

## JOURNAL OF THE SENATE

## Sixty-seventh Legislative Assembly

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Bismarck, March 25, 2021

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

The prayer was offered by Pastor Linda Schlafman, Evangel, 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 Thirty-second, Thirty-sixth, Thirty-ninth, Forty-fifth, Forty-eighth, Forty-ninth, and Fifty-first Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 644, line 7, after "relating" insert "to"

Page 754, line 17, replace "'dangerous weapons" and "public gathering"' with "'dangerous weapon and public gathering'"

Page 799, line 15, replace "29" with "30"

Page 861, remove line 24

Page 913, remove line 28

Page 932, line 31, replace "**DO PASS**" with "**DO NOT PASS**"

Page 968, replace lines 19-23 with "**HB 1294:** A BILL for an Act to create and enact section 12-60-16.12 of the North Dakota Century Code, relating to the unauthorized dissemination of criminal history record information; and to provide a penalty."

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

## MOTION

**SEN. KLEIN MOVED** that HB 1151, which is on the Sixth order, be laid over one legislative day, and that HB 1201, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

## MOTION

**SEN. KLEIN MOVED** that after action taken on the Sixth order, Engrossed HB 1005 be placed on the Fourteenth order for immediate second reading and final passage, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1035, as engrossed: SEN. BAKKE (Judiciary Committee) MOVED** that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Engrossed HB 1035 was rereferred to the **Appropriations Committee**.

## CONSIDERATION OF AMENDMENTS

**HB 1358, as reengrossed: SEN. J. ROERS (Finance and Taxation Committee) MOVED** that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Reengrossed HB 1358 was rereferred to the **Appropriations Committee**.

## CONSIDERATION OF AMENDMENTS

**HB 1492: SEN. ANDERSON (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1027, as engrossed: SEN. LEMM (Education Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**MOTION**

**SEN. KLEIN MOVED** that Engrossed HB 1027, as amended, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1027, as amended, was rereferred.

**CONSIDERATION OF AMENDMENTS**

**HB 1096, as engrossed: SEN. PATTEN (Energy and Natural Resources Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1080, as engrossed: SEN. PATTEN (Energy and Natural Resources Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**MOTION**

**SEN. KLEIN MOVED** that Engrossed HB 1080, as amended, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1080, as amended, was rereferred.

**CONSIDERATION OF AMENDMENTS**

**HB 1347, as engrossed: SEN. CLEMENS (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1164, as engrossed: SEN. MYRDAL (Judiciary Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1205, as engrossed: SEN. ANDERSON (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1464, as reengrossed: SEN. KANNIANEN (Finance and Taxation Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1005, as engrossed: SEN. RUST (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1005:** A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer.

**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 44 YEAS, 3 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; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Heitkamp; Larsen, O.; Myrdal

Engrossed HB 1005, as amended, passed.

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

**HB 1494:** A BILL for an Act to provide for a legislative management study of law enforcement and correctional officer recruitment, retention, turnover, and training.

### **ROLL CALL**

The question being on the final passage of the 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 HB 1494 passed.

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

**HB 1112:** A BILL for an Act to amend and reenact section 54-23.3-11 of the North Dakota Century Code, relating to the prioritization of admission of inmates.

### **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

HB 1112, as amended, passed.

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

**HB 1359:** A BILL for an Act to create and enact a new subsection to section 19-24.1-05 of the North Dakota Century Code, relating to medical marijuana designated caregivers; to amend and reenact subsection 2 of section 19-24.1-04 and section 19-24.1-38 of the North Dakota Century Code, relating to medical marijuana designated caregivers and the medical marijuana advisory board; and to provide for application.

### **ROLL CALL**

The question being on the final passage of the 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.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Heitkamp; Myrdal

Engrossed HB 1359 passed.

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### SECOND READING OF HOUSE BILL

**HB 1420:** A BILL for an Act to create and enact two new subsections to section 19-03.4-02 and chapter 19-24.2 of the North Dakota Century Code, relating to the personal use of marijuana; to amend and reenact section 19-03.1-01, subdivision n of subsection 5 of section 19-03.1-05, subsection 1 of section 19-03.1-22.2, sections 19-03.1-22.3 and 19-03.1-23, subsection 1 of section 19-03.1-23.1, subsection 12 of section 19-03.4-01, sections 19-03.4-03 and 19-03.4-04, subsection 1 of section 39-20-01, section 39-20-14, and subsection 12 of section 65-05-08 of the North Dakota Century Code, relating to the legalization of marijuana; to provide for a legislative management report; to provide a penalty; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 10 YEAS, 37 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bell; Heckaman; Hogan; Holmberg; Kreun; Lee; Meyer; Oban; Poolman; Roers, K.

**NAYS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogue; Kannianen; Klein; Krebsbach; Larsen, D.; Larsen, O.; Larson, D.; Lemm; Luick; Marcellais; Mathern; Myrdal; Oehlke; Patten; Piepkorn; Roers, J.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1420, as amended, failed.

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### SECOND READING OF HOUSE BILL

**HB 1501:** A BILL for an Act to create and enact chapter 57-36.2 and a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to imposition of a gross receipts tax and an excise tax on usable marijuana and adult-use cannabis products; to provide a penalty; to provide a continuing appropriation; and to provide a contingent effective date.

### ROLL CALL

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

**NAYS:** 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 HB 1501, as amended, failed.

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### SECOND READING OF HOUSE BILL

**HB 1391:** A BILL for an Act to create and enact section 19-24.1-24.1 and a new subsection to section 19-24.1-36 of the North Dakota Century Code, relating to regulating edible medical marijuana products; to amend and reenact section 19-24.1-01 of the North Dakota Century Code, relating to definitions relating to medical marijuana products; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 25 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Bell; Burckhard; Conley; Davison; Dever; Dwyer; Heckaman; Hogan; Holmberg; Kannianen; Kreun; Larsen, D.; Larson, D.; Luick; Mathern; Meyer; Oban; Patten; Piepkorn; Poolman; Roers, K.; Schaible; Sorvaag; Weber

**NAYS:** Anderson; Bekkedahl; Clemens; Elkin; Erbele; Fors; Heitkamp; Hogue; Klein; Krebsbach; Larsen, O.; Lee; Lemm; Marcellais; Myrdal; Oehlke; Roers, J.; Rust; Vedaa; Wanzek; Wardner; Wobbema

HB 1391 failed for lack of a two-thirds majority.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1090, HB 1105, HB 1124, HB 1214, HB 1294, HB 1411, HB 1461.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HCR 3019.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1002, HB 1007, HB 1011, HB 1014, HB 1043, HB 1130, HB 1148, HB 1206, HB 1502.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1185.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1152, HB 1426, HB 1486.

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

**MR. PRESIDENT:** The House has passed, unchanged: SB 2125, SB 2265, SB 2334.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2128.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2048, SB 2103, SB 2217.

**AMENDMENTS TO ENGROSSED SENATE BILL NO. 2048**

Page 15, line 30, replace "one year" with "three years"

Page 16, line 3, remove "one"

Page 16, line 4, replace "year" with "three years"

Page 16, line 8, replace "one year" with "three years"

Renumber accordingly

**AMENDMENTS TO SENATE BILL NO. 2103**

Page 2, line 28, remove "for any ancillary product or service and any other charge"

Page 2, line 29, replace "or fee incident to" with "and fees necessary for"

Page 2, line 29, after "credit" insert "incurred at the time of origination"

Page 3, line 1, remove "installment"

Page 3, line 1, replace ". not to" with ". For loans originated for fifty thousand dollars or less, these charges may not"

Renumber accordingly

#### **AMENDMENTS TO ENGROSSED SENATE BILL NO. 2217**

Page 1, line 1, remove "create and enact a new section to chapter 47-16 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove "of natural gas from the proceeds of oil production; and to"

Page 1, line 4, after "study" insert "of postproduction cost deductions"

Page 1, remove lines 6 through 23

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2074, SB 2101.

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2074**

Page 1, line 1, after "to" insert "create and enact a new subsection to section 26.1-36.4-09 of the North Dakota Century Code, relating to the treatment of health insurance utilization reports; to"

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

Page 1, line 6, remove "twenty-six"

Page 1, line 6, overstrike "or more"

Page 1, after line 22, insert:

**"SECTION 2.** A new subsection to section 26.1-36.4-09 of the North Dakota Century Code is created and enacted as follows:

Any person obtaining a report under this section shall treat the data in compliance with the Federal Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1996; 29 U.S.C. 1181 et seq.].

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

Renumber accordingly

#### **HOUSE AMENDMENTS TO SENATE BILL NO. 2101**

Page 1, line 10, remove "and"

Page 1, line 11, after "penalty" insert "; and to declare an emergency"

Page 18, after line 28, insert:

**"SECTION 18. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

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

**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2252.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2091, SB 2102, SB 2138, SB 2156, SB 2197, SB 2249, SB 2251, SB 2264.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1127, HB 1139, HB 1190, HB 1223, HB 1287, HB 1368.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2033, SB 2072, SB 2073, SB 2083, SB 2086, SB 2092, SB 2095, SB 2096, SB 2126, SB 2141, SB 2148, SB 2154, SB 2174, SB 2181, SB 2182, SB 2204, SB 2226, SB 2240.

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

**MR. PRESIDENT:** The Speaker has signed: SCR 4001.

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

**MR. SPEAKER:** The President has signed: SB 2033, SB 2072, SB 2073, SB 2083, SB 2086, SB 2092, SB 2095, SB 2096, SB 2126, SB 2141, SB 2148, SB 2154, SB 2174, SB 2181, SB 2182, SB 2204, SB 2226, SB 2240.

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

**MR. SPEAKER:** The President has signed: SCR 4001.

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

**MR. SPEAKER:** The President has signed: HB 1127, HB 1139, HB 1190, HB 1223, HB 1287, HB 1368.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 25, 2021: SB 2033, SB 2072, SB 2073, SB 2083, SB 2086, SB 2092, SB 2095, SB 2096, SB 2126, SB 2141, SB 2148, SB 2154, SB 2174, SB 2181, SB 2182, SB 2204, SB 2226, SB 2240.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on March 25, 2021: SCR 4001.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, March 26, 2021, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1008, as engrossed: 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). Engrossed HB 1008 was placed on the Sixth order on the calendar.

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>1,064,219</u>	<u>13,236,695</u>
Total general fund	\$6,714,928	(\$58,841)	\$6,656,087"

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

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

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

Page 4, line 26, overstrike "~~(Effective through June 30,~~"

Page 4, line 27, overstrike "~~2021~~"

Page 4, line 27, remove "~~2025~~"

Page 4, line 27, overstrike the boldfaced closing parenthesis

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 5, line 4, overstrike "~~Transfer, deposit, and distribution of funds. (Effective after June 30,2021~~"

Page 5, line 4, remove "~~2025~~"

Page 5, line 4, overstrike ") All"

Page 5, overstrike lines 5 through 7

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1008 - Public Service Commission - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$9,495,560	\$9,694,646	\$296,842	\$9,991,488
Operating expenses	1,763,826	1,766,570	35,000	1,801,570
Capital assets	25,000	145,000		145,000
Grants	20,000	20,000		20,000
Abandoned mined lands contractual	6,000,000	6,000,000		6,000,000
Rail rate complaint case	900,000	900,000		900,000
Railroad safety program	589,018	613,626	1,098	614,724
Specialized legal services	94,000	420,000		420,000
Total all funds	\$18,887,404	\$19,559,842	\$332,940	\$19,892,782
Less estimated income	12,172,476	13,379,326	(142,631)	13,236,695
General fund	\$6,714,928	\$6,180,516	\$475,571	\$6,656,087
FTE	43.00	43.00	0.00	43.00

#### Department 408 - Public Service Commission - Detail of Senate 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 Senate 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	(150,000)	0	(142,631)
General fund	\$8,024	\$300,000	\$167,547	\$475,571
FTE	0.00	0.00	0.00	0.00



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

<sup>2</sup> Funding of \$300,000 from the general fund is restored for salaries and wages and other funds of \$150,000 received from a public utility assessment is reduced to allow the Public Service Commission program fund to develop a balance for future appropriations from the fund. The House 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.

<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 House 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 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 removes the expiration date. The House provided \$296,813 per year and provided an expiration date for the allocation.

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

**HB 1087, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1087 was placed on the Fourteenth order on the calendar.

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

**HB 1131: Education Committee (Sen. Schaible, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1131 was placed on the Fourteenth order on the calendar.

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

**HB 1222, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1222 was placed on the Fourteenth order on the calendar.

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

**HB 1254: 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). HB 1254 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 of the types of spousal support ordered by the district court.

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

##### **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - SPOUSAL**

**SUPPORT.** During the 2021-22 interim, the legislative management shall consider studying the types of spousal support ordered by the district court and the desirability and feasibility of providing statutory guidance for awards of spousal support. The study must include input from practicing attorneys in the area of family law and the division of child support. The study must include a review of the frequency and

duration of spousal support awards that are entered in the state. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1353: Energy and Natural Resources Committee (Sen. Kreun, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1353 was placed on the Sixth order on the calendar.

Page 22, line 12, after "**Director**" insert "**- State engineer**"

Page 22, after line 12, insert:

"1."

Page 22, line 14, replace "1." with "a."

Page 22, line 15, replace "2." with "b."

Page 22, line 15, remove "both a technically qualified and experienced hydraulic"

Page 22, line 16, replace "engineer and an experienced irrigation engineer" with "a qualified professional engineer. has appropriate hydrology experience. and will report to the director"

Page 22, line 17, replace "3." with "c."

Page 22, line 19, replace "4." with "d."

Page 22, line 20, replace "5." with "e."

Page 22, after line 20, insert:

"2. The state engineer is responsible for and shall manage the department's oversight of dam safety, water appropriations, and construction and drainage permits, and associated technical duties related to public safety and property protection."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1367, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1367 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1375, as engrossed: Education Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1375 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to provide a statement of legislative intent; to provide for a legislative management study;"

Page 1, line 12, replace "state-approved postsecondary training program." with "in-state public, private, or"

Page 1, line 12, remove "college."

Page 1, line 13, remove "or private"

Page 1, line 15, after "enrolled" insert "and have completed at least one semester, quarter, or term"

Page 1, line 15, replace "state-approved postsecondary training program" with "public, private, or tribal institution of higher education"

Page 1, line 15, remove the underscored comma

Page 1, line 16, remove "tribal college in the state, or private institution of higher education in the state"

Page 1, line 17, remove "Have completed at least one semester, quarter, or term at the state-approved"

Page 1, remove lines 18 and 19

Page 1, line 20, remove "c."

Page 1, line 20, replace "graduated" with ":

(1) Graduated"

Page 1, line 20, replace "or from" with ":

(2) Graduated from"

Page 1, line 20, remove the third "school"

Page 1, line 21, replace "district that borders the" with "bordering"

Page 1, line 21, replace ", or have completed" with "under chapter 15.1-29:

(3) Graduated from a nonpublic high school in a bordering state while residing with a custodial parent in this state; or

(4) Completed"

Page 1, line 23, replace "d." with "c."

Page 2, line 1, remove ", or a high school in a school district that"

Page 2, line 2, remove "borders the state"

Page 2, line 4, after "to" insert "fifty percent of"

Page 2, line 5, after "education" insert ", and"

Page 2, line 6, remove "one"

Page 2, line 7, replace "thousand five" with "seven"

Page 2, line 7, after "hundred" insert "fifty"

Page 2, line 9, after the underscored period insert "A student is not eligible to receive more than seven hundred fifty dollars under this section."

Page 2, line 12, replace "\$5,000,000" with "\$1,500,000"

Page 2, after line 15, insert:

**"SECTION 3. LEGISLATIVE INTENT - DUAL-CREDIT TUITION SCHOLARSHIP PROGRAM.** It is the intent of the sixty-seventh legislative assembly that if there are any dollars in the skilled workforce scholarship fund and the skilled workforce student loan repayment fund which have not been committed as of December 31, 2022, the state board of higher education may award up to fifty

percent of the uncommitted balance for dual-credit tuition scholarships under section 1 of this Act.

**SECTION 4. SCHOLARSHIP PROGRAMS - LEGISLATIVE MANAGEMENT STUDY.** During the 2021-22 interim, the legislative management shall consider studying all scholarship programs in the state. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1379, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1379 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1425, as reengrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1425 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1452, as reengrossed: Energy and Natural Resources Committee (Sen. Kreun, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed HB 1452 was placed on the Sixth order on the calendar.

Page 1, line 14, after "provide" insert "energy"

Page 1, line 14, overstrike "not"

Page 1, line 15, overstrike "less than twenty-five percent of the total energy consumed in the United States"

Page 2, line 1, replace "technologies" with "technology"

Page 2, line 3, after the second underscored comma insert "resilient."

Page 2, line 9, after "commerce" insert ", or the commissioner's designee"

Page 3, line 1, after "commerce" insert ", or the commissioner's designee."

Page 3, line 2, remove the overstrike over "~~four~~"

Page 3, line 2, remove "two"

Page 3, line 2, after "present" insert "to receive"

Page 3, line 4, remove the overstrike over "~~testimony~~"

Page 3, line 4, remove "in coordination"

Page 3, remove line 5

Page 3, line 6, remove "regional leaders and interested persons"

Page 3, line 7, after "policy" insert "and low-emission technology initiative"

Page 3, line 9, overstrike "The legislative assembly shall develop a comprehensive energy policy for the state."

Page 3, line 11, remove "In coordination with"

Page 3, line 12, replace "the state energy research center, the" with "The"

Page 3, line 12, replace "shall" with "may"

Page 3, line 13, after "on" insert "technologies related to"

Page 3, line 14, remove "technology and"

Page 3, line 14, remove "in energy efficiencies for the state"

Page 3, line 15, replace "must" with "may"

Page 3, line 15, remove "environmental benefits:"

Page 3, line 19, after "products" insert "or processes"

Page 3, line 19, replace "units" with "quantities"

Page 3, line 19, after "energy" insert "used"

Page 3, line 21, after the underscored period insert "The commission shall consider and make recommendations on policies to ensure the availability of affordable, reliable, resilient, and sustainable energy in the state; to expand value-added energy; and to expand the opportunities to diversify the use of North Dakota's natural resources, which may increase state tax revenues. The commission shall study and evaluate critical energy infrastructure and shall make recommendations to ensure the state's comprehensive energy policy supports electrical grid reliability and resiliency and supports sufficient dispatchable generation capacity to avoid brownouts, blackouts, or outages."

Page 3, line 23, after the period insert: "6. The legislative assembly shall consider recommendations from the commission to develop a comprehensive energy policy for the state."

Page 3, line 23, after "report" insert "its recommendations"

Page 3, line 25, overstrike "6." and insert immediately thereafter "7."

Page 4, line 13, replace "without" with "while either increasing or not"

Page 4, line 19, after "impacts" insert "and increase sustainability"

Page 4, line 19, after "production" insert "and delivery"

Page 4, line 24, remove "ex officio."

Page 4, line 24, replace the second "members" with "technical advisors"

Page 4, line 31, remove "ex officio."

Page 4, line 31, replace "members" with "technical advisors"

Page 5, line 24, after "2." insert "The nonvoting technical advisors shall develop a process to review and evaluate projects to determine the technical merits and feasibility of any application, including potential benefits of the development of low-emission technology, the expansion of the development of the state's natural resources or energy production, and the contribution to the economic diversity in the state."

3. The authority may develop a loan program or a loan guarantee program under the clean sustainable energy fund. The Bank of North Dakota shall administer the loan program or loan guarantee program. The interest rate of a loan under this program may not exceed two percent per year. The maximum term of a loan under this section must be approved by the commission based on a recommendation from the authority. The Bank shall review applications for loans or loan guarantees and shall consider

the business plan, financial statements, and other information necessary to evaluate the application. To be eligible for a loan or loan guarantee, an entity shall agree to provide the Bank of North Dakota with information as requested. The Bank of North Dakota may develop policies for loan participation with local financial institutions.

4."

Page 5, line 28, after "impacts" insert "and increase sustainability of energy production and delivery"

Page 5, line 31, after "review" insert "conducted by the nonvoting technical advisors of the authority"

Page 6, line 6, replace "3." with "5."

Page 6, line 8, replace "4." with "6."

Page 6, line 21, after the underscored period insert "The commission may develop policies for the approval of loans or loan guarantees issued from the clean sustainable energy fund."

Page 8, line 9, after "appropriation" insert "- Loans - Repayments"

Page 8, after line 9 insert:

"1."

Page 8, after line 16, insert:

"2. Any bond proceeds deposited in the fund must be used for loans or loan guarantees. The Bank of North Dakota shall deposit in the fund all principal and interest paid on the loans made from the fund. The Bank may use a portion of the interest paid on the outstanding loans as a servicing fee to pay for administrative costs, not to exceed one-half of one percent of the amount of the interest payment. The Bank shall contract with a certified public accounting firm to audit the fund annually if the fund has any outstanding loans. The cost of the audit must be paid from the fund."

Renumber accordingly

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

**HCR 3034: Energy and Natural Resources Committee (Sen. Kreun, Chairman)**  
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3034 was placed on the Fourteenth order on the calendar.

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

**Shanda Morgan, Secretary**