

## JOURNAL OF THE SENATE

## Sixty-seventh Legislative Assembly

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Bismarck, April 12, 2021

The Senate convened at 8:00 a.m., with President Sanford presiding.

The prayer was offered by Senator Kathy Hogan, District 21.

The roll was called and all members were present.

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**HB 1118, as engrossed: SEN. K. ROERS (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.

## SECOND READING OF HOUSE BILL

**HB 1118:** A BILL for an Act to create and enact a new subsection to section 37-17.1-05 and a new section to chapter 54-03 of the North Dakota Century Code, relating to the governor's authority to issue executive orders and permitting a virtual meeting of the legislative management and a virtual session of the legislative assembly during a declared disaster or emergency; to amend and reenact subsection 12 of section 23-01-05 and subsection 3 of section 37-17.1-05 of the North Dakota Century Code, relating to the authority of the state health officer and the gubernatorial declaration of disaster or emergency; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of **DO PASS**, the roll was called and there were 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 HB 1118, as amended, passed and the emergency clause was declared carried.

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## CONSIDERATION OF AMENDMENTS

**HB 1495, as engrossed: SEN. K. ROERS (Government and Veterans Affairs 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.

## SECOND READING OF HOUSE BILL

**HB 1495:** A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to virtual sessions of the legislative assembly; to amend and reenact subsection 12 of section 23-01-05 and sections 37-17.1-02.2, 37-17.1-03, 37-17.1-04, 37-17.1-05, and 37-17.1-11 of the North Dakota Century Code, relating to the state health officer's authority and the governor's and legislative assembly's authority during a declared state of disaster or emergency; and to provide a penalty.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of **DO NOT PASS**, the roll was called and there were 6 YEAS,

41 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Heitkamp; Larsen, D.; Larsen, O.; Lemm; Luick; Myrdal

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

Engrossed HB 1495, as amended, failed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1212, as engrossed: SEN. MEYER (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**.

#### REQUEST

**SEN. MEYER REQUESTED** a verification vote, which request was granted.

The proposed amendments to Engrossed HB 1212 failed on a verification vote.

#### SECOND READING OF HOUSE BILL

**HB 1212:** A BILL for an Act to create and enact section 53-06.1-08.3 and a new section to chapter 53-06.1 of the North Dakota Century Code, relating to electronic pull tab devices and the creation of a charitable gaming operating fund; to amend and reenact section 53-06.1-12 of the North Dakota Century Code, relating to charitable gaming tax; to provide for a legislative management study; to provide a continuing appropriation; to provide for a transfer; to provide an effective date; and to provide an expiration date.

#### 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 37 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Clemens; Dever; Fors; Hogan; Larsen, O.; Luick; Marcellais; Mathern; Myrdal; Oehlke

Engrossed HB 1212 passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1475, as reengrossed and amended: SEN. DAVISON (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 1475:** A BILL for an Act to create and enact three new sections to chapter 4.1-01.1 of the North Dakota Century Code, relating to an agriculture diversification and development fund, agriculture diversification and development committee, and agriculture diversification and development fund grants program; to provide an appropriation; to provide a continuing appropriation; and to provide for a transfer.

#### 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; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Mathern

Reengrossed HB 1475, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1388, as reengrossed and amended: SEN. SCHAIBLE (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 1388:** A BILL for an Act to create and enact a new subsection to section 15.1-06-04, a new section to chapter 15.1-07, a new section to chapter 15.1-13, and a new section to chapter 15.1-21 of the North Dakota Century Code, relating to virtual learning, school calendar length, reading competency requirements, and teacher professional development and licensure; to amend and reenact section 15.1-01-04, subsection 4 of section 15.1-06-04, subdivision e of subsection 1 of section 15.1-06-06, section 15.1-06-13, subsection 2 of section 15.1-09.1-02.1, and sections 15.1-20-01, 15.1-27-03.2, 15.1-27-04.1, 15.1-27-35, and 15.1-31-07 of the North Dakota Century Code, relating to membership of the kindergarten through grade twelve education coordination council, adjustments to school district size weighting factors, the education foundation aid funding formula transition maximum and payment rates, student attendance and enrollment, school approval, school compliance, regional education association services, average daily membership, and school calendars; to provide for a legislative management study; to provide for a legislative management report; and to provide an 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 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; 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, D.; Larsen, O.

Reengrossed HB 1388, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1013, as engrossed: SEN. POOLMAN (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 1013:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the state library, the school for the deaf, and the North Dakota vision services - school for the blind; to amend and reenact sections 15.1-02-02, 15.1-02-16, and 15.1-27-16 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction, credentialing, and

administrative cost-sharing for cooperating districts; to provide for a transfer; to provide an exemption; to provide for a legislative management study; to provide for reports; to provide an expiration date; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; 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

**NAYS:** Dever; Larsen, D.; Larsen, O.

Engrossed HB 1013, as amended, passed and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**HB 1453, as engrossed: SEN. K. ROERS (Government and Veterans Affairs 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 1453:** A BILL for an Act to create and enact a new section to chapter 54-10 and a new section to chapter 54-35 of the North Dakota Century Code, relating to protections for individuals who report potential violations of law and the legislative audit and fiscal review committee; and to amend and reenact subsection 1 of section 34-11.1-04, section 54-10-01, 54-10-26, and section 54-35-02.2 of the North Dakota Century Code, relating to protections for public employees who report potential violations of law, the powers and duties of the state auditor, state auditor working papers, and the legislative audit and fiscal review committee.

#### 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 HB 1453, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1032, 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.

#### SECOND READING OF HOUSE BILL

**HB 1032:** A BILL for an Act to create and enact a new chapter to title 26.1 of the North Dakota Century Code, relating to prescription drug cost transparency; to amend and reenact section 43-15.3-12 of the North Dakota Century Code, relating to wholesale drug license fees; to provide a continuing appropriation; 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 38 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Clemens; Fors; Heitkamp; Kannianen; Kreun; Larsen, D.; Larsen, O.; Roers, K.; Wobbema

Engrossed HB 1032, as amended, passed.

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#### MOTION

**SEN. KLEIN MOVED** that the Senate be on the 14th order, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1249:** A BILL for an Act to provide for a legislative management study of the building space needs of the legislative branch.

#### 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 1249 passed.

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#### MOTION

**SEN. KLEIN MOVED** that the Senate be on the Twelfth order, which motion prevailed.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2132 as printed on SJ page 947, which motion prevailed on a voice vote.

Engrossed SB 2132, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2132:** A BILL for an Act to amend and reenact section 14-09-09.38 of the North Dakota Century Code, relating to the child support obligation of an incarcerated parent.

#### ROLL CALL

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

Reengrossed SB 2132 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. BURCKHARD MOVED** that the Senate do concur in the House amendments to Engrossed SB 2164 as printed on SJ page 1082, which motion prevailed on a voice vote.

Engrossed SB 2164, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2164:** A BILL for an Act to create and enact section 43-51-10.1 of the North Dakota Century Code, relating to occupational rules in cases of emergencies; and to amend and reenact sections 43-51-04 and 43-51-12 of the North Dakota Century Code, relating to occupational licensure in cases of emergencies.

**ROLL CALL**

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

Reengrossed SB 2164 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do concur in the House amendments to Engrossed SB 2022 as printed on SJ pages 1155-1156, which motion prevailed on a voice vote.

Engrossed SB 2022, as amended, was placed on the Eleventh order of business.

**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, 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

Reengrossed SB 2022 passed.

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**MOTION**

**SEN. KLEIN MOVED** that the Senate stand in recess until 12:30 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Sanford presiding.

**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 Sixtieth and Sixty-second Days and recommends that it be corrected as follows and when so corrected, recommends

that it be approved:

Page 1207, line 32, after the second "the" insert "amended"

Page 1211, line 9, after the second "the" insert "amended"

Page 1211, line 9, remove "and has committee"

Page 1211, line 10, remove "recommendation of DO PASS,"

Page 1253, line 50, replace the second "of" with "or"

Page 1306, after line 35 insert:

#### **"CONSIDERATION OF MESSAGES FROM THE HOUSE"**

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to SB 2043, in the House amendments to Engrossed SB 2089, and in the House amendments to SB 2247 and that a conference committee be appointed to meet with a like committee from the House on each of these measures, which motion prevailed on a voice vote."

Page 1306, remove lines 37-39

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

#### **MOTION**

**SEN. OEHLKE MOVED** that the Senate reconsider its action whereby Engrossed HB 1233, as amended, failed to pass, which motion failed on a verification vote.

#### **CONSIDERATION OF AMENDMENTS**

**HCR 3005: SEN. MEYER (Government and Veterans Affairs 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.

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3005:** A concurrent resolution to amend and reenact section 7 of article IV of the Constitution of North Dakota, relating to reconvening the legislative assembly to address an emergency or to consider a veto.

#### **ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 6 YEAS, 40 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Conley; Klein; Myrdal; Vedaa; Wardner; Wobbema

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

**ABSENT AND NOT VOTING:** Kreun

HCR 3005, as amended, was declared lost on a recorded roll call vote.

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#### **CONSIDERATION OF MESSAGES FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to

Engrossed SB 2016, in the House amendments to Engrossed SB 2272, and in the House amendments to Engrossed SCR 4014 and that a conference committee be appointed to meet with a like committee from the House on each of these measures, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEES**

**THE PRESIDENT APPOINTED** as a Conference Committee on:

**Engrossed SB 2016:** Sens. Davison, Krebsbach, Heckaman.

**Engrossed SB 2272:** Sens. Schaible, Lemm, Conley.

**Engrossed SCR 4014:** Sens. Kannianen, Weber, Piepkorn.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. KLEIN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1232, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on:

**Engrossed HB 1232:** Sens. Schaible, Wobbema, Conley

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. VEDAA MOVED** that the Senate do concur in the House amendments to Engrossed SB 2093 as printed on SJ pages 1163-1164, which motion prevailed on a voice vote.

Engrossed SB 2093, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF SENATE BILL**

**SB 2093:** A BILL for an Act to amend and reenact section 55-08-05 of the North Dakota Century Code, relating to parks and recreation charges for services; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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

**ABSENT AND NOT VOTING:** Kreun

Reengrossed SB 2093 passed and the emergency clause was declared carried.

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#### **MOTION**

**SEN. KLEIN MOVED** that SB 2159, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do concur in the House amendments to Engrossed SB 2017 as printed on SJ pages 1217-1218, which motion prevailed on a voice vote.

Engrossed SB 2017, as amended, was placed on the Eleventh order of business.

#### **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, the roll



was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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

**ABSENT AND NOT VOTING:** Kreun

Reengrossed SB 2017 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. CLEMENS MOVED** that the Senate do concur in the House amendments to Engrossed SB 2299 as printed on SJ page 855, which motion prevailed on a voice vote.

Engrossed SB 2299, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2299:** A BILL for an Act to to provide for a legislative management study regarding the motor vehicle excise tax.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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

**ABSENT AND NOT VOTING:** Kreun

Reengrossed SB 2299 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. HOLMBERG MOVED** that the Senate do concur in the House amendments to Engrossed SB 2025 as printed on SJ pages 1286-1287, which motion prevailed on a verification vote.

Engrossed SB 2025, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2025:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of veterans' affairs; 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 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Hogan; Lee; Weber

**ABSENT AND NOT VOTING:** Kreun

Reengrossed SB 2025 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. CLEMENS MOVED** that the Senate do concur in the House amendments to Engrossed SB 2329 as printed on SJ page 1131, which motion prevailed on a voice vote.

Engrossed SB 2329, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2329:** A BILL for an Act to amend and reenact subsection 2 of section 39-01-01 of the North Dakota Century Code, relating to the definition of an authorized emergency vehicle.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 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; Larsen, D.; Larsen, O.; 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:** Oehlke

**ABSENT AND NOT VOTING:** Kreun

Reengrossed SB 2329 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do concur in the House amendments to Engrossed SB 2024 as printed on SJ pages 1284-1286, which motion prevailed on a voice vote.

Engrossed SB 2024, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2024:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of environmental quality; to amend and reenact section 23.1-16-10 of the North Dakota Century Code, relating to certificate of inspection; to provide a statement of legislative intent; and to provide for a legislative management report.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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

**ABSENT AND NOT VOTING:** Kreun

Reengrossed SB 2024 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do concur in the House amendments to Engrossed SB 2007 as printed on SJ pages 1278-1284, which motion prevailed on a voice vote.

Engrossed SB 2007, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2007:** A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home; to amend and reenact sections 54-59-05 and 54-59-22 of the North Dakota Century Code, relating to state agency information technology service requirements; to provide an exemption; to provide a statement of legislative intent; and to provide for a report.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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

**ABSENT AND NOT VOTING:** Kreun

Reengrossed SB 2007 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. KLEIN MOVED** that the conference committee report on Engrossed SB 2048 as printed on SJ page 997 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2048 was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2048:** A BILL for an Act to create and enact chapter 47-30.2 of the North Dakota Century Code, relating to the Revised Uniform Unclaimed Property Act; to amend and reenact sections 9-12-29, 10-19.1-123, 10-33-114, and 15-02-05.2, subsection 3 of section 23.1-15-07, subsections 8 and 9 of section 26.1-55-02, sections 26.1-55-04, 27-05.2-04, and 30.1-20-14, subsection 3 of section 35-20-17, sections 35-36-05, 38-13.1-03, 38-18.1-03, and 44-04-18.25, subsection 3 of section 47-16-07.1, section 54-27-15.1, subsection 6 of section 57-38-57, subsection 8 of section 57-39.2-23, and section 60-01-34 of the North Dakota Century Code, relating to abandoned and unclaimed property; to repeal chapter 47-30.1 of the North Dakota Century Code, relating to the uniform unclaimed property act; to provide for a report; to provide a penalty; and to provide a continuing appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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

**ABSENT AND NOT VOTING:** Kreun

Engrossed SB 2048 passed.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. MARCELLAIS MOVED** that the conference committee report on SB 2117 as printed on SJ page 910 be adopted, which motion prevailed on a voice vote.

SB 2117 was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2117:** A BILL for an Act to create and enact a new section to chapter 37-01 of the North Dakota Century Code, relating to death benefits for national guard members; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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

**ABSENT AND NOT VOTING:** Kreun

SB 2117 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 passed, unchanged: HB 1212, HB 1249.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1032, HB 1388, HB 1453, HB 1475.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1013, HB 1118.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1233.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1495.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HCR 3005.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2281.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2004, SB 2006, SB 2019, SB 2230, SB 2319.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2004

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

Page 1, remove lines 14 through 23

Page 2, replace lines 1 and 2 with:

"Salaries and wages	\$37,719,574	\$3,643,394	\$41,362,968
Operating expenses	32,398,526	(820,983)	31,577,543
Capital assets	2,164,813	481,580	2,646,393
Grants	53,257,292	1,991,853	55,249,145
Tobacco prevention	12,902,064	507,958	13,410,022
Women, infants, and children food payments	19,780,000	120,000	19,900,000
Statewide health strategies	0	3,000,000	3,000,000
COVID-19	0	13,446,460	13,446,460
Total all funds	\$158,222,269	\$22,370,262	\$180,592,531
Less estimated income	121,951,679	15,047,816	136,999,495
Total general fund	\$36,270,590	\$7,322,446	\$43,593,036
Full-time equivalent positions	204.00	3.50	207.50"

Page 2, replace lines 11 and 12 with:

"Vital records system technology updates	0	275,000
Statewide health strategies initiative	0	3,000,000
COVID-19 response	0	9,262,341"

Page 2, replace lines 14 through 16 with:

"Total all funds	\$2,057,554	\$13,447,341
Less estimated income	1,967,554	7,919,065
Total general fund	\$90,000	\$5,528,276"

Page 2, after line 31, insert:

**"SECTION 4. CONTINGENT APPROPRIATION - STATEWIDE HEALTH STRATEGIES.** One-time funding of \$1,500,000 appropriated from the community health trust fund for statewide health strategies in section 1 of this Act is contingent on the state department of health securing dollar-for-dollar matching funds."

Page 3, line 5, replace "\$18,337,620" with "\$20,837,620"

Page 3, after line 13, insert

"Forensic examiner contract	1,000,000
Statewide health strategies initiative	1,500,000"

Page 3, replace line 17 with:

"Total community health trust fund	\$20,837,620"
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Page 4, after line 10, insert:

**"SECTION 8. LEGISLATIVE INTENT - FUNDING FOR COVID-19 RESPONSE.** It is the intent of the sixty-seventh legislative assembly that the state department of health use federal COVID-19 funds or other available funds for defraying expenses related to local public health pandemic response grants before accessing \$4,515,296 appropriated from the community health trust fund in section 1 of this Act."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2004 - State Department of Health - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$37,719,574	\$41,243,222	\$119,746	\$41,362,968
Operating expenses	32,398,526	30,334,543	1,243,000	31,577,543
Capital assets	2,164,813	2,646,393		2,646,393

Grants	53,257,292	55,249,145		55,249,145
Tobacco prevention	12,902,064	13,410,241	(219)	13,410,022
WIC food payments	19,780,000	19,900,000		19,900,000
Statewide health strategies			3,000,000	3,000,000
COVID-19		106,813,177	(93,366,717)	13,446,460
COVID-19 line of credit		25,000,000		25,000,000
Total all funds	\$158,222,269	\$294,596,721	(\$89,004,190)	\$205,592,531
Less estimated income	121,951,679	250,529,471	(88,529,976)	161,999,495
General fund	\$36,270,590	\$44,067,250	(\$474,214)	\$43,593,036
FTE	204.00	212.50	(5.00)	207.50

### Department 301 - State Department of Health - Detail of House Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Increases Funding for State Health Officer's Salary <sup>2</sup>	Removes COVID-19 FTE Positions and Temporary Salaries <sup>3</sup>	Removes Funding for Clinical Laboratory Improvement Amendment (CLIA) Director <sup>4</sup>	Increases Funding for the UND Forensic Examiner Contract <sup>5</sup>	Adjusts Funding Source of Snow Removal Tractor <sup>6</sup>
Salaries and wages	(\$12,254)	\$132,000				
Operating expenses				(\$32,000)	\$1,000,000	
Capital assets						
Grants						
Tobacco prevention	(219)					
WIC food payments						
Statewide health strategies						
COVID-19	4,068		(\$1,278,717)			
COVID-19 line of credit						
Total all funds	(\$8,405)	\$132,000	(\$1,278,717)	(\$32,000)	\$1,000,000	\$0
Less estimated income	49,160	132,000	(1,050,037)	(12,800)	1,000,000	40,000
General fund	(\$57,565)	\$0	(\$228,680)	(\$19,200)	\$0	(\$40,000)
FTE	0.00	0.00	(5.00)	0.00	0.00	0.00

	Adjusts One- Time Funding for Electronic Medical Records <sup>7</sup>	Adds One-Time Funding for Vital Records System Technology Updates <sup>8</sup>	Adds One-Time Funding for Statewide Health Strategies <sup>9</sup>	Removes Federal COVID- 19 Funding <sup>10</sup>	Total House Changes
Salaries and wages					\$119,746
Operating expenses		\$275,000			1,243,000
Capital assets					
Grants					
Tobacco prevention					(219)
WIC food payments					
Statewide health strategies			\$3,000,000		3,000,000
COVID-19				(\$92,092,068)	(93,366,717)
COVID-19 line of credit					
Total all funds	\$0	\$275,000	\$3,000,000	(\$92,092,068)	(\$89,004,190)
Less estimated income	128,769	275,000	3,000,000	(92,092,068)	(88,529,976)
General fund	(\$128,769)	\$0	\$0	\$0	(\$474,214)
FTE	0.00	0.00	0.00	0.00	(5.00)

<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 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 from federal funds is added to increase the State Health Officer's salary.

<sup>3</sup> Five FTE positions in Group 1 of the department's prioritization list are removed to provide 7.5 FTE positions for COVID-19. The Senate provided 12.5 FTE positions for COVID-19. In addition, funding for 3 temporary COVID-19 positions is removed to provide 7 temporary COVID-19 positions. The Senate provided funding for 10 temporary COVID-19 positions.

<sup>4</sup> Funding for professional fees for the department to contract for a part-time CLIA director is removed. The Senate and House added a .5 FTE position to serve as the CLIA director.

<sup>5</sup> Funding from the community health trust fund is added to increase operating expenses related to the University of North Dakota forensic examiner contract to provide a total of

\$1,625,270, of which \$625,270 is from the general fund.

<sup>6</sup> The funding source of a snow removal tractor is adjusted from the general fund to federal funds.

<sup>7</sup> A portion of the one-time funding for an electronic medical records system is adjusted from the general fund to federal funds to provide total one-time funding of \$350,000, of which \$221,231 is from the general fund and \$128,769 is from federal funds.

<sup>8</sup> One-time funding from special funds available from fees is added for operating expenses related to updating vital records system technology.

<sup>9</sup> One-time funding of \$3 million, of which \$1.5 million is from the community health trust fund, is added for a statewide health strategies initiative. A section is also added to provide funding from the community health trust fund is contingent on the department securing dollar-for-dollar matching funds.

<sup>10</sup> Federal funding provided in the COVID-19 line item is removed because it is appropriated in House Bill No. 1394.

This amendment also adds a section of legislative intent that the department use federal funding available for COVID-19 before using \$4,515,296 made available from the community health trust fund for local public health pandemic response grants.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2006

Page 1, line 2, remove "to provide for a report;"

Page 1, replace line 12 with:

"Salaries and wages	\$1,526,328	\$72,982	\$1,599,310"
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Page 1, replace lines 14 through 16 with:

"Grants	<u>25,800,000</u>	<u>1,750,000</u>	<u>27,550,000</u>
Total all funds	\$29,331,082	\$1,885,905	\$31,216,987
Less estimated income	<u>28,831,082</u>	<u>1,910,905</u>	<u>30,741,987"</u>

Page 1, remove lines 19 through 22

Page 2, remove lines 1 through 7

Page 2, replace lines 15 through 17 with:

**"SECTION 3. APPROPRIATION.** There is appropriated from federal funds, the sum of \$5,000,000, or so much of the sum as may be necessary, to the state board of higher education for the purpose of reconstructing the university of North Dakota's apron at the Grand Forks airport, for the biennium beginning July 1, 2021, and ending June 30, 2023. This funding is considered to be a one-time funding item."

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2006 - Summary of House Action

	Base Budget	Senate Version	House Changes	House Version
University System				
Total all funds	\$0	\$0	\$5,000,000	\$5,000,000
Less estimated income	0	0	5,000,000	5,000,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00
Aeronautics Commission				
Total all funds	\$29,331,082	\$36,220,647	(\$5,003,660)	\$31,216,987

Less estimated income	28,831,082	35,745,647	(5,003,660)	30,741,987
General fund	\$500,000	\$475,000	\$0	\$475,000
FTE	7.00	7.00	0.00	7.00
Bill total				
Total all funds	\$29,331,082	\$36,220,647	(\$3,660)	\$36,216,987
Less estimated income	28,831,082	35,745,647	(3,660)	35,741,987
General fund	\$500,000	\$475,000	\$0	\$475,000
FTE	7.00	7.00	0.00	7.00

**Senate Bill No. 2006 - University System - House Action**

	Base Budget	Senate Version	House Changes	House Version
Capital assets			\$5,000,000	\$5,000,000
Total all funds	\$0	\$0	\$5,000,000	\$5,000,000
Less estimated income	0	0	5,000,000	5,000,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

**Department 214 - University System - Detail of House Changes**

	Adds One-time Funding for Airport Apron <sup>1</sup>	Total House Changes
Capital assets	\$5,000,000	\$5,000,000
Total all funds	\$5,000,000	\$5,000,000
Less estimated income	5,000,000	5,000,000
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> A section is added appropriating \$5 million from federal funds to the State Board of Higher Education for reconstructing the University of North Dakota's apron at the Grand Forks airport. The Senate did not include this appropriation to the State Board of Higher Education.

**Senate Bill No. 2006 - Aeronautics Commission - House Action**

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$1,526,328	\$1,602,970	(\$3,660)	\$1,599,310
Operating expenses	2,004,754	2,067,677		2,067,677
Grants	25,800,000	32,550,000	(5,000,000)	27,550,000
Total all funds	\$29,331,082	\$36,220,647	(\$5,003,660)	\$31,216,987
Less estimated income	28,831,082	35,745,647	(5,003,660)	30,741,987
General fund	\$500,000	\$475,000	\$0	\$475,000
FTE	7.00	7.00	0.00	7.00

**Department 412 - Aeronautics Commission - Detail of House Changes**

	Adds Funding for Salary and Benefit Increases <sup>1</sup>	Removes One-time Funding for Airport Grants <sup>2</sup>	Total House Changes
Salaries and wages	(\$3,660)		(\$3,660)
Operating expenses			
Grants		(\$5,000,000)	(5,000,000)
Total all funds	(\$3,660)	(\$5,000,000)	(\$5,003,660)
Less estimated income	(3,660)	(5,000,000)	(5,003,660)
General fund	\$0	\$0	\$0
FTE	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 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 \$5 million from the strategic investment and improvements fund for airport grants is removed. The Senate provided one-time funding of \$5 million from the strategic



investment and improvements fund for airport grants.

# **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2019**

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

Page 1, remove lines 12 through 24

Page 2, replace lines 1 through 13 with:

"Salaries and wages	\$4,812,765	(\$168,859)	\$4,643,906
Operating expenses	2,357,796	(159,343)	2,198,453
Grants	9,207,349	300,000	9,507,349
Grants - secondary	24,587,780	2,000,000	26,587,780
Marketplace for kids	300,000	0	300,000
Science, technology, engineering, and mathematics initiative	0	100,000	100,000
Grants - postsecondary	256,982	(256,982)	0
Adult farm management	1,894,249	(188,111)	1,706,138
Workforce training	2,000,000	0	2,000,000
Center for distance education	9,351,188	110,066	9,461,254
Total all funds	\$54,768,109	\$1,736,771	\$56,504,880
Less estimated income	14,703,121	316,696	15,019,817
Total general fund	\$40,064,988	\$1,420,075	\$41,485,063
Full-time equivalent positions	52.30	(2.00)	50.30

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

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

ReNUMBER accordingly

## **STATEMENT OF PURPOSE OF AMENDMENT:**

### **Senate Bill No. 2019 - Dept. of Career and Technical Education - House Action**

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$4,812,765	\$4,654,641	(\$10,735)	\$4,643,906
Operating expenses	2,357,796	2,198,453		2,198,453
Grants	9,207,349	54,507,349	(45,000,000)	9,507,349
Grants - Secondary	24,587,780	27,187,780	(600,000)	26,587,780
Marketplace for kids	300,000	250,000	50,000	300,000
Grants - Postsecondary	256,982			
Adult farm management	1,894,249	1,756,138	(50,000)	1,706,138
Workforce training	2,000,000	1,900,000	100,000	2,000,000
Center for distance education	9,351,188	9,464,653	(3,399)	9,461,254
STEM initiative			100,000	100,000
Total all funds	\$54,768,109	\$101,919,014	(\$45,414,134)	\$56,504,880
Less estimated income	14,703,121	60,019,817	(45,000,000)	15,019,817
General fund	\$40,064,988	\$41,899,197	(\$414,134)	\$41,485,063
FTE	52.30	50.30	0.00	50.30

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

	Adjusts Funding for Salary Increases <sup>1</sup>	Transfers STEM Funding <sup>2</sup>	Reduces Funding for Cost to Continue Reimburse- ment Rates <sup>3</sup>	Restores Funding for Marketplace for Kids <sup>4</sup>	Reduces Funding for Adult Farm Management <sup>5</sup>	Restores Funding for Workforce Training <sup>6</sup>
Salaries and wages	(\$10,735)					
Operating expenses						
Grants						
Grants - Secondary		(\$100,000)	(\$500,000)			
Marketplace for kids				\$50,000		
Grants - Postsecondary						
Adult farm management					(\$50,000)	
Workforce training						\$100,000
Center for distance education	(3,399)					
STEM initiative		100,000				
Total all funds	(\$14,134)	\$0	(\$500,000)	\$50,000	(\$50,000)	\$100,000
Less estimated income	0	0	0	0	0	0
General fund	(\$14,134)	\$0	(\$500,000)	\$50,000	(\$50,000)	\$100,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Removes One-Time Funding for Career Academies <sup>7</sup>	Total House Changes
Salaries and wages		(\$10,735)
Operating expenses		
Grants		
Grants - Secondary		(45,000,000)
Marketplace for kids		(600,000)
Grants - Postsecondary		50,000
Adult farm management		(50,000)
Workforce training		100,000
Center for distance education		(3,399)
STEM initiative		100,000
Total all funds	(\$45,000,000)	(\$45,414,134)
Less estimated income	(45,000,000)	(45,000,000)
General fund	\$0	(\$414,134)
FTE	0.00	0.00

<sup>1</sup> Salaries and wages funding is adjusted for 2021-23 biennium salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100 and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 on July 1, 2021, and 2 percent on July 1, 2022.

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

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

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

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

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

reduction of \$100,000 to provide a total of \$1,900,000 from the general fund.

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

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

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2230

In lieu of the amendments adopted by the House as printed on pages 1155 and 1156 of the House Journal, Engrossed Senate Bill No. 2230 is amended as follows:

Page 1, line 13, replace "seventy-five" with "eighty"

Renumber accordingly

#### HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2319

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

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

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

##### **Straddle well distribution.**

1. By August 1, 2021, and on or before April thirtieth of each subsequent fiscal year, the industrial commission shall certify to the tax commissioner the on-reservation acreage ratio for each reservation with on-reservation spacing unit acreage. For each reservation, the on-reservation acreage ratio is calculated by dividing the on-reservation spacing unit acreage by the total spacing unit acreage. The on-reservation acreage ratio for each reservation is effective for taxable production each fiscal year beginning July first. By August 1, 2021, and on or before June first of each subsequent fiscal year, the tax commissioner shall publish the on-reservation acreage ratio for each reservation.
2. The tax commissioner shall certify to the state treasurer the total oil and gas gross production and oil extraction taxes attributable to production from straddle wells. Before allocation of the state's share of oil and gas tax revenues under section 57-51.1-07.5, the state treasurer shall allocate monthly to the governing body of a tribe associated with a reservation that has on-reservation spacing unit acreage, an amount equal to fifty percent of the taxes certified under this section multiplied by the on-reservation acreage ratio calculated under subsection 1 for that reservation.
3. For purposes of this section:

- a. "On-reservation spacing unit acreage" means the surface acreage located within the exterior boundaries of a reservation in this state from all spacing units with one or more straddle wells.
- b. "Straddle well" means an oil and gas well located outside the exterior boundaries of a reservation which has one or more laterals penetrating a reservation boundary.
- c. "Total spacing unit acreage" means the total surface acreage from all spacing units with one or more straddle wells.

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

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 2012, SB 2015, SB 2146, SB 2290.

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012**

Page 1, line 2, after the first semicolon, insert "to create and enact section 24-02-02.5 of the North Dakota Century Code, relating to cooperative agreements for rest areas;"

Page 1, line 3, after "exemption" insert "; to provide a statement of legislative intent"

Page 1, line 3, remove the fourth "to"

Page 1, line 4, remove "provide for a legislative management study;"

Page 1, replace lines 13 through 17 with:

"Salaries and wages	\$197,827,038	\$6,282,547	\$204,109,585
Operating expenses	235,037,785	45,510,403	280,548,188
Capital assets	859,725,944	87,705,400	947,431,344
Grants	95,854,637	22,230,973	118,085,610
Total special funds	\$1,388,445,404	\$161,729,323	\$1,550,174,727"

Page 2, line 22, replace "\$500,000" with "\$750,000"

Page 2, line 26, after "any" insert "local"

Page 2, after line 28, insert:

**"SECTION 5. FEDERAL FUNDS - TRAFFIC MANAGEMENT CENTER - AVAILABLE STATE FUNDS.** Section 1 of this Act includes \$5,000,000 of federal funds for the creation of a traffic management center during the biennium beginning July 1, 2021, and ending June 30, 2023. If available, the department of transportation may use up to \$5,000,000 of state funds appropriated in section 1 of this Act for the creation of a traffic management center and to match the federal funds identified in this section."

Page 3, remove lines 22 through 31

Page 4, replace lines 1 through 7 with:

**"SECTION 9.** Section 24-02-02.5 of the North Dakota Century Code is created and enacted as follows:

#### **24-02-02.5. Rest area cooperative agreement.**

Notwithstanding any other provision of law, the director may enter a cooperative agreement with the Theodore Roosevelt national park painted canyon visitor center for the joint administration and operation of a rest area facility for use

by the traveling public. The director may expend moneys from the state highway fund within the limits of legislative appropriations for administration and operational support of the rest area facility.

**SECTION 10. LEGISLATIVE INTENT - DEPARTMENT OF TRANSPORTATION - BIOLOGICAL AND OTHER RENEWABLE PRODUCTS.** It is the intent of the sixty-seventh legislative assembly that the department of transportation use gasoline fuel with fifteen percent ethanol and the highest compatible percentage of biodiesel or renewable diesel for all department and state fleet vehicles when these products are available and result in cost-savings. It is further the intent of the sixty-seventh legislative assembly that state fleet vehicles refueling at nonstate fuel sites use renewable fuels when available."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

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

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$197,827,038	\$204,202,914	(\$93,329)	\$204,109,585
Operating expenses	235,037,785	279,508,238	1,039,950	280,548,188
Capital assets	859,725,944	920,072,370	27,358,974	947,431,344
Grants	95,854,637	112,808,637	5,276,973	118,085,610
Contingent Bank of North Dakota Loan		50,000,000		50,000,000
Emergency road repair grants		500,000	250,000	750,000
Total all funds	\$1,388,445,404	\$1,567,092,159	\$33,832,568	\$1,600,924,727
Less estimated income	1,388,445,404	1,567,092,159	33,832,568	1,600,924,727
General fund	\$0	\$0	\$0	\$0
FTE	982.00	982.00	0.00	982.00

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

	Adds Funding for Salary Increases <sup>1</sup>	Increases Funding for Operating Expenses <sup>2</sup>	Adds Funding for a Traffic Management Center <sup>3</sup>	Increases Funding for Bridge Rehabilitation and Replacement <sup>4</sup>	Adds Funding for Electric Charging Infrastructure Grants <sup>5</sup>	Adds Funding for Emergency Road Repair Grants <sup>6</sup>
Salaries and wages	(\$93,329)					
Operating expenses		\$1,000,000	\$39,950			
Capital assets			4,700,050	\$22,658,924		
Grants			260,000		\$5,016,973	
Contingent Bank of North Dakota Loan						
Emergency road repair grants						\$250,000
Total all funds	(\$93,329)	\$1,000,000	\$5,000,000	\$22,658,924	\$5,016,973	\$250,000
Less estimated income	(93,329)	1,000,000	5,000,000	22,658,924	5,016,973	250,000
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Total House Changes
Salaries and wages	(\$93,329)
Operating expenses	1,039,950
Capital assets	27,358,974
Grants	5,276,973
Contingent Bank of North Dakota Loan	
Emergency road repair grants	250,000
Total all funds	\$33,832,568
Less estimated income	33,832,568
General fund	\$0
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 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 for operating expenses is increased by \$1 million from the highway fund for implementation of an electronic driver's license. The Senate did not include this funding.

<sup>3</sup> Funding of \$5 million from federal funds is added for the creation of a traffic management center. The Senate did not include this funding.

<sup>4</sup> Funding from federal funds (\$18,127,139) and the highway fund (\$4,531,785) are increased for bridge rehabilitation and replacement. The Senate did not include this funding increase.

<sup>5</sup> Funding is added from federal funds (\$4,013,578) and other funds (\$1,003,395) to provide grants for electric charging infrastructure. The Senate did not include this funding.

<sup>6</sup> Funding for emergency road repair grants is increased by \$250,000, from \$500,000 to \$750,000, from the state disaster relief fund. The Senate provided \$500,000 from the state disaster relief fund.

This amendment also:

- Changes the requirements for emergency road repair grants to townships to preclude townships that have sufficient local funds from receiving a grant. The Senate precluded townships that have sufficient funds from any source from receiving a grant.
- Adds a section identifying \$5 million from federal funds for the creation of a traffic management center and authorizes the Department of Transportation to use state funds available during the 2021-23 biennium within its appropriation to match the federal funds. The Senate did not include funding for a traffic management center, but provided for a legislative study. The study section is removed.
- Creates a new section to North Dakota Century Code Chapter 24-02 relating to cooperative agreements for rest areas. The Senate did not include this section.
- Provides legislative intent that the Department of Transportation use gasoline fuel with 15 percent ethanol and the highest compatible percentage of biodiesel or renewable diesel for all department and State Fleet vehicles when these products are available and result in cost-savings. It also provides intent that State Fleet vehicles refueling at nonstate fuel sites use renewable fuels when available. The Senate did not include this section.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2015

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

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

Page 1, replace lines 12 through 17 with:

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

Page 2, after line 21, insert:

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

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

**SECTION 5. COMMUNITY BEHAVIORAL HEALTH PROGRAM - PAYER OF LAST RESORT.** The department of corrections and rehabilitation must be considered the payer of last resort whenever any other benefit or source of third-party payment, excluding the substance use disorder treatment voucher program, is available for community-based behavioral health services for the biennium beginning July 1, 2021, and ending June 30, 2023. The funding appropriated to the department of corrections and rehabilitation for community-based behavioral health services must be utilized prior to utilizing substance use disorder treatment voucher program funding."

Page 3, after line 11, insert:

**"SECTION 9. EMERGENCY.** Section 3 of this Act is declared to be an emergency measure."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

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

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

**Department 530 - Department of Corrections and Rehab. - Detail of House Changes**

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

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

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

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

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

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

This amendment also:

- Appropriates \$43,689,050 from the federal Coronavirus Relief Fund for law enforcement payroll costs for the period March 2020 through June 2021, and provides that the Department of Corrections and Rehabilitation not spend the amounts appropriated from the general fund for law enforcement payroll costs during this time period.
- Adds a section to identify \$18,371,718 from the federal Coronavirus Relief Fund is for law enforcement payroll costs for the period beginning July 1, 2021, and ending December 31, 2021.
- Adds a section to identify the Department of Corrections and Rehabilitation as the payer of last resort whenever any other benefit or source of third-party payment, excluding the substance use disorder treatment voucher program, is available for community-based behavioral health services.

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2146

In lieu of the amendments as printed on pages 1234 and 1235 of the House Journal, Senate Bill No. 2146 is amended as follows:

Page 1, line 2, after the semicolon insert "to provide a statement of legislative intent;"

Page 1, line 8, after "to" insert "improvements for"

Page 1, line 9, after the first "the" insert "2010 standards for accessible design adopted by the United States department of justice pursuant to the"

Page 1, line 9, replace "improvements" with a comma

Page 1, after line 16, insert:

**"SECTION 2. LEGISLATIVE INTENT.** It is the intent of the sixty-seventh legislative assembly that the office of management and budget complete all accessibility improvements on the state capitol grounds as provided for in section 1 of this Act as soon as possible."

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2290

Page 1, line 16, replace "five" with "one"

Page 1, line 20, replace "five" with "one"

Page 1, line 20, remove "but does"

Page 1, line 21, remove "not exceed one hundred million dollars"

Page 2, line 13, after "required" insert "under this section"

Page 2, after line 23, insert:

"10. The aggregate amount of requests to expend funds that may be approved each biennium under this section may not exceed thirty million dollars. Any request received under this section which, if approved, would result in more than thirty million dollars of funds being approved for expenditure under this section during the biennium may be approved only by the legislative assembly during a regular legislative session or during a special legislative session called by the governor.



11. Any request received under this section to expend funds received through a federal act that makes available more than fifty million dollars to the state may be approved only by the legislative assembly during a regular legislative session or a special legislative session called by the governor.
12. Subsections 10 and 11 do not apply to federal highway administration emergency relief funding received by the state or to disaster or emergency recovery funding received by the state pursuant to section 37-17.1-23."

Page 2, line 30, replace "five" with "one"

Page 2, line 30, after "receive" insert "and expend"

Page 3, line 5, replace "five" with "one"

Page 3, line 6, remove "but does not exceed one hundred million dollars"

Page 3, line 7, after "receive" insert "and expend"

Page 3, line 15, overstrike "The emergency commission may authorize the" and insert immediately thereafter "A"

Page 3, line 15, after "officer" insert "receiving authorization"

Page 3, line 15, overstrike "received"

Page 3, line 16, after "section" insert "may expend the money"

Page 3, after line 22, insert:

- "4. The aggregate amount of requests to expend funds which may be approved each biennium under this section may not exceed five million dollars. Any request received under this section which, if approved, would result in more than five million dollars being approved for expenditures under this section during the biennium may be approved only by the legislative assembly during a regular legislative session or during a special legislative session called by the governor."

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2063.

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

**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2209, SB 2266, SB 2275.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2007, SB 2017, SB 2022, SB 2024, SB 2025, SB 2093, SB 2132, SB 2164, SB 2299, and SB 2329.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2016, SB 2272, and SCR 4014, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2016:** Sens. Davison; Krebsbach; Heckaman

**SB 2272:** Sens. Schaible; Lemm; Conley

**SCR 4014:** Sens. Kannianen; Weber; Piepkorn

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

**MR. PRESIDENT:** The House has appointed as a conference committee to act with a like

committee from the Senate on:

**SB 2002:** Reps. Bellew; Kempenich; Brandenburg  
**SB 2008:** Reps. Meier; Bellew; Brandenburg  
**SB 2010:** Reps. Strinden; Schobinger; Mitskog  
**SB 2013:** Reps. Kempenich; Howe; Meier  
**SB 2026:** Reps. Kading; Hagert; Hanson  
**SB 2130:** Reps. Keiser; Kasper; Adams  
**SB 2144:** Reps. Heinert; Damschen; Ista  
**SB 2293:** Reps. Longmuir; Klemin; Adams

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1323.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1001, HB 1003, HB 1004, HB 1006, HB 1008, HB 1009, HB 1010, HB 1017, HB 1018, HB 1019, HB 1021, HB 1022, HB 1023, HB 1024, HB 1035, HB 1209, HB 1246, HB 1383, HB 1493, and HCR 3021, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1001:** Reps. Martinson; Schatz; Boe  
**HB 1003:** Reps. Kempenich; Howe; Mock  
**HB 1004:** Reps. Bellew; Howe; Mock  
**HB 1006:** Reps. Howe; Bellew; Mock  
**HB 1008:** Reps. Brandenburg; Kempenich; Mock  
**HB 1009:** Reps. Monson; Schmidt; Boe  
**HB 1010:** Reps. Meier; Bellew; Mock  
**HB 1017:** Reps. Howe; Brandenburg; Mock  
**HB 1018:** Reps. Schatz; Monson; Schmidt  
**HB 1019:** Reps. Nathe; Monson; Boe  
**HB 1021:** Reps. Nathe; Schatz; Boe  
**HB 1022:** Reps. Kempenich; Meier; Brandenburg  
**HB 1023:** Reps. Bellew; Brandenburg; Meier  
**HB 1024:** Reps. Howe; Mock; Meier  
**HB 1035:** Reps. Meier; Bellew; Kempenich  
**HB 1209:** Reps. Kasper; B. Koppelman; Steiner  
**HB 1246:** Reps. Owens; Sanford; Marschall  
**HB 1383:** Reps. Pyle; Nehring; Adams  
**HB 1493:** Reps. Fegley; Porter; Schneider  
**HCR 3021:** Reps. Schauer; Thomas; P. Anderson

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

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

**HB 1232:** Sens. Schaible; Wobbema; Conley

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2048.

**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 2117.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2005, SB 2023, SB 2078, SB 2085, SB 2088, SB 2123, SB 2165, SB 2187, SB 2189, SB 2214, SB 2233, SB 2258, SB 2308.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SCR 4009, SCR 4012.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1284, HB 1431, HB 1450, HB 1463.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1284, HB 1431, HB 1450, HB 1463.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HCR 3020.

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

The following resolution was delivered to the Secretary of State for filing on April 12, 2021: SCR 4011.

#### **MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Tuesday, April 13, 2021, which motion prevailed.

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

**HB 1012, 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 1012 was placed on the Sixth order on the calendar.

Page 1, line 2, after "services" insert "; to provide an appropriation to the state department of health"

Page 1, line 2, replace "a" with "two"

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

Page 1, line 2, after "50-06" insert "and a new section to chapter 50-24.1"

Page 1, line 3, after "grants" insert ", a behavioral health bed management system, and medical assistance coverage of interpreter services; to create and enact a new subparagraph to subdivision I of subsection 1 of section 50-11.1-22 of the North Dakota Century Code as created by section 8 of House Bill No. 1416, as approved by the sixty-seventh legislative assembly, relating to the North Dakota early childhood council membership"

Page 1, line 4, after "50-06-42" insert ", 50-11.1-14,"

Page 1, line 5, after "program" insert ", the early childhood workforce development fees,"

Page 1, line 9, after "application" insert "; to provide for retroactive application"

Page 1, remove lines 22 through 24

Page 2, remove lines 1 through 30

Page 3, replace lines 1 through 10 with:

"Salaries and wages	\$20,222,500	(\$882,643)	\$19,339,857
Operating expenses	134,438,862	85,747,426	220,186,288
Capital assets	<u>50,000</u>	<u>25,000</u>	<u>75,000</u>
Total all funds	\$154,711,362	\$84,889,783	\$239,601,145
Less estimated income	<u>90,021,088</u>	<u>49,909,553</u>	<u>139,930,641</u>
Total general fund	\$64,690,274	\$34,980,230	\$99,670,504

Subdivision 2.

## PROGRAM AND POLICY

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$68,994,873	\$57,782,440	\$126,777,313
Operating expenses	150,961,583	19,170,338	170,131,921
Capital assets	10,000	0	10,000
Grants	452,041,904	13,963,488	466,005,392
Grants - medical assistance	<u>2,742,157,720</u>	<u>315,028,658</u>	<u>3,057,186,378</u>
Total all funds	\$3,414,166,080	\$405,944,924	\$3,820,111,004
Less estimated income	<u>2,232,568,138</u>	<u>274,026,185</u>	<u>2,506,594,323</u>
Total general fund	\$1,181,597,942	\$131,918,739	\$1,313,516,681

Subdivision 3.

## FIELD SERVICES

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Human service centers	\$204,701,143	(\$34,812,628)	\$169,888,515
Institutions	<u>137,476,480</u>	<u>(3,942,407)</u>	<u>133,534,073</u>
Total all funds	\$342,177,623	(\$38,755,035)	\$303,422,588
Less estimated income	<u>127,314,955</u>	<u>(13,041,660)</u>	<u>114,273,295</u>
Total general fund	\$214,862,668	(\$25,713,375)	\$189,149,293

Subdivision 4.

## COUNTY SOCIAL SERVICE FINANCING

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
County social services	\$173,700,000	\$16,217,386	\$189,917,386
Total all funds	\$173,700,000	\$16,217,386	\$189,917,386
Less estimated income	<u>173,700,000</u>	<u>14,976,995</u>	<u>188,676,995</u>
Total general fund	\$0	\$1,240,391	\$1,240,391

Subdivision 5.

## TOTAL - SECTION 1

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$1,461,150,884	\$142,425,985	\$1,603,576,869
Grant total special funds	<u>2,623,604,181</u>	<u>325,871,073</u>	<u>2,949,475,254</u>
Grant total all funds	\$4,084,755,065	\$468,297,058	\$4,553,052,123
Full-time equivalent positions	2,230.23	44.10	2,274.33"

Page 3, after line 18, insert:

"Capital projects - southeast human service center	0	724,000
Life skills and transition center transition costs	0	5,200,000
Developmental disabilities provider stabilization grants	0	125,000"

Page 3, replace lines 21 and 22 with:

"State hospital study	200,000	3,000,000"
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Page 3, replace lines 24 through 26 with:

"Total all funds	\$22,068,926	\$83,890,747
Less estimated income	<u>20,556,323</u>	<u>56,657,531</u>
Total general fund	\$1,512,603	\$27,233,216"

Page 4, line 5, remove "political subdivision"

Page 4, line 6, replace "for the state share of costs relating to the purchase of a fire truck" with "city located in a county of fewer than 25,000 individuals and provides prevention and extinguishment of fires at the North Dakota state hospital"

Page 4, line 10, remove "shall discontinue any agreement with a political subdivision for fire protection"

Page 4, line 11, remove "services and"

Page 4, after line 12, insert:

**"SECTION 4. APPROPRIATION - STATE DEPARTMENT OF HEALTH.**

There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$281,715, or so much of the sum as may be necessary, and the sum of \$281,715 from special funds derived from grants, donations, and other income, to the state department of health for the purpose of providing a grant to the task force on the prevention of sexual abuse of children for staff and programming materials focused on primary prevention activities, for the biennium beginning July 1, 2021, and ending June 30, 2023."

Page 5, line 1, after **"SERVICES"** insert **"- LEGISLATIVE INTENT"**

Page 5, line 5, after the period insert "It is the intent of the sixty-seventh legislative assembly that future legislative assemblies retain and exercise unfettered discretion to appropriate funds as they deem appropriate without regard to the federal department of justice lawsuit settlement."

Page 5, line 7, replace "\$187,385,888" with "\$187,223,092"

Page 5, line 20, remove **"STATE HOSPITAL -"**

Page 5, line 22, after "chapel" insert ", administrative building,"

Page 5, line 23, replace "4" with "5"

Page 5, after line 29, insert:

**"SECTION 13. PERMANENT SUPPORTIVE HOUSING GRANTS.**

Subdivision 2 of section 1 of this Act includes the sum of \$4,672,536 from the general fund for permanent supportive housing grants. The department of human services shall develop a funding methodology to distribute the funding to qualified entities that utilize best practices for permanent supportive housing, provide recovery-oriented and person-centered services, submit process and outcome measures to the department, and authorize the department to conduct onsite visits to review program operations.

**SECTION 14. EMERGENCY STABILIZATION GRANTS -  
DEVELOPMENTAL DISABILITIES WAIVER.**

1. Subdivision 2 of subsection 1 of this Act includes the sum of \$125,000 from the general fund for the purpose of providing emergency stabilization grants to developmental disability in-home support providers to support the sustainability of newly licensed providers within the developmental disability provider network. To be eligible to receive an emergency stabilization grant, a licensed developmental disability in-home support provider must be in operation as of October 1, 2020, with an initial license date of October 15, 2015, or later, and comply with grant requirements established by the department of human services. The requirements of chapter 54-44.4 do not apply to the selection of a grantee, the grant award, or payments made under this section.
2. The department of human services shall include in-home support providers in future appendix K applications, to allow eligibility for retainer payments in a manner equivalent to day support services.

**SECTION 15. REFUGEE RESETTLEMENT SERVICES.** Subdivision 2 of section 1 of this Act includes the sum of \$6,069,408 of federal funds for the refugee resettlement program. The department of human services shall establish and implement a plan that resettles at least twenty-five percent of new refugees in locations in the state outside of the three most populous counties. If the department, in consultation with applicable federal and private placement agencies, determines the goal of resettling at least twenty-five percent of refugees outside the three most populous counties is not achievable, the department shall discontinue the resettlement process for refugees and the federal funds identified in this section may not be expended for any purpose.

**SECTION 16. TRANSITION OF INDIVIDUALS FROM LIFE SKILLS AND TRANSITION CENTER.** Subdivision 2 of section 1 of this Act includes the sum of \$5,200,000 from federal or other funds made available to the department for the transition of individuals from the life skills and transition center to community-based providers. To be eligible to receive funding under this section, a provider must accept an individual who has a regular admission to the life skills and transition center and is being discharged, must ensure that all service needs are met including vocational services, and must implement a policy to not decline to provide services in the future to any individual being served under this section."

Page 7, replace lines 15 through 19 with:

**"SECTION 18. EXPENDITURES MAY NOT EXCEED APPROPRIATION - MEDICAL ASSISTANCE EXPANSION PROGRAM - APPLICATION.**

1. Subdivision 2 of section 1 of this Act includes the sum of \$703,317,464, of which \$80,934,488 is from the general fund, for the medical assistance expansion program for the biennium beginning July 1, 2021, and ending June 30, 2023. The expenditures for individuals eligible for the medical assistance expansion program may not exceed this amount. For purposes of this section:
  - a. Expenditures do not include those made for individuals identified as medically frail and who receive services through the traditional Medicaid program administered by the department of human services for which there is a separate appropriation of \$10,184,568 included in subdivision 2 of section 1 of this Act.
  - b. Expenditures do not include prescription drugs for the medical assistance expansion program population which is administered by the department of human services through its fee-for-service Medicaid program for which there is a separate appropriation of \$29,460,720 included in subdivision 2 of section 1 of this Act.
  - c. Expenditures do not include coverage for individuals ages nineteen and twenty for the medical assistance expansion program population which is administered by the department of human services through its fee-for-service Medicaid program for which there is a separate appropriation of \$12,705,466 included in subdivision 2 of section 1 of this Act.
2. The department of human services may exceed appropriations for increases in medical assistance expansion program caseload and for the addition of coverage consistent with the traditional Medicaid 1915i state plan.
3. The managed care organization under contract with the department to manage the medical assistance expansion program shall reimburse providers within the same provider type and specialty at consistent levels and with consistent methodology and may not provide incentive, quality, or supplemental payments to providers, unless part of a value-based program approved by the department. The managed care organization shall reimburse all North Dakota substance use providers of American society of addiction medicine level 2.5 at consistent levels and with

consistent methodology. The managed care organization may consider urban and rural providers as different provider types. Critical access hospitals may not be paid less than one hundred percent of Medicare allowable costs.

4. The managed care organization and the department of human services shall ensure payments to Indian or Tribal 638 health care providers, federally qualified health centers, and rural health clinics meet the federally required minimum levels of reimbursement.
5. The department of human services shall ensure providers within the same provider type and specialty are reimbursed at consistent levels and with consistent methodology and shall ensure the capitation rates under risk contracts are actuarially sound and are adequate to meet managed care organization contractual requirements regarding availability of services, assurance of adequate capacity and services, and coordination and continuity of care."

Page 8, remove lines 19 through 31

Page 9, replace lines 1 through 13 with:

**"SECTION 20. AMENDMENT.** Section 50-06-42 of the North Dakota Century Code is amended and reenacted as follows:

**50-06-42. Substance use disorder treatment voucher system.**

1. The department shall establish and administer, within the limits of legislative appropriations, a voucher system to address underserved areas and gaps in the state's substance abuse treatment system and to assist in the payment of addiction treatment services provided by licensed substance abuse treatment programs, excluding regional human service centers, and hospital- or medical clinic-based programs for medical management of withdrawal, and any institution for mental diseases in accordance with subsection 2.
2. The department shall deny a licensed substance abuse treatment program's substance use disorder treatment voucher system application and deny reimbursement by the substance use disorder treatment voucher system if the licensed substance abuse treatment program is an institution for mental diseases and reimbursement is requested for residential beds added on or after July 1, 2020.
3. Services eligible for the voucher program include only those levels of care recognized by the American society of addiction medicine, with particular emphasis given to underserved areas and programs. The department shall ensure that a licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers collects and reports process and outcome measures. The department shall develop requirements and provide training and technical assistance to a licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers. A licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers shall provide evidence-based services.

**SECTION 21. AMENDMENT.** Section 50-06-42 of the North Dakota Century Code is amended and reenacted as follows:

**50-06-42. Substance use disorder treatment voucher system.**

1. The department shall establish and administer, within the limits of legislative appropriations, a voucher system to address underserved areas and gaps in the state's substance abuse treatment system and to assist in the payment of addiction treatment services provided by licensed substance abuse treatment programs, excluding regional human

service centers, hospital- or medical clinic-based programs for medical management of withdrawal, and any institution for mental diseases in accordance with subsection 2.

2. The department shall deny a licensed substance abuse treatment program's substance use disorder treatment voucher system application and deny reimbursement by the substance use disorder treatment voucher system if the licensed substance abuse treatment program is an institution for mental diseases and reimbursement is requested for residential beds added on or after July 1, 2020.
3. Services eligible for the voucher program include only those levels of care recognized by the American society of addiction medicine, with particular emphasis given to underserved areas and programs. The department shall ensure that a licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers collects and reports process and outcome measures. The department shall develop requirements and provide training and technical assistance to a licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers. A licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers shall provide evidence-based services.
4. The department shall allocate funding appropriated for the substance use disorder treatment voucher as follows:
  - a. No more than fifty percent of the appropriated amount may be allocated for residential substance use disorder services administered by licensed substance abuse treatment programs with more than sixteen beds.
  - b. The remaining appropriation must be allocated for residential programs with sixteen or fewer beds, nonresidential outpatient, and ancillary substance use disorder services administered by licensed substance abuse treatment programs.

**SECTION 22.** A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

**Behavioral health bed management system.**

The department shall establish and maintain a behavioral health bed management system to improve utilization of behavioral health bed capacity. Public and private providers of residential or inpatient behavioral health services shall participate in and report daily to the department the information and documentation necessary to maintain the behavioral health bed management system in the form and manner prescribed by the department.

**SECTION 23. AMENDMENT.** Section 50-11.1-14 of the North Dakota Century Code is amended and reenacted as follows:

**50-11.1-14. Workforce development.**

1. The department may establish a statewide system to build systematic early childhood workforce voluntary training which may include distance learning formats, a professional registry, certificates, and specializations.
2. The department may charge reasonable fees for all training and development courses to offset costs. All fees collected under this section must be paid to the department or the department's authorized agent and must be used to defray the cost of providing training and development courses to providers and staff members of early childhood services.

**SECTION 24.** A new paragraph to subdivision I of subsection 1 of section 50-11.1-22 of the North Dakota Century Code as created by section 8 of House Bill



No. 1416, as approved by the sixty-seventh legislative assembly, is created and enacted as follows:

A special education director."

Page 9, line 16, overstrike "Effective through"

Page 9, line 17, overstrike "July 31,"

Page 9, line 17, remove "2023"

Page 9, line 17, overstrike the first boldfaced hyphen

Page 11, line 1, remove the overstrike over "5. Provider reimbursement rate information received by the department under this"

Page 11, line 2, remove the overstrike over "section-is"

Page 11, line 4, after "section" insert "an open record"

Page 11, line 4, remove the overstrike over the period and insert immediately thereafter:

**"SECTION 27.** A new section to chapter 50-24.1 of the North Dakota Century Code is created and enacted as follows:

**Interpreter services.**

Medical assistance coverage, including Medicaid expansion, must include payment for sign and oral language interpreter services for assistance in providing covered health care services to a recipient of medical assistance who has limited English proficiency or who has hearing loss and uses interpreting services. The department shall adopt rules to implement this section."

Page 11, after line 13, insert:

**"SECTION 30. CONVEYANCE OF LAND AUTHORIZED - LIFE SKILLS AND TRANSITION CENTER.** The state of North Dakota, by and through the department of human services, may convey real property associated with the life skills and transition center in Grafton to the Grafton fire department. The department of human services may convey a parcel of land, 7.45 acres, more or less, located in part of lot 1, block 1, state school first addition to the city of Grafton, which is located within the southwest  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of section 13, township 157 north, range 53 west, on the terms and conditions determined appropriate by the department and attorney general. Sections 54-01-05.2 and 54-01-05.5 do not apply to this conveyance."

Page 11, remove lines 23 through 28

Page 12, line 3, replace "4" with "5"

Page 13, replace lines 13 through 18 with:

**"SECTION 41. EXEMPTION.** The sum of \$750,000 from the general fund appropriated to the department of human services for the purpose of providing suicide prevention grants in chapter 37 of the 2019 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available for the suicide prevention grants during the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION 42. EXEMPTION.** The sum of \$3,000,000 from the general fund appropriated to the department of human services for the purpose of providing a community behavioral health program to provide comprehensive community-based services for individuals who have serious behavioral health conditions in chapter 37 of the 2019 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available for the community behavioral

health program during the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION 43. EXEMPTION.** The sum of \$335,000 from the general fund appropriated to the department of human services for the purpose of providing a grant to an entity to develop a hyperbaric oxygen therapy pilot program in chapter 37 of the 2019 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available for the completion of the grant to an entity to develop a hyperbaric oxygen therapy pilot program during the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION 44. EXEMPTION.** The sum of \$572,000 from the strategic investment and improvements fund appropriated to the department of human services for the purpose of a roof replacement project at the state hospital in chapter 37 of the 2019 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available for the completion of the roof replacement project at the state hospital during the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION 45. EXEMPTION.** The amount appropriated for the development of the electronic visit verification project in chapter 11 of the 2017 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation approved under section 54-44.1-11 for continuation into the 2019-21 biennium are available for the completion of the electronic visit verification project during the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION 46. LEGISLATIVE INTENT - UTILIZATION RATE ADJUSTMENT.** It is the intent of the sixty-seventh legislative assembly that the department of human services seek a deficiency appropriation from the sixty-eighth legislative assembly for any expenditures that exceed appropriated amounts as a result of utilization rates or nursing home costs associated with the establishment of the new rate structure as provided in House Bill No. 1090 during the biennium beginning July 1, 2021, and ending June 30, 2023, if funding is not sufficient to pay actual expenses.

**SECTION 47. REPORT TO LEGISLATIVE MANAGEMENT - EARLY AND PERIODIC SCREENING, DIAGNOSTIC, AND TREATMENT PROGRAM.** During the 2021-22 interim, the department of human services shall conduct a study of the early and periodic screening, diagnostic, and treatment program and prepare a report. The department of human services may contract with a consultant to assist in the study and the preparation of the report. The report shall include data on the number, ages, and geographic locations of children receiving screening, diagnostic, and treatment services; the capacity of the program to ensure all children who require screening, diagnostic, and treatment services are identified and receive services; data on the disposition of referrals of children who are screened and eligible for diagnostic and treatment services, including how many receive services and how many do not receive those services by county; an assessment of the program's efforts to provide comprehensive screening and treatment for children as required by federal law; an assessment of the deficits of the program's efforts to provide comprehensive screening and treatment as required by federal law; recommendations to ensure or expand services so that all eligible children are adequately served by the program; and additional data needed to assess the program accountability and efficiency. Before October 1, 2022, the department of human services shall provide the report to the legislative management."

Page 13, line 22, remove "conduct a study and"

Page 13, line 22, remove ". The report must provide"

Page 13, remove line 23

Page 13, line 24, replace "closing the state hospital, renovating the state hospital, or building" with ", including an architectural review and cost estimate to construct"

Page 13, line 26, replace "a" with "the"

Page 13, line 26, remove "regarding the results of the study"

Page 13, line 27, replace "\$300,000" with "\$3,000,000"

Page 13, line 28, replace "the report and recommendation" with "preparing the report and to develop detailed design plans for the construction of a new treatment campus"

Page 13, remove lines 29 through 31

Page 14, replace lines 1 through 6 with:

**"SECTION 49. REPORT TO LEGISLATIVE MANAGEMENT - REVISED PAYMENT METHODOLOGY FOR BASIC CARE FACILITIES.** The department of human services shall develop a report for payment methodology revisions for basic care facilities that must include recommendations for:

1. Methods of reimbursement for basic care facility cost categories, including direct care, indirect care, room and board, and property; and
2. The feasibility of standardizing payments for basic care facilities in the same peer group.

Before October 1, 2022, the department shall present the report to the legislative management regarding the revised payment methodology. The estimated costs related to the implementation of the payment methodology revisions must be included in the department's 2023-25 biennium budget request submitted to the sixty-eighth legislative assembly.

**SECTION 50. LEGISLATIVE MANAGEMENT REPORT - FOUR-YEAR OLD PROGRAM - EARLY CHILDHOOD GRANTS.** During the 2021-22 interim, the department of human services shall provide reports to the legislative management regarding the status of four-year old program approvals, the North Dakota early childhood council, and the early childhood grant for best in class four-year old experiences.

**SECTION 51. TRANSFER OF EMPLOYEES.** The department of human services may use the identified twenty-seven full-time equivalent child care licensing positions of the human service zone transferred to the department pursuant to chapter 391 of the 2019 Session Laws for child care licensing, quality control, and early childhood administration.

**SECTION 52. RETROACTIVE APPLICATION.** Section 20 of this Act applies retroactively to July 1, 2020."

Page 14, line 7, replace "Section 17" with "Sections 18 and 26"

Page 14, line 7, replace "becomes" with "become"

Page 14, line 9, replace "14" with "19"

Page 14, line 11, replace "is" with "and section 22 of Senate Bill No. 2086, as approved by the sixty-seventh legislative assembly, are"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1012 - Summary of Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
State Department of Health				
Total all funds	\$0	\$0	\$563,430	\$563,430
Less estimated income	0	0	281,715	281,715
General fund	\$0	\$0	\$281,715	\$281,715
FTE	0.00	0.00	0.00	0.00

DHS - Management				
Total all funds	\$154,711,362	\$231,188,314	\$8,412,831	\$239,601,145
Less estimated income	90,021,088	139,928,943	1,698	139,930,641
General fund	\$64,690,274	\$91,259,371	\$8,411,133	\$99,670,504
FTE	107.95	97.85	0.00	97.85
DHS - Program/Policy				
Total all funds	\$3,414,166,080	\$3,762,575,571	\$57,535,433	\$3,820,111,004
Less estimated income	2,232,568,138	2,468,391,493	38,202,830	2,506,594,323
General fund	\$1,181,597,942	\$1,294,184,078	\$19,332,603	\$1,313,516,681
FTE	383.25	648.67	42.50	691.17
DHS - County Social Services Financing				
Total all funds	\$173,700,000	\$190,151,515	(\$234,129)	\$189,917,386
Less estimated income	173,700,000	188,839,791	(162,796)	188,676,995
General fund	\$0	\$1,311,724	(\$71,333)	\$1,240,391
FTE	140.00	143.00	0.00	143.00
DHS - Field Services				
Total all funds	\$342,177,623	\$297,544,383	\$5,878,205	\$303,422,588
Less estimated income	127,314,955	113,944,012	329,283	114,273,295
General fund	\$214,862,668	\$183,600,371	\$5,548,922	\$189,149,293
FTE	1,599.03	1,342.31	0.00	1,342.31
Bill total				
Total all funds	\$4,084,755,065	\$4,481,459,783	\$72,155,770	\$4,553,615,553
Less estimated income	2,623,604,181	2,911,104,239	38,652,730	2,949,756,969
General fund	\$1,461,150,884	\$1,570,355,544	\$33,503,040	\$1,603,858,584
FTE	2,230.23	2,231.83	42.50	2,274.33

**House Bill No. 1012 - State Department of Health - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Grants			\$563,430	\$563,430
Total all funds	\$0	\$0	\$563,430	\$563,430
Less estimated income	0	0	281,715	281,715
General fund	\$0	\$0	\$281,715	\$281,715
FTE	0.00	0.00	0.00	0.00

**Department 301 - State Department of Health - Detail of Senate Changes**

	Adds Funding for Task Force <sup>1</sup>	Total Senate Changes
Grants	\$563,430	\$563,430
Total all funds	\$563,430	\$563,430
Less estimated income	281,715	281,715
General fund	\$281,715	\$281,715
FTE	0.00	0.00

<sup>1</sup> Funding is added to provide a grant to the Task Force on the Prevention of Sexual Abuse of Children for staff and programming materials focused on primary prevention activities.

**House Bill No. 1012 - DHS - Management - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$20,222,500	\$19,332,219	\$7,638	\$19,339,857
Operating expenses	134,438,862	211,781,095	8,405,193	220,186,288
Capital assets	50,000	75,000		75,000
Total all funds	\$154,711,362	\$231,188,314	\$8,412,831	\$239,601,145
Less estimated income	90,021,088	139,928,943	1,698	139,930,641
General fund	\$64,690,274	\$91,259,371	\$8,411,133	\$99,670,504
FTE	107.95	97.85	0.00	97.85

## Department 326 - DHS - Management - Detail of Senate Changes

	Adjusts Funding for Management <sup>1</sup>	Total Senate Changes
Salaries and wages	\$7,638	\$7,638
Operating expenses	8,405,193	8,405,193
Capital assets		
Total all funds	\$8,412,831	\$8,412,831
Less estimated income	1,698	1,698
General fund	\$8,411,133	\$8,411,133
FTE	0.00	0.00

<sup>1</sup> Funding for management is adjusted as follows:

2021-23 Ongoing Funding Changes	FTE Positions	General Fund	Other Funds	Total
Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.		\$5,940	\$1,698	\$7,638
Restores funding removed by the House for operating expenses.		8,405,193		8,405,193
Total ongoing funding changes	0.00	\$8,411,133	\$1,698	\$8,412,831

## House Bill No. 1012 - DHS - Program/Policy - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$68,994,873	\$119,359,007	\$7,418,306	\$126,777,313
Operating expenses	150,961,583	166,664,510	3,467,411	170,131,921
Capital assets	10,000	10,000		10,000
Grants	452,041,904	461,353,354	4,652,038	466,005,392
Grants - Medical assistance	2,742,157,720	3,015,188,700	41,997,678	3,057,186,378
Total all funds	\$3,414,166,080	\$3,762,575,571	\$57,535,433	\$3,820,111,004
Less estimated income	2,232,568,138	2,468,391,493	38,202,830	2,506,594,323
General fund	\$1,181,597,942	\$1,294,184,078	\$19,332,603	\$1,313,516,681
FTE	383.25	648.67	42.50	691.17

## Department 328 - DHS - Program/Policy - Detail of Senate Changes

	Adjusts Funding for Program and Policy <sup>1</sup>	Total Senate Changes
Salaries and wages	\$7,418,306	\$7,418,306
Operating expenses	3,467,411	3,467,411
Capital assets		
Grants	4,652,038	4,652,038
Grants - Medical assistance	41,997,678	41,997,678
Total all funds	\$57,535,433	\$57,535,433
Less estimated income	38,202,830	38,202,830
General fund	\$19,332,603	\$19,332,603
FTE	42.50	42.50

<sup>1</sup> Funding for Program and Policy is adjusted as follows:

2021-23 Ongoing Funding Changes	FTE Positions	General Fund	Other Funds	Total
Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The House provided salary increases 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.		(\$3,512)	(\$24,341)	(\$27,853)
Adjusts provider inflation funding to provide a 1.5 percent increase the 1st year of the biennium and 2.0 percent the 2nd year of the biennium. The House provided 1 percent annual inflationary increases.		9,060,898	9,704,410	18,765,308
Adds federal funding and FTE positions for refugee resettlement services.	4.00		4,337,408	4,337,408
<b>Economic Assistance</b>				
Adds 1 FTE specialty eligibility position	1.00	43,639	130,917	174,556
<b>Child Support</b>				
Adds FTE positions and funding for duties being transferred from the judicial branch	3.50	308,126	209,662	517,788
<b>Medical Services</b>				
Adds funding to allow interpreter services to be covered by Medicaid		249,600	249,600	499,200
Adds funding for the costs to provide Medicaid coverage for continuous glucose monitoring devices as provided in House Bill No. 1288		479,585	1,297,885	1,777,470
Adjusts funding based on changes to the tribal health care coordination fund in House Bill No. 1407			7,181,628	7,181,628
Adds funding for costs to provide Medicaid coverage of metabolic supplements as provided in Senate Bill No. 2224		9,300	10,700	20,000
<b>Long-Term Care</b>				
Adjusts funding based on updated estimates regarding funding needed to provide services resulting from a federal Department of Justice lawsuit settlement agreement		(619,550)	(712,824)	(1,332,374)
Transfers \$300,000 of funding from the autism waiver program to the autism voucher program				0
<b>Aging Services</b>				
Increases funding for dementia services grants to provide a total of \$1.3 million		268,000		268,000
<b>Children and Family Services</b>				
Restores funding for parent-to-parent support groups reduced as part of the 1915i realignment		26,250		26,250
Adjusts funding for a new early childhood program to provide a portion of funding from federal funds available from the Department of Public Instruction		(3,958,910)	3,958,910	0
Delays the realignment of therapeutic foster care targeted case management rates		549,585	632,319	1,181,904
Adds funding for child care and early childhood programs	33.00	1,601,096	150,000	1,751,096

**Behavioral Health Division**

Restores funding for parent-to-parent support groups reduced as part of the 1915i realignment		5,625		5,625
Increases funding for substance use disorder vouchers to \$17 million. The House increased funding for the vouchers from \$8 million to \$12 million.		5,000,000		5,000,000
Adds 1 FTE grants and funding position	1.00	171,455		171,455

**Developmental Disabilities**

Restores a portion of funding for small agency accreditation costs removed in the agency savings plan to provide a total of \$100,000. The House restored \$25,000 of funding.		75,000		75,000
Adds funding for the experienced parent program		260,000		260,000
Restores funding removed in agency savings plan for Section 11 supported housing and employment		373,261		373,261
Increases corporate guardianship slots by 10 to provide for total slots of 499		98,311		98,311
Restores a portion of funding removed in agency savings plan for recreational and leisure services grants		150,000		150,000
Adjusts funding for crisis beds to reflect updated budget estimates		(30,156)	116,556	86,400
Restores funding reduced in the agency savings plan for adjustments to provider rates		5,240,000	5,910,000	11,150,000
Total ongoing funding changes	42.50	\$19,357,603	\$33,152,830	\$52,510,433

**One-Time Funding Items**

Removes funding added by the House for a study of the use of an Administrative Services Organization for Medicaid Expansion behavioral health services		(\$150,000)	(\$150,000)	(\$300,000)
Adds one-time funding from federal or other funds to transition individuals from the Life Skills and Transition Center to private developmental disability providers			5,200,000	5,200,000
Adds one-time funding to provide emergency stabilization grants to developmental disability providers		125,000		125,000
Total one-time funding items		(\$25,000)	\$5,050,000	\$5,025,000
Total changes to House	42.50	\$19,332,603	\$38,202,830	\$57,535,433

**House Bill No. 1012 - DHS - County Social Services Financing - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
County social services	\$173,700,000	\$190,151,515	(\$234,129)	\$189,917,386
Total all funds	\$173,700,000	\$190,151,515	(\$234,129)	\$189,917,386
Less estimated income	173,700,000	188,839,791	(162,796)	188,676,995
General fund	\$0	\$1,311,724	(\$71,333)	\$1,240,391
FTE	140.00	143.00	0.00	143.00

**Department 333 - DHS - County Social Services Financing - Detail of Senate Changes**

	Adjusts Funding for Salaries and Wages <sup>1</sup>	Total Senate Changes
County social services	(\$234,129)	(\$234,129)
Total all funds	(\$234,129)	(\$234,129)
Less estimated income	(162,796)	(162,796)
General fund	(\$71,333)	(\$71,333)
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 House provided salary increases 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. The adjustments are made as follows:

	General Fund	Other Funds	Total
DHS employees	(\$71,333)	\$762	(\$70,571)
County employees		(163,558)	(163,558)
Total	(\$71,333)	(\$162,796)	(\$234,129)

**House Bill No. 1012 - DHS - Field Services - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Human service centers	\$204,701,143	\$166,926,620	\$2,961,895	\$169,888,515
Institutions	137,476,480	130,617,763	2,916,310	133,534,073
Total all funds	\$342,177,623	\$297,544,383	\$5,878,205	\$303,422,588
Less estimated income	127,314,955	113,944,012	329,283	114,273,295
General fund	\$214,862,668	\$183,600,371	\$5,548,922	\$189,149,293
FTE	1,599.03	1,342.31	0.00	1,342.31

**Department 349 - DHS - Field Services - Detail of Senate Changes**

	Adjusts Funding for Field Services <sup>1</sup>	Total Senate Changes
Human service centers	\$2,961,895	\$2,961,895
Institutions	2,916,310	2,916,310
Total all funds	\$5,878,205	\$5,878,205
Less estimated income	329,283	329,283
General fund	\$5,548,922	\$5,548,922
FTE	0.00	0.00

<sup>1</sup> Funding is adjusted for Field Services as follows:

2021-23 Ongoing Funding Changes	FTE Positions	General Fund	Other Funds	Total
Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The House provided salary increases 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.		(\$146,283)	\$22,582	(\$123,701)
Funding for provider inflation is adjusted to provide a 1.5 percent increase the 1st year of the biennium and 2.0 percent the 2nd year of the biennium. The House provided 1 percent annual inflationary increases.		272,343		272,343
<b>Human Service Centers</b>				
Funding for supportive housing grants reduced as part of the 1915i realignment is restored		1,747,086		1,747,086
Rent expenses removed in the agency savings plan for the Northeast Human Service Center are restored		168,736		168,736



**Institutions**

Funding for psychiatrist transition costs at the Life Skills and Transition Center are increased to \$183,040. The House provided funding of \$100,000 for transition costs.	83,040	83,040
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Funding is adjusted to allow for the purchase of adaptive equipment using other funds at the Life Skills and Transition Center	306,701	306,701
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Total ongoing funding changes	0.00	\$2,124,922	\$329,283	\$2,454,205
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**One-Time Funding Changes**

Funding for a State Hospital study is increased from \$300,000 to \$3 million to provide for architectural reviews and the development of detailed plans for the construction of a new State Hospital	\$2,700,000	\$2,700,000
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One-time funding is added for heat pump and carpet replacement projects at the Southeast Human Service Center	724,000	724,000
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Total one-time funding changes	0.00	\$3,424,000	\$0	\$3,424,000
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Total changes to base level funding	0.00	\$5,548,922	\$329,283	\$5,878,205
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**House Bill No. 1012 - Other Changes - Senate Action**

This amendment also:

- Adjusts the amount of funding being provided from the human service finance fund for the county social and human services program.
- Provides that DHS develop a funding methodology to distribute permanent supportive housing grants.
- Adds a section to provide for an emergency grant allocation program for developmental disabilities providers and removes a section relating to DHS applying for an Appendix K waiver.
- Provides for DHS to settle a certain number of refugees outside of the three most populous counties.
- Provides funding and requirements to transfer individuals from the Life Skills and Transition Center to community providers.
- Provides legislative intent regarding future appropriations for the federal Department of Justice lawsuit settlement.
- Provides for certain substance use disorder providers to be reimbursed at similar levels, provides for a moratorium on new substance use disorder residential providers, and provides for no more than 50 percent of substance use disorder vouchers be allocated for residential substance use disorder services administered by programs with more than 16 beds.
- Adds a section to authorize DHS to collect fees for early childhood services training and development courses.
- Removes the sunset clause on the Medicaid Expansion program and adjusts language regarding provider reimbursement rates being open records.
- Adds a section to provide for interpreter services to be covered under the Medicaid program.
- Provides for DHS to establish a behavioral health bed management system.
- Authorizes the conveyance of land at the Life Skills and Transition Center to the Grafton Fire Department.
- Authorizes exemptions to continue appropriation authority into the 2021-23 biennium. The exemptions will reduce general fund turnback by \$4,085,000.
- Provides for DHS to conduct a study of the Early and Periodic Screening, Diagnostic, and Treatment Program.
- Removes a section providing for a DHS study of using an Administrative Services Organization for behavioral health services in the Medicaid Expansion program.

- Provides for DHS to develop a new payment methodology for basic care facilities.
- Provides for a DHS report to the Legislative Management regarding the early childhood four-year old grant program.
- Authorizes positions for child care licensing to be used for other purposes.

#### REPORT OF STANDING COMMITTEE

**HB 1016, 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 1016 was placed on the Sixth order on the calendar.

Page 1, line 2, after the fourth semicolon insert "to provide for a transfer;"

Page 1, remove lines 15 through 24

Page 2, replace lines 1 through 3 with:

"Salaries and wages	\$6,833,766	\$316,723	\$7,150,489
Operating expenses	2,767,321	1,280,992	4,048,313
Capital assets	224,046	21,500,000	21,724,046
Grants	210,916	0	210,916
Civil air patrol	305,134	3,991	309,125
Tuition, recruiting, and retention	4,782,072	(1,739,837)	3,042,235
Air guard contract	8,571,129	(80,968)	8,490,161
Army guard contract	46,940,013	1,683,460	48,623,473
Veterans' cemetery	1,151,906	174,092	1,325,998
Reintegration program	<u>1,051,168</u>	<u>(125,644)</u>	<u>925,524</u>
Total all funds	\$72,837,471	\$23,012,809	\$95,850,280
Less estimated income	<u>54,214,657</u>	<u>23,901,907</u>	<u>78,116,564</u>
Total general fund	\$18,622,814	(\$889,098)	\$17,733,716"

Page 2, replace lines 8 through 15 with:

"Salaries and wages	\$10,986,431	\$1,245,809	\$12,232,240
Operating expenses	8,060,574	(1,458,240)	6,602,334
Capital assets	0	660,000	660,000
Grants	16,273,425	(1,723,425)	14,550,000
Disaster costs	<u>36,555,085</u>	<u>17,587,483</u>	<u>54,142,568</u>
Total all funds	\$71,875,515	\$16,311,627	\$88,187,142
Less estimated income	<u>63,108,132</u>	<u>18,700,494</u>	<u>81,808,626</u>
Total general fund	\$8,767,383	(\$2,388,867)	\$6,378,516"

Page 2, replace lines 20 through 23 with:

"Grand total general fund	\$27,390,197	(\$3,277,965)	\$24,112,232
Grand total special funds	<u>117,322,789</u>	<u>42,602,401</u>	<u>159,925,190</u>
Grand total all funds	\$144,712,986	\$39,324,436	\$184,037,422
Full-time equivalent positions	222.00	0.00	222.00"

Page 3, after line 2, insert:

"Deferred maintenance	0	1,000,000"
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Page 3, replace lines 9 through 11 with:

"Total all funds	\$3,343,253	\$23,020,000
Total other funds	<u>3,162,253</u>	<u>21,790,000</u>
Total general fund	\$181,000	\$1,230,000"

Page 3, after line 15, insert:

**"SECTION 3. APPROPRIATION - TRANSFER - NATIONAL GUARD TRAINING AREA AND FACILITY DEVELOPMENT TRUST FUND - ONE-TIME FUNDING.** There is appropriated out of any moneys in the general fund in the state

treasury, not otherwise appropriated, the sum of \$1,750,000, which the office of management and budget shall transfer to the national guard training area and facility development trust fund, the sum of which is appropriated to the adjutant general for the expansion of camp Grafton, for the biennium beginning July 1, 2021, and ending June 30, 2023. The funding provided in this section is considered a one-time funding item."

Page 3, after line 30, insert:

**"SECTION 6. FIRE EMERGENCY - WILDFIRE RESPONSE MUTUAL AID.**

The disaster costs line item in subdivision 2 of section 1 of this Act includes \$5,156,832 from the state disaster relief fund for personnel, equipment, materials, supplies, and intrastate and interstate mutual aid reimbursement for wildfire response. The department of emergency services, in consultation with the North Dakota forest service, may create an intrastate wildfire mutual aid reimbursement program for the purpose of reimbursing the costs of mutual aid response by fire departments. The department of emergency services shall define rules and eligibility for wildfire intrastate mutual aid reimbursement."

Page 5, line 8, remove "purchase options during the biennium beginning July 1, 2021,"

Page 5, line 9, replace "and ending June 30, 2023, for" with "contract for"

Page 5, line 13, remove "If the adjutant general secures options to purchase or lease all necessary land for the"

Page 5, remove lines 14 through 16

Page 5, line 17, remove "3."

Page 5, line 18, replace "Section 3" with "Sections 4 and 6"

Page 5, line 18, replace "is" with "are"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1016 - Summary of Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Adjutant General				
Total all funds	\$72,837,471	\$104,862,145	\$4,488,135	\$109,350,280
Less estimated income	54,214,657	88,126,627	1,739,937	89,866,564
General fund	\$18,622,814	\$16,735,518	\$2,748,198	\$19,483,716
FTE	154.00	152.00	0.00	152.00
Department of Emergency Services				
Total all funds	\$71,875,515	\$82,770,510	\$5,416,632	\$88,187,142
Less estimated income	63,108,132	76,385,009	5,423,617	81,808,626
General fund	\$8,767,383	\$6,385,501	(\$6,985)	\$6,378,516
FTE	68.00	68.00	2.00	70.00
Bill total				
Total all funds	\$144,712,986	\$187,632,655	\$9,904,767	\$197,537,422
Less estimated income	117,322,789	164,511,636	7,163,554	171,675,190
General fund	\$27,390,197	\$23,121,019	\$2,741,213	\$25,862,232
FTE	222.00	220.00	2.00	222.00

**House Bill No. 1016 - Adjutant General - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$6,833,766	\$7,151,029	(\$540)	\$7,150,489
Operating expenses	2,767,321	3,048,313	1,000,000	4,048,313
Capital assets	224,046	21,724,046		21,724,046
Grants	210,916	210,916		210,916
Civil air patrol	305,134	309,499	(374)	309,125
Tuition, recruiting, and retention	4,782,072	3,042,235		3,042,235
Air guard contract	8,571,129	8,496,391	(6,230)	8,490,161
Army guard contract	46,940,013	48,626,695	(3,222)	48,623,473
Veterans' cemetery	1,151,906	1,326,554	(556)	1,325,998
Reintegration program	1,051,168	926,467	(943)	925,524
Military museum		10,000,000		10,000,000
Camp Grafton expansion			3,500,000	3,500,000
Total all funds	\$72,837,471	\$104,862,145	\$4,488,135	\$109,350,280
Less estimated income	54,214,657	88,126,627	1,739,937	89,866,564
General fund	\$18,622,814	\$16,735,518	\$2,748,198	\$19,483,716
FTE	154.00	152.00	0.00	152.00

**Department 540 - Adjutant General - Detail of Senate Changes**

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds One-Time Funding to Expand Camp Grafton <sup>2</sup>	Adds One-Time Funding for Deferred Maintenance <sup>3</sup>	Total Senate Changes
Salaries and wages	(\$540)			(\$540)
Operating expenses			\$1,000,000	1,000,000
Capital assets				
Grants				
Civil air patrol	(374)			(374)
Tuition, recruiting, and retention				
Air guard contract	(6,230)			(6,230)
Army guard contract	(3,222)			(3,222)
Veterans' cemetery	(556)			(556)
Reintegration program	(943)			(943)
Military museum				
Camp Grafton expansion		\$3,500,000		3,500,000
Total all funds	(\$11,865)	\$3,500,000	\$1,000,000	\$4,488,135
Less estimated income	(10,063)	1,750,000	0	1,739,937
General fund	(\$1,802)	\$1,750,000	\$1,000,000	\$2,748,198
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 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> One-time funding of \$1,750,000 from the general fund is transferred to the National Guard training area and facility development trust fund. The funding is also appropriated from the National Guard training area and facility development trust fund to the Adjutant General for the expansion of Camp Grafton.

<sup>3</sup> One-time funding of \$1,000,000 from the general fund is added for National Guard deferred maintenance projects, including building sealant repairs, air handler replacement, building automation system repairs and upgrades, asphalt repairs, and other projects.

**House Bill No. 1016 - Department of Emergency Services - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$10,986,431	\$11,972,761	\$259,479	\$12,232,240
Operating expenses	8,060,574	6,602,334		6,602,334
Capital assets		660,000		660,000
Grants	16,273,425	14,550,000		14,550,000
Disaster costs	36,555,085	48,985,415	5,157,153	54,142,568
Total all funds	\$71,875,515	\$82,770,510	\$5,416,632	\$88,187,142
Less estimated income	63,108,132	76,385,009	5,423,617	81,808,626
General fund	\$8,767,383	\$6,385,501	(\$6,985)	\$6,378,516
FTE	68.00	68.00	2.00	70.00

**Department 542 - Department of Emergency Services - Detail of Senate Changes**

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds State Radio FTE Positions <sup>2</sup>	Increases Funding for Disaster Costs <sup>3</sup>	Total Senate Changes
Salaries and wages	(\$6,051)	\$265,530		\$259,479
Operating expenses				
Capital assets				
Grants				
Disaster costs	321		\$5,156,832	5,157,153
Total all funds	(\$5,730)	\$265,530	\$5,156,832	\$5,416,632
Less estimated income	1,255	265,530	5,156,832	5,423,617
General fund	(\$6,985)	\$0	\$0	(\$6,985)
FTE	0.00	2.00	0.00	2.00

<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 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 \$265,530 from the radio communications fund is added for 2 new FTE communication specialist positions for State Radio.

<sup>3</sup> Funding for disaster costs is increased by \$5,156,832 from the state disaster relief fund for costs related to spring 2021 wildfires.

**House Bill No. 1016 - Other Changes - Senate Action**

This amendment also:

- Adds a section to provide for the transfer of \$1,750,000 from the general fund to the National Guard training area and facility development trust fund, the sum of which is appropriated to the Adjutant General for the expansion of Camp Grafton.
- Adds a section to provide that the disaster costs line item includes \$5,156,832 from the state disaster relief fund for personnel, equipment, materials, supplies, and intrastate and interstate mutual aid reimbursement for wildfire response costs.
- Amends legislative intent relating to the expansion of Camp Grafton to remove intent for the purchase of options and instead provide that the Adjutant General contract for the purchase or long-term lease of land.

**REPORT OF STANDING COMMITTEE**

**HB 1253, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1253 was placed on the Sixth order on the calendar.

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

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

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

Page 10, after line 26, insert:

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

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

**Use of nonpublic funds prohibited - Penalty.**

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

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

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

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

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

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

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

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

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

Page 17, remove lines 13 through 15

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

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

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

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

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

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

Page 28, after line 17, insert:

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

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

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

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

Page 53, after line 17, insert:

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

**16.1-11.1-02. Application for mail ballots.**

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

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

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

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

Page 64, remove lines 12 through 20

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1412, as amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1412, as amended, was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1418, as engrossed: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1418 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1452, as reengrossed and amended: 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). Reengrossed HB 1452, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 1004 through 1006 Journal, Reengrossed House Bill No. 1452 is amended as follows:

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

Page 1, line 14, remove "low-emission technology"

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" and insert immediately thereafter "low-emission technology"

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 4, 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."

Page 8, line 25, replace "\$40,000,000" with "\$25,000,000"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment reduces the general fund appropriation provided by the House from \$40 million to \$25 million.

**REPORT OF CONFERENCE COMMITTEE**

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

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

**REPORT OF CONFERENCE COMMITTEE**

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

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

**REPORT OF CONFERENCE COMMITTEE**

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

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

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

**Shanda Morgan, Secretary**