritization of irrigation permit applications; methods for maximizing water resources; possible development of an irrigation permit that may be suspended during periods of water scarcity; methods for on-time monitoring of well water levels; improving communication between the office of state engineer and irrigation permit applicants;"

Renumber accordingly

Engrossed SB 2208 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2293: Your conference committee (Sens. Burckhard, Oban, Larson and Reps. Longmuir, Klemin, Adams) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1022-1023, adopt amendments as follows, and place SB 2293 on the Seventh order:

That the House recede from its amendments as printed on pages 1022 and 1023 of the Senate Journal and pages 1218 and 1219 of the House Journal and that Senate Bill No. 2293 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of exceptions to deeds transferring title of certain types of property or relating to certain transactions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - EXCEPTIONS TO STATEMENT OF CONSIDERATION. During the 2021-22 interim, the legislative management shall consider studying the legislative intent of the exceptions to the requirement of a statement of full consideration for deeds transferring title of certain types of transactions and property under subsection 6 of section 11-18-02.2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

SB 2293 was placed on the Seventh order of business on the calendar.

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

Buell J. Reich, Chief Clerk

