

## JOURNAL OF THE HOUSE

## Sixty-seventh Legislative Assembly

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Bismarck, April 21, 2021

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

The prayer was offered by Father Brandon Wolf, Associate Pastor, Spirit of Life Catholic Church, Mandan.

The roll was called and all members were present.

A quorum was declared by the Speaker.

## APPOINTMENT OF CONFERENCE COMMITTEE

**REP. LOUSER MOVED** that the Speaker appoint a new committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed HB 1021, which motion prevailed on a voice vote.

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

**Engrossed HB 1021:** Reps. Nathe, Schatz, Boe

## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. OWENS MOVED** that the conference committee report on Engrossed SB 2332 as printed on HJ page 1817 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2332, as amended, was placed on the Fourteenth order of business.

## SECOND READING OF SENATE BILL

**SB 2332:** A BILL for an Act to amend and reenact section 15.1-13-10 of the North Dakota Century Code, relating to the criteria for teacher licensure; 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 87 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Becker; Bellew; Beltz; Boe; Bosch; Brandenburg; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; 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.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Anderson, P.; Boschee; Buffalo; Guggisberg; Hager; Nelson, M.; Schneider

Engrossed SB 2332, as amended, passed.

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## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. ROHR MOVED** that the conference committee report on Engrossed SB 2212 as printed on HJ pages 1816-1817 be adopted, which motion prevailed on a voice vote.

## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. M. RUBY MOVED** that the conference committee report on Engrossed SB 2089 as

printed on HJ page 1816 be adopted, which motion prevailed on a voice vote.

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

**REP. SCHMIDT MOVED** that the conference committee report on Engrossed HB 1020 as printed on HJ page 1816 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1020, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF HOUSE BILL**

**HB 1020:** A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to create and enact a new section to chapter 61-02 and a new section to chapter 61-40 of the North Dakota Century Code, relating to reporting requirements for carryover projects and bonding authority of the western area water supply; to amend and reenact section 61-02-79 of the North Dakota Century Code, relating to the authorization of a Bank of North Dakota line of credit; to provide for an exemption; to provide for a legislative management study; to provide for a report to legislative management; to provide for a statement of legislative intent; to provide for a pilot project; to provide for application; 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 92 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Christensen; Magrum

Reengrossed HB 1020 passed and the emergency clause was declared carried.

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#### **ANNOUNCEMENT**

**SPEAKER K. KOPPELMAN ANNOUNCED** that the House stand in recess until 12:30 p.m.

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

#### **MOTION**

**REP. ERTELT MOVED** pursuant to House Rule 402 (1), to introduce a Bill for an Act to create and enact a new section to chapter 23-12 of the North Dakota Century Code relating to vaccine information.

#### **REQUEST**

**REP. ERTELT REQUESTED** a recorded roll call vote, which request was granted.

#### **REQUEST**

**REP. BELLEW REQUESTED** the proposed delayed bill be read in its entirety, which request was granted.

#### **ROLL CALL**

The question being on the motion, pursuant to House Rule 402 (1), to introduce a Bill for an Act to create and enact a new section to chapter 23-12 of the North Dakota Century Code relating, to vaccine information, the roll was called and there were 40 YEAS, 53 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Becker; Bellew; Christensen; Cory; Damschen; Delzer; Ertelt; Fegley; Fisher; Hatlestad; Hauck; Headland; Hoverson; Jones; Kading; Kasper; Kiefert; Koppelman, B.; Louser; Magrum; Marschall; Meier; Monson; Nehring; Owens; Paulson; Rohr; Ruby, D.; Ruby, M.; Sanford; Schatz; Schmidt; Schobinger; Skroch; Steiner; Thomas; Toman; Tveit; Vetter; Speaker Koppelman, K.

**NAYS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Devlin; Dobervich; Dockter; Guggisberg; Hager; Hagert; Hanson; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Karls; Keiser; Kempenich; Klemm; Kreidt; Lefor; Longmuir; Martinson; Mitskog; Mock; Nathe; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Satrom; Schauer; Schneider; Schreiber-Beck; Stemen; Strinden; Vigasaa; Weisz; Westlund; Zubke

**ABSENT AND NOT VOTING:** Trottier

The motion, pursuant to House Rule 402 (1), to introduce a Bill for an Act to create and enact a new section to chapter 23-12 of the North Dakota Century Code relating to vaccine information failed.

#### **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 Thirty-fourth and Sixty-seventh Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 986, line 42, replace "17 YEAS, 4 NAYS" with "21 YEAS, 0 NAYS"

Page 1761, line 13, remove " HB 1031,"

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

#### **COMMUNICATION FROM GOVERNOR DOUG BURGUM**

This is to inform you that on April 21, 2021, I have signed the following: HB 1431.

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

**SB 2018, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2018 was placed on the Sixth order on the calendar.

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

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

Page 1, line 8, remove "and"

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

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

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

Page 1, remove lines 18 through 24

Page 2, replace lines 1 through 4 with:

"Salaries and wages	\$13,217,286	(\$227,956)	\$12,989,330
Operating expenses	14,873,203	9,191,240	24,064,443
Grants	52,638,527	35,193,803	87,832,330
Discretionary funds	2,150,000	0	2,150,000
North Dakota trade office	1,600,000	(1,600,000)	0
Partner programs	1,562,531	0	1,562,531
Entrepreneurship grants and vouchers	<u>948,467</u>	<u>0</u>	<u>948,467</u>

Total all funds	\$86,990,014	\$42,557,087	\$129,547,101
Less estimated income	<u>54,123,293</u>	<u>29,421,086</u>	<u>83,544,379</u>
Total general fund	\$32,866,721	\$13,136,001	\$46,002,722
Full-time equivalent positions	61.80	(2.00)	59.80"

Page 2, replace lines 15 through 25 with:

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

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

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

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

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

Page 3, line 4, remove "tower"

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

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

Page 3, line 7, remove "tower"

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

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

Page 3, after line 20, insert:

**"SECTION 6. RURAL HEALTH CARE GRANT PROGRAM - MATCHING FUNDS REQUIREMENT.** The grants line item in section 1 of this Act includes \$250,000 from the general fund for providing matching funds to an organization assisting in the recruitment, distribution, and supply, and enhancing the quality and efficiency of personnel providing health services in rural areas of the state. The department of commerce may spend the funds appropriated in this section only to the extent the organization has secured matching funds from nonstate sources on a dollar-for-dollar basis.

**SECTION 7. ECONOMIC DEVELOPMENT, GROWTH, AND DIVERSIFICATION GRANT PROGRAM - MATCHING REQUIREMENT - ONE-TIME FUNDING.** The grants line item in section 1 of this Act includes \$5,000,000 from the general fund for the purpose of providing a grant to an organization dedicated to expanding economic development, growth, and diversification. This funding is considered a one-time funding item. To qualify for a grant under this program, an organization must have:

1. Secured a loan under the legacy infrastructure loan fund program established in House Bill No. 1425 as approved by the sixty-seventh legislative assembly for construction of an event and entertainment venue focused on highlighting North Dakota history and attractions;

2. Obtained \$5,000,000 of matching funds from nonstate sources; and
3. Entered a lease with the state of North Dakota for use of land for the event and entertainment venue.

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

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

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

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

Page 5, after line 6, insert:

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

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

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

study for the location of a new business, including an expansion of a business with the primary place of business outside the rural growth incentive city. ~~The business under this subsection is not limited to primary sector businesses.~~ The funding source of the state grant is the North Dakota development fund. Total grants awarded by the department under this subsection may not exceed one hundred thousand dollars per biennium.

4. The city may not use city or state funds raised or provided under this section for costs associated with administering the rural growth incentive city. The department shall provide the rural growth incentive city with training to assist the city in expanding ~~primary sector~~ businesses, locating new businesses, and working with state economic development programs."

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

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

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

Page 5, line 28, remove "tower"

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

Page 6, remove lines 11 through 15

Page 6, after line 28, insert:

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

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

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

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

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

	Base Budget	Senate Version	House Changes	House Version
Department of Commerce				
Total all funds	\$86,990,014	\$122,425,241	\$7,121,860	\$129,547,101
Less estimated income	54,123,293	80,548,067	2,996,312	83,544,379
General fund	\$32,866,721	\$41,877,174	\$4,125,548	\$46,002,722
FTE	61.80	58.80	1.00	59.80

Department of Transportation				
Total all funds	\$0	\$28,000,000	(\$23,000,000)	\$5,000,000
Less estimated income	0	28,000,000	(23,000,000)	5,000,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00
Bill total				
Total all funds	\$86,990,014	\$150,425,241	(\$15,878,140)	\$134,547,101
Less estimated income	54,123,293	108,548,067	(20,003,688)	88,544,379
General fund	\$32,866,721	\$41,877,174	\$4,125,548	\$46,002,722
FTE	61.80	58.80	1.00	59.80

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

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

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

	Adjusts Funding for Salary and Benefit Increases <sup>1</sup>	Restores IT Position <sup>2</sup>	Transfers Early Childhood Education Program to DHS <sup>3</sup>	Adds Funding for Rural Health Care Grants <sup>4</sup>	Restores Funding for Discretionary Funds <sup>5</sup>	Reduces One-Time Funding for Tourism Marketing <sup>6</sup>
Salaries and wages	(\$24,615)	\$149,792				
Operating expenses		(153,317)				(\$100,000)
Grants			(\$1,500,000)	\$50,000		
Discretionary funds					\$600,000	
North Dakota Trade Office						
Entrepreneurship grants and vouchers						
Partner programs						
Total all funds	(\$24,615)	(\$3,525)	(\$1,500,000)	\$50,000	\$600,000	(\$100,000)
Less estimated income	(3,688)	0	0	0	0	0
General fund	(\$20,927)	(\$3,525)	(\$1,500,000)	\$50,000	\$600,000	(\$100,000)
FTE	0.00	1.00	0.00	0.00	0.00	0.00

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

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

provided salary adjustments of 2 percent with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 on July 1, 2021, and 2 percent on July 1, 2022.

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

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

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

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

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

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

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

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

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

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

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

This amendment also:

- Amends a section that provides an exemption for the \$28 million 2017-19 biennium supplemental appropriation for the beyond visual line of sight unmanned aircraft system (UAS) program that was continued into the 2019-21 biennium to continue into the 2021-23 biennium. The Department of Commerce may provide grants of up to \$5 million from this funding to the Department of Transportation for infrastructure construction of the beyond visual line of sight UAS program during the 2021-23 biennium. The Senate authorized the Department of Commerce to provide a grant of up to \$28 million to the Department of Transportation.



- Amends a section identifying the amount of funding appropriated to the Department of Commerce from the strategic investment and improvements fund.
- Adds a section to amend North Dakota Century Code Section 54-34.3-13 to remove the requirement that businesses be "primary sector" businesses to qualify for the rural growth incentive program, which is administered by the North Dakota Development Fund in the rural growth incentive fund.
- Removes a section added by the Senate that provided an exemption to the Department of Commerce to continue 2019-21 biennium funding for the early childhood education program into the 2021-23 biennium.
- Adds a section of legislative intent that the Northern Plains UAS Test Site maximize earned revenue when possible.
- Adds a section providing for a Legislative Management study of data storage by state entities.
- Adds a section to declare the bill an emergency measure.

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

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

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

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

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

#### SIXTH ORDER OF BUSINESS

**SB 2018, as engrossed: REP. NATHE (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a verification vote.

#### SECOND READING OF SENATE BILL

**SB 2018:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of commerce; to provide an appropriation to the department of transportation; to create and enact a new section to chapter 4.1-01 of the North Dakota Century Code, relating to the transfer of the international business and trade office from the department of commerce to the agriculture commissioner; to amend and reenact sections 54-34.3-13 and 54-60-29 of the North Dakota Century Code, relating to the rural growth incentive program and the unmanned aircraft systems program fund; to repeal section 54-60-16 of the North Dakota Century Code, relating to the international business and trade office; to provide a continuing appropriation; to provide for a transfer; to provide for a report; to provide an exemption; to provide a statement of legislative intent; to provide for a legislative management study; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 58 YEAS, 35 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson, D.; Becker; Bellew; Boe; Christensen; Delzer; Devlin; Ertelt; Guggisberg; Hauck; Hoverson; Kading; Kasper; Keiser; Kiefert; Klemin; Koppelman, B.; Louser; Magrum; Marschall; Meier; Owens; Paulson; Paur; Rohr; Ruby, D.; Ruby, M.; Schatz; Skroch; Steiner; Toman; Tveit; Vetter; Weisz; Speaker Koppelman, K.

**ABSENT AND NOT VOTING:** Trottier

Engrossed SB 2018, as amended, passed but the emergency clause failed.

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2124.

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

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

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently failed to pass: SB 2124.

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

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

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

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

**MR. PRESIDENT:** The House has adopted the conference committee report on: SB 2089, SB 2212.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2332.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1020.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1020.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2019.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2144, SB 2247, SB 2319.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2015.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2161.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1017, HB 1183.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2003, SB 2089, SB 2212, SB 2271, SB 2332.

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

**MR. SPEAKER:** The President has signed: HB 1017, HB 1183.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1118.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1232, HB 1246, HB 1375, HB 1383, HB 1394, HB 1412, HB 1452.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2290.

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

**MR. SPEAKER:** The President has signed: SB 2290.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on April 21, 2021: HB 1118.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 21, 2021: HB 1232, HB 1246, HB 1375, HB 1383, HB 1394, HB 1412, HB 1452.

**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 22, 2021, which motion prevailed on a voice vote.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1019, as engrossed:** Your conference committee (Sens. Sorvaag, Bekkedahl, Mathern and Reps. Nathe, Monson, Boe) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1169-1171, adopt amendments as follows, and place HB 1019 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1464-1466 of the House Journal and pages 1169-1171 of the Senate Journal and that Engrossed House Bill No. 1019 be amended as follows:

Page 1, line 5, after the first semicolon insert "to provide for the conveyance of real property; to provide for a legislative management study; to provide for application;"

Page 1, line 5, after the second "provide" insert "for"

Page 1, replace lines 17 through 23 with:

"Administration	\$2,604,999	\$410,071	\$3,015,070
Park operations and maintenance	20,914,593	8,140,930	29,055,523
Recreation	<u>9,023,560</u>	<u>3,735,402</u>	<u>12,758,962</u>
Total all funds	\$32,543,152	\$12,286,403	\$44,829,555
Less estimated income	<u>20,046,609</u>	<u>12,085,784</u>	<u>32,132,393</u>

Total general fund	\$12,496,543	\$200,619	\$12,697,162
Full-time equivalent positions	61.50	(3.75)	57.75"

Page 2, replace lines 11 through 14 with:

"Lewis and Clark interpretive center	\$1,304,375	(\$1,304,375)	\$0
Total all funds	\$1,304,375	(\$1,304,375)	\$0
Less estimated income	334,118	(334,118)	0
Total general fund	\$970,257	(\$970,257)	\$0"

Page 2, replace lines 18 through 20 with:

"Grand total general fund	\$14,343,129	(\$769,638)	\$13,573,491
Grand total special funds	20,380,727	14,751,666	35,132,393
Grand total all funds	\$34,723,856	\$13,982,028	\$48,705,884"

Page 2, replace line 26 with:

"Extraordinary repairs and capital projects	\$634,126	\$7,900,000"
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Page 2, after line 28, insert:

"Parks matching grant program	0	1,632,800"
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Page 3, replace lines 5 through 7 with:

"Total all funds	\$8,311,126	\$12,782,800
Less estimated income	8,311,126	12,532,800
Total general fund	\$0	\$250,000"

Page 3, replace lines 25 through 28 with:

**"SECTION 5. CONVEYANCE OF LAND AND BUILDINGS - LEWIS AND CLARK INTERPRETIVE CENTER - APPLICATION.** The state of North Dakota, by and through the parks and recreation department, shall convey ownership of the Lewis and Clark interpretive center and surrounding real property to the state historical society. Sections 54-01-05.2 and 54-01-05.5 do not apply to this conveyance."

Page 3, line 29, after **"MAINTENANCE"** insert **"AND CAPITAL PROJECTS"**

Page 3, line 29, remove **"STRATEGIC INVESTMENT AND"**

Page 3, line 30, replace **"IMPROVEMENTS FUND"** with **"FEDERAL CORONAVIRUS CAPITAL PROJECTS FUND"**

Page 4, line 1 replace "\$7,500,000" with "\$7,900,000"

Page 4, line 1, replace "the strategic investment and improvements fund" with "federal funds derived from the federal coronavirus capital projects fund"

Page 4, line 2, after "maintenance" insert "and capital projects"

Page 4, line 2, after the period insert "The funding provided under this section may be spent only to the extent the director of the office of management and budget, in consultation with the budget section, determines the use of the funding complies with federal guidance for the federal coronavirus capital projects fund. The funding provided under this section is considered a one-time funding item."

**SECTION 7. PARKS MATCHING GRANT PROGRAM - FEDERAL CORONAVIRUS CAPITAL PROJECTS FUND.** The recreation line item in subdivision 1 of section 1 of this Act includes \$1,632,800, of which \$816,400 is from federal funds derived from the federal coronavirus capital projects fund and \$816,400 is matching funds from nonstate sources for a matching grant program for the biennium beginning July 1, 2021, and ending June 30, 2023. The parks and

recreation department may spend these funds for capital project improvements at state parks, subject to the department obtaining matching funds from nonstate sources for each project on a dollar-for-dollar basis. The federal funding provided under this section may be spent only to the extent the director of the office of management and budget, in consultation with the budget section, determines the use of the funding complies with federal guidance for the federal coronavirus capital projects fund. The funding provided under this section is considered a one-time funding item."

Page 4, line 3, remove **"STRATEGIC INVESTMENT AND"**

Page 4, line 4, replace **"IMPROVEMENTS FUND"** with **"FEDERAL CORONAVIRUS CAPITAL PROJECTS FUND"**

Page 4, line 5, remove "strategic investment and improvements"

Page 4, line 6, replace "fund" with " federal funds derived from the federal coronavirus capital projects fund"

Page 4, line 11, after the period insert "The funding provided under this section may be spent only to the extent the director of the office of management and budget, in consultation with the budget section, determines the use of the funding complies with federal guidance for the federal coronavirus capital projects fund. The funding provided under this section is considered a one-time funding item."

Page 5, after line 16, insert:

**"SECTION 14. LEGISLATIVE MANAGEMENT STUDY - PARKS MATCHING GRANT PROGRAM.** During the 2021-22 interim, the legislative management shall consider studying the effectiveness of the parks matching grant program created in section 7 of this Act and the feasibility and desirability of creating a parks and recreation foundation. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Page 5, line 17, remove "the strategic investment and"

Page 5, line 18, replace "improvements fund" with " federal funds derived from the federal coronavirus capital projects fund"

Page 5, line 19, replace "7" with "8"

Page 5, line 19, replace "8" with "9"

Page 5, line 19, replace "9" with "10"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1019 - Parks and Recreation Department - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Administration	\$2,604,999	\$3,013,439	\$1,631	\$3,015,070	\$3,015,070	
Park operations and maintenance	20,914,593	28,652,175	403,348	29,055,523	28,655,523	\$400,000
Recreation	9,023,560	11,124,958	1,634,004	12,758,962	13,126,162	(367,200)
International Peace Garden	876,329	3,876,329		3,876,329	3,876,329	
Lewis and Clark Interpretive Center	1,304,375	1,440,912	(1,440,912)			
Total all funds	\$34,723,856	\$48,107,813	\$598,071	\$48,705,884	\$48,673,084	\$32,800
Less estimated income	20,380,727	33,687,692	1,444,701	35,132,393	35,099,593	32,800
General fund	\$14,343,129	\$14,420,121	(\$846,630)	\$13,573,491	\$13,573,491	\$0
FTE	61.50	61.50	(3.75)	57.75	57.75	0.00

# Department 750 - Parks and Recreation Department - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Transfers the Lewis and Clark Interpretive Center Operations <sup>2</sup>	One-Time Funding for Parks Matching Program <sup>3</sup>	Adds One- Time Funding for Deferred Maintenance <sup>4</sup>	Adjusts One- Time Funding Source for International Peace Garden <sup>5</sup>	Total Conference Committee Changes
Administration	\$1,631					\$1,631
Park operations and maintenance	3,348			\$400,000		403,348
Recreation	1,204		\$1,632,800			1,634,004
International Peace Garden Lewis and Clark Interpretive Center	(12,121)	(\$1,428,791)				(1,440,912)
Total all funds	(\$5,938)	(\$1,428,791)	\$1,632,800	\$400,000	\$0	\$598,071
Less estimated income	96	(588,195)	1,632,800	400,000	0	1,444,701
General fund	(\$6,034)	(\$840,596)	\$0	\$0	\$0	(\$846,630)
FTE	0.00	(3.75)	0.00	0.00	0.00	(3.75)

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

<sup>2</sup> Funding and 3.75 FTE positions are removed to transfer the Lewis and Clark Interpretive Center to the State Historical Society, the same as the Senate version. The House did not provide for this transfer.

<sup>3</sup> One-time funding of \$1,632,800 is provided from the federal Coronavirus Capital Projects Fund (\$816,400) and from matching funds (\$816,400) for a parks matching grant program. The Senate provided funding of \$1,000,000 from the strategic investment and improvements fund and \$1,000,000 from matching funds. The House did not include this funding.

<sup>4</sup> Changes the funding source from the strategic investment and improvements fund to the federal Coronavirus Capital Projects Fund to provide a total of \$7.9 million for deferred maintenance and capital projects. The Senate and the House provided \$7.5 million from the strategic investment and improvements fund.

<sup>5</sup> Changes the funding source from the strategic investment and improvements fund to the federal Coronavirus Capital Projects Fund for the International Peace Garden capital projects. The Senate and the House provided \$3 million from the strategic investment and improvements fund.

This amendment also:

- Conveys ownership of the Lewis and Clark Interpretive Center and surrounding real property to the State Historical Society. The section exempts the conveyance from North Dakota Century Code Sections 54-01-05.2 and 54-01-05.5 relating to the sale of state-owned land and the preparation of an assessment of the property. The Senate version included this section, the House did not.
- Creates a parks matching grant program requiring dollar-for-dollar matching funds provided from nonstate sources, the same as the Senate version. The House did not include this section.
- Provides for a Legislative Management study of the parks matching grant program and the feasibility and desirability of creating a parks and recreation foundation, the same as the Senate version. The House did not include this section.
- Removes a section providing for a \$100,000 transfer from the Department of Transportation for defraying expenses of the Lewis and Clark Interpretive Center, the same as the Senate version. The House included this section.

Engrossed HB 1019 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1027, as engrossed:** Your conference committee (Sens. Schaible, Lemm, Wobbema and Reps. Zubke, Monson, Owens) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1421, adopt amendments as follows, and place HB 1027 on the Seventh order:

That the Senate recede from its amendments as printed on page 1421 of the House Journal and page 977 of the Senate Journal and that Engrossed House Bill No. 1027 be amended as follows:

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

Page 1, line 4, after "students" insert "; and to provide for a legislative management study"

Page 1, line 9, replace "The" with "Subject to legislative appropriation, the"

Page 2, line 4, replace "The" with "Subject to legislative appropriation, the"

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

Page 2, line 18, replace "The" with "Subject to legislative appropriation, the"

Page 2, line 29, replace "A" with "Subject to legislative appropriation, a"

Page 3, line 3, replace "The" with "Subject to legislative appropriation, the"

Page 3, line 19, replace "The" with "Subject to legislative appropriation, the"

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

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

Page 4, line 1, replace "A" with "Subject to legislative appropriation, a"

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

Page 4, line 21, replace "The" with "Subject to legislative appropriation, the"

Page 4, line 27, replace "The" with "Subject to legislative appropriation, the"

Page 4, line 30, after the underscored period insert "The superintendent of public instruction may not distribute more than one-half of the amount appropriated for transportation grants for any biennium in the first year of the biennium. If total transportation reimbursement claims exceed the amount appropriated by the legislative assembly, the superintendent of public instruction shall reduce transportation reimbursements on a prorated basis for all school districts requesting reimbursements."

Page 5, after line 19, insert:

**"SECTION 7. LEGISLATIVE MANAGEMENT STUDY - CAREER AND TECHNICAL EDUCATION STUDENT TRANSPORTATION COSTS.** During the 2021-22 interim, the legislative management shall consider studying the impact of additional career and technical education center student transportation on student transportation costs. 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 1027 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2015, as engrossed:** Your conference committee (Sens. Wanzek, Poolman, Mathern and Reps. Schobinger, B. Anderson, Mitskog) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1370-1372, adopt amendments as follows, and place SB 2015 on the Seventh order:

That the House recede from its amendments as printed on pages 1370-1372 of the Senate Journal and pages 1493-1495 of the House Journal and that Engrossed Senate Bill No. 2015 be amended as follows:

Page 1, line 2, replace the second "and" with "to provide a statement of legislative intent; to provide for a legislative management study;"

Page 1, line 2, after "exemption" insert "; and to declare an emergency"

Page 1, replace lines 12 through 17 with:

"Adult services	\$236,657,747	\$23,570,832	\$260,228,579
Youth services	31,753,268	(7,168,423)	24,584,845
Total all funds	\$268,411,015	\$16,402,409	\$284,813,424
Less estimated income	40,124,189	26,523,426	66,647,615
Total general fund	\$228,286,826	(\$10,121,017)	\$218,165,809
FTE positions	899.79	8.00	907.79"

Page 2, after line 21, insert:

**"SECTION 3. APPROPRIATION - 2019-21 BIENNIUM - FEDERAL CORONAVIRUS RELIEF FUND - SPENDING RESTRICTION.** There is appropriated out of any moneys from federal funds derived from the federal coronavirus relief fund, not otherwise appropriated, the sum of \$43,689,050, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for law enforcement payroll costs, for the period beginning March 2020 and ending June 2021. The funding appropriated in this section replaces existing legislative appropriations. The department of corrections and rehabilitation may not spend the funding appropriated from the general fund for law enforcement payroll costs during the period identified.

**SECTION 4. ESTIMATED INCOME - FEDERAL CORONAVIRUS RELIEF FUND.** The estimated income line item in section 1 of this Act includes the sum of \$18,371,718, or so much of the sum as may be necessary, from the federal coronavirus relief fund for law enforcement payroll costs for the period beginning July 1, 2021, and ending December 31, 2021.

**SECTION 5. LEGISLATIVE INTENT - COMMUNITY BEHAVIORAL HEALTH SERVICES.** It is the intent of the sixty-seventh legislative assembly that the department of corrections and rehabilitation be considered the payer of last resort whenever any other benefit or source of third-party payment, excluding the substance use disorder treatment voucher program, is available for community-based behavioral health services for the biennium beginning July 1, 2021, and ending June 30, 2023. It is further the intent of the sixty-seventh legislative assembly that the funding appropriated to the department of corrections and rehabilitation for community-based behavioral health services be utilized prior to utilizing substance use disorder treatment voucher program funding for the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION 6. LEGISLATIVE MANAGEMENT STUDY - DEPARTMENT OF CORRECTIONS AND REHABILITATION LAND USE.** During the 2021-22 interim, the legislative management shall consider studying the use of land owned by the department of corrections and rehabilitation, including the potential to sell land owned by the department to finance the construction of new correctional facilities. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Page 3, line 9, after "maintenance" insert ", capital planning,"



Page 3, after line 11, insert:

**"SECTION 10. EMERGENCY.** Section 3 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2015 - Department of Corrections and Rehab. - Conference Committee Action**

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Adult services	\$236,657,747	\$257,011,486	\$3,217,093	\$260,228,579	\$260,228,579	
Youth services	31,753,268	24,307,034	277,811	24,584,845	24,584,845	
Total all funds	\$268,411,015	\$281,318,520	\$3,494,904	\$284,813,424	\$284,813,424	\$0
Less estimated income	40,124,189	44,963,739	21,683,876	66,647,615	66,647,615	0
General fund	\$228,286,826	\$236,354,781	(\$18,188,972)	\$218,165,809	\$218,165,809	\$0
FTE	899.79	907.79	0.00	907.79	907.79	0.00

**Department 530 - Department of Corrections and Rehab. - Detail of Conference Committee Changes**

	Adjusts Funding for Salary Increases <sup>1</sup>	Restores Funding for Juvenile Services <sup>2</sup>	Reduces Funding for DWCR Contract <sup>3</sup>	Adds Funding for Free Through Recovery Program <sup>4</sup>	Adjusts the Source of Funding <sup>5</sup>	Total Conference Committee Changes
Adult services	\$167,093		(\$250,000)	\$3,300,000		\$3,217,093
Youth services	27,811	\$250,000				277,811
Total all funds	\$194,904	\$250,000	(\$250,000)	\$3,300,000	\$0	\$3,494,904
Less estimated income	12,158	0	0	3,300,000	18,371,718	21,683,876
General fund	\$182,746	\$250,000	(\$250,000)	\$0	(\$18,371,718)	(\$18,188,972)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022, the same as the House version. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

<sup>2</sup> Funding of \$250,000 from the general fund is restored for day treatment, intensive in-home services, and other juvenile community programming, the same as the House version.

<sup>3</sup> Funding for the contract with the Dakota Women's Correctional and Rehabilitation Center is reduced by \$250,000 from the general fund to provide a total of \$11.05 million from the general fund for the contract, the same as the House version. The Senate provided \$11.3 million for the contract.

<sup>4</sup> Funding of \$3.3 million from federal funds is added to provide a total of \$11.3 million to the Department of Corrections and Rehabilitation for the free through recovery program, including \$8 million from the general fund and \$3.3 million from federal funds, the same as the House version.

<sup>5</sup> The source of funding for law enforcement payroll costs is adjusted to provide \$18,371,718 from the federal Coronavirus Relief Fund rather than the general fund, the same as the House version.

This amendment also:

- Appropriates \$43,689,050 from the federal Coronavirus Relief Fund for law enforcement payroll costs for the period March 2020 through June 2021, and provides that the Department of Corrections and Rehabilitation not spend the

amounts appropriated from the general fund for law enforcement payroll costs during this time period, the same as the House version.

- Adds a section to identify \$18,371,718 from the federal Coronavirus Relief Fund is for law enforcement payroll costs for the period beginning July 1, 2021, and ending December 31, 2021, the same as the House version.
- Adds a section to provide legislative intent that the Department of Corrections and Rehabilitation be the payer of last resort whenever any other benefit or source of third-party payment, excluding the substance use disorder treatment voucher program, is available for community-based behavioral health services. The House version included a similar section.
- Adds a section to provide for a Legislative Management study of land owned by the Department of Corrections and Rehabilitation, including the potential sale of land to finance the construction of new facilities. This section was not included in the House version nor the Senate version.

Engrossed SB 2015 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2019, as engrossed:** Your conference committee (Sens. Poolman, Erbele, Heckaman and Reps. Sanford, Schmidt, Boe) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1365-1367, adopt amendments as follows, and place SB 2019 on the Seventh order:

That the House recede from its amendments as printed on pages 1365-1367 of the Senate Journal and pages 1495-1498 of the House Journal and that Engrossed Senate Bill No. 2019 be amended as follows:

Page 1, line 2, replace "report" with "statement of legislative intent"

Page 1, remove lines 12 through 24

Page 2, replace lines 1 through 13 with:

"Salaries and wages	\$4,812,765	(\$168,859)	\$4,643,906
Operating expenses	2,357,796	(159,343)	2,198,453
Grants	9,207,349	300,000	9,507,349
Grants - secondary	24,587,780	2,250,000	26,837,780
Marketplace for kids	300,000	0	300,000
Science, technology, engineering, and mathematics initiative	0	100,000	100,000
Grants - postsecondary	256,982	(256,982)	0
Adult farm management	1,894,249	(188,111)	1,706,138
Workforce training	2,000,000	0	2,000,000
Center for distance education	<u>9,351,188</u>	<u>110,066</u>	<u>9,461,254</u>
Total all funds	\$54,768,109	\$1,986,771	\$56,754,880
Less estimated income	<u>14,703,121</u>	<u>316,696</u>	<u>15,019,817</u>
Total general fund	\$40,064,988	\$1,670,075	\$41,735,063
Full-time equivalent positions	52.30	(2.00)	50.30

**SECTION 2. LEGISLATIVE INTENT - AREA CAREER AND TECHNICAL CENTERS - SECONDARY GRANTS.** It is the intent of the sixty-seventh legislative assembly that school districts:

1. Use federal funds available from the elementary and secondary school emergency relief fund to effectively benefit students;
2. Prepare to provide for any future operating and maintenance costs relating to new or expanded programs resulting from the expenditure of these federal funds because state funds will not be provided to replace these federal funds; and
3. Prepare to provide increased local support for area career and technical centers since state secondary grant funding is limited and the share of

state assistance for these programs may decrease if new or expanded programs are established."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2019 - Dept. of Career and Technical Education - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$4,812,765	\$4,654,641	(\$10,735)	\$4,643,906	\$4,643,906	
Operating expenses	2,357,796	2,198,453		2,198,453	2,198,453	
Grants	9,207,349	54,507,349	(45,000,000)	9,507,349	9,507,349	
Grants - Secondary	24,587,780	27,187,780	(350,000)	26,837,780	26,587,780	\$250,000
Marketplace for kids	300,000	250,000	50,000	300,000	300,000	
Grants - Postsecondary	256,982					
Adult farm management	1,894,249	1,756,138	(50,000)	1,706,138	1,706,138	
Workforce training	2,000,000	1,900,000	100,000	2,000,000	2,000,000	
Center for distance education	9,351,188	9,464,653	(3,399)	9,461,254	9,461,254	
STEM initiative			100,000	100,000	100,000	
Total all funds	\$54,768,109	\$101,919,014	(\$45,164,134)	\$56,754,880	\$56,504,880	\$250,000
Less estimated income	14,703,121	60,019,817	(45,000,000)	15,019,817	15,019,817	0
General fund	\$40,064,988	\$41,899,197	(\$164,134)	\$41,735,063	\$41,485,063	\$250,000
FTE	52.30	50.30	0.00	50.30	50.30	0.00

#### Department 270 - Dept. of Career and Technical Education - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Transfers STEM Funding <sup>2</sup>	Reduces Funding for Cost to Continue Reimbursement Rates <sup>3</sup>	Restores Funding for Marketplace for Kids <sup>4</sup>	Reduces Funding for Adult Farm Management <sup>5</sup>	Restores Funding for Workforce Training <sup>6</sup>
Salaries and wages	(\$10,735)					
Operating expenses						
Grants						
Grants - Secondary		(\$100,000)	(\$250,000)			
Marketplace for kids				\$50,000		
Grants - Postsecondary						
Adult farm management					(\$50,000)	
Workforce training						\$100,000
Center for distance education	(3,399)					
STEM initiative		100,000				
Total all funds	(\$14,134)	\$0	(\$250,000)	\$50,000	(\$50,000)	\$100,000
Less estimated income	0	0	0	0	0	0
General fund	(\$14,134)	\$0	(\$250,000)	\$50,000	(\$50,000)	\$100,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Removes One-Time Funding for Career Academies <sup>7</sup>	Total Conference Committee Changes
Salaries and wages		(\$10,735)
Operating expenses		
Grants	(\$45,000,000)	(45,000,000)
Grants - Secondary		(350,000)
Marketplace for kids		50,000
Grants - Postsecondary		
Adult farm management		(50,000)
Workforce training		100,000
Center for distance education		(3,399)
STEM initiative		100,000
Total all funds	(\$45,000,000)	(\$45,164,134)
Less estimated income	(45,000,000)	(45,000,000)
General fund	\$0	(\$164,134)
FTE	0.00	0.00

<sup>1</sup> Salaries and wages funding is adjusted for 2021-23 biennium salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100 and 2 percent on July 1, 2022, the same as provided by the House. The Senate provided salary adjustments of

2 percent with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 on July 1, 2021, and 2 percent on July 1, 2022.

<sup>2</sup> Science, technology, engineering, and mathematics (STEM) funding of \$100,000 from the general fund is transferred from the secondary grants line item to a newly created science, technology, engineering, and mathematics initiative line item, the same as provided by the House. The Senate transferred this funding from the operating expenses line item to the secondary grants line item.

<sup>3</sup> Funding for the cost to continue career and technical education course cost reimbursement rates for schools (27 percent) and area career and technical centers (40 percent) is reduced by \$250,000 from the general fund to provide a total of \$1,250,000. The Senate approved \$1,500,000 from the general fund. The House approved \$1,000,000 from the general fund.

<sup>4</sup> Funding of \$50,000 is restored for the Marketplace for Kids program to provide a total of \$300,000 from the general fund, the same as provided during the 2019-21 biennium and by the House. The Senate provided \$250,000 from the general fund.

<sup>5</sup> Funding for the adult farm management program is reduced by \$50,000, to provide a total of \$1,706,138 from the general fund. The Senate reduced funding for the program by \$138,111 to provide a total of \$1,756,138 from the general fund. The additional \$50,000 reduction approved by the House results in a total reduction of \$188,111 from the 2019-21 biennium appropriation of \$1,894,249 from the general fund.

<sup>6</sup> Funding of \$100,000 is restored for workforce training to provide a total of \$2,000,000 from the general fund, the same as provided for the 2019-21 biennium and by the House. The Senate approved a reduction of \$100,000 to provide a total of \$1,900,000 from the general fund.

<sup>7</sup> One-time funding of \$45,000,000 from bond proceeds for competitive workforce development grants to build career academies approved by the Senate is removed. The House also removed the funding. This amendment removes Section 2 from the bill related to one-time funding, which was added by the Senate.

This amendment also adds a section of legislative intent that school districts use federal funds available from the elementary and secondary school emergency relief fund to effectively benefit students, prepare to provide for any future operating and maintenance costs relating to new or expanded programs resulting from the expenditure of these federal funds, and prepare to provide increased local support for area career and technical centers since state secondary grant funding is limited and the share of state assistance for these programs may decrease if new or expanded programs are established. This section was also included by the House, but amended by the Conference Committee to include the word "prepare" rather than "develop plans".

Engrossed SB 2019 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

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

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

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

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

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

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

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

Page 3, line 24, overstrike "or tenant"

Page 4, line 9, overstrike "or tenant"

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

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

Renumber accordingly

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

#### REPORT OF CONFERENCE COMMITTEE

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

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

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

Page 2, after line 4, insert:

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

Renumber accordingly

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

#### REPORT OF CONFERENCE COMMITTEE

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

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

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

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

Page 1, remove the overstrike over lines 9 through 11

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

Page 1, line 12, remove "the"

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

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

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

Page 1, line 16, remove "a final"

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

Page 1, overstrike lines 17 through 21

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

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

Page 2, line 13, after "6." insert "Unless the transaction is subject to subsection 1 or exempted under subsection 7, the seller of real property that is a residential dwelling with no more than four units located in this state being sold or exchanged by the owner shall comply with the provisions of this subsection. Except as otherwise provided in an offer to purchase agreement, before the parties sign the final acceptance of the purchase agreement for the sale, exchange, or purchase of the real property, the seller in a transaction subject to this subsection shall disclose to the buyer, in writing, all material facts the seller is aware could adversely and significantly affect an ordinary buyer's use and enjoyment of the property or any intended use of the property of which the seller is aware. The written disclosure may be in the form of a written property disclosure form.

7."

Renumber accordingly

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

#### REPORT OF CONFERENCE COMMITTEE

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

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

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

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

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

##### Straddle well distribution.

1. By August 1, 2021, and on or before April thirtieth of each subsequent fiscal year, the industrial commission shall certify to the tax commissioner the on-reservation trust lands acreage ratio and the on-reservation nontrust lands acreage ratio for each reservation with on-reservation spacing unit acreage. For each reservation, the on-reservation trust lands

- acreage ratio is calculated by dividing the on-reservation spacing unit acreage consisting of trust lands by the total spacing unit acreage. For each reservation, the on-reservation nontrust lands acreage ratio is calculated by dividing the on-reservation spacing unit acreage consisting of nontrust lands by the total spacing unit acreage. The on-reservation acreage ratios for each reservation are effective for taxable production each fiscal year beginning July first. By August 1, 2021, and on or before June first of each subsequent fiscal year, the tax commissioner shall publish the on-reservation acreage ratios for each reservation.
2. The tax commissioner shall certify to the state treasurer the total oil and gas gross production and oil extraction taxes attributable to production from straddle wells drilled before July 1, 2019, by reservation, and the total oil and gas gross production and oil extraction taxes attributable to production from straddle wells drilled on or after July 1, 2019, by reservation. Before allocation of the state's share of oil and gas tax revenues under section 57-51.1-07.5, the state treasurer shall allocate monthly to the governing body of a tribe associated with a reservation that has on-reservation spacing unit acreage, an amount equal to:
- a. Fifty percent of the taxes certified under this section for wells drilled before July 1, 2019, multiplied by the on-reservation trust lands acreage ratio calculated under subsection 1 for that reservation;
- b. Fifty percent of the taxes certified under this section for wells drilled before July 1, 2019, multiplied by the on-reservation nontrust lands acreage ratio calculated under subsection 1 for that reservation;
- c. Eighty percent of the taxes certified under this section for wells drilled on or after July 1, 2019, multiplied by the on-reservation trust lands acreage ratio calculated under subsection 1 for that reservation; and
- d. Twenty percent of the taxes certified under this section for wells drilled on or after July 1, 2019, multiplied by the on-reservation nontrust lands acreage ratio calculated under subsection 1 for that reservation.
3. For purposes of this section:
- a. "On-reservation spacing unit acreage" means the mineral acreage located within the exterior boundaries of a reservation in this state from all spacing units with one or more straddle wells.
- b. "Straddle well" means an oil and gas well located outside the exterior boundaries of a reservation which has one or more laterals penetrating a reservation boundary.
- c. "Total spacing unit acreage" means the total mineral acreage from all spacing units with one or more straddle wells.
4. Upon accepting a payment under this section, if a tribe assesses any tax or fee or imposes any regulation on any current or future straddle well, or assesses an additional tax on any well subject to an agreement under chapter 57-51.2, the agreement under chapter 57-51.2 is void and the state treasurer may not distribute any funds to the tribe under this section or chapter 57-51.2.

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

Renumber accordingly

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

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

**Buell J. Reich, Chief Clerk**