

## JOURNAL OF THE HOUSE

## Sixty-seventh Legislative Assembly

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Bismarck, April 27, 2021

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

The prayer was offered by Rep. Karls, District 35.

The roll was called and all members were present except Representatives B. Anderson, Brandenburg, Ertelt, Guggisberg, Kempenich, and Ostlie.

A quorum was declared by the Speaker.

## MOTION

**REP. LOUSER MOVED** that Rep. Vigasaa replace Rep. Bellew on the Conference Committee on HB 1453, which motion prevailed on a voice vote.

## MOTION

**REP. LOUSER MOVED** that Rep. Vigasaa replace Rep. Brandenburg on the Conference Committee on SB 2014, which motion prevailed on a voice vote.

## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. KEMPENICH MOVED** that the conference committee report on Reengrossed HB 1022 as printed on HJ pages 1995-1996 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1022, as amended, was placed on the Eleventh order of business.

## SECOND READING OF HOUSE BILL

**HB 1022:** A BILL for an Act to provide an appropriation for defraying the expenses of the retirement and investment office; and to provide an exemption.

## 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, 2 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Boschee; Buffalo; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Klemm; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; 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

**ABSENT AND NOT VOTING:** Anderson, B.; Brandenburg; Guggisberg; Kempenich; Ostlie

Reengrossed HB 1022 passed.

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## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. STRINDEN MOVED** that the conference committee report on Engrossed SB 2010 as printed on HJ pages 1996-1997 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2010, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF SENATE BILL**

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

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 63 YEAS, 26 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Becker; Bellew; Christensen; Delzer; Ertelt; Hoverson; Howe; Kading; Koppelman, B.; Lefor; Louser; Magrum; Marschall; Nehring; Owens; Paulson; Pyle; Ruby, D.; Ruby, M.; Schatz; Skroch; Steiner; Thomas; Toman; Trottier; Weisz

**ABSENT AND NOT VOTING:** Anderson, B.; Brandenburg; Guggisberg; Kempenich; Ostlie

Engrossed SB 2010, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. SCHATZ MOVED** that the conference committee report on Reengrossed SB 2030 as printed on HJ page 1997 be adopted, which motion prevailed on a verification vote.

**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.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1253, as engrossed:** Your conference committee (Sens. Vedaa, Meyer, Marcellais and Reps. Kasper, Louser, Schneider) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1687-1689, adopt amendments as follows, and place HB 1253 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1687-1689 of the House Journal and pages 1393-1395 of the Senate Journal and that Engrossed House Bill No. 1253 be amended as follows:

Page 1, line 4, after "reenact" insert "section 15.1-09-15,"

Page 1, line 4, replace "sections" with "section"

Page 1, line 4, after the second comma insert "subsection 5 of section 16.1-01-04.1, sections"

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 1, line 18, after the seventh comma insert "16.1-15-17,"

Page 2, after line 6, insert:

**"SECTION 2. AMENDMENT.** Section 15.1-09-15 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-09-15. School district election - Declaration of winner.**

On the ~~sixth~~thirteenth day after the election, the school board shall meet to canvass all election returns and shall declare the result of an election and, in the case of a tie, within three days from the determination of a winner. However, if the election is held under an agreement with a city or county pursuant to sections 15.1-09-22 and 15.1-09-24, the returns must be canvassed and the winners declared as set out in the agreement. The individual receiving the highest number of votes for an office must be declared elected. The board shall record the result of the election."

Page 3, after line 30, insert:

**"SECTION 6. AMENDMENT.** Subsection 5 of section 16.1-01-04.1 of the North Dakota Century Code is amended and reenacted as follows:

5. If an individual is not able to show a valid form of identification but asserts qualifications as an elector in the precinct in which the individual desires to vote, the individual may mark a ballot that must be securely set aside in a sealed envelope designed by the secretary of state. After the ballot is set aside, the individual may show a valid form of identification to either a polling place election board member if the individual returns to the polling place before the polls close, or to an employee of the office of the election official responsible for the administration of the election before the meeting of the canvassing board occurring on the ~~sixth~~thirteenth day after the election. Each ballot set aside under this subsection must be presented to the members of the canvassing board for proper inclusion or exclusion from the tally."

Page 10, after line 26, insert:

**"SECTION 16. 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 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 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 66. 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"

Page 70, after line 17, insert:

**"SECTION 97. AMENDMENT.** Section 16.1-15-17 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-15-17. Time of county canvassing board meeting - Oath required - Reconsideration of canvass.**

On the ~~sixth~~thirteenth day following each election, the county canvassing board shall meet and, after taking the oath of office, shall proceed to open and publicly canvass the returns. After the initial meeting of the board as provided in this

section, any two or more members may call a meeting of the board and upon approval of a majority of the members, the board shall recanvass the results of the election or any portion thereof and may correct any previous canvass or certification or both in regard to the election. Any correction of any previous certification of election results as provided in this section must be immediately dispatched to the secretary of state who shall call a meeting of the state canvassing board as provided in section 16.1-15-35 for the purpose of recanvassing and, if necessary, correcting any previous certification of the election results."

Renumber accordingly

Engrossed HB 1253 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. LOUSER MOVED** that the conference committee report on Engrossed HB 1253 be adopted, which motion failed on a voice vote.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2020.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2020, as engrossed:** Your conference committee (Sens. Erbele, Wanzek, Heckaman and Reps. Monson, Schmidt, Boe) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1420-1425, adopt amendments as follows, and place SB 2020 on the Seventh order:

That the House recede from its amendments as printed on pages 1420-1425 of the Senate Journal and pages 1498-1503 of the House Journal and that Engrossed Senate Bill No. 2020 be amended as follows:

Page 1, remove lines 20 through 23

Page 2, replace line 1 with:

"Extension service	\$54,396,305	\$2,133,919	\$56,530,224
Soil conservation committee	<u>1,091,520</u>	<u>120,000</u>	<u>1,211,520</u>
Total all funds	\$55,487,825	\$2,253,919	\$57,741,744
Less estimated income	<u>27,778,159</u>	<u>525,762</u>	<u>28,303,921</u>
Total general fund	\$27,709,666	\$1,728,157	\$29,437,823"

Page 2, replace lines 7 through 10 with:

"Northern crops institute	<u>\$3,840,027</u>	<u>\$69,733</u>	<u>\$3,909,760</u>
Total all funds	\$3,840,027	\$69,733	\$3,909,760
Less estimated income	<u>1,896,217</u>	<u>26,401</u>	<u>1,922,618</u>
Total general fund	\$1,943,810	\$43,332	\$1,987,142"

Page 2, replace lines 16 through 20 with:

"Upper great plains transportation institute	<u>\$23,292,223</u>	<u>\$2,460,734</u>	<u>\$25,752,957</u>
Total all funds	\$23,292,223	\$2,460,734	\$25,752,957
Less estimated income	<u>18,895,894</u>	<u>2,371,456</u>	<u>21,267,350</u>
Total general fund	\$4,396,329	\$89,278	\$4,485,607"

Page 2, replace lines 26 through 29 with:

"Main research center	<u>\$109,170,101</u>	<u>\$5,079,087</u>	<u>\$114,249,188</u>
Total all funds	\$109,170,101	\$5,079,087	\$114,249,188
Less estimated income	<u>56,502,775</u>	<u>2,658,181</u>	<u>59,160,956</u>
Total general fund	\$52,667,326	\$2,420,906	\$55,088,232"

Page 3, replace lines 4 through 13 with:

"Dickinson research center	\$7,015,862	\$62,976	\$7,078,838
Central grasslands research center	3,510,825	42,495	3,553,320
Hettinger research center	5,112,403	62,482	5,174,885
Langdon research center	3,052,060	39,250	3,091,310
North central research center	5,137,570	65,681	5,203,251
Williston research center	5,286,833	75,901	5,362,734
Carrington research center	<u>9,685,861</u>	<u>142,102</u>	<u>9,827,963</u>
Total all funds	\$38,801,414	\$490,887	\$39,292,301
Less estimated income	<u>20,600,388</u>	<u>122,430</u>	<u>20,722,818</u>
Total general fund	\$18,201,026	\$368,457	\$18,569,483"

Page 3, replace lines 19 and 20 with:

"Agronomy seed farm	<u>\$1,565,975</u>	<u>\$13,680</u>	<u>\$1,579,655</u>
Total special funds	\$1,565,975	\$13,680	\$1,579,655"

Page 3, replace lines 26 through 28 with:

"Grand total general fund	\$104,918,157	\$4,650,130	\$109,568,287
Grand total other funds	<u>127,239,408</u>	<u>5,717,910</u>	<u>132,957,318</u>
Grand total all funds	\$232,157,565	\$10,368,040	\$242,525,605"

Page 4, replace lines 6 through 13 with:

"Central grasslands research extension center capital projects	0	525,000
Hettinger research extension center capital projects	0	300,000
Langdon research extension center capital projects	0	473,000
Remote sensing of infrastructure	0	2,225,000
Seed cleaning plant	750,000	0
Extraordinary repairs	940,465	0
Greenhouse	<u>500,000</u>	<u>0</u>
Total all funds	\$2,190,465	\$4,798,000
Total other funds	<u>1,440,465</u>	<u>4,298,000</u>
Total general fund	\$750,000	\$500,000"

Page 5, after line 4, insert:

**"SECTION 6. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - UPPER GREAT PLAINS TRANSPORTATION INSTITUTE - BRANCH RESEARCH CENTER PROJECTS.** The estimated income line item in subdivision 3 of section 1 of this Act includes the sum of \$225,000 from the strategic investment and improvements fund for remote sensing of infrastructure for the upper great plains transportation institute. The estimated income line item in subdivision 4 of section 1 of this Act includes the total sum of \$2,073,000 from the strategic investment and improvements fund for capital projects at the Carrington research center, central grasslands research center, Hettinger research center, and Langdon research center."

Page 5, after line 30, insert:

**"SECTION 11. CAPITAL PROJECTS - AMERICAN RESCUE PLAN ACT - BUDGET SECTION REPORT.** During the 2021-22 interim, the director of the North Dakota state university main research center shall report to the legislative management regarding priority capital projects and other expenses that may be eligible for funding from the state fiscal recovery fund allocated to the state under the federal American Rescue Plan Act of 2021."

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

## Senate Bill No. 2020 - Summary of Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Transportation Institute						
Total all funds	\$23,292,223	\$23,550,387	\$2,202,570	\$25,752,957	\$25,752,957	\$0
Less estimated income	18,895,894	19,054,738	2,212,612	21,267,350	21,267,350	0
General fund	\$4,396,329	\$4,495,649	(\$10,042)	\$4,485,607	\$4,485,607	\$0
FTE	43.88	43.88	0.00	43.88	43.88	0.00
Branch Research Centers						
Total all funds	\$38,801,414	\$39,293,023	(\$722)	\$39,292,301	\$39,292,301	\$0
Less estimated income	20,600,388	20,709,687	13,131	20,722,818	20,722,818	0
General fund	\$18,201,026	\$18,583,336	(\$13,853)	\$18,569,483	\$18,569,483	\$0
FTE	109.81	108.21	0.00	108.21	108.21	0.00
NDSU Extension Service						
Total all funds	\$55,487,825	\$57,401,246	\$340,498	\$57,741,744	\$57,621,744	\$120,000
Less estimated income	27,778,159	28,290,804	13,117	28,303,921	28,303,921	0
General fund	\$27,709,666	\$29,110,442	\$327,381	\$29,437,823	\$29,317,823	\$120,000
FTE	242.51	241.77	0.00	241.77	241.77	0.00
Northern Crops Institute						
Total all funds	\$3,840,027	\$3,915,252	(\$5,492)	\$3,909,760	\$3,909,760	\$0
Less estimated income	1,896,217	1,923,702	(1,084)	1,922,618	1,922,618	0
General fund	\$1,943,810	\$1,991,550	(\$4,408)	\$1,987,142	\$1,987,142	\$0
FTE	12.80	13.55	0.00	13.55	13.55	0.00
Main Research Center						
Total all funds	\$109,170,101	\$113,810,658	\$438,530	\$114,249,188	\$113,424,188	\$825,000
Less estimated income	56,502,775	57,446,665	1,714,291	59,160,956	57,835,956	1,325,000
General fund	\$52,667,326	\$56,363,993	(\$1,275,761)	\$55,088,232	\$55,588,232	(\$500,000)
FTE	344.05	334.56	0.00	334.56	334.56	0.00
Agronomy Seed Farm						
Total all funds	\$1,565,975	\$1,579,623	\$32	\$1,579,655	\$1,579,655	\$0
Less estimated income	1,565,975	1,579,623	32	1,579,655	1,579,655	0
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	3.00	3.00	0.00	3.00	3.00	0.00
Bill total						
Total all funds	\$232,157,565	\$239,550,189	\$2,975,416	\$242,525,605	\$241,580,605	\$945,000
Less estimated income	127,239,408	129,005,219	3,952,099	132,957,318	131,632,318	1,325,000
General fund	\$104,918,157	\$110,544,970	(\$976,683)	\$109,568,287	\$109,948,287	(\$380,000)
FTE	756.05	744.97	0.00	744.97	744.97	0.00

## Senate Bill No. 2020 - Transportation Institute - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Upper Great Plains Trans. Institute	\$23,292,223	\$23,550,387	\$2,202,570	\$25,752,957	\$25,752,957	
Total all funds	\$23,292,223	\$23,550,387	\$2,202,570	\$25,752,957	\$25,752,957	\$0
Less estimated income	18,895,894	19,054,738	2,212,612	21,267,350	21,267,350	0
General fund	\$4,396,329	\$4,495,649	(\$10,042)	\$4,485,607	\$4,485,607	\$0
FTE	43.88	43.88	0.00	43.88	43.88	0.00

## Department 627 - Transportation Institute - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds One-Time Funding for Remote Sensing of Infrastructure <sup>2</sup>	Total Conference Committee Changes
Upper Great Plains Trans. Institute	(\$22,430)	\$2,225,000	\$2,202,570
Total all funds	(\$22,430)	\$2,225,000	\$2,202,570
Less estimated income	(12,388)	2,225,000	2,212,612
General fund	(\$10,042)	\$0	(\$10,042)
FTE	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> One-time funding of \$2,225,000 from other funds, including \$225,000 from the strategic investment and improvements fund and \$2,000,000 from other funds, including federal funds, is added for remote sensing of infrastructure, the same as the House version.

#### Senate Bill No. 2020 - Branch Research Centers - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Dickinson Research Center	\$7,015,862	\$7,079,219	(\$381)	\$7,078,838	\$7,078,838	
Central Grasslands Research Center	3,510,825	3,550,916	2,404	3,553,320	3,553,320	
Hettinger Research Center	5,112,403	5,174,974	(89)	5,174,885	5,174,885	
Langdon Research Center	3,052,060	3,091,950	(640)	3,091,310	3,091,310	
North Central Research Center	5,137,570	5,203,583	(332)	5,203,251	5,203,251	
Williston Research Center	5,286,833	5,367,406	(4,672)	5,362,734	5,362,734	
Carrington Research Center	9,685,861	9,824,975	2,988	9,827,963	9,827,963	
Total all funds	\$38,801,414	\$39,293,023	(\$722)	\$39,292,301	\$39,292,301	\$0
Less estimated income	20,600,388	20,709,687	13,131	20,722,818	20,722,818	0
General fund	\$18,201,026	\$18,583,336	(\$13,853)	\$18,569,483	\$18,569,483	\$0
FTE	109.81	108.21	0.00	108.21	108.21	0.00

#### Department 628 - Branch Research Centers - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Total Conference Committee Changes
Dickinson Research Center	(\$381)	(\$381)
Central Grasslands Research Center	2,404	2,404
Hettinger Research Center	(89)	(89)
Langdon Research Center	(640)	(640)
North Central Research Center	(332)	(332)
Williston Research Center	(4,672)	(4,672)
Carrington Research Center	2,988	2,988
Total all funds	(\$722)	(\$722)
Less estimated income	13,131	13,131
General fund	(\$13,853)	(\$13,853)
FTE	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.

#### Senate Bill No. 2020 - NDSU Extension Service - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Extension Service	\$54,396,305	\$56,309,726	\$220,498	\$56,530,224	\$56,530,224	
Soil Conservation Committee	1,091,520	1,091,520	120,000	1,211,520	1,091,520	\$120,000
Total all funds	\$55,487,825	\$57,401,246	\$340,498	\$57,741,744	\$57,621,744	\$120,000
Less estimated income	27,778,159	28,290,804	13,117	28,303,921	28,303,921	0
General fund	\$27,709,666	\$29,110,442	\$327,381	\$29,437,823	\$29,317,823	\$120,000
FTE	242.51	241.77	0.00	241.77	241.77	0.00



**Department 630 - NDSU Extension Service - Detail of Conference Committee Changes**

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds Funding for the Agricultural Safety Initiative <sup>2</sup>	Increases Funding for Soil Conservation District Grants <sup>3</sup>	Total Conference Committee Changes
Extension Service	(\$19,502)	\$240,000		\$220,498
Soil Conservation Committee			\$120,000	120,000
Total all funds	(\$19,502)	\$240,000	\$120,000	\$340,498
Less estimated income	13,117	0	0	13,117
General fund	(\$32,619)	\$240,000	\$120,000	\$327,381
FTE	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 \$240,000 from the general fund is added for the agricultural safety initiative, including necessary personnel, the same as the House version.

<sup>3</sup> Funding of \$120,000 is added from the general fund for soil conservation district projects. Neither the Senate nor the House included this funding. These funds are to be disbursed to the soil conservation districts for projects and not be used for administrative or operating expenses.

**Senate Bill No. 2020 - Northern Crops Institute - Conference Committee Action**

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Northern Crops Institute	\$3,840,027	\$3,915,252	(\$5,492)	\$3,909,760	\$3,909,760	
Total all funds	\$3,840,027	\$3,915,252	(\$5,492)	\$3,909,760	\$3,909,760	\$0
Less estimated income	1,896,217	1,923,702	(1,084)	1,922,618	1,922,618	0
General fund	\$1,943,810	\$1,991,550	(\$4,408)	\$1,987,142	\$1,987,142	\$0
FTE	12.80	13.55	0.00	13.55	13.55	0.00

**Department 638 - Northern Crops Institute - Detail of Conference Committee Changes**

	Adjusts Funding for Salary Increases <sup>1</sup>	Total Conference Committee Changes
Northern Crops Institute	(\$5,492)	(\$5,492)
Total all funds	(\$5,492)	(\$5,492)
Less estimated income	(1,084)	(1,084)
General fund	(\$4,408)	(\$4,408)
FTE	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.

**Senate Bill No. 2020 - Main Research Center - Conference Committee Action**

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Main Research Center	\$109,170,101	\$113,810,658	\$438,530	\$114,249,188	\$113,424,188	\$825,000
Total all funds	\$109,170,101	\$113,810,658	\$438,530	\$114,249,188	\$113,424,188	\$825,000
Less estimated income	56,502,775	57,446,665	1,714,291	59,160,956	57,835,956	1,325,000
General fund	\$52,667,326	\$56,363,993	(\$1,275,761)	\$55,088,232	\$55,588,232	(\$500,000)
FTE	344.05	334.56	0.00	334.56	334.56	0.00

### Department 640 - Main Research Center - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Increases Funding for the Data Initiative <sup>2</sup>	Adjusts One- Time Funding for Central Grasslands Research Center <sup>3</sup>	Adjusts One- Time Funding for Hettinger Research Center <sup>4</sup>	Adds One- Time Funding for Langdon Research Center <sup>5</sup>	Adjusts One- Time Funding for Carrington Research Center <sup>6</sup>
Main Research Center	(\$69,470)	\$35,000			\$473,000	
Total all funds	(\$69,470)	\$35,000	\$0	\$0	\$473,000	\$0
Less estimated income	16,291	0	425,000	300,000	473,000	500,000
General fund	(\$85,761)	\$35,000	(\$425,000)	(\$300,000)	\$0	(\$500,000)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Main Research Center	<b>Total Conference Committee Changes</b>
	\$438,530
Total all funds	\$438,530
Less estimated income	1,714,291
General fund	(\$1,275,761)
FTE	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 \$35,000 from the general fund is added to provide a total of \$835,000 of funding from the general fund for the "big data" initiative. The House and Senate both included 3 new FTE positions for the "big data" initiative to be used for the agricultural weather network and data analytics, management, and curation as determined by the Main Research Center.

<sup>3</sup> One-time funding of \$525,000 from the strategic investment and improvements fund is added for capital projects at the Central Grasslands Research Center. The Senate added \$425,000 from the general fund and \$100,000 from other funds for capital projects at the Central Grasslands Research Center. The House removed the funding.

<sup>4</sup> One-time funding of \$300,000 from the strategic investment and improvements fund is added for capital projects at the Hettinger Research Center. The Senate added the funding from the general fund. The House removed the funding.

<sup>5</sup> One-time funding of \$473,000 from the strategic investment and improvements fund is added for capital projects at the Langdon Research Center, including a new greenhouse, the same as the House version.

<sup>6</sup> One-time funding of \$775,000 from the strategic investment and improvements fund is added for capital projects at the Carrington Research Center. The Senate version and the House version included \$500,000 from the general fund and \$275,000 from other funds for capital projects at the Carrington Research Center.

### Senate Bill No. 2020 - Agronomy Seed Farm - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Agronomy Seed Farm	\$1,565,975	\$1,579,623	\$32	\$1,579,655	\$1,579,655	
Total all funds	\$1,565,975	\$1,579,623	\$32	\$1,579,655	\$1,579,655	\$0
Less estimated income	1,565,975	1,579,623	32	1,579,655	1,579,655	0
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	3.00	3.00	0.00	3.00	3.00	0.00

**Department 649 - Agronomy Seed Farm - Detail of Conference Committee Changes**

	Adjusts Funding for Salary Increases <sup>1</sup>	Total Conference Committee Changes
Agronomy Seed Farm	\$32	\$32
Total all funds	\$32	\$32
Less estimated income	32	32
General fund	\$0	\$0
FTE	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.

**Senate Bill No. 2020 - Other Changes - Conference Committee Action**

This amendment also:

- Provides for a report from the director of the North Dakota State University Main Research Center to the Legislative Management regarding priority for capital projects and other expenses which may be eligible for funding from the state fiscal recovery fund allocated to the state under the federal American Rescue Plan Act of 2021.
- Adds a section to identify \$2,298,000 appropriated from other funds, including \$225,000 for the Upper Great Plains Transportation Institute and \$2,073,000 for the NDSU Main Research Center, is from the strategic investment and improvements fund.

Engrossed SB 2020 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. BOE MOVED** that the conference committee report on Engrossed SB 2020 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2020, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF SENATE BILL**

**SB 2020:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota state university extension service, northern crops institute, upper great plains transportation institute, main research center, branch research centers, and agronomy seed farm; to provide for a report; and to provide an exemption.

**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, 12 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Becker; Bellew; Christensen; Delzer; Ertelt; Hoverson; Koppelman, B.; Magrum; Marschall; Paur; Ruby, D.; Toman

**ABSENT AND NOT VOTING:** Anderson, B.; Brandenburg; Guggisberg; Ostlie

Engrossed SB 2020, as amended, passed.

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#### ANNOUNCEMENT

**SPEAKER K. KOPPELMAN ANNOUNCED** that the House stand in recess until 5:00 p.m.

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

#### MOTION

**REP. LOUSER MOVED** that HB 1004, which is on the Seventh order, be laid over one legislative day, which motion prevailed on a voice vote.

#### 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 1253, which motion prevailed.

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

**Engrossed HB 1253:** Reps. Kasper, Louser, Schneider

#### REPORT OF CONFERENCE COMMITTEE

**HB 1008, as engrossed:** Your conference committee (Sens. Wanzek, Poolman, Krebsbach and Reps. Brandenburg, Kempenich, Mock) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1331-1333, adopt amendments as follows, and place HB 1008 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1331-1333 of the House Journal and pages 999-1001 of the Senate Journal and that Engrossed House Bill No. 1008 be amended as follows:

Page 1, line 10, remove "and"

Page 1, line 10, after "transfer" insert "; and to declare an emergency"

Page 1, replace lines 20 and 21 with:

"Salaries and wages	\$9,495,560	\$495,928	\$9,991,488
Operating expenses	1,763,826	37,744	1,801,570"

Page 2, replace line 3 with:

"Railroad safety program	589,018	25,706	614,724"
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Page 2, replace lines 5 through 7 with:

"Total all funds	\$18,887,404	\$1,005,378	\$19,892,782
Less estimated income	<u>12,172,476</u>	<u>1,289,219</u>	<u>13,461,695</u>
Total general fund	\$6,714,928	(\$283,841)	\$6,431,087"

Page 3, line 18, remove "twice the amount of the current biennium's"

Page 3 line 19, replace "appropriation" with "one million one hundred thousand dollars"

Page 3, line 25, replace "public utility fee" with "of the combined assessments"

Page 3, line 26, replace "two hundred twenty-five" with "three hundred"

Page 4, line 8, remove the overstrike over "~~six hundred~~"

Page 4, line 8, replace "thirty-four" with "ten"

Page 4, line 31, replace "ninety-six" with "ninety-seven"

Page 4, line 31, replace "eight" with "three"

Page 4, line 31, replace "thirteen" with "sixty-two"

Page 6, after line 21 insert:

**"SECTION 13. EMERGENCY.** Sections 4, 7, 8, and 12 of this Act are declared to be an emergency measure."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1008 - Public Service Commission - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$9,495,560	\$9,694,646	\$296,842	\$9,991,488	\$9,991,488	
Operating expenses	1,763,826	1,766,570	35,000	1,801,570	1,801,570	
Capital assets	25,000	145,000		145,000	145,000	
Grants	20,000	20,000		20,000	20,000	
Abandoned mined lands contractual	6,000,000	6,000,000		6,000,000	6,000,000	
Rail rate complaint case	900,000	900,000		900,000	900,000	
Railroad safety program	589,018	613,626	1,098	614,724	614,724	
Specialized legal services	94,000	420,000		420,000	420,000	
Total all funds	\$18,887,404	\$19,559,842	\$332,940	\$19,892,782	\$19,892,782	\$0
Less estimated income	12,172,476	13,379,326	82,369	13,461,695	13,236,695	225,000
General fund	\$6,714,928	\$6,180,516	\$250,571	\$6,431,087	\$6,656,087	(\$225,000)
FTE	43.00	43.00	0.00	43.00	43.00	0.00

#### Department 408 - Public Service Commission - Detail of Conference Committee Changes

	Adds Funding for Salary and Benefit Increases <sup>1</sup>	Restores Funding for Salaries and Wages <sup>2</sup>	Provides Funding for Pipeline Inspector <sup>3</sup>	Total Conference Committee Changes
Salaries and wages	\$14,295	\$150,000	\$132,547	\$296,842
Operating expenses			35,000	35,000
Capital assets				
Grants				
Abandoned mined lands contractual				
Rail rate complaint case				
Railroad safety program	1,098			1,098
Specialized legal services				
Total all funds	\$15,393	\$150,000	\$167,547	\$332,940
Less estimated income	7,369	75,000	0	82,369
General fund	\$8,024	\$75,000	\$167,547	\$250,571
FTE	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 Senate. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

<sup>2</sup> Funding of \$75,000 from the general fund is restored for salaries and wages and other funds are increased by \$75,000 relating to the self-funding of the agency. The House had reduced funding from the general fund by \$700,000 and added funding from revenues deposited in the Public Service Commission program fund by \$550,000. The Senate restored \$300,000 from the general fund and reduced other funds by \$150,000.

<sup>3</sup> In addition to \$167,548 of federal funds provided by the House, matching funds from the general fund are added for the reclassification of an unfunded administrative support FTE position to a natural gas pipeline inspector position (\$132,547) and related operating

expenses (\$35,000), the same as the Senate version. The House had provided funding from federal funds for the reclassification for the natural gas pipeline inspector position (\$132,548) and related operating expenses (\$35,000).

This amendment also:

- Provides the statutory changes to increase the salary of the Public Service Commissioners. The Public Service Commissioners' annual salary would increase from the current level of \$113,600 to \$115,304, effective July 1, 2021, and to \$117,610, effective July 1, 2022, to reflect the 1.5 percent and 2 percent salary increase respectively, the same as the Senate. The House provided for a 1.5 percent annual salary increase.
- Amends North Dakota Century Code Section 57-43.2-19 relating to the distribution of funds in the highway tax distribution fund to continue the allocation to the rail safety fund and to increase the allocation amount from \$294,509 per year to \$297,362 per year and adds an expiration date of June 30, 2025. The Senate had removed the expiration date. The House provided \$296,813 per year and provided an expiration date for the allocation.
- Changes the public utilities assessments maximum from \$225,000 to \$300,000. Both the Senate and the House included an assessment maximum of \$225,000.
- Declares Sections 4, 7, 8, and 12 to be an emergency relating to the deposit of certain revenues in the Public Service Commission program fund rather than the general fund. Neither the Senate nor the House included an emergency clause. This change will result in an estimated reduction to 2019-21 biennium general fund revenues of \$12,000.

Engrossed HB 1008 was placed on the Seventh order of business on the calendar.

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

**REP. BRANDENBURG MOVED** that the conference committee report on Engrossed HB 1008 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1008, as amended, was placed on the Eleventh order of business.

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

**HB 1008:** A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; to create and enact two new sections to chapter 49-01, subsection 4 of section 49-22-22, subsection 4 of section 49-22.1-21, and a new section to chapter 64-02 of the North Dakota Century Code, relating to a public service commission program fund, a public utility assessment, siting process administrative fees, and fees for registered service companies and to license and test a registered service person; to amend and reenact sections 49-01-05, 57-43.2-19, 64-02-10, and 64-02-12 of the North Dakota Century Code, relating to the salary of the commissioners, the transfer and distribution of funds in the highway tax distribution fund, fees to test or calibrate weighing and measuring devices, and the deposit of fees; to provide a report; to provide for a transfer; 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 79 YEAS, 5 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

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

**NAYS:** Becker; Delzer; Ertelt; Paur; Steiner

**ABSENT AND NOT VOTING:** Anderson, B.; Bellew; Guggisberg; Hagert; Kempenich; Nathe; Ostlie; Porter; Sanford; Toman

Reengrossed HB 1008 passed and the emergency clause was declared carried.

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**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 2145, SB 2245.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2245, as engrossed:** Your conference committee (Sens. Krebsbach, Davison, Rust and Reps. J. Nelson, Kempenich, Brandenburg) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1223-1225, adopt amendments as follows, and place SB 2245 on the Seventh order:

That the House recede from its amendments as printed on pages 1223-1225 of the Senate Journal and pages 1403-1405 of the House Journal and that Engrossed Senate Bill No. 2245 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide an appropriation to the agriculture commissioner for an intermodal facility grant program; and to declare an emergency.

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

**SECTION 1. APPROPRIATION - FEDERAL CORONAVIRUS CAPITAL PROJECTS FUND - INTERMODAL FACILITY CONSTRUCTION GRANT PROGRAM - ONE-TIME FUNDING.** There is appropriated from federal funds derived from the federal coronavirus capital projects fund, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the agriculture commissioner for the purpose of an intermodal facility grant program for capital construction projects that will expand rail capacity to support economic and workforce development and growth and enhance the value of agriculture and commercial products exported through an intermodal facility in North Dakota for the period beginning with the effective date of this Act and ending June 30, 2023. This funding is considered a one-time funding item.

1. The agriculture commissioner shall establish guidelines for awarding grants under the program.
2. Grants may be awarded only to an organization dedicated to the expansion of rail capacity at an existing intermodal facility in the state connected to and served by a class I railroad. Grant funds may be used only to pay for capital costs associated with engineering, labor, equipment, and materials related to rail track expansion.
3. 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.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2245 - Summary of Conference Committee Action**

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Department of Commerce						
Total all funds	\$0	\$10,000,000	(\$10,000,000)	\$0	\$0	\$0
Less estimated income	0	10,000,000	(10,000,000)	0	0	0
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00
Department of Agriculture						
Total all funds	\$0	\$0	\$2,000,000	\$2,000,000	\$2,500,000	(\$500,000)
Less estimated income	0	0	2,000,000	2,000,000	2,500,000	(500,000)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00
Bill total						
Total all funds	\$0	\$10,000,000	(\$8,000,000)	\$2,000,000	\$2,500,000	(\$500,000)
Less estimated income	0	10,000,000	(8,000,000)	2,000,000	2,500,000	(500,000)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

**Senate Bill No. 2245 - Department of Commerce - Conference Committee Action**

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Intermodal transportation assistance		\$10,000,000	(\$10,000,000)			
Total all funds	\$0	\$10,000,000	(\$10,000,000)	\$0	\$0	\$0
Less estimated income	0	10,000,000	(10,000,000)	0	0	0
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

**Department 601 - Department of Commerce - Detail of Conference Committee Changes**

	Removes Funding for Intermodal Transportation Assistance Program <sup>1</sup>	Total Conference Committee Changes
Intermodal transportation assistance	(\$10,000,000)	(\$10,000,000)
Total all funds	(\$10,000,000)	(\$10,000,000)
Less estimated income	(10,000,000)	(10,000,000)
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> One-time funding of \$10 million from the strategic investment and improvements fund appropriated by the Senate to the Department of Commerce for an intermodal transportation assistance program is removed. The House also removed this appropriation.

**Senate Bill No. 2245 - Department of Agriculture - Conference Committee Action**

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Intermodal facility grants			\$2,000,000	\$2,000,000	\$2,500,000	(\$500,000)
Total all funds	\$0	\$0	\$2,000,000	\$2,000,000	\$2,500,000	(\$500,000)
Less estimated income	0	0	2,000,000	2,000,000	2,500,000	(500,000)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00



## Department 602 - Department of Agriculture - Detail of Conference Committee Changes

	Adds One-Time Funding for Intermodal Grant Program <sup>1</sup>	Total Conference Committee Changes
Intermodal facility grants	\$2,000,000	\$2,000,000
Total all funds	\$2,000,000	\$2,000,000
Less estimated income	2,000,000	2,000,000
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> One-time funding of \$2 million from the federal Coronavirus Capital Projects Fund is appropriated to the Agriculture Commissioner for an intermodal facility construction grant program. Grants may be awarded only to an organization dedicated to the expansion of rail capacity at an existing intermodal facility in the state connected to and served by a Class I railroad. Grant funds may be used only to pay for capital costs associated with engineering, labor, equipment, and materials related to rail track expansion. An emergency clause is added.

The House provided a \$2.5 million appropriation to the Agriculture Commissioner from the beginning farmer revolving loan fund. The House's amendments, which were not approved by the Conference Committee, included a provision that if facility assets are sold, all or a portion of the grant amount must be repaid.

Engrossed SB 2245 was placed on the Seventh order of business on the calendar.

### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. J. NELSON MOVED** that the conference committee report on Engrossed SB 2245 be adopted, which motion failed on a voice vote.

### 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 SB 2245, which motion prevailed.

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

**Engrossed SB 2245:** Reps. J. Nelson, Kempenich, Brandenburg

### REPORT OF CONFERENCE COMMITTEE

**SB 2145, as engrossed:** Your conference committee (Sens. K. Roers, O. Larsen, Hogan and Reps. Tveit, Skroch, Rohr) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1318-1319, adopt amendments as follows, and place SB 2145 on the Seventh order:

That the House recede from its amendments as printed on page 1318 of the Senate Journal and page 1436 of the House Journal and that Engrossed Senate Bill No. 2145 be amended as follows:

Page 1, line 1, after "50-10.3" insert "and a new section to chapter 50-11"

Page 1, line 2, after "facilities" insert "and unaccompanied undocumented children"

Page 1, line 14, remove "assisted"

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

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

Page 2, line 3, after the underscored period insert:

"a. If a declaration of disaster or emergency results in restricted access to a long-term care facility, the department shall review and update the protocols every thirty days during the period of restriction.

including an assessment of the need for continuation of the restriction.

b."

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

Page 2, line 13, remove "; and"

Page 2, remove lines 14 and 15

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

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

Page 2, remove line 20

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

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

Page 2, after line 26, insert:

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

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

**SECTION 2.** A new section to chapter 50-11 of the North Dakota Century Code is created and enacted as follows:

**Unaccompanied undocumented children.**

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

Renumber accordingly

Engrossed SB 2145 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. TVEIT MOVED** that the conference committee report on Engrossed SB 2145 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2145, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF SENATE BILL**

**SB 2145:** A BILL for an Act to create and enact chapter 50-10.3 and a new section to chapter 50-11 of the North Dakota Century Code, relating to access to long-term care facilities and unaccompanied undocumented children; 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 71 YEAS, 13 NAYS, 0 EXCUSED, 10 ABSENT AND NOT

## VOTING.

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

**NAYS:** Adams; Anderson, P.; Boe; Boschee; Buffalo; Dobervich; Hager; Hanson; Ista; Johnson, M.; Mitskog; Nelson, M.; Schneider

**ABSENT AND NOT VOTING:** Anderson, B.; Bellew; Guggisberg; Hagert; Kempenich; Nathe; Ostlie; Porter; Sanford; Toman

Engrossed SB 2145, as amended, passed and the emergency clause was declared carried.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2256.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2256, as engrossed:** Your conference committee (Sens. Lee, Clemens, Hogan and Reps. Rohr, Tveit, Schneider) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1313-1314, adopt amendments as follows, and place SB 2256 on the Seventh order:

That the House recede from its amendments as printed on page 1313 of the Senate Journal and pages 1437 and 1438 of the House Journal and that Engrossed Senate Bill No. 2256 be amended as follows:

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

Page 1, line 2, replace "an appropriation" with "a statement of legislative intent"

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

Page 1, remove lines 22 through 24

Page 2, replace lines 1 and 2 with:

**"SECTION 2. LEGISLATIVE INTENT - STATE FISCAL RECOVERY FUND.** It is the intent of the sixty-seventh legislative assembly that the department of human services seek an appropriation during any special session of the sixty-seventh legislative assembly from, or subsequent to, the state fiscal recovery fund received through H.R. 1319 of the 117<sup>th</sup> Congress, also known as the federal American Rescue Plan Act, for the purpose of selecting a consultant to assist the legislative management in the study related to the state's services to individuals with developmental disabilities."

Renumber accordingly

Engrossed SB 2256 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. ROHR MOVED** that the conference committee report on Engrossed SB 2256 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2256, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF SENATE BILL**

**SB 2256:** A BILL for an Act to provide for a legislative management study of the state's developmental disability services and autism spectrum disorder waiver and voucher programs.

**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, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Anderson, B.; Bellew; Guggisberg; Hagert; Kempenich; Longmuir; Nathe; Ostlie; Porter; Sanford; Toman

Engrossed SB 2256, as amended, passed.

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**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:

**SB 2245:** Reps. J. Nelson; Brandenburg; Kempenich

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Vigesaa to replace Rep. Bellew on the Conference Committee on HB 1453.

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

**MR. SPEAKER:** The President has appointed Sen. Weber to replace Sen. Meyer on the Conference Committee on SB 2046.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Vigesaa to replace Rep. Brandenburg on the Conference Committee on SB 2014.

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

**MR. PRESIDENT:** The House has not adopted the conference committee report on: HB 1253.

**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:

**HB 1253:** Reps. Kasper; Louser; Schneider

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

**MR. PRESIDENT:** The House has not adopted the conference committee report on: SB 2245.

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

**MR. SPEAKER:** The Senate has not adopted the conference committee report on: SB 2018.

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

**MR. PRESIDENT:** The House has adopted the conference committee report on: SB 2030.

**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 1022.

**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 2010.

**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 2020.

**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 2256.

**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 1008.

**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: SB 2145.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1022.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1023.

**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: HB 1009, HB 1016, HB 1213, HB 1437.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently failed to pass: SB 2139.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1003, HB 1010, HB 1018.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1009, HB 1016, HB 1023, HB 1213, HB 1437.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1022.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2010, SB 2030.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2020.

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

**MR. SPEAKER:** The President has signed: HB 1003, HB 1010, HB 1018.

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

**MR. SPEAKER:** The President has signed: HB 1009, HB 1016, HB 1022, HB 1023, HB 1213, HB 1437.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HB 1003, HB 1010, HB 1018.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2010, SB 2030.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2020.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2010, SB 2030.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 27, 2021: HB 1003, HB 1010, HB 1018.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has overridden the Governor's veto on SB 2290. The vote was 47 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING, and your favorable consideration is requested.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Secretary of State for filing on April 27, 2021: HB 1298, HB 1323.

#### **MOTION**

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

#### **MOTION**

**REP. LOUSER MOVED** that the House be on the Fourth, Fifth, Seventh, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Wednesday, April 28, 2021, which motion prevailed on a voice vote.

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

**HB 1004, as engrossed:** Your conference committee (Sens. Oehlke, Poolman, Dever and Reps. Vigasaa, Howe, Mock) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1563-1566, adopt amendments as follows, and place HB 1004 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1563-1566 of the House Journal and pages 1289-1293 of the Senate Journal and that Engrossed House Bill No. 1004 be amended as follows:

Page 1, line 1, replace "and" with a semicolon

Page 1, line 2, replace "section" with "sections"

Page 1, line 2, after "54-10-10" insert ", 54-10-14, and 54-10-27"

Page 1, line 3, after "auditor" insert ", political subdivision audits, and occupational and professional board audits; to provide for a prescription drug coverage performance audit; and to provide for legislative management reports"

Page 1, replace lines 12 through 18 with:

"Salaries and wages	\$12,668,218	\$455,341	\$13,123,559
Operating expenses	1,161,820	209,883	1,371,703
Information technology consultants	450,000	0	450,000
Total all funds	\$14,280,038	\$665,224	\$14,945,262
Less estimated income	4,173,178	1,652,974	5,826,152
Total general fund	\$10,106,860	(\$987,750)	\$9,119,110
Full-time equivalent positions	58.00	3.00	61.00

Page 2, line 5, replace "thirteen" with "fourteen"

Page 2, line 6, replace "nine" with "four"

Page 2, line 6, replace "twenty-five" with "eighty-six"

Page 2, after line 6, insert:

**"SECTION 4. AMENDMENT.** Section 54-10-14 of the North Dakota Century Code is amended and reenacted as follows:

**54-10-14. Political subdivisions - Audits - Fees - Alternative audits and reports.**

1. The state auditor shall audit the following political subdivisions once every two years, except as provided in this section or otherwise by law:
  - a. Counties.
  - b. Cities, and when a city is audited, to include any political subdivision that was created by the city and has bonding authority.
  - c. Park districts.
  - d. School districts.
  - e. Firefighters relief associations.
  - f. Airport authorities.
  - g. Public libraries.
  - h. Water resource districts.
  - i. Garrison Diversion Conservancy District.
  - j. Rural fire protection districts.
  - k. Special education districts.
  - l. Area career and technology centers.
  - m. Correction centers.
  - n. Recreation service districts.
  - o. Weed boards.
  - p. Irrigation districts.
  - q. Rural ambulance service districts.
  - r. Southwest water authority.
  - s. Regional planning councils.
  - t. Soil conservation districts.
  - u. Western area water supply authority industrial water sales on an annual basis.
2. The state auditor shall charge the political subdivision an amount equal to the fair value of the audit and any other services rendered. The fees must be deposited in the state auditor operating account. The state treasurer shall credit the state auditor operating account with the amount

of interest earnings attributable to the deposits in that account. Expenses relating to political subdivision audits must be paid from the state auditor operating account, within the limits of legislative appropriation.

3. In lieu of conducting an audit every two years, the state auditor may require annual reports from ~~school districts with less than one hundred enrolled students; cities with less than five hundred population; and other~~ political subdivisions subject to this section, or otherwise provided by law, with less than ~~three hundred~~seven hundred fifty thousand dollars of annual receipts, excluding any federal funds passed through the political subdivision to another entity. If any federal agency performs or requires an audit of a political subdivision that receives federal funds to pass through to another entity, the political subdivision shall provide a copy to the state auditor upon request by the state auditor. The reports must contain the financial information required by the state auditor. The state auditor also may make any additional examination or audit determined necessary in addition to the annual report. When a report is not filed, the state auditor may charge the political subdivision an amount equal to the fair value of the additional examination or audit and any other services rendered. The state auditor may charge a political subdivision a fee not to exceed ~~eighty~~eighty-six dollars an hour for the costs of reviewing the annual report.
4. A political subdivision, at the option of its governing body, may be audited by a certified public accountant or licensed public accountant rather than by the state auditor. The public accountant shall comply with generally accepted government auditing standards for audits of political subdivisions. The report must be in the form and content required by the state auditor. The number of copies of the audit report requested by the state auditor must be filed with the state auditor when the public accountant delivers the audit report to the political subdivision. The state auditor shall review the audit report to determine if the report is in the required form and has the required content, and if the audit meets generally accepted government auditing standards. The state auditor also may periodically review the public accountant's workpapers to determine if the audit meets generally accepted government auditing standards. If the report is in the required form and has the required content, and the report and workpapers comply with generally accepted government auditing standards, the state auditor shall accept the audit report. The state auditor may charge the political subdivision a fee of up to ~~eighty~~eighty-six dollars an hour, but not to exceed ~~five~~seven hundred fifty dollars per review, for the related costs of reviewing the audit report and workpapers.
5. A political subdivision may not pay a public accountant for an audit until the state auditor has accepted the audit. However, a political subdivision may make progress payments to the public accountant. A political subdivision shall retain twenty percent of any progress payment until the audit report is accepted by the state auditor.
6. The state auditor may require the correction of any irregularities, objectionable accounting procedures, or illegal actions on the part of the governing board, officers, or employees of the political subdivision disclosed by the audit report or workpapers, and failure to make the corrections must result in audits being resumed by the state auditor until the irregularities, objectionable accounting procedures, or illegal actions are corrected.

**SECTION 5. AMENDMENT.** Section 54-10-27 of the North Dakota Century Code is amended and reenacted as follows:

**54-10-27. Occupational and professional boards - Audits and reports.**

The governing board of any occupational or professional board shall provide for an audit once every two years by a certified public accountant or licensed public



accountant. The accountant conducting the audit shall submit the audit report to the state auditor's office. If the report is in the form and style prescribed by the state auditor, the state auditor may not audit that board. An occupational or professional board may request the state auditor to conduct its audit, and if the state auditor agrees to conduct the audit, the state auditor shall deposit the fees charged to the occupational or professional board into the state auditor operating account. Instead of providing for an audit every two years, an occupational or professional board that has less than two hundred thousand dollars of annual receipts may submit an annual report to the state auditor. The report must contain the information required by the state auditor. The state auditor also may make any additional examination or audit determined necessary in addition to the annual report. When a report is not filed, the state auditor may charge the occupational or professional board an amount equal to the fair value of the additional examination or audit and any other services rendered. The state auditor may charge an occupational or professional board a fee not to exceed fifty-eighty-six dollars an hour for the costs of reviewing the annual report.

**SECTION 6. PUBLIC EMPLOYEES RETIREMENT SYSTEM - STATE AUDITOR - PRESCRIPTION DRUG COVERAGE PERFORMANCE AUDIT - REPORTS TO LEGISLATIVE MANAGEMENT.** In lieu of the requirement under section 54-52.1-04.16 that the public employees retirement system contract to conduct a prescription drug coverage performance audit of the main public employees retirement system health benefit plan for calendar year 2021, the state auditor shall contract in accordance with chapter 54-10 to conduct a prescription drug coverage performance audit of the main public employees retirement system health benefit plan during the 2021-22 interim, in the same manner as provided for under section 54-52.1-04.16, for calendar years 2019, 2020, and 2021. Audit fees, not to exceed \$375,000, for audits performed under this section must be on a flat fee or hourly basis and be paid by the public employees retirement system board. The state auditor shall provide reports to the legislative management regarding contracts to conduct prescription drug coverage performance audits, performance audit results, and audit reports issued."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1004 - State Auditor - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$12,668,218	\$11,880,488	\$1,243,071	\$13,123,559	\$13,289,084	(\$165,525)
Operating expenses	1,161,820	1,262,547	109,156	1,371,703	1,381,703	(10,000)
Information technology consultants	450,000	450,000		450,000	450,000	
Total all funds	\$14,280,038	\$13,593,035	\$1,352,227	\$14,945,262	\$15,120,787	(\$175,525)
Less estimated income	4,173,178	4,667,785	1,158,367	5,826,152	5,826,152	0
General fund	\$10,106,860	\$8,925,250	\$193,860	\$9,119,110	\$9,294,635	(\$175,525)
FTE	58.00	54.00	7.00	61.00	62.00	(1.00)

#### Department 117 - State Auditor - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds Local Government Division Audit Positions <sup>2</sup>	Restores Auditor IV Position <sup>3</sup>	Total Conference Committee Changes
Salaries and wages	\$14,469	\$1,054,155	\$174,447	\$1,243,071
Operating expenses		99,156	10,000	109,156
Information technology consultants				
Total all funds	\$14,469	\$1,153,311	\$184,447	\$1,352,227
Less estimated income	5,056	1,153,311	0	1,158,367
General fund	\$9,413	\$0	\$184,447	\$193,860
FTE	0.00	6.00	1.00	7.00

<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 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> Six FTE Local Government Division audit positions, including salaries and wages and operating expenses, are added to provide a total of 8 new Local Government Division audit positions, the same as the Senate version. Funding for operating expenses for each new audit position is increased from \$10,422 as provided by the House to \$15,000, the same as the Senate version. The House added 2 FTE Local Government Division audit positions, including salaries and wages (\$351,385) and operating expenses (\$20,844).

<sup>3</sup> One vacant FTE auditor IV position and related salaries and wages and operating expenses removed by the House is restored. The Senate restored 2 FTE vacant positions removed by the House.

This amendment also:

- Amends Section 3 to provide the statutory changes necessary to increase the State Auditor's salary from the current salary of \$110,582 to \$112,241 (1.5 percent) in fiscal year 2022, and to \$114,486 (2 percent) in fiscal year 2023, 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.
- Adds Section 4, the same as the Senate version, to increase the:
  - Threshold for political subdivisions to provide an annual report in lieu of an audit from \$300,000 of annual receipts to \$750,000 of annual receipts;
  - Hourly fee for the review of political subdivision annual reports from \$80 per hour to \$86 per hour;
  - Hourly fee for the review of political subdivision audit reports and workpapers from \$80 per hour to \$86 per hour;
  - Maximum fee for review of political subdivision audit reports and workpapers from \$500 per review to \$750 per review.
- Removes the population thresholds for political subdivision reports in the amendments in Section 4. This change was not part of the House or Senate version.
- Adds Section 5 to increase the hourly fee for the review of occupational and professional board annual reports from \$50 per hour to \$86 per hour, the same as the Senate version.
- Adds Section 6 to require the State Auditor contract to conduct prescription drug coverage performance audits of the main Public Employees Retirement System health benefit plan.

Engrossed HB 1004 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1453, as engrossed:** Your conference committee (Sens. Meyer, K. Roers, Marcellais and Reps. Vigasaa, Howe, Mock) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1605, adopt amendments as follows, and place HB 1453 on the Seventh order:

That the Senate recede from its amendments as printed on page 1605 of the House Journal and page 1339 of the Senate Journal and that Engrossed House Bill No. 1453 be amended as follows:

Page 6, line 4, overstrike "Working" and insert immediately thereafter:

"1. Except as provided in this section, working"

Page 6, line 8, overstrike "A" and insert immediately thereafter:

"2. Except as provided in subsection 3, a"

Page 6, remove line 9

Page 6, line 10, remove "audits which is"

Page 6, line 12, remove "public information. Any other"

Page 6, remove lines 13 and 14

Page 6, line 15, replace "committee at which time the audit report becomes public information" with "an open record."

3. Except as provided in this subsection, a draft audit report for an audit completed in accordance with performance auditing standards contained in government auditing standards issued by the comptroller general of the United States to provide an independent assessment of the performance and management of a program released to the governing body or management of the audited entity is confidential until the final version of the audit report is an open record. After the auditor receives the audited entity's response to the draft report, the auditor shall complete the audit report, which is then deemed a preliminary audit report. The auditor shall provide the preliminary audit report and the audited entity's response to the legislative audit and fiscal review committee for a seven-day review period, except the auditor may not provide any information that is confidential under subsection 2 of section 54-10-25. During the review period, the preliminary audit report and the response may not be provided to any other person except by the legislative audit and fiscal review committee as necessary to perform the committee's duties as described in section 54-35-02.2. At the end of the review period, the preliminary audit report is deemed a final audit report, and the final audit report and the audited entity's response are open records. Reports for audits performed under subdivision f of subsection 1 of section 54-10-01 or subdivision a of subsection 2 of section 54-10-01 are not subject to this subsection

Page 6, line 15, after the period insert:

"4."

Page 6, line 17, overstrike "public. At the discretion of the state auditor," and insert immediately thereafter "open records unless the state auditor declares"

Page 6, line 18, overstrike "of"

Page 6, line 18, remove "a publicly available"

Page 6, line 18, overstrike "audit report may be declared"

Renumber accordingly

Engrossed HB 1453 was placed on the Seventh order of business on the calendar.

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

**HB 1465, as engrossed:** Your conference committee (Sens. Anderson, Lee, Hogan and Reps. Westlind, Beltz, Weisz) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1513, adopt amendments as follows, and place HB 1465 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1513 and 1514 of the House Journal and pages 1256 and 1257 of the Senate Journal and that Engrossed House Bill No. 1465 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 23-12 of the North Dakota Century Code, relating to vaccine information; to amend and reenact section 26.1-36-09.15 of the North Dakota Century Code, relating to coverage of telehealth services; to provide for a legislative management study; and to declare an emergency.

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

**SECTION 1.** A new section to chapter 23-12 of the North Dakota Century Code is created and enacted as follows:

**Vaccine and infection information.**

1. Except as provided under sections 15.1-23-02, 23-01-05.3, and 23-07-17.1, neither a state government entity nor any of its subdivisions, agents, or assigns may:
  - a. Require documentation, whether physical or electronic, for the purpose of certifying or otherwise communicating the following before providing access to state property, funds, or services:
    - (1) An individual's vaccination status;
    - (2) The presence of pathogens, antigens, or antibodies; or
    - (3) An individual's post-transmission recovery status;
  - b. Otherwise publish or share an individual's vaccination record or similar health information, except as specifically authorized by the individual or otherwise authorized by statute; or
  - c. Require a private business to obtain documentation, whether physical or electronic, for purposes of certifying or otherwise communicating the following before employment or providing access to property, funds, or services based on:
    - (1) An individual's vaccination status;
    - (2) The presence of pathogens, antigens, or antibodies; or
    - (3) An individual's post-transmission recovery status.
2. A private business located in this state may not require a patron or customer to provide any documentation certifying vaccination or post-transmission recovery to gain access to, entry upon, or services from the business. This subsection does not apply to a health care provider including a long-term care provider.
3. This section may not be construed to interfere with an individual's rights to access that individual's own personal health information or with a person's right to access personal health information of others which the person otherwise has a right to access.
4. Subsection 1 is not applicable to the state board of higher education, the university system, or institutions under the control of the state board of higher education to the extent the entity has adopted policies and procedures governing the type of documentation required, the circumstances under which such documentation may be shared, and exemptions from providing such documentation.
5. This section is not applicable during a public health disaster or emergency declared in accordance with chapter 37-17.1.
6. This section is limited in application to a vaccination authorized by the federal food and drug administration pursuant to an emergency use authorization.

**SECTION 2. AMENDMENT.** Section 26.1-36-09.15 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-36-09.15. Coverage of telehealth services.**

1. As used in this section:

- a. "Distant site" means a site at which a health care provider or health care facility is located while providing medical services by means of telehealth.
- b. "E-visit" means a face-to-face digital communication initiated by a patient to a provider through the provider's online patient portal.
- c. "Health care facility" means any office or institution at which health services are provided. The term includes hospitals; clinics; ambulatory surgery centers; outpatient care facilities; nursing homes; nursing, basic, long-term, or assisted living facilities; laboratories; and offices of any health care provider.
- e-d. "Health care provider" includes an individual licensed under chapter 43-05, 43-06, 43-12.1 as a registered nurse or as an advanced practice registered nurse, 43-13, 43-15, 43-17, 43-26.1, 43-28, 43-32, 43-37, 43-40, 43-41, 43-42, 43-44, 43-45, 43-47, 43-58, or 43-60.
- d-e. "Nonpublic facing product" means a remote communication product that, as a default, allows only the intended parties to participate in the communication.
- f. "Originating site" means a site at which a patient is located at the time health services are provided to the patient by means of telehealth.
- e-g. "Policy" means an accident and health insurance policy, contract, or evidence of coverage on a group, individual, blanket, franchise, or association basis.
- f-h. "Secure connection" means a connection made using a nonpublic facing remote communication product that employs end-to-end encryption, and which allows only an individual and the person with whom the individual is communicating to see what is transmitted.
- i. "Store-and-forward technology" means electronic information, imaging, and communication that is transferred, recorded, or otherwise stored in order to be reviewed at a distant site at a later date by a health care provider or health care facility without the patient present in real time. The term includes telehome monitoring and interactive audio, video, and data communication.
- g-j. "Telehealth":
  - (1) Means the use of interactive audio, video, or other telecommunications technology that is used by a health care provider or health care facility at a distant site to deliver health services at an originating site and that is delivered over a secure connection that complies with the requirements of state and federal laws.
  - (2) Includes the use of electronic media for consultation relating to the health care diagnosis or treatment of a patient in real time or through the use of store-and-forward technology.
  - (3) Does not include the use of audio-only telephone, electronic mail, or facsimile transmissions, or audio-only telephone unless for the purpose of e-visits or a virtual check-in.
- k. "Virtual check-in" means a brief communication via telephone or other telecommunications device to decide whether an office visit or other service is needed.

2. An insurer may not deliver, issue, execute, or renew a policy that provides health benefits coverage unless that policy provides coverage for health services delivered by means of telehealth which is the same as the coverage for health services delivered by in-person means.
3. Payment or reimbursement of expenses for covered health services delivered by means of telehealth under this section may be established through negotiations conducted by the insurer with the health services providers in the same manner as the insurer with the health services providers in the same manner as the insurer establishes payment or reimbursement of expenses for covered health services that are delivered by in-person means.
4. Coverage under this section may be subject to deductible, coinsurance, and copayment provisions.
5. This section does not require:
  - a. A policy to provide coverage for health services that are not medically necessary, subject to the terms and conditions of the policy;
  - b. A policy to provide coverage for health services delivered by means of telehealth if the policy would not provide coverage for the health services if delivered by in-person means;
  - c. A policy to reimburse a health care provider or health care facility for expenses for health services delivered by means of telehealth if the policy would not reimburse that health care provider or health care facility if the health services had been delivered by in-person means; or
  - d. A health care provider to be physically present with a patient at the originating site unless the health care provider who is delivering health services by means of telehealth determines the presence of a health care provider is necessary.

### **SECTION 3. LEGISLATIVE MANAGEMENT STUDY - HEALTH INSURANCE NETWORKS.**

1. During the 2021-22 interim, the legislative management shall consider studying health insurance networks, including narrow networks. The study must include:
  - a. Consideration of the use and regulation of broad and narrow networks in the state by individuals and employers, the sales and marketing of broad and narrow networks, opportunities for consumer choice-of-provider, and premium differentials among states with choice-of-provider laws;
  - b. A review of legislative and court history regarding the impact of choice-of-provider laws on exclusive provider organizations and preferred provider organizations and how choice-of-provider laws apply to risk-pooled health plans regulated by the federal Employee Retirement Income Security Act of 1974;
  - c. The impact of the consolidation of the health care market on consumer cash prices, insurance plan deductibles and premiums prices, and consumer options;
  - d. A comparison of health maintenance organizations provider network designs and other health insurer provider network designs;
  - e. A review of how vertical integrated networks utilize HMO plans; and

- f. A comparison of premiums of health benefit plans offered in the individual and small group markets in relation to the provider network design associated with those plans along with the growth of value-based purchasing.
2. The legislative management shall report its finding and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1465 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**

