

JOURNAL OF THE SENATE

Sixty-seventh Legislative Assembly

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Bismarck, February 11, 2021

The Senate convened at 1:00 p.m., with President Sanford presiding.

The prayer was offered by Pastor Paul Herr, Century Baptist Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Anderson, Chairman)** has carefully examined the Journal of the Twenty-third Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 421, line 43, replace "North Dakota" with "State"

Page 422, line 3, replace "North Dakota" with "State"

Page 422, line 28, after "**SEN. KLEIN MOVED**" remove "that"

SEN. ANDERSON MOVED that the report be adopted, which motion prevailed.

MOTION

SEN. KLEIN MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Davison, Chairman)** appointed to consider the nomination to the State Board of Higher Education, do advise and consent to the appointment of Dr. John Warford.

MOTION

SEN. OBAN MOVED that the report be adopted.

ROLL CALL

The question being, "will the Senate advise and consent to the appointment of Dr. John Warford to the State Board of Higher Education," the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

The Senate advises and consents to the appointment of Dr. John Warford to the State Board of Higher Education.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Schaible, Chairman)** appointed to consider the nomination to the State Board of Higher Education, do advise and consent to the appointment of Danita Bye.

MOTION

SEN. DEVER MOVED that the report be adopted.

ROLL CALL

The question being, "will the Senate advise and consent to the appointment of Danita Bye to the State Board of Higher Education," the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Bakke; Heckaman; Hogan; Oban

The Senate advises and consents to the appointment of Danita Bye to the State Board of Higher Education.

MOTION

SEN. KLEIN MOVED that the Confirmation Session be dissolved, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2023: SEN. SORVAAG (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2092, as engrossed: SEN. MARCELLAIS (Industry, Business and Labor Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2304: SEN. OBAN (Education Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2019: SEN. POOLMAN (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2075, as engrossed: SEN. KREUN (Industry, Business and Labor Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2330: SEN. BURCKHARD (Industry, Business and Labor Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2332: SEN. WOBBERA (Education Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2322: SEN. MYRDAL (Judiciary Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2196: SEN. OBAN (Education Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2242: SEN. DWYER (Judiciary Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2321: SEN. D. LARSEN (Industry, Business and Labor Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2341: SEN. BURCKHARD (Industry, Business and Labor Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

MOTION

SEN. KLEIN MOVED that after action taken on the Sixth order, SB 2212 be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2212: SEN. ANDERSON (Human Services Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2212: A BILL for an Act to provide for a legislative management study of prescription drug pricing, importation, and reference pricing.

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 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Larsen, O.; Oehlke

Engrossed SB 2212 passed.

MOTION

SEN. KLEIN MOVED that SB 2327 be moved to the top of the Eleventh order, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2327: A BILL for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to school district bonded indebtedness grants; to amend and reenact sections 15.1-27-04.1, 15.1-27-35.3, 21-03-07, 57-15-01, 57-15-01.1, 57-15-14.2, 57-15-17, and 57-15-30.2, subsection 1 of section 57-15-31, sections 57-15-32, 57-15-41, 57-19-01, and 57-20-07.1 of the North Dakota Century Code, relating to school district tax levies, bonding authority, and determination of school state aid payments; to repeal sections 15-39.1-28, 15.1-09-47, 15.1-09-49, 15.1-12-16.1, 15.1-27-04.2, 15.1-27-04.3, 15.1-27-20.2, 15.1-29-15, 57-15-13, 57-15-14, 57-15-15.1, 57-15-16, 57-19-02, 57-19-03, 57-19-05, 57-19-09, and 57-19-11 of the North Dakota Century Code, relating to school district tax levies and school district special reserve funds; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee

recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 43 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Heitkamp; Hogue; Larsen, D.; Larsen, O.

NAYS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Hogan; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

SB 2327 failed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4006: A concurrent resolution to prohibit the unconstitutional use of property taxes to fund North Dakota's legal obligations.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

SCR 4006 was declared lost on a voice vote.

MOTION

SEN. KLEIN MOVED that SB 2005 be moved to the top of the Eleventh order, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

MOTION

SEN. MATHERN MOVED that Engrossed SB 2005 be amended as follows.

Page 1, replace line 11 with:

"Salaries and wages	\$870,079	\$37,087	\$907,166"
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Page 1, replace line 13 with:

"Total general fund	\$1,098,639	(\$5,864)	\$1,092,775"
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Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment adds \$15,550 from the general fund to provide 2021-23 biennium salary adjustments of 3 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 3 percent on July 1, 2022; and a 1 percent increase in the employer and 1 percent increase in the employee retirement contribution effective January 1, 2022.

REQUEST

SEN. OBAN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2005, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2005, the roll was called and there were 8 YEAS, 39 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bakke; Heckaman; Hogan; Larson, D.; Marcellais; Mathern; Oban; Piepkorn

NAYS: Anderson; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Lee; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

The proposed amendments to Engrossed SB 2005 failed on a recorded roll call vote.

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 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Heitkamp; Larsen, O.

Engrossed SB 2005 passed.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed SB 2022 passed.

SECOND READING OF SENATE BILL

SB 2070: A BILL for an Act to create and enact sections 23.1-10-04, 23.1-10-05, 23.1-10-06, 23.1-10-07, 23.1-10-08, 23.1-10-09, 23.1-10-10, 23.1-10-11, 23.1-10-12, 23.1-10-13, 23.1-10-14, 23.1-10-15, 23.1-10-16, and 23.1-10-17 of the North Dakota Century Code, relating to the regulated substance response; to amend and reenact sections 11-33-01, 23.1-10-02, 40-47-01, and 58-03-11 of the North Dakota Century Code, relating to the regulated substance response; to repeal sections 23.1-04-04 and 23.1-10-01 of the North Dakota Century Code, relating to contaminated properties; to provide a continuing appropriation; and to provide for retroactive application.

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 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber;

Wobbema

NAYS: Fors

Engrossed SB 2070 passed.

SECOND READING OF SENATE BILL

SB 2006: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota aeronautics commission; 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, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed SB 2006 passed.

SECOND READING OF SENATE BILL

SB 2276: A BILL for an Act to amend and reenact section 44-04-18.3 of the North Dakota Century Code, relating to confidentiality of law enforcement personnel records.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed SB 2276 passed.

SECOND READING OF SENATE BILL

SB 2017: A BILL for an Act to provide an appropriation for defraying the expenses of the office of administrative hearings.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed SB 2017 passed.

SECOND READING OF SENATE BILL

SB 2133: A BILL for an Act to amend and reenact subsection 2 of section 23-27-02, subsection 2 of section 23-27-04, and sections 23-27-04.3, 23-27-04.9, and 50-24.1-38 of the North Dakota Century Code, relating to services provided by emergency medical services operations and emergency medical services personnel; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed SB 2133 passed.

SECOND READING OF SENATE BILL

SB 2274: A BILL for an Act to amend and reenact section 43-58-08 of the North Dakota Century Code, relating to the scope of practice of a naturopath.

MOTION

SEN. LEE MOVED that Engrossed SB 2274 be amended as follows, which motion prevailed on a voice vote.

Page 2, line 1, replace "A" with "Within the scope of practice, a"

Page 2, line 12, after "sample" insert "if the naturopath is authorized to prescribe the sample"

Page 2, line 12, replace the second "a" with "the"

Renumber accordingly

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 31 YEAS, 16 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bell; Burckhard; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Kannianen; Klein; Kreun; Larsen, D.; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Patten; Piepkorn; Roers, J.; Roers, K.; Rust; Sorvaag; Vedaa; Weber; Wobbema

NAYS: Bekkedahl; Clemens; Heckaman; Hogan; Hogue; Holmberg; Krebsbach; Larsen, O.; Larson, D.; Lee; Myrdal; Oehlke; Poolman; Schaible; Wanzek; Wardner

Reengrossed SB 2274 passed.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2253, SB 2294, SB 2336, SB 2340.

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

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1088, HB 1282, HB 1374.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, February 12, 2021, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2009: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2009 was placed on the Sixth order on the calendar.

Page 1, replace lines 9 through 12 with:

	<u>Base Level</u>	<u>"Adjustments or Enhancements</u>	<u>Appropriation</u>
Premiums	\$542,833	\$0	\$542,833
Total general fund	\$542,833	\$0	\$542,833"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The Senate did not change the base level funding for State Fair premiums.

REPORT OF STANDING COMMITTEE

SB 2010: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2010 was placed on the Sixth order on the calendar.

Page 1, replace lines 9 through 17 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$968,858	\$132,340	\$1,101,198
Operating expenses	285,774	771	286,545
Grants	<u>2,090,494</u>	<u>(7,970)</u>	<u>2,082,524</u>
Total all funds	\$3,345,126	\$125,141	\$3,470,267
Less estimated income	<u>1,738,922</u>	<u>0</u>	<u>1,738,922</u>
Total general fund	\$1,606,204	\$125,141	\$1,731,345
Full-time equivalent positions	5.00	1.00	6.00"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2010 - Council on the Arts - Senate Action**

	<u>Base Budget</u>	<u>Senate Changes</u>	<u>Senate Version</u>
Salaries and wages	\$968,858	\$132,340	\$1,101,198
Operating expenses	285,774	771	286,545
Grants	<u>2,090,494</u>	<u>(7,970)</u>	<u>2,082,524</u>
Total all funds	\$3,345,126	\$125,141	\$3,470,267
Less estimated income	<u>1,738,922</u>	<u>0</u>	<u>1,738,922</u>
General fund	\$1,606,204	\$125,141	\$1,731,345
FTE	5.00	1.00	6.00

Department 709 - Council on the Arts - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Increases ²	Adds Funding for 1 FTE Position ³	Adds Funding For Microsoft Office 365 Licensing ⁴	Total Senate Changes
Salaries and wages	\$16,167	\$23,848	\$92,325		\$132,340
Operating expenses				\$771	771
Grants	(7,970)				(7,970)
Total all funds	\$8,197	\$23,848	\$92,325	\$771	\$125,141
Less estimated income	0	0	0	0	0
General fund	\$8,197	\$23,848	\$92,325	\$771	\$125,141
FTE	0.00	0.00	1.00	0.00	1.00

¹ Funding adjusted for base payroll changes.

² The following funding is added for 2021-23 biennium 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, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

General Fund	
Salary increase	\$23,603
Health insurance increase	245
Total	\$23,848

³ Funding is added to convert a temporary position to a full-time equivalent position.

⁴ Funding is added for Microsoft Office 365 licensing expenses.

REPORT OF STANDING COMMITTEE

SB 2012: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2012 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and" with "to provide for a contingent loan authorization; to provide a contingent appropriation; to provide for transfers;"

Page 1, line 2, after "exemption" insert "; to provide for a report; to provide for a legislative management study; and to declare an emergency"

Page 1, replace lines 9 through 16 with:

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	\$197,827,038	\$6,375,876	\$204,202,914
Operating expenses	235,037,785	44,470,453	279,508,238
Capital assets	859,725,944	60,346,426	920,072,370
Grants	95,854,637	16,954,000	112,808,637
Total special funds	\$1,388,445,404	\$128,146,755	\$1,516,592,159
Full-time equivalent positions	982.00	0.00	982.00"

Page 1, line 17, after "**FUNDING**" insert "**- EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-EIGHTH LEGISLATIVE ASSEMBLY**"

Page 1, line 18, after "biennium" insert "and the 2021-23 one-time funding items included in the appropriation in section 1 of this Act"

Page 1, remove lines 23 and 24

Page 2, replace lines 1 and 2 with:

"Contingent Bank of North Dakota loan	50,000,000	0
Infrastructure improvements	0	45,000,000
Management systems replacement	0	9,660,000
Total all funds	\$76,300,000	\$54,660,000

Less estimated income	<u>73,800,000</u>	<u>54,660,000</u>
Total general fund	\$2,500,000	\$0

The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget for the 2023-25 biennium. The department of transportation shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021, and ending June 30, 2023."

Page 2, after line 8, insert:

"SECTION 4. APPROPRIATION - STATE DISASTER RELIEF FUND - DEPARTMENT OF TRANSPORTATION - EMERGENCY ROAD REPAIR GRANTS.

There is appropriated out of any moneys in the state disaster relief fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of providing grants to townships for emergency township road repairs for the period beginning with the effective date of this Act, and ending June 30, 2023. To be eligible for a grant under this section, a township must certify to the department of transportation that the township does not have sufficient funds from any source to complete emergency repairs to any of its roads. The department shall develop criteria for the application process. The funding provided in this section is considered a one-time funding item.

SECTION 5. CONTINGENT LOAN AUTHORIZATION - CONTINGENT APPROPRIATION - HIGHWAY IMPROVEMENT PROJECTS. The department of transportation may borrow from the Bank of North Dakota, \$50,000,000, or so much of the sum as may be necessary, which is appropriated to the department of transportation for matching federal funds that may become available, for the biennium beginning July 1, 2021, and ending June 30, 2023. The funds authorized in this section may be borrowed and spent only upon certification by the director of the department of transportation to the director of the office of management and budget that the department has been awarded additional federal grants related to United States highway 85 during the biennium beginning July 1, 2021, and ending June 30, 2023, and that other state funds from bond proceeds are not available for this purpose. The department of transportation shall request from the sixty-eighth legislative assembly an appropriation to repay any outstanding loans authorized in this section. The appropriation in this section is considered a one-time funding item.

SECTION 6. EXEMPTION - ENHANCED STATE HIGHWAY INVESTMENT FUNDING. Section 54-44.1-11 does not apply to the remaining \$26,200,669 of the \$503,115,558 in the capital assets line item relating to enhanced state highway investments in section 1 of chapter 12 of the 2015 Session Laws. Any funds continued into the 2021-23 biennium but not spent by June 30, 2023, must be continued into the biennium beginning July 1, 2023, and ending June 30, 2025, and may be expended only for enhanced state highway investments.

SECTION 7. EXEMPTION - DRIVER'S LICENSE SYSTEM PROJECT. Section 54-44.1-11 does not apply to the \$22,500,000 in the operating expenses line item relating to the driver's license system project in section 1 of chapter 12 of the 2019 Session Laws and any unexpended funds must be continued into the biennium beginning July 1, 2021, and ending June 30, 2023, and may be expended only for the driver's license system project.

SECTION 8. LEGISLATIVE MANAGEMENT STUDY - TRANSPORTATION MANAGEMENT CENTER. During the 2021-22 interim, the legislative management shall consider studying, with input from the department of transportation, the feasibility and desirability of creating a transportation management center in the state. The study must include:

1. Determination of the estimated ongoing and one-time costs and benefits of a transportation management center;
2. Identification of state and local entities affected by a transportation management center and the potential effect on each entity;

3. Information on other states' transportation management centers and related costs and benefits;
4. Evaluation of the use of advanced transportation systems such as variable speed limits and connected vehicle technologies in coordination with a transportation management center; and
5. Options for locating a transportation management center, including the ongoing and one-time costs and benefits of each location.

The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

SECTION 9. EMERGENCY. Section 4 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2012 - Department of Transportation - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$197,827,038	\$6,375,876	\$204,202,914
Operating expenses	235,037,785	44,470,453	279,508,238
Capital assets	859,725,944	60,346,426	920,072,370
Grants	95,854,637	16,954,000	112,808,637
Contingent Bank of North Dakota Loan		50,000,000	50,000,000
Emergency road repair grants		500,000	500,000
Total all funds	\$1,388,445,404	\$178,646,755	\$1,567,092,159
Less estimated income	1,388,445,404	178,646,755	1,567,092,159
General fund	\$0	\$0	\$0
FTE	982.00	0.00	982.00

Department 801 - Department of Transportation - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Increases ²	Increases Funding for Temporary Driver's License Staffing ³	Increases Funding for Data Processing ⁴	Increases Funding for Professional Services ⁵	Increases Funding for Building, Grounds, and Maintenance ⁶
Salaries and wages	\$2,631	\$4,635,457	\$1,737,788			
Operating expenses				\$6,143,124	\$10,213,695	\$11,874,907
Capital assets						
Grants						
Contingent Bank of North Dakota Loan						
Emergency road repair grants						
Total all funds	\$2,631	\$4,635,457	\$1,737,788	\$6,143,124	\$10,213,695	\$11,874,907
Less estimated income	2,631	4,635,457	1,737,788	6,143,124	10,213,695	11,874,907
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adjusts Funding for Operating Expenses ⁷	Adds One-time Funding for Management System Replacement ⁸	Increases Funding for Other Capital Payments ⁹	Reduces Funding for Motor Vehicles and Other Capital Assets ¹⁰	Increases Funding for Grants ¹¹	Adds Contingent Bank of North Dakota Loan ¹²
Salaries and wages						
Operating expenses	\$6,578,727	\$9,660,000				
Capital assets			\$19,416,426	(\$4,070,000)		
Grants					\$16,954,000	
Contingent Bank of North Dakota Loan						\$50,000,000
Emergency road repair grants						
Total all funds	\$6,578,727	\$9,660,000	\$19,416,426	(\$4,070,000)	\$16,954,000	\$50,000,000
Less estimated income	6,578,727	9,660,000	19,416,426	(4,070,000)	16,954,000	50,000,000
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds Funding for Emergency Road Repair Grants ¹³	Adds One-time Funding for Infrastructure Improvements ¹⁴	Total Senate Changes
Salaries and wages			\$6,375,876
Operating expenses			44,470,453
Capital assets		\$45,000,000	60,346,426
Grants			16,954,000
Contingent Bank of North Dakota Loan			50,000,000
Emergency road repair grants	\$500,000		500,000
Total all funds	\$500,000	\$45,000,000	\$178,646,755
Less estimated income	500,000	45,000,000	178,646,755
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2021-23 biennium 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, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

	Other Funds
Salary increase	\$4,587,307
Health insurance increase	48,150
Total	\$4,635,457

³ Funding is increased for temporary driver's license staffing.

⁴ Funding is increased for data processing to provide a total of \$26,173,352.

⁵ Funding is increased for professional services to provide a total of \$79,008,372.

⁶ Funding for building, grounds, and maintenance is increased to provide a total of \$80,402,361.

⁷ Adjusts funding for other operating expenses as follows:

	Other Funds
Repairs	\$3,765,529
Operating fees and services	3,365,500
Travel	(3,294,567)
Rentals/leases of equipment	1,844,317
Utilities	1,463,946
Information technology contractual services and repairs	(1,000,000)
Information technology software	581,133
Rentals/leases of buildings or land	239,100
Microsoft Office 365 license expenses	117,100
Other operating expenses	(503,331)
Total adjustments to operating expenses	\$6,578,727

⁸ Adds one-time funding from the highway fund for replacement of the roadway information management system (RIMS) (\$5,860,000) and the addition of a construction and materials management system (CMMS) (\$3,800,000).

⁹ Ongoing funding for other capital payments is increased to provide a total of \$837,191,709.

¹⁰ Funding is reduced for motor vehicles (\$4,000,000) in fleet services to provide a total of \$36,257,237 and for other capital assets (\$70,000).

¹¹ Funding for grants is increased to provide a total of \$112,808,637.

¹² Section 5 provides a \$50 million appropriation from a contingent Bank of North Dakota loan for providing one-time funding for matching federal grants related to Highway 85.

¹³ Section 4 provides a one-time appropriation of \$500,000 to the Department of Transportation from the state disaster relief fund for providing emergency road repair grants to townships and Section 9 declares Section 4 to be an emergency.

¹⁴ Adds one-time funding from federal funds for infrastructure improvements to Highway 85.

This amendment also:

- Provides that \$26,200,669 of the \$503,115,558 appropriated in the capital assets line item in House Bill No. 1012 (2015) relating to enhanced state highway investments is exempt from provisions of North Dakota Century Code Section 54-44.1-11 and may be continued into the 2021-23 biennium.
- Provides that \$22,500,000 appropriated in the operating expenses line item in House Bill No. 1012 (2019) relating to the driver's license system project is exempt from provisions of Section 54-44.1-11 and may be continued into the 2021-23 and 2023-25 bienniums.
- Provides for a Legislative Management study related to the feasibility and desirability of creating a transportation management center in the state during the 2021-22 interim.

REPORT OF STANDING COMMITTEE

SB 2013: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2013 was placed on the Sixth order on the calendar.

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

Page 1, line 2, after "funds" insert "; to provide a report; and to provide an exemption"

Page 1, replace lines 9 through 16 with:

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	\$5,725,379	\$657,259	\$6,382,638
Operating expenses	2,283,022	(53,150)	2,229,872
Capital assets	0	1,600,000	1,600,000
Contingencies	<u>100,000</u>	<u>0</u>	<u>100,000</u>
Total special funds	\$8,108,401	\$2,204,109	\$10,312,510
Full-time equivalent positions	28.00	2.00	30.00"

Page 1, line 17, after "**FUNDING**" insert "**- EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-EIGHTH LEGISLATIVE ASSEMBLY**"

Page 1, line 18, after "biennium" insert "and the 2021-23 biennium one-time funding items included in the appropriation in section 1 of this Act"

Page 1, replace lines 20 through 22 with:

"Oil and gas impact grants	\$2,000,000	\$0
Mineral valuation study	350,000	0
Information technology project	<u>0</u>	<u>1,600,000</u>
Total special funds	\$2,350,000	\$1,600,000

The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget for the 2023-25 biennium. The commissioner of university and

school lands shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021, and ending June 30, 2023."

Page 2, after line 17, insert:

"SECTION 4. EXEMPTION - OIL AND GAS IMPACT GRANT FUND. The amounts previously appropriated from the oil and gas impact grant fund and identified in sections 2 and 9 of chapter 13 of the 2019 Session Laws related to the oil and gas impact grant fund, including any grant awards returned to the fund, are not subject to section 54-44.1-11. Any unexpended amounts are available for grants and administrative expenses associated with the fund during the biennium beginning July 1, 2021, and ending June 30, 2023.

SECTION 5. EXEMPTION - INFORMATION TECHNOLOGY PROJECT - REPORT. The \$3,600,000 appropriated from the state lands maintenance fund in section 1 of chapter 38 of the 2017 Session Laws and identified in section 10 of chapter 13 of the 2019 Session Laws is not subject to section 54-44.1-11, and any unexpended funds are available to complete the information technology project during the biennium beginning July 1, 2021, and ending June 30, 2023. During the 2021-22 interim, the commissioner of university and school lands shall provide at least one report to the information technology committee regarding the status of the information technology project."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2013 - Department of Trust Lands - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$5,725,379	\$657,259	\$6,382,638
Operating expenses	2,283,022	(53,150)	2,229,872
Capital assets		1,600,000	1,600,000
Contingencies	100,000		100,000
Total all funds	\$8,108,401	\$2,204,109	\$10,312,510
Less estimated income	8,108,401	2,204,109	10,312,510
General fund	\$0	\$0	\$0
FTE	28.00	2.00	30.00

Department 226 - Department of Trust Lands - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Increases ²	Adds FTE Positions ³	Adjusts Funding for Operating Expenses ⁴	Adds One-Time Funding for an Information Technology Project ⁵	Total Senate Changes
Salaries and wages	\$128,236	\$157,872	\$371,151			\$657,259
Operating expenses			70,900	(\$124,050)		(53,150)
Capital assets					\$1,600,000	1,600,000
Contingencies						
Total all funds	\$128,236	\$157,872	\$442,051	(\$124,050)	\$1,600,000	\$2,204,109
Less estimated income	128,236	157,872	442,051	(124,050)	1,600,000	2,204,109
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	2.00	0.00	0.00	2.00

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2021-23 biennium 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, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

	<u>Other Funds</u>
Salary increase	\$156,414
Health insurance increase	<u>1,458</u>
Total	\$157,872

³ The following FTE positions and related funding from the state lands maintenance fund are added:

	<u>FTE Positions</u>	<u>Salaries and Wages</u>	<u>Operating Expenses</u>	<u>Total</u>
Administrative assistant position	1.00	\$159,486	\$35,450	\$194,936
Mineral title specialist position	<u>1.00</u>	<u>211,665</u>	<u>35,450</u>	<u>247,115</u>
Total	2.00	\$371,151	\$70,900	\$442,051

⁴ Funding for operating expenses is adjusted as follows:

	<u>Other Funds</u>
Decreases funding primarily related to information technology costs	(\$128,236)
Increases funding for Microsoft Office 365 licensing expenses	<u>4,186</u>
Total	(\$124,050)

⁵ One-time funding of \$1.6 million is added from the state lands maintenance fund to complete an information technology project. Total funding for the project is \$5.2 million, including \$3.6 million of one-time funding approved by the 2019 Legislative Assembly.

This amendment also:

- Adds a section to provide an exemption to continue unspent prior biennium appropriations from the oil and gas impact grant fund into the 2021-23 biennium.
- Adds a section to provide an exemption to continue unspent prior biennium appropriations into the 2021-23 biennium related to an information technology project.

REPORT OF STANDING COMMITTEE

SB 2145: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2145 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "in case of a declaration of disaster or emergency"

Page 1, line 12, replace "Designated" with "Essential"

Page 1, line 12, replace ". whether a family member or friend of" with "identified by"

Page 1, line 13, remove ". who is designated by the resident or appointed by"

Page 1, line 14, replace "an individual with decisionmaking authority for the resident" with "or by the resident's designated decisionmaker"

Page 1, line 15, remove "during a declaration of disaster"

Page 1, line 16, remove "or emergency"

Page 1, after line 18, insert:

"50-10.3-02. Scope.

This chapter does not supersede federal authority regarding long-term care facilities or prevent the department or state department of health from taking necessary actions to render the state eligible for federal funds or reimbursement services provided in long-term care facilities.

Page 1, line 19, replace "**50-10.3-02**" with "**50-10.3-03**"

Page 1, line 19, replace "**designated**" with "**essential**"

Page 1, line 20, replace "in consultation" with "working jointly"

Page 1, line 20, replace "and" with ", the"

Page 1, line 21, after the underscored comma insert "residents and tenants, families of residents and tenants, and long-term care facility representatives,"

Page 1, line 22, replace "an individual with decisionmaking authority for the resident to" with "the resident's designated decisionmaker"

Page 1, line 23, replace "designated" with "essential"

Page 1, line 23, after "caregivers" insert ", including"

Page 1, line 24, replace "A designated" with "An essential"

Page 2, line 5, replace "a designated" with "an essential"

Page 2, line 9, replace "a designated" with "an essential"

Page 2, line 10, replace "designated" with "essential"

Page 2, line 13, replace "designated" with "essential"

Page 2, line 14, replace "**50-10.3-03**" with "**50-10.3-04**"

Page 2, line 16, remove "meet the following criteria:"

Page 2, remove line 17

Page 2, line 18, replace "2. The requirements" with "and cost"

Page 2, line 18, replace "and" with "or"

Page 2, line 18, remove "a"

Page 2, line 19, replace "designated" with "an essential"

Page 2, line 21, replace "**50-10.3-04**" with "**50-10.3-05**"

Page 2, line 21, replace "**designated**" with "**essential**"

Page 2, line 22, replace "a designated" with "an essential"

Page 2, line 23, replace "50-10.3-02" with "50-10.3-03"

Page 2, line 24, replace "an individual with decisionmaking authority for the resident" with "the resident's designated decisionmaker"

Page 2, line 25, replace "designated" with "essential"

Page 2, remove lines 26 through 30

Page 3, remove lines 1 through 9

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2179: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2179 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study relating to coverage of telehealth."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - TELEHEALTH COVERAGE. During the 2021-22 interim, the legislative management shall study telehealth costs, services, and reimbursement options. The study should include input from stakeholders, such as providers, payors, and the insurance department. A goal of the study is to encourage providers and payors to collaborate to find a mutually agreeable telehealth reimbursement structure. The study may begin with a focus on behavioral health provided via telehealth. The legislative management shall report its finding and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2224: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2224 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "that does"

Page 1, replace lines 8 through 10 with "if:

1. The metabolic supplement has been identified and agreed to be covered through an agreement between the department and the state department of health;
2. The metabolic supplement is part of a standard recommendation for treatment;
3. A suitable metabolic supplement that is a covered outpatient drug is not available;
4. The individual is under nineteen years of age; and
5. Payment is made at a rate determined by the department."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2230: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2230 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "one hundred" with "seventy-five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2245: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2245 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide a statement of legislative intent"

Page 1, line 4, after the first boldfaced hyphen insert "**STRATEGIC INVESTMENT AND IMPROVEMENTS FUND -**"

Page 1, line 4, remove "- **LEGISLATIVE INTENT**"

Page 1, line 5, replace "general" with "strategic investment and improvements"

Page 1, line 6, replace "\$15,000,000" with "\$10,000,000"

Page 1, line 8, remove "Of this amount:"

Page 1, line 9, replace "1. \$10,000,000 is" with "The funding must be used"

Page 1, line 9, after "the" insert "purchase and"

Page 1, line 11, remove "; and"

Page 1, remove lines 12 and 13

Page 1, line 14, remove "intermodal infrastructure in the state"

Page 1, line 17, remove "It is the"

Page 1, remove lines 18 and 19

Page 1, line 20, remove "2019, and ending June 30, 2021."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes \$5 million of funding available from Bank of North Dakota loan guarantees and provides \$10 million to the Department of Commerce from the strategic investment and improvements fund for an intermodal transportation assistance program during the 2021-23 biennium rather than providing funding from legacy fund earnings deposited in the general fund.

REPORT OF STANDING COMMITTEE

SB 2292: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2292 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2293: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2293 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2311: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2311 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a review of North Dakota health education content standards and curriculum; and to provide for a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. SUPERINTENDENT REVIEW OF HEALTH EDUCATION CONTENTS STANDARDS AND CURRICULUM - REPORT TO LEGISLATIVE MANAGEMENT. During the 2021-22 interim, the superintendent of public instruction shall review the North Dakota health education content standards and curriculum for students enrolled in kindergarten through grade twelve to ensure the age-appropriate content standards and curriculum are current and reflect best practices, including a review of mental health awareness and suicide prevention with a focus on identifiable warning signs and risk factors, and identifying at-risk peers. Before July 1, 2022, the superintendent of public instruction shall report the findings and recommendations of the review to the legislative management."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2319: Finance and Taxation Committee (Sen. Bell, Chairman) recommends

AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2319 was placed on the Sixth order on the calendar.

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

Page 1, line 2, replace "an effective date" with "for application; and to provide a contingent expiration date"

Page 1, line 16, replace "**EMERGENCY**" with "**APPLICATION**"

Page 1, line 16, replace "is effective for" with "applies to"

Page 1, after line 17, insert:

"SECTION 3. CONTINGENT EXPIRATION DATE. This Act is effective through June 30, 2023, and after that date is ineffective, unless by that date the governor's office notifies the tax commissioner and legislative council that an agreement under chapter 57-51.2 has been entered with the governing body of a tribe in this state and, pursuant to that agreement, at least one new oil and gas well on which drilling commences after July 31, 2021, situated within the exterior boundaries of the reservation to which the agreement applies, has a horizontal lateral that extends to federal land located outside the exterior boundaries of the reservation."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2333: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2333 was placed on the Sixth order on the calendar.

Page 1, line 14, after the underscored period insert "The term includes a digital application platform provided or used only for a certain type of device, including a certain grade of computing device, a device made only by a particular manufacturer, or a device running a particular operating system."

Page 1, line 15, after "c." insert "Digital transaction platform" means a system for accepting payments from a user for an application or service received from a digital application distribution platform. The term includes a digital platform being usable for transactions not related to the digital application distribution platform.

d. "Domiciled in this state" means a person that is a resident of this state or is headquartered in this state, conducts business in this state, and the majority of the person's business is to create or maintain an application.

e."

Page 1, line 18, replace "d." with "f. "Provider" means a person that owns, operates, implements, or maintains a digital application distribution platform, a digital transaction platform, or an in-application payment system.

g. "Resident of this state" means a person whose last known billing address, other than an armed forces post office or fleet post office address, is located within this state, as shown in the records of a provider of a digital application distribution platform.

h."

Page 1, line 20, remove "special-purpose"

Page 1, line 20, after "hardware" insert "primarily intended for specific purposes"

Page 2, line 1, replace "A proprietor of" with "This section applies to"

Page 2, line 3, after "year" insert "which uses:"

- a. The platform to provide an application that was created by a person domiciled in this state to a user; or
- b. The platform to provide an application to a resident of this state.
- 3. A provider of a digital application distribution platform"

Page 2, line 4, replace the second "a" with "the provider's"

Page 2, line 4, remove "or digital"

Page 2, line 5, remove "transaction platform"

Page 2, line 5, replace "mode" with "means"

Page 2, line 5, after "product" insert "to a user"

Page 2, line 6, replace "an" with "the provider's digital transaction platform or"

Page 2, line 7, replace "mode of" with "means for"

Page 2, line 7, replace the second "a" with "the developer's"

Page 2, line 7, after "application" insert an underscored comma

Page 2, line 8, after "product" insert "or service created, offered, or provided by the developer"

Page 2, line 9, remove "an alternative application store"

Page 2, line 10, replace "or" with "another digital application distribution platform, digital transaction system, or"

Page 2, line 10, after the underscored period insert:

- "d. Refuse to allow a developer to provide the provider's application or digital product to or through the provider's platform or system or refuse to allow a user access to the developer's application or digital product through the provider's platform or system, on account of the developer's use of another platform or system. A violation of this subdivision is considered retaliation under this section."

Page 2, line 11, replace "3." with "4. Conduct in violation of this section is an unlawful practice under section 51-15-02. A person aggrieved by a violation of this section may bring an action to enjoin the violation or for restitution, or both. The court may award the plaintiff costs, expenses, and reasonable attorney's fees. This subsection does not limit any other claim a person may have under any other provision of law.

5."

Page 2, line 13, replace "4." with "6."

Page 2, line 13, remove "proprietor of a"

Page 2, remove lines 15 through 17

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2335: Human Services Committee (Sen. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2335 was placed on

the Eleventh order on the calendar.

The Senate stood adjourned pursuant to Senator Klein's motion.

Shanda Morgan, Secretary

