

## JOURNAL OF THE SENATE

## Sixty-seventh Legislative Assembly

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Bismarck, April 26, 2021

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

The prayer was offered by Monsignor Patrick Schumacher, Corpus Christi Church, Bismarck.

The roll was called and all members were present except Senator Bakke.

A quorum was declared by the President.

## 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 1380, which motion prevailed.

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

**Engrossed HB 1380:** Sens. Sorvaag, Bell, Heckaman

## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. VEDAA MOVED** that the conference committee report on Engrossed HB 1253 as printed on SJ pages 1654-1657 be adopted, which motion failed on a voice vote.

## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. OEHLKE MOVED** that the conference committee report on Engrossed HB 1010 as printed on SJ pages 1666-1669 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1010, as amended, was placed on the Fourteenth order of business.

## SECOND READING OF HOUSE BILL

**HB 1010:** A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; to provide an appropriation for the distribution of funds from the insurance tax distribution fund; to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to examinations of health carriers; to amend and reenact section 26.1-01-09 of the North Dakota Century Code, relating to the salary of the insurance commissioner; to provide for a legislative management study; 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; 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

**ABSENT AND NOT VOTING:** Bakke

Engrossed HB 1010, as amended, passed.

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## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. ERBELE MOVED** that the conference committee report on Engrossed HB 1018 as

printed on SJ pages 1669-1671 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1018, as amended, was placed on the Fourteenth order of business.

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

**HB 1018:** A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society; to create and enact a new section to chapter 55-01 of the North Dakota Century Code, relating to artifacts located at the Lewis and Clark interpretive center; to provide for a legislative management study; to provide for a report; 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 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; 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:** Fors; Heitkamp; Larsen, D.; Larsen, O.

**ABSENT AND NOT VOTING:** Bakke

Engrossed HB 1018, as amended, passed and the emergency clause was declared carried.

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

**SEN. BEKKEDAHL MOVED** that the conference committee report on Engrossed HB 1003 as printed on SJ pages 1657-1669 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1003, as amended, was placed on the Fourteenth order of business.

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

**HB 1003:** A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to provide an appropriation to the department of human services; to amend and reenact the new section to chapter 53-06.1, as created by section 1 of House Bill No. 1212, as approved by the sixty-seventh legislative assembly and section 54-12-11 of the North Dakota Century Code, relating to the salary of the attorney general and charitable gaming tax revenue distributions; to provide for a transfer; to provide an exemption; to provide for a statement of legislative intent; to provide for a report; to provide for a legislative management study; and to declare an emergency.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; 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:** Fors; Larsen, D.; Larsen, O.

**ABSENT AND NOT VOTING:** Bakke

Engrossed HB 1003, as amended, passed and the emergency clause was declared carried.

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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.

**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 1380:** Sens. Sorvaag; Bell; Heckaman

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1003, HB 1018.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1010.

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

**MR. SPEAKER:** The Senate has not adopted the conference committee report on: HB 1253.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1015 and HB 1395, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1015:** Reps. Delzer; Pollert; Boschee

**HB 1395:** Reps. Delzer; Pollert; Boschee

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

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

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Vigasaa to replace Rep. Bellew on the Conference Committee on HB 1004.

**Legislative Management Committee Members 2021-2023**

Senator Wardner, Majority Leader  
Senator Heckaman, Minority Leader  
Senator Holmberg  
Senator Schaible  
Senator Bell  
Senator Klein  
Senator Burckhard  
Senator Oban

**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 1015 and HB 1395, which motion prevailed.

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

**Engrossed HB 1015:** Sens. Holmberg, Wardner, Heckaman

**HB 1395:** Sens. Bekkedahl, Holmberg, Heckaman

**REPORT OF CONFERENCE COMMITTEE**

**SB 2030, as reengrossed:** Your conference committee (Sens. Krebsbach, Wanzek,

Heckaman and Reps. Schatz, Monson, Schmidt) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1218-1220 and place SB 2030 on the Seventh order.

Reengrossed SB 2030 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. KREBSBACH MOVED** that the conference committee report on Reengrossed SB 2030 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2030, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2030:** A BILL for an Act to provide an appropriation to the state board of higher education for the higher education challenge matching grant program; to create and enact paragraph 3 of subdivision b of subsection 1 of section 15-10-48 and paragraph 3 of subdivision b of subsection 1 of section 15-10-49 of the North Dakota Century Code, relating to institution eligibility for a matching grant for the advancement of academics; to amend and reenact subdivision c of subsection 1 of section 15-10-48 and section 15-18.2-05 of the North Dakota Century Code, relating to matching grants for the advancement of academics and state aid for institutions of higher education; to repeal subdivision d of subsection 1 of section 15-10-48 of the North Dakota Century Code, relating to the eligibility of the university of North Dakota school of medicine and health sciences to receive a matching grant for the advancement of academics; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 35 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson; Heckaman; Hogan; Krebsbach; Lee; Marcellais; Mathern; Oban; Oehlke; Piepkorn; Roers, K.

**ABSENT AND NOT VOTING:** Bakke

Reengrossed SB 2030 passed.

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#### REPORT OF CONFERENCE COMMITTEE

**SB 2010, as engrossed:** Your conference committee (Sens. Erbele, Davison, Heckaman and Reps. Strinden, Schobinger, Mitskog) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1154, adopt amendments as follows, and place SB 2010 on the Seventh order:

That the House recede from its amendments as printed on page 1154 of the Senate Journal and pages 1371 and 1372 of the House Journal and that Engrossed Senate Bill No. 2010 be amended as follows:

Page 1, replace lines 11 through 17 with:

"Salaries and wages	\$968,858	\$113,761	\$1,082,619
Operating expenses	285,774	771	286,545
Grants	<u>2,090,494</u>	<u>(7,970)</u>	<u>2,082,524</u>
Total all funds	\$3,345,126	\$106,562	\$3,451,688
Less estimated income	<u>1,738,922</u>	<u>50,000</u>	<u>1,788,922</u>
Total general fund	\$1,606,204	\$56,562	\$1,662,766
Full-time equivalent positions	5.00	0.00	5.00"

Renumber accordingly

# STATEMENT OF PURPOSE OF AMENDMENT:

## Senate Bill No. 2010 - Council on the Arts - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$968,858	\$1,101,198	(\$18,579)	\$1,082,619	\$1,007,619	\$75,000
Operating expenses	285,774	286,545		286,545	286,545	
Grants	2,090,494	2,082,524		2,082,524	2,082,524	
Total all funds	\$3,345,126	\$3,470,267	(\$18,579)	\$3,451,688	\$3,376,688	\$75,000
Less estimated income	1,738,922	1,738,922	50,000	1,788,922	1,738,922	50,000
General fund	\$1,606,204	\$1,731,345	(\$68,579)	\$1,662,766	\$1,637,766	\$25,000
FTE	5.00	6.00	(1.00)	5.00	5.00	0.00

## Department 709 - Council on the Arts - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Removes Funding to Convert Temporary Position to FTE <sup>2</sup>	Increases Funding for Temporary Part- Time Position <sup>3</sup>	Total Conference Committee Changes
Salaries and wages	(\$1,254)	(\$92,325)	\$75,000	(\$18,579)
Operating expenses				
Grants				
Total all funds	(\$1,254)	(\$92,325)	\$75,000	(\$18,579)
Less estimated income	0	0	50,000	50,000
General fund	(\$1,254)	(\$92,325)	\$25,000	(\$68,579)
FTE	0.00	(1.00)	0.00	(1.00)

<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 added by the Senate to convert a temporary position to a full-time equivalent position is removed. The House did not include funding for this position.

<sup>3</sup> Salary funding for a temporary part-time position is increased by \$75,000, \$25,000 from the general fund and \$50,000 from federal or other funds. Neither the House or Senate increased temporary salary funding. The House did not include funding for this temporary position.

Engrossed SB 2010 was placed on the Seventh order of business on the calendar.

## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. ERBELE MOVED** that the conference committee report on Engrossed SB 2010 be adopted, which motion prevailed on a voice vote.

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

## SECOND READING OF SENATE BILL

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

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Elkin; Fors; Heitkamp; Kannianen; Larsen, D.; Larsen, O.; Lemm; Wobbema

**ABSENT AND NOT VOTING:** Bakke

Reengrossed SB 2010 passed.

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**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 1015:** Sens. Holmberg; Wardner; Heckaman

**HB 1395:** Sens. Bekkedahl; Holmberg; Heckaman

**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 2018:** Reps. Nathe; Martinson; Boe

**SB 2046:** Reps. Kasper; Louser; Steiner

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Weisz to replace Rep. Devlin on the Conference Committee on HB 1465.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2010, SB 2030.

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

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

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2213.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1009, HB 1016, HB 1213, HB 1437.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2002, SB 2006, SB 2008, SB 2043.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2161, SB 2213.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1006, HB 1019, HB 1021, HB 1024, HB 1027, HB 1035.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2002, SB 2006, SB 2008, SB 2043, SB 2161, SB 2213.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2016.

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

**MR. SPEAKER:** The President has signed: SB 2002, SB 2006, SB 2008, SB 2016, SB 2043, SB 2161, SB 2213.

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

**MR. SPEAKER:** The President has signed: HB 1006, HB 1019, HB 1021, HB 1024, HB 1027, HB 1035.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1006, HB 1019, HB 1021, HB 1024, HB 1027, HB 1035.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 26, 2021: SB 2002, SB 2006, SB 2008, SB 2016, SB 2043, SB 2161, SB 2213.

**COMMUNICATION FROM GOVERNOR DOUG BURGUM**

This is to inform you that on April 23, 2021, I have signed the following: SB 2013, SB 2026, SB 2074, SB 2089, SB 2212, SB 2271, SB 2304, SB 2311, and SB 2332.

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

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

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

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

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

**HB 1465:** Reps. Westlind; Beltz; Devlin

**COMMUNICATION FROM GOVERNOR DOUG BURGUM**

This is to inform you that on April 26, 2021, I have signed the following: SB 2003.

**MOTION**

**SEN. KLEIN MOVED** that the absent member be excused, which motion prevailed.

**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 27, 2021, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

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

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

Page 1, remove lines 20 through 23

Page 2, replace line 1 with:

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

Page 2, replace lines 7 through 10 with:

"Northern crops institute	<u>\$3,840,027</u>	<u>\$69,733</u>	<u>\$3,909,760</u>
Total all funds	\$3,840,027	\$69,733	\$3,909,760

Less estimated income	<u>1,896,217</u>	<u>26,401</u>	<u>1,922,618</u>
Total general fund	\$1,943,810	\$43,332	\$1,987,142"

Page 2, replace lines 16 through 20 with:

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

Page 2, replace lines 26 through 29 with:

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

Page 3, replace lines 4 through 13 with:

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

Page 3, replace lines 19 and 20 with:

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

Page 3, replace lines 26 through 28 with:

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

Page 4, replace lines 6 through 13 with:

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

Page 5, after line 4, insert:

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



strategic investment and improvements fund for capital projects at the Carrington research center, central grasslands research center, Hettinger research center, and Langdon research center."

Page 5, after line 30, insert:

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

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

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

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

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

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

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

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds One-Time Funding for Remote Sensing of Infrastructure <sup>2</sup>	Total Conference Committee Changes
Upper Great Plains Trans. Institute	(\$22,430)	\$2,225,000	\$2,202,570
Total all funds	(\$22,430)	\$2,225,000	\$2,202,570
Less estimated income	(12,388)	2,225,000	2,212,612
General fund	(\$10,042)	\$0	(\$10,042)
FTE	0.00	0.00	0.00

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

<sup>2</sup> One-time funding of \$2,225,000 from other funds, including \$225,000 from the strategic investment and improvements fund and \$2,000,000 from other funds, including federal funds, is added for remote sensing of infrastructure, the same as the House version.

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

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

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

	Adjusts Funding for Salary Increases <sup>1</sup>	Total Conference Committee Changes
Dickinson Research Center	(\$381)	(\$381)
Central Grasslands Research Center	2,404	2,404
Hettinger Research Center	(89)	(89)
Langdon Research Center	(640)	(640)
North Central Research Center	(332)	(332)
Williston Research Center	(4,672)	(4,672)
Carrington Research Center	2,988	2,988
Total all funds	(\$722)	(\$722)
Less estimated income	13,131	13,131
General fund	(\$13,853)	(\$13,853)
FTE	0.00	0.00

<sup>1</sup> Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a

minimum monthly increase of \$100, and 2 percent on July 1, 2022, the same as the House version. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

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

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

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

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds Funding for the Agricultural Safety Initiative <sup>2</sup>	Increases Funding for Soil Conservation District Grants <sup>3</sup>	Total Conference Committee Changes
Extension Service	(\$19,502)	\$240,000		\$220,498
Soil Conservation Committee			\$120,000	120,000
Total all funds	(\$19,502)	\$240,000	\$120,000	\$340,498
Less estimated income	13,117	0	0	13,117
General fund	(\$32,619)	\$240,000	\$120,000	\$327,381
FTE	0.00	0.00	0.00	0.00

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

<sup>2</sup> Funding of \$240,000 from the general fund is added for the agricultural safety initiative, including necessary personnel, the same as the House version.

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

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

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

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

	Adjusts Funding for Salary Increases <sup>1</sup>	Total Conference Committee Changes
Northern Crops Institute	(\$5,492)	(\$5,492)
Total all funds	(\$5,492)	(\$5,492)
Less estimated income	(1,084)	(1,084)
General fund	(\$4,408)	(\$4,408)
FTE	0.00	0.00

<sup>1</sup> Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a

minimum monthly increase of \$100, and 2 percent on July 1, 2022, the same as the House version. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

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

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

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

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

	Total Conference Committee Changes
Main Research Center	\$438,530
Total all funds	\$438,530
Less estimated income	1,714,291
General fund	(\$1,275,761)
FTE	0.00

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

<sup>2</sup> Funding of \$35,000 from the general fund is added to provide a total of \$835,000 of funding from the general fund for the "big data" initiative. The House and Senate both included 3 new FTE positions for the "big data" initiative to be used for the agricultural weather network and data analytics, management, and curation as determined by the Main Research Center.

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

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

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

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

capital projects at the Carrington Research Center.

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

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

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

	Adjusts Funding for Salary Increases <sup>1</sup>	Total Conference Committee Changes
Agronomy Seed Farm	\$32	\$32
Total all funds	\$32	\$32
Less estimated income	32	32
General fund	\$0	\$0
FTE	0.00	0.00

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

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

This amendment also:

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

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

### REPORT OF CONFERENCE COMMITTEE

**HB 1023, as engrossed:** Your conference committee (Sens. Krebsbach, Dever, Heckaman and Reps. Bellew, Brandenburg, Meier) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1568-1570, adopt amendments as follows, and place HB 1023 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1568-1570 of the House Journal and pages 1294-1296 of the Senate Journal and that Engrossed House Bill No. 1023 be amended as follows:

Page 1, line 2, after "system" insert "; to provide for a report; and to provide for a legislative management study"

Page 1, replace lines 11 through 15 with:

"Salaries and wages	\$6,652,604	\$556,456	\$7,209,060
Operating expenses	2,443,592	57,144	2,500,736
Capital assets	0	257,600	257,600

Contingencies	250,000	0	250,000
Total special funds	\$9,346,196	\$871,200	\$10,217,396
Full-time equivalent positions	34.50	1.00	35.50"

Page 1, line 16, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO SIXTY-EIGHTH LEGISLATIVE ASSEMBLY"

Page 1, line 17, after "biennium" insert "and the one-time funding items included in the appropriation in section 1 of this Act"

Page 1, replace lines 19 through 21 with:

"Information technology risk assessment	\$40,000	\$0
Upgrade business system software	190,000	0
Upgrade benefit enrollment system	0	104,500
Upgrade PERSLink business system	0	257,600
Total special funds	\$230,000	\$362,100

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

**SECTION 3. LEGISLATIVE MANAGEMENT STUDY - HEALTH INSURANCE FERTILITY BENEFITS.** During the 2021-22 interim, the legislative management shall consider studying the feasibility and desirability of expanding fertility benefits under the public employees retirement system uniform group insurance health benefits as a precursor under section 54-03-28 to mandating the fertility benefits for health insurance in the private market. The study must include a public employees retirement system actuarial study of the cost of expanding the fertility benefits of the state health plan and must include consideration of the positive and negative aspects of mandating fertility benefits for health insurance in the private market. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1023 - Public Employees Retirement System - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$6,652,604	\$6,927,497	\$281,563	\$7,209,060	\$7,287,864	(\$78,804)
Operating expenses	2,443,592	2,378,216	122,520	2,500,736	2,615,946	(115,210)
Capital assets			257,600	257,600	257,600	
Contingencies	250,000	250,000		250,000	250,000	
Total all funds	\$9,346,196	\$9,555,713	\$661,683	\$10,217,396	\$10,411,410	(\$194,014)
Less estimated income	9,346,196	9,555,713	661,683	10,217,396	10,411,410	(194,014)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	34.50	34.50	1.00	35.50	36.50	(1.00)

### Department 192 - Public Employees Retirement System - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds Funding for an Internal Auditor Position <sup>2</sup>	Adds Funding for a Temporary Receptionist Position <sup>3</sup>	Removes Funding for a Marketing Intern Position <sup>4</sup>	Adds One- Time Funding to Upgrade Benefit Enrollment Software <sup>5</sup>	Adds One- Time Funding to Upgrade the PERSLink Business System <sup>6</sup>
Salaries and wages	(\$1,273)	\$180,926	\$139,337	(\$37,427)		
Operating expenses		14,365	15,033	(11,378)	\$104,500	
Capital assets						\$257,600
Contingencies						
Total all funds	(\$1,273)	\$195,291	\$154,370	(\$48,805)	\$104,500	\$257,600
Less estimated income	(1,273)	195,291	154,370	(48,805)	104,500	257,600
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	1.00	0.00	0.00	0.00	0.00

Salaries and wages  
Operating expenses  
Capital assets  
Contingencies

Total all funds  
Less estimated income  
General fund

FTE

Total Conference Committee Changes	
	\$281,563
	122,520
	257,600
	\$661,683
	661,683
	\$0
	1.00

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

<sup>2</sup> Funding of \$195,291, including \$180,926 for salaries and wages and \$14,365 for related operating costs, is restored for 1 FTE internal auditor position, the same as the Senate. The House removed 1 FTE internal auditor position and added 1 FTE accountant position. The Conference Committee amendments do not adjust funding for the accountant position, nor did the Senate amendments.

<sup>3</sup> Funding of \$154,370 is added for a temporary receptionist position, including \$139,337 for salaries and wages and \$15,033 for related operating expenses. The House did not provide funding for this position. The Senate added \$21,216 for a .20 FTE receptionist position and \$169,913 for a .80 FTE public information specialist position.

<sup>4</sup> Funding of \$48,805 for a marketing intern, of which \$37,427 is for salaries and wages and \$11,378 is for related operating expenses, is removed. Both the House and the Senate included funding for this position.

<sup>5</sup> One-time funding of \$104,500 is added to operating expenses to upgrade the benefit enrollment software. The House did not provide funding for this item. The Senate provided \$209,000 to upgrade the software.

<sup>6</sup> One-time funding of \$257,600 is added to capital assets to upgrade the PERSLink business system, the same as the Senate. The House did not provide funding for this item.

This amendment also:

- Provides for a Legislative Management study of the feasibility and desirability of expanding fertility benefits under the Public Employees Retirement System uniform group insurance health benefit plan. The Senate included this section but the House did not.

Engrossed HB 1023 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1016, as engrossed:** Your conference committee (Sens. Krebsbach, Rust, Hogue and Reps. Brandenburg, Kempenich, Mock) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1665-1668, adopt amendments as follows, and place HB 1016 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1665-1668 of the House Journal and pages 1390-1393 of the Senate Journal and that Engrossed House Bill No. 1016 be amended as follows:

Page 1, line 2, after the first semicolon insert "to amend and reenact section 37-17.1-14.6 of the North Dakota Century Code, relating to the northern emergency management assistance compact;"

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	1,051,168	(125,644)	925,524
Total all funds	\$72,837,471	\$23,012,809	\$95,850,280
Less estimated income	<u>54,214,657</u>	<u>24,901,907</u>	<u>79,116,564</u>
Total general fund	\$18,622,814	(\$1,889,098)	\$16,733,716"

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>14,930,651</u>	<u>51,485,736</u>
Total all funds	\$71,875,515	\$13,654,795	\$85,530,310
Less estimated income	<u>63,108,132</u>	<u>16,043,662</u>	<u>79,151,794</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	(\$4,277,965)	\$23,112,232
Grand total special funds	117,322,789	40,945,569	158,268,358
Grand total all funds	\$144,712,986	\$36,667,604	\$181,380,590
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>22,790,000</u>
Total general fund	\$181,000	\$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 - BANK OF NORTH DAKOTA LOAN AUTHORIZATION.** The office of the adjutant general may borrow from the Bank of North Dakota the sum of \$2,500,000, or so much of the sum as may be necessary, for fire emergency and wildfire response mutual aid, for the period beginning with the effective date of this Act and ending June 30, 2023. The proceeds of the loan are appropriated to the adjutant general in the disaster costs line item in subdivision 2 of section 1 of this Act, for personnel, equipment, materials, supplies, and intrastate and interstate mutual aid reimbursement for wildfire response, including compensation for the fire response personnel mandatory days off and mandatory quarantine and isolation periods for COVID-19 close contact and positive test results in accordance with federal centers for disease control and prevention, state department of health, and federal department of defense guidelines. 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. The office of the adjutant general shall request from the sixty-eighth legislative assembly a deficiency appropriation from the state disaster relief fund sufficient for the repayment of the amount borrowed plus interest.

**SECTION 7. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - NATIONAL GUARD - DEFERRED MAINTENANCE.** The estimated income and the operating expenses line items in subdivision 1 of section 1 of this Act include the sum of \$1,000,000 from the strategic investment and improvements fund for national guard deferred maintenance projects.

**SECTION 8. AMENDMENT.** Section 37-17.1-14.6 of the North Dakota Century Code is amended and reenacted as follows:

**37-17.1-14.6. Northern emergency management assistance compact.**

The northern emergency management assistance compact is entered with all jurisdictions legally joining the compact in the form substantially as follows:

**ARTICLE I - NAME AND SCOPE**

1. This compact is established as directed by the state and province emergency management assistance memorandum of agreement and brought into force by congressional consent on September 14, 2012, by the 112th Congress of the United States of America.
2. The object of this compact shall be to facilitate cross-border emergency management assistance through mutual aid.

**ARTICLE II - MEMBERSHIP**

1. Membership in this compact shall be open to the states and provinces having signed the state and province emergency management assistance memorandum of agreement, hereinafter referred to as party jurisdictions.

2. Representatives from the nonsignatory states and provinces as well as the national governments of Canada and the United States shall be nonvoting members.

### **ARTICLE III - BOARD**

1. The policies and direction of this compact shall be directed and controlled by a board of directors, which shall consist of the directors of emergency management or measures, or their designated official substitute from the party jurisdictions. The designated official substitute shall be specified either on the jurisdiction's compact contact sheet or in writing to the compact co-chairs.
2. The board may invite representatives from other governments, subject matter experts, and such other individuals as they may deem appropriate to attend the compact meetings as nonvoting participants.

### **ARTICLE IV - GOVERNMENT**

1. The board of directors shall act as the governing body of this compact.
2. The following shall be the officers:
  - a. A co-chair elected from the participating states; and
  - b. A co-chair elected from the participating provinces.
3. The co-chairs shall be elected ~~biannually~~biennially in alternate years.
4. In the event a co-chair is unable to fulfill the co-chair's term, a special election shall be held at the next meeting, regular or special, to fill the remainder of the co-chair's term.

### **ARTICLE V - SUBCOMMITTEES AND WORKING GROUPS**

1. The compact board of directors may appoint subcommittees and working groups as needed.
2. Each subcommittee and working group shall be co-chaired by a representative of a Canadian and a United States party jurisdiction.
3. The subcommittees and working groups shall report to this compact through the co-chairs and the co-chairs are ex officio members of all subcommittees and working groups.

### **ARTICLE VI - MEETINGS**

1. This compact shall meet at least once a year at locations to be determined by the board of directors.
2. Special meetings may be held at any time by order of the co-chairs.
3. Meetings may be held by conference call or other communication facilities that permit all persons participating in the meeting to communicate with each other, and all persons participating in the meeting by such means are deemed to be present.
4. A jurisdiction may participate at its own cost in any meeting by telephone or other communication facilities that permit all persons participating in the meeting to communicate with each other, and a person participating in a meeting by such means is deemed to be present at the meeting.
5. The newest co-chair shall be responsible for creating a record of decisions for each meeting.

6. The newest co-chair shall be responsible for distributing meeting agendas, records of decisions, and any documents slated for discussion at a meeting to the board of directors.
7. A meeting agenda and any documents slated for discussion at a meeting should be circulated to the board of directors a minimum of thirty days prior to the meeting.
8. All meetings shall follow a form agreed to by the co-chairs.
9. A quorum shall consist of a simple majority of party jurisdictions that consists of at least one party jurisdiction from Canada and one party jurisdiction from the United States of America. Jurisdictions participating by proxy shall not count towards a quorum.

#### **ARTICLE VII - VOTING**

1. Each party jurisdiction shall have only one vote on any motion or election.
2. Motions may only be introduced or seconded by members of the board of directors present or represented by proxy.
3. Motions arising at any meeting shall be determined by consensus. In the absence of consensus a two-thirds majority is required from each of the Canadian and United States of America party jurisdictions either present or represented by proxy. A vote given in accordance with the terms of a proxy shall be valid.
4. If the director or designated official substitute of a party jurisdiction cannot attend a meeting of the northern emergency management assistance compact, the party jurisdiction may give a proxy to another jurisdiction. A proxy shall be in writing under the hand of the director or designated official substitute. The proxy shall be delivered to one of the co-chairs before or at the meeting. A proxy is valid for one meeting.

#### **ARTICLE VIII - SIGNING AUTHORITY**

Documents or other instruments requiring the signature of the compact shall be signed by both co-chairs.

#### **ARTICLE IX - AMENDMENTS**

These bylaws may be amended by a two-thirds vote at any meeting of the compact provided that thirty days' notice in writing be given of such meeting to the voting member of each party jurisdiction and that the notice contains the text, or the general nature, of any proposed amendments.

#### **ARTICLE X - OPERATIONS MANUAL AND BYLAWS**

1. The most recent past co-chair shall be responsible for updating and storing a copy of the most recent version of the operations manual and bylaws.
2. Any party jurisdiction may request that amendments be made to the operations manual and bylaws.
3. All requests for amendments to the operations manual and bylaws shall be submitted to the past co-chair responsible for the operations manual and bylaws.
4. Amendments to the operations manual and bylaws shall come into force on the date that the operations manual or bylaws, respectively, are approved by the board of directors or a later date as decided by the board of directors.

**ARTICLE XI - TRAINING**

The senior co-chair shall be responsible for coordinating delivery of the compact training and exercises to party jurisdictions."

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, after line 17, insert:

**"SECTION 16. BUDGET SECTION REPORT - CAMP GRAFTON EXPANSION.** During the 2021-22 interim, the adjutant general shall report to the budget section regarding any land purchased for the expansion of camp Grafton."

Page 5, line 18, replace "Section 3" with "Sections 4 and 6 and the disaster costs line item in subdivision 2 of section 1"

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

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1016 - Summary of Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Adjutant General						
Total all funds	\$72,837,471	\$104,862,145	\$4,488,135	\$109,350,280	\$109,350,280	\$0
Less estimated income	54,214,657	88,126,627	2,739,937	90,866,564	89,866,564	1,000,000
General fund	\$18,622,814	\$16,735,518	\$1,748,198	\$18,483,716	\$19,483,716	(\$1,000,000)
FTE	154.00	152.00	0.00	152.00	152.00	0.00
Department of Emergency Services						
Total all funds	\$71,875,515	\$82,770,510	\$2,759,800	\$85,530,310	\$88,187,142	(\$2,656,832)
Less estimated income	63,108,132	76,385,009	2,766,785	79,151,794	81,808,626	(2,656,832)
General fund	\$8,767,383	\$6,385,501	(\$6,985)	\$6,378,516	\$6,378,516	\$0
FTE	68.00	68.00	2.00	70.00	70.00	0.00
Bill total						
Total all funds	\$144,712,986	\$187,632,655	\$7,247,935	\$194,880,590	\$197,537,422	(\$2,656,832)
Less estimated income	117,322,789	164,511,636	5,506,722	170,018,358	171,675,190	(1,656,832)
General fund	\$27,390,197	\$23,121,019	\$1,741,213	\$24,862,232	\$25,862,232	(\$1,000,000)
FTE	222.00	220.00	2.00	222.00	222.00	0.00

## House Bill No. 1016 - Adjutant General - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$6,833,766	\$7,151,029	(\$540)	\$7,150,489	\$7,150,489	
Operating expenses	2,767,321	3,048,313	1,000,000	4,048,313	4,048,313	
Capital assets	224,046	21,724,046		21,724,046	21,724,046	
Grants	210,916	210,916		210,916	210,916	
Civil air patrol	305,134	309,499	(374)	309,125	309,125	
Tuition, recruiting, and retention	4,782,072	3,042,235		3,042,235	3,042,235	
Air guard contract	8,571,129	8,496,391	(6,230)	8,490,161	8,490,161	
Army guard contract	46,940,013	48,626,695	(3,222)	48,623,473	48,623,473	
Veterans' cemetery	1,151,906	1,326,554	(556)	1,325,998	1,325,998	
Reintegration program	1,051,168	926,467	(943)	925,524	925,524	
Military museum		10,000,000		10,000,000	10,000,000	
Camp Grafton expansion			3,500,000	3,500,000	3,500,000	
Total all funds	\$72,837,471	\$104,862,145	\$4,488,135	\$109,350,280	\$109,350,280	\$0
Less estimated income	54,214,657	88,126,627	2,739,937	90,866,564	89,866,564	1,000,000
General fund	\$18,622,814	\$16,735,518	\$1,748,198	\$18,483,716	\$19,483,716	(\$1,000,000)
FTE	154.00	152.00	0.00	152.00	152.00	0.00

## Department 540 - Adjutant General - Detail of Conference Committee 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 Conference Committee 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	1,000,000	2,739,937
General fund	(\$1,802)	\$1,750,000	\$0	\$1,748,198
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 same as the Senate version. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

<sup>2</sup> One-time funding of \$1.75 million 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. The Senate version also included this funding.

<sup>3</sup> One-time funding of \$1 million from the strategic investment and improvements 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. The Senate version added the funding from the general fund.

### House Bill No. 1016 - Department of Emergency Services - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$10,986,431	\$11,972,761	\$259,479	\$12,232,240	\$12,232,240	
Operating expenses	8,060,574	6,602,334		6,602,334	6,602,334	
Capital assets		660,000		660,000	660,000	
Grants	16,273,425	14,550,000		14,550,000	14,550,000	
Disaster costs	36,555,085	48,985,415	2,500,321	51,485,736	54,142,568	(\$2,656,832)
Total all funds	\$71,875,515	\$82,770,510	\$2,759,800	\$85,530,310	\$88,187,142	(\$2,656,832)
Less estimated income	63,108,132	76,385,009	2,766,785	79,151,794	81,808,626	(2,656,832)
General fund	\$8,767,383	\$6,385,501	(\$6,985)	\$6,378,516	\$6,378,516	\$0
FTE	68.00	68.00	2.00	70.00	70.00	0.00

### Department 542 - Department of Emergency Services - Detail of Conference Committee 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 Conference Committee Changes
Salaries and wages	(\$6,051)	\$265,530		\$259,479
Operating expenses				
Capital assets				
Grants				
Disaster costs	321		\$2,500,000	2,500,321
Total all funds	(\$5,730)	\$265,530	\$2,500,000	\$2,759,800
Less estimated income	1,255	265,530	2,500,000	2,766,785
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 same as the Senate version. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

<sup>2</sup> Funding of \$265,530 from the radio communications fund is added for 2 new FTE communication specialist positions for State Radio, the same as the Senate version.

<sup>3</sup> Funding for disaster costs is increased by \$2,500,000 from Bank of North Dakota loan proceeds for costs related to wildfire response. The Senate added \$5,157,153 from the state disaster relief fund for costs related to wildfire response.

### House Bill No. 1016 - Other Changes - Conference Committee Action

This amendment also:

- Adds a section to provide for the transfer of \$1.75 million 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, the same as the Senate version.
- Adds a section to provide that the disaster costs line item includes \$2,500,000 from Bank of North Dakota loan proceeds for personnel, equipment, materials, supplies, and intrastate and interstate mutual aid reimbursement for wildfire response costs. The Senate version included \$5,156,832 from the state disaster relief fund for wildfire response costs.
- Adds a section to identify \$1 million for National Guard deferred maintenance is from the strategic investment and improvements fund. The Senate version included \$1 million from the general fund.
- Adds a section to amend North Dakota Century Code Section 37-17.1-14.6 relating to the northern emergency management assistance compact. Neither the House version nor the Senate version included this section.
- 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, the same as the Senate version.

- Adds a section to provide for a report to the Budget Section regarding land purchased for the expansion of Camp Grafton. Neither the House version nor the Senate version included this section.

Engrossed HB 1016 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1009, as engrossed:** Your conference committee (Sens. Wanzek, Erbele, Heckaman and Reps. Monson, Schmidt, Boe) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1454-1457, adopt amendments as follows, and place HB 1009 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1454-1457 of the House Journal and pages 1164-1167 of the Senate Journal and that Engrossed House Bill No. 1009 be amended as follows:

Page 1, line 2, replace the second "and" with a comma

Page 1, line 2, after "4.1-01-17" insert ", 4.1-83-22, 4.1-83-23, 4.1-83-28, and 54-12-08"

Page 1, line 3, after "Code" insert "and section 7 of chapter 34 of the 2019 Session Laws"

Page 1, line 3, replace "and" with a comma

Page 1, line 4, after "program" insert ", insolvency of livestock dealers, the ability of state agencies to employ attorney positions, and the waterbank program"

Page 1, line 4, remove "to amend and reenact section 7 of"

Page 1, line 5, remove " chapter 34 of the 2019 Session Laws, relating to the waterbank program;"

Page 1, line 6, remove "and"

Page 1, line 6, after "study" insert "; and to declare an emergency"

Page 1, remove lines 15 through 24

Page 2, replace lines 1 through 7 with:

"Salaries and wages	\$14,232,746	\$1,484,380	\$15,717,126
Operating expenses	6,592,780	255,272	6,848,052
Capital assets	15,000	0	15,000
Grants	8,823,774	5,908,000	14,731,774
Environmental impact mitigation	5,000,000	(5,000,000)	0
Agricultural products utilization commission	1,760,417	2,700,000	4,460,417
North Dakota trade office	0	1,600,000	1,600,000
Board of animal health	865,718	0	865,718
Wildlife services	1,457,400	0	1,457,400
Pipeline restoration and reclamation oversight program	200,000	0	200,000
Crop harmonization board	<u>75,000</u>	<u>0</u>	<u>75,000</u>
Total all funds	\$39,022,835	\$6,947,652	\$45,970,487
Less estimated income	<u>28,322,406</u>	<u>4,188,369</u>	<u>32,510,775</u>
Total general fund	\$10,700,429	\$2,759,283	\$13,459,712
Full-time equivalent positions	78.00	1.00	79.00"

Page 2, replace lines 16 through 19 with:

"Soil health grants	0	700,000
Grasslands grazing grants	0	<u>5,000,000</u>
Total all funds	\$2,210,000	\$8,400,000

Less estimated income	2,000,000	8,400,000
Total general fund	\$210,000	\$0"

Page 3, line 19, replace "- **OUTDOOR HERITAGE FUND**" with "**ADDITIONAL INCOME**"

Page 3, line 21, replace "\$500,000" with "\$700,000"

Page 3, line 22, remove "and the industrial commission shall transfer"

Page 3, line 23, remove "\$200,000 from the outdoor heritage fund"

Page 3, line 24, after "fund" insert "and \$400,000 is from federal or other funds available to the agriculture commissioner"

Page 3, line 25, after the period insert "During the 2021-23 biennium, the agriculture commissioner shall submit an application to the North Dakota outdoor heritage advisory board for funding from the outdoor heritage fund for the soil health cover crop grant program, which the North Dakota outdoor heritage advisory board shall consider pursuant to section 54-17.8-03."

Page 4, after line 4, insert:

**"SECTION 9. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - GRASSLANDS GRAZING GRANT PROGRAM - ONE-TIME FUNDING - MATCHING FUNDS.** The estimated income line item in section 1 of this Act includes the sum of \$5,000,000 from the strategic investment and improvements fund for the purpose of providing grassland grazing grants to an organization representing cooperative grazing associations in the state. To be eligible for a grant under this program, an organization must provide one dollar of matching funds from nonstate sources for every four dollars of grant funding. An organization that receives a grant under this program may distribute the funding to cooperative grazing associations for eligible infrastructure projects, which must be located on national grasslands within the state. Eligible infrastructure projects include water development; fencing; conservation initiatives; compliance with federal permitting requirements, including fees for professional services; and other projects to enhance wildlife habitat, capture carbon, or increase the health of grasslands. Program participants shall develop and implement a grazing land plan in compliance with local soil conservation district guidance and the plan must be approved by the local soil conservation district. The agriculture commissioner shall establish additional guidelines for the program."

Page 4, line 6, replace "\$6,900,301" with "\$6,899,395"

Page 4, line 28, replace "three" with "nine"

Page 4, line 28, replace "seventy-six" with "eighty-four"

Page 5, after line 16, insert:

**"SECTION 15. AMENDMENT.** Section 4.1-83-22 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-83-22. Appointment of trustee.**

1. Upon the insolvency of a livestock dealer, the agriculture commissioner ~~may apply to the district court of the county in which the dealer maintains its principal place of business for appointment as the trustee.~~
2. ~~Upon notice to the livestock dealer, as the court shall prescribe but not exceeding ten days, or upon a written waiver of notice by the dealer, the court shall hear and make a determination regarding the application in a summary manner.~~
3. ~~If the court determines that the livestock dealer is insolvent within the meaning of this chapter and that it would be in the best interest of~~



~~persons holding claims against the dealer for the purchase price of livestock sold to the dealer or to the dealer's agent that the agriculture commissioner execute the trust, the court shall issue an order appointing the commissioner as the trustee, without bond.~~

- ~~4. Upon being appointed as the trustee shall provide notice to the livestock dealer and may immediately suspend, close, or take control of assets held in the trust fund pursuant to section 4.1-83-21, or take any combination of these actions as the agriculture commissioner deems necessary to begin orderly liquidation of trust fund assets as set forth in this chapter.~~
2. Upon establishing the trust fund, the agriculture commissioner shall perform the duties of a trustee as set forth in this chapter.

**SECTION 16. AMENDMENT.** Section 4.1-83-23 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-83-23. Possession of records and property - Notice to file claims.**

1. a. ~~Upon being appointed trustee~~establishing the trust fund, the agriculture commissioner shall take possession of all accounts and records pertaining to the livestock dealer's business. After reviewing the records, the agriculture commissioner may return to the dealer any records that are not necessary to the settlement of claims under this chapter.
- b. ~~Upon being appointed trustee~~establishing the trust fund, the agriculture commissioner shall take possession of all livestock purchased by the dealer under the dealer's license and remaining in the dealer's possession.
2. The agriculture commissioner, as trustee, shall publish a notice once each week for three consecutive weeks in the official newspaper of each county in which the livestock dealer was conducting business, directing any person having a claim against the dealer to file the claim and all supporting documentation with the commissioner no later than forty-five days from the last date of publication. Any person failing to meet the filing requirements set forth in the notice is barred from participating in any funds marshalled by the agriculture commissioner under this chapter.

**SECTION 17. AMENDMENT.** Section 4.1-83-28 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-83-28. Report of amounts payable - Distribution of trust fund.**

1. Upon recovery of the trust fund, or so much of the fund as is recoverable or necessary to pay the outstanding claims, the agriculture commissioner shall file with the ~~court~~ claimants a report showing the amount payable on each claim, after recognition of all proper liens, pledges, assignments, and deductions.
2. If the trust fund is insufficient to pay all claims in full, the agriculture commissioner shall prorate the fund among the claimants.
3. ~~The court shall notify the claimants by mail regarding the proposed distribution and direct that the claimants show cause why the report and distribution should not be approved.~~
4. After holding a hearing on the matter, the ~~court~~agriculture commissioner shall:
  - a. Approve or modify the report; and
  - b. Issue an order directing that the trust fund be distributed; ~~and~~

e. ~~Discharge the agriculture commissioner from all duties as trustee.~~

**SECTION 18. AMENDMENT.** Section 54-12-08 of the North Dakota Century Code is amended and reenacted as follows:

**54-12-08. Assistant and special assistant attorneys general - Appointment - Revocation - Compensation.**

1. After consultation with the head of the state department or institution or with the state board, commission, committee, or agency affected, the attorney general may appoint assistant or special assistant attorneys general to represent the state board, commission, committee, or agency. A state officer, head of any state department, whether elected or appointed, or state department, board, commission, committee, or agency may not employ legal counsel, and no person may act as legal counsel in any matter, action, or proceeding in which the state or any state department, board, commission, committee, or agency is interested or is a party, except upon written appointment by the attorney general. Workforce safety and insurance, the department of transportation, the state tax commissioner, the public service commission, the insurance commissioner, the agriculture commissioner, and the securities commissioner may employ attorneys to represent them. These entities shall pay the salaries and expenses of the attorneys they employ within the limits of legislative appropriations. The attorneys that represent these entities must be special assistant attorneys general appointed by the attorney general pursuant to this section. Absent good cause, the attorney general shall appoint as special assistant attorneys general licensed attorneys selected by these entities. The attorney general may revoke the appointment only for good cause or upon the request of the entity. Good cause means an inadequate level of experience, competence, or ethical standards.
2. The powers conferred upon special assistant attorneys general are the same as are exercised by the regular assistant attorneys general, unless the powers are limited specifically by the terms of the appointment. Except as otherwise provided by this section, an appointment is revocable at the pleasure of the attorney general. The appointment may be made with or without compensation, and when compensation is allowed by the attorney general for services performed, the compensation must be paid out of the funds appropriated therefor.
3. The attorney general may require payment for legal services rendered by any assistant or special assistant attorney general to any state official, board, department, agency, or commission and those entities shall make the required payment to the attorney general. Moneys received by the attorney general in payment for legal services rendered must be deposited into the attorney general's operating fund. General fund moneys may not be utilized for the payment of legal services provided by the attorneys employed by the attorney general, except for those payments required of the department of human services, state department of health, department of environmental quality, and the state hospital.
4. An assistant or special assistant attorney general appointed to represent the state board of higher education or an institution under the control of the state board of higher education may access and examine any record under the control of the state board of higher education. For purposes of reviewing records under the Family Educational Rights and Privacy Act [20 U.S.C. 1232g; 34 CFR 99] or any other federal privacy law, the assistant or special assistant attorney general is considered a state educational official authorized to access student records."

**"SECTION 23. EMERGENCY.** Sections 15, 16, and 17 of this Act are declared to be an emergency measure."

Renumber accordingly

# STATEMENT OF PURPOSE OF AMENDMENT:

## House Bill No. 1009 - Department of Agriculture - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$14,232,746	\$15,720,301	(\$3,175)	\$15,717,126	\$15,717,126	
Operating expenses	6,592,780	6,848,052		6,848,052	6,848,052	
Capital assets	15,000	15,000		15,000	15,000	
Grants	8,823,774	9,531,774	5,200,000	14,731,774	9,731,774	\$5,000,000
State Board of Animal Health	865,718	865,718		865,718	865,718	
Wildlife services	1,457,400	1,457,400		1,457,400	1,457,400	
Crop Harmonization Board	75,000	75,000		75,000	75,000	
Pipeline restoration and reclamation	200,000	200,000		200,000	200,000	
Ag. Products Utilization Commission	1,760,417	4,460,417		4,460,417	4,460,417	
Mitigation of environmental impacts	5,000,000					
Bioscience innovation grants		5,500,000		5,500,000	5,500,000	
Environmental law impact review		5,000,000		5,000,000	5,000,000	
North Dakota trade office		1,600,000		1,600,000	1,600,000	
Total all funds	\$39,022,835	\$51,273,662	\$5,196,825	\$56,470,487	\$51,470,487	\$5,000,000
Less estimated income	28,322,406	27,314,838	5,195,937	32,510,775	27,510,775	5,000,000
General fund	\$10,700,429	\$23,958,824	\$888	\$23,959,712	\$23,959,712	\$0
FTE	78.00	79.00	0.00	79.00	79.00	0.00

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

	Adjusts Funding for Salary and Benefit Increases <sup>1</sup>	Adjusts One-Time Funding for a Soil Health Grant Program <sup>2</sup>	Adds One-Time Funding for Grassland Grazing Grants <sup>3</sup>	Total Conference Committee Changes
Salaries and wages	(\$3,175)			(\$3,175)
Operating expenses				
Capital assets				
Grants		\$200,000	\$5,000,000	5,200,000
State Board of Animal Health				
Wildlife services				
Crop Harmonization Board				
Pipeline restoration and reclamation				
Ag. Products Utilization Commission				
Mitigation of environmental impacts				
Bioscience innovation grants				
Environmental law impact review				
North Dakota trade office				
Total all funds	(\$3,175)	\$200,000	\$5,000,000	\$5,196,825
Less estimated income	(4,063)	200,000	5,000,000	5,195,937
General fund	\$888	\$0	\$0	\$888
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Salaries and wages funding is adjusted for 2021-23 biennium salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100 and 2 percent on July 1, 2022, the same as provided by the Senate. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

<sup>2</sup> One-time funding is increased by \$200,000 for a soil health cover crop grant program to provide a total of \$700,000 for the program, of which \$300,000 is from Bank of North Dakota profits and \$400,000 is from other funds derived from federal and special funds the Agriculture Commissioner may receive during the biennium for the program, the same as provided by the Senate. The House approved a total of \$500,000 for the program, of which \$300,000 was from Bank profits and \$200,000 was from the outdoor heritage fund.

<sup>3</sup> One-time funding of \$5 million is added from the strategic investment and improvements fund for the purpose of providing grassland grazing grants to an organization representing cooperative grazing associations in the state. A separate section is added to the bill to provide eligibility requirements for the funding, including requiring successful applicants to provide \$1 of matching funds from nonstate sources for every \$4 of grant funding.

This amendment also:

- Amends a section to require the Agriculture Commissioner to submit an application to the North Dakota Outdoor Heritage Advisory Board for funding from the outdoor heritage fund for the soil health cover crop grant program, which the North Dakota Outdoor Heritage Advisory Board shall consider pursuant to North Dakota Century Code Section 54-17.8-03. This requirement was not included in the Senate version.
- Amends a section related to the Agriculture Commissioner's salary provided for in statute to reflect salary increases of 1.5 percent and 2 percent approved for the 2021-23 biennium, the same as provided by the Senate.
- Adds three sections to amend Sections 4.1-83-22, 4.1-83-23, and 4.1-83-28, related to livestock dealer insolvency cases being overseen by the Agriculture Commissioner rather than the courts, similar to grain insolvency cases. These sections are declared emergency measures. These sections were not included in the Senate or House versions.
- Adds a section to amend Section 54-12-08 to add the Agriculture Commissioner to the list of agencies allowed to employ an attorney position. The Senate included this section.

Engrossed HB 1009 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1213:** Your conference committee (Sens. Lee, Anderson, K. Roers and Reps. Westlund, M. Ruby, Beltz) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1515, adopt amendments as follows, and place HB 1213 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1515-1543 of the House Journal and pages 1226-1254 of the Senate Journal and that House Bill No. 1213 be amended as follows:

Page 1, line 2, remove "subsections 8 and"

Page 1, line 3, remove "13 of"

Page 1, line 3, after the first "section" insert "19-03.1-01, subsection 5 of section 19-03.1-05, subsection 1 of section 19-03.1-22.2, section 19-03.1-22.3, subsections 1, 7, and 9 of section 19-03.1-23, subsection 12 of section 19-03.4-01, sections 19-03.4-03, 19-03.4-04, and"

Page 1, line 3, after the first comma insert "subdivision a of subsection 2 of section 19-24.1-03,"

Page 1, line 3, replace the third "section" with "sections"

Page 1, line 3, after "19-24.1-10" insert "and 19-24.1-13"

Page 1, line 4, after the first comma insert "subdivision a of subsection 1 of section 19-24.1-15, subdivision a of subsection 2 of section 19-24.1-16, section 19-24.1-17,"

Page 1, line 5, replace "and" with "subsection 2 of section 19-24.1-37,"

Page 1, line 5, after "19-24.1-39" insert ", and subsection 1 of section 39-20-01"

Page 1, replace lines 9 through 19 with:

**"SECTION 1. AMENDMENT.** Section 19-03.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**19-03.1-01. Definitions.**

As used in this chapter and in chapters 19-03.2 and 19-03.4, unless the context otherwise requires:

1. "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:
  - a. A practitioner or, in the practitioner's presence, by the practitioner's authorized agent; or
  - b. The patient or research subject at the direction and in the presence of the practitioner.
2. "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.
3. "Anabolic steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids.
4. "Board" means the state board of pharmacy.
5. "Bureau" means the drug enforcement administration in the United States department of justice or its successor agency.
6. "Controlled substance" means a drug, substance, or immediate precursor in schedules I through V as set out in this chapter.
7. "Controlled substance analog":
  - a. Means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in a schedule I or II and:
    - (1) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system which is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or
    - (2) With respect to a particular individual, which the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II.
  - b. Does not include:
    - (1) A controlled substance;
    - (2) Any substance for which there is an approved new drug application; or
    - (3) With respect to a particular individual, any substance, if an exemption is in effect for investigational use, for that individual, under section 505 of the Federal Food, Drug, and Cosmetic Act

[21 U.S.C. 355] to the extent conduct with respect to the substance is pursuant to the exemption.

8. "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.
9. "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance whether or not there is an agency relationship.
10. "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.
11. "Dispenser" means a practitioner who dispenses.
12. "Distribute" means to deliver other than by administering or dispensing a controlled substance.
13. "Distributor" means a person who distributes.
14. "Drug" means:
  - a. Substances recognized as drugs in the official United States pharmacopeia national formulary, or the official homeopathic pharmacopeia of the United States, or any supplement to any of them;
  - b. Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals;
  - c. Substances, other than food, intended to affect the structure or any function of the body of individuals or animals; and
  - d. Substances intended for use as a component of any article specified in subdivision a, b, or c. The term does not include devices or their components, parts, or accessories.
15. ~~"Hashish" means the resin extracted from any part of the plant cannabis with or without its adhering plant parts, whether growing or not, and every compound, manufacture, salt, derivative, mixture, or preparation of the resin.~~
46. "Immediate precursor" means a substance:
  - a. That the board has found to be and by rule designates as being the principal compound commonly used or produced primarily for use in the manufacture of a controlled substance;
  - b. That is an immediate chemical intermediary used or likely to be used in the manufacture of the controlled substance; and
  - c. The control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.
- ~~47.~~16. "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis and includes any packaging or

repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation or compounding of a controlled substance by an individual for the individual's own use or the preparation, compounding, packaging, or labeling of a controlled substance:

- a. By a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or
- b. By a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

~~18-17.~~ "Marijuana" means all parts of the plant of the genus *cannabis sativa* L., whether growing or not; the seeds thereof; ~~the resin extracted from any part of the plant;~~ and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, ~~its seeds, or resin.~~ The term does not include the:

- a. The tetrahydrocannabinol extracted or isolated from the plant;
- b. The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. ~~The term marijuana does not include hemp as defined in title 4.1.;~~
- c. Hemp as defined in chapter 4.1-18.1; or
- d. A prescription drug approved by the United States food and drug administration under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355].

~~19-18.~~ "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

- a. Opium and opiate and any salt, compound, derivative, or preparation of opium or opiate.
- b. Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivision a, but not including the isoquinoline alkaloids of opium.
- c. Opium poppy and poppy straw.
- d. Coca leaves and any salt, compound, derivative, or preparation of coca leaves, any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

~~20-19.~~ "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term does not include, unless specifically designated as controlled under section 19-03.1-02, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes its racemic and levorotatory forms.

- ~~21-20.~~ "Opium poppy" means the plant of the species *papaver somniferum* L., except its seeds.
- ~~22-21.~~ "Over-the-counter sale" means a retail sale of a drug or product other than a controlled, or imitation controlled, substance.
- ~~23-22.~~ "Person" means individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.
- ~~24-23.~~ "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
- ~~25-24.~~ "Practitioner" means:
- a. A physician, dentist, veterinarian, pharmacist, scientific investigator, or other person licensed, registered, or otherwise permitted by the jurisdiction in which the individual is practicing to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research.
  - b. A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.
- ~~26-25.~~ "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.
- ~~27-26.~~ "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by a person, whether as principal, proprietor, agent, servant, or employee.
- ~~28-27.~~ "Scheduled listed chemical product" means a product that contains ephedrine, pseudoephedrine, or phenylpropanolamine, or each of the salts, optical isomers, and salts of optical isomers of each chemical, and that may be marketed or distributed in the United States under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.] as a nonprescription drug unless prescribed by a licensed physician.
- ~~29-28.~~ "State" when applied to a part of the United States includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States.
- ~~30-29.~~ "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

**SECTION 2. AMENDMENT.** Subsection 5 of section 19-03.1-05 of the North Dakota Century Code is amended and reenacted as follows:

5. Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following hallucinogenic substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subsection only, the term "isomer" includes the optical, position, and geometric isomers):
  - a. Alpha-ethyltryptamine, its optical isomers, salts, and salts of isomers (also known as etryptamine;  $\alpha$ -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole).



- b. Alpha-methyltryptamine.
  - c. 4-methoxyamphetamine (also known as 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA).
  - d. N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenylamine, and N-hydroxy MDA.
  - e. ~~Hashish.~~
  - f. Ibogaine (also known as 7-Ethyl-6, 6B, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5 H-pyrido [1', 2':1,2] azepino (5,4-b) indole; Tabernanthe iboga).
  - ~~g-f.~~ Lysergic acid diethylamide.
  - ~~h-g.~~ Marijuana.
  - ~~i-h.~~ Parahexyl (also known as 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzol[b,d]pyran; Synhexyl).
  - ~~j-i.~~ Peyote (all parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds, or its extracts).
  - ~~k-j.~~ N-ethyl-3-piperidyl benzilate.
  - ~~l-k.~~ N-methyl-3-piperidyl benzilate.
  - ~~m-l.~~ Psilocybin.
  - ~~n-m.~~ (1) Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, including synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant; ~~excluding tetrahydrocannabinols found in hemp as defined in title 4.1;~~ such as the following:
    - (1)(a) Delta-1 cis or trans tetrahydrocannabinol, and their optical isomers. Other names: Delta-9-tetrahydrocannabinol.
    - (2)(b) Delta-6 cis or trans tetrahydrocannabinol, and their optical isomers. Other names: Delta-8-tetrahydrocannabinol.
    - (3)(c) Delta-3,4 cis or trans tetrahydrocannabinol, and its optical isomers.
- (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)
- (2) Tetrahydrocannabinols do not include:
- (a) The allowable amount of total tetrahydrocannabinol found in hemp as defined in chapter 4.1-18.1; or

(b) A prescription drug approved by the United States food and drug administration under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355].

o.n. Cannabinoids, synthetic. It includes the chemicals and chemical groups listed below, including their homologues, salts, isomers, and salts of isomers. The term "isomer" includes the optical, position, and geometric isomers.

(1) Indole carboxaldehydes. Any compound structurally derived from 1H-indole-3-carboxaldehyde or 1H-2-carboxaldehyde substituted in both of the following ways: at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and, at the hydrogen of the carboxaldehyde by a phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, pyrrolidinyl, piperazinyl, or propionaldehyde group whether or not the compound is further modified to any extent in the following ways:

- (a) Substitution to the indole ring to any extent; or
- (b) Substitution to the phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, pyrrolidinyl, piperazinyl, or propionaldehyde group to any extent; or
- (c) A nitrogen heterocyclic analog of the indole ring; or
- (d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.
- (e) Examples include:

- [1] 1-Pentyl-3-(1-naphthoyl)indole - Other names: JWH-018 and AM-678.
- [2] 1-Butyl-3-(1-naphthoyl)indole - Other names: JWH-073.
- [3] 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole - Other names: JWH-081.
- [4] 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole - Other names: JWH-200.
- [5] 1-Propyl-2-methyl-3-(1-naphthoyl)indole - Other names: JWH-015.
- [6] 1-Hexyl-3-(1-naphthoyl)indole - Other names: JWH-019.
- [7] 1-Pentyl-3-(4-methyl-1-naphthoyl)indole - Other names: JWH-122.
- [8] 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole - Other names: JWH-210.
- [9] 1-Pentyl-3-(4-chloro-1-naphthoyl)indole - Other names: JWH-398.
- [10] 1-(5-fluoropentyl)-3-(1-naphthoyl)indole - Other names: AM-2201.

- [11] 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole - Other names: RCS-8.
  - [12] 1-Pentyl-3-(2-methoxyphenylacetyl)indole - Other names: JWH-250.
  - [13] 1-Pentyl-3-(2-methylphenylacetyl)indole - Other names: JWH-251.
  - [14] 1-Pentyl-3-(2-chlorophenylacetyl)indole - Other names: JWH-203.
  - [15] 1-Pentyl-3-(4-methoxybenzoyl)indole - Other names: RCS-4.
  - [16] (1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole) - Other names: AM-694.
  - [17] (4-Methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone - Other names: WIN 48,098 and Pravadoline.
  - [18] (1-Pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone -- Other names: UR-144.
  - [19] (1-(5-fluoropentyl)indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone - Other names: XLR-11.
  - [20] (1-(2-morpholin-4-ylethyl)-1H-indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone - Other names: A-796,260.
  - [21] (1-(5-fluoropentyl)-1H-indazol-3-yl)(naphthalen-1-yl)methanone -- Other names: THJ-2201.
  - [22] 1-naphthalenyl(1-pentyl-1H-indazol-3-yl)-methanone -- Other names: THJ-018.
  - [23] (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone - Other names: FUBIMINA.
  - [24] 1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-1-yl)indole - Other names: AM-1248.
  - [25] 1-Pentyl-3-(1-adamantoyl)indole - Other names: AB-001 and JWH-018 adamantyl analog.
- (2) Indole carboxamides. Any compound structurally derived from 1H-indole-3-carboxamide or 1H-2-carboxamide substituted in both of the following ways: at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and, at the nitrogen of the carboxamide by a phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group whether or not the compound is further modified to any extent in the following ways:
- (a) Substitution to the indole ring to any extent; or

- (b) Substitution to the phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group to any extent; or
- (c) A nitrogen heterocyclic analog of the indole ring; or
- (d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.
- (e) Examples include:
  - [1] N-Adamantyl-1-pentyl-1H-indole-3-carboxamide - Other names: JWH-018 adamantyl carboxamide, APICA, SDB-001, and 2NE1.
  - [2] N-Adamantyl-1-fluoropentylindole-3-carboxamide - Other names: STS-135.
  - [3] N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide - Other names: AKB 48 and APINACA.
  - [4] N-1-naphthalenyl-1-pentyl-1H-indole-3-carboxamide - Other names: NNEI and MN-24.
  - [5] N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide - Other names: ADBICA.
  - [6] (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide - Other names: AB-PINACA.
  - [7] N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide - Other names: AB-FUBINACA.
  - [8] N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide - Other names: 5-Fluoro AB-PINACA and 5F-AB-PINACA.
  - [9] N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide - Other names: ADB-PINACA.
  - [10] N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide - Other names: AB-CHMINACA.
  - [11] N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide - Other names: ADB-FUBINACA.
  - [12] N-((3s,5s,7s)-adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide - Other names: FUB-AKB48 and AKB48 N-(4-fluorobenzyl) analog.
  - [13] 1-(5-fluoropentyl)-N-(quinolin-8-yl)-1H-indazole-3-carboxamide - Other names: 5-fluoro-THJ.
  - [14] methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate - Other names: 5-fluoro AMB and 5F-AMB.
  - [15] methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate - Other names: FUB-AMB, MMB-FUBINACA, and AMB-FUBINACA.

- [16] N-[1-(aminocarbonyl)-2,2-dimethylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide - Other names: MAB-CHMINACA and ADB-CHMINACA.
- [17] Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate - Other names: 5F-ADB and 5F-MDMB-PINACA.
- [18] N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide - Other names: 5F-APINACA and 5F-AKB48.
- [19] Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate - Other names: MDMB-CHMICA and MMB-CHMINACA.
- [20] Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate - Other names: MDMB-FUBINACA.
- [21] 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide - Other names: 4-CN-CUMYL-BUTINACA; 4-cyano- CUMYL-BUTINACA; 4-CN-CUMYL BINACA; CUMYL-4CN -BINACA; SGT-78.
- [22] methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate - Other names: MMB-CHMICA, AMB-CHMICA.
- [23] 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide - Other names: 5F-CUMYL-P7AICA.
- (3) Indole carboxylic acids. Any compound structurally derived from 1H-indole-3-carboxylic acid or 1H-2-carboxylic acid substituted in both of the following ways: at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and, at the hydroxyl group of the carboxylic acid by a phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group whether or not the compound is further modified to any extent in the following ways:
- (a) Substitution to the indole ring to any extent; or
  - (b) Substitution to the phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, propionaldehyde group to any extent; or
  - (c) A nitrogen heterocyclic analog of the indole ring; or
  - (d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.
  - (e) Examples include:

- [1] 1-(cyclohexylmethyl)-1H-indole-3-carboxylic acid 8-quinolinyl ester - Other names: BB-22 and QUCHIC.
  - [2] naphthalen-1-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate - Other names: FDU-PB-22.
  - [3] 1-pentyl-1H-indole-3-carboxylic acid 8-quinolinyl ester - Other names: PB-22 and QUPIC.
  - [4] 1-(5-Fluoropentyl)-1H-indole-3-carboxylic acid 8-quinolinyl ester - Other names: 5-Fluoro PB-22 and 5F-PB-22.
  - [5] quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate - Other names: FUB-PB-22.
  - [6] naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate - Other names: NM2201 and CBL2201.
- (4) Naphthylmethylindoles. Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples include:
- (a) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane - Other names: JWH-175.
  - (b) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane - Other names: JWH-184.
- (5) Naphthoylpyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples include: (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone - Other names: JWH-307.
- (6) Naphthylmethylindenes. Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples include: E-1-[1-(1-Naphthalenylmethylene)-1H-inden-3-yl]pentane - Other names: JWH-176.
- (7) Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-

pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not substituted in the cyclohexyl ring to any extent. Examples include:

- (a) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol - Other names: CP 47,497.
  - (b) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol - Other names: Cannabicyclohexanol and CP 47,497 C8 homologue.
  - (c) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol - Other names: CP 55,940.
- (8) Others specifically named:
- (a) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol - Other names: HU-210.
  - (b) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol - Other names: Dexanabinol and HU-211.
  - (c) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone - Other names: WIN 55,212-2.
  - (d) Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone - Other names: CB-13.

~~p-o.~~ Substituted phenethylamines. This includes any compound, unless specifically excepted, specifically named in this schedule, or listed under a different schedule, structurally derived from phenylethan-2-amine by substitution on the phenyl ring in any of the following ways, that is to say, by substitution with a fused methylenedioxy ring, fused furan ring, or fused tetrahydrofuran ring; by substitution with two alkoxy groups; by substitution with one alkoxy and either one fused furan, tetrahydrofuran, or tetrahydropyran ring system; or by substitution with two fused ring systems from any combination of the furan, tetrahydrofuran, or tetrahydropyran ring systems.

- (1) Whether or not the compound is further modified in any of the following ways, that is to say:
- (a) By substitution of phenyl ring by any halo, hydroxyl, alkyl, trifluoromethyl, alkoxy, or alkylthio groups;
  - (b) By substitution at the 2-position by any alkyl groups; or
  - (c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, hydroxybenzyl, methylenedioxybenzyl, or methoxybenzyl groups.
- (2) Examples include:
- (a) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (also known as 2C-C or 2,5-Dimethoxy-4-chlorophenethylamine).

- (b) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (also known as 2C-D or 2,5-Dimethoxy-4-methylphenethylamine).
- (c) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (also known as 2C-E or 2,5-Dimethoxy-4-ethylphenethylamine).
- (d) 2-(2,5-Dimethoxyphenyl)ethanamine (also known as 2C-H or 2,5-Dimethoxyphenethylamine).
- (e) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (also known as 2C-I or 2,5-Dimethoxy-4-iodophenethylamine).
- (f) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (also known as 2C-N or 2,5-Dimethoxy-4-nitrophenethylamine).
- (g) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (also known as 2C-P or 2,5-Dimethoxy-4-propylphenethylamine).
- (h) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (also known as 2C-T-2 or 2,5-Dimethoxy-4-ethylthiophenethylamine).
- (i) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (also known as 2C-T-4 or 2,5-Dimethoxy-4-isopropylthiophenethylamine).
- (j) 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine (also known as 2C-B or 2,5-Dimethoxy-4-bromophenethylamine).
- (k) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine (also known as 2C-T or 4-methylthio-2,5-dimethoxyphenethylamine).
- (l) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine (also known as DOI or 2,5-Dimethoxy-4-iodoamphetamine).
- (m) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane (also known as DOB or 2,5-Dimethoxy-4-bromoamphetamine).
- (n) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine (also known as DOC or 2,5-Dimethoxy-4-chloroamphetamine).
- (o) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (also known as 2C-B-NBOMe; 2,5B-NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine).
- (p) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (also known as 2C-I-NBOMe; 2,5I-NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine).
- (q) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine (also known as mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-methoxybenzyl)phenethylamine).
- (r) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (also known as 2C-C-NBOMe; 2,5C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine).



- (s) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine (also known as 2CB-5-hemiFLY).
- (t) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine (also known as 2C-B-FLY).
- (u) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-yl)ethanamine (also known as 2C-B-butterFLY).
- (v) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-2-aminoethane (also known as 2C-B-FLY-NBOMe).
- (w) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine (also known as bromo-benzodifuranyl-isopropylamine or bromo-dragonFLY).
- (x) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine (also known as 2C-I-NBOH or 2,5I-NBOH).
- (y) 5-(2-Aminopropyl)benzofuran (also known as 5-APB).
- (z) 6-(2-Aminopropyl)benzofuran (also known as 6-APB).
- (aa) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (also known as 5-APDB).
- (bb) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (also known as 6-APDB).
- (cc) 2,5-dimethoxy-amphetamine (also known as 2,5-dimethoxy- $\alpha$ -methylphenethylamine; 2,5-DMA).
- (dd) 2,5-dimethoxy-4-ethylamphetamine (also known as DOET).
- (ee) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (also known as 2C-T-7).
- (ff) 5-methoxy-3,4-methylenedioxy-amphetamine.
- (gg) 4-methyl-2,5-dimethoxy-amphetamine (also known as 4-methyl-2,5-dimethoxy- $\alpha$ -methylphenethylamine; DOM and STP).
- (hh) 3,4-methylenedioxy amphetamine (also known as MDA).
- (ii) 3,4-methylenedioxymethamphetamine (also known as MDMA).
- (jj) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl- $\alpha$ -methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA).
- (kk) 3,4,5-trimethoxy amphetamine.
- (ll) Mescaline (also known as 3,4,5-trimethoxyphenethylamine).

q-p. Substituted tryptamines. This includes any compound, unless specifically excepted, specifically named in this schedule, or listed under a different schedule, structurally derived from 2-(1H-indol-3-yl)ethanamine (i.e., tryptamine) by mono- or di-substitution of the

amine nitrogen with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom in a cyclic structure whether or not the compound is further substituted at the alpha-position with an alkyl group or whether or not further substituted on the indole ring to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups. Examples include:

- (1) 5-methoxy-N,N-diallyltryptamine (also known as 5-MeO-DALT).
  - (2) 4-acetoxy-N,N-dimethyltryptamine (also known as 4-AcO-DMT or O-Acetylpsilocin).
  - (3) 4-hydroxy-N-methyl-N-ethyltryptamine (also known as 4-HO-MET).
  - (4) 4-hydroxy-N,N-diisopropyltryptamine (also known as 4-HO-DIPT).
  - (5) 5-methoxy-N-methyl-N-isopropyltryptamine (also known as 5-MeO-MiPT).
  - (6) 5-methoxy-N,N-dimethyltryptamine (also known as 5-MeO-DMT).
  - (7) Bufotenine (also known as 3-(Beta-Dimethyl-aminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine).
  - (8) 5-methoxy-N,N-diisopropyltryptamine (also known as 5-MeO-DiPT).
  - (9) Diethyltryptamine (also known as N,N-Diethyltryptamine; DET).
  - (10) Dimethyltryptamine (also known as DMT).
  - (11) Psilocyn.
- r-q 1-[3-(trifluoromethylphenyl)]piperazine (also known as TFMPP).
- s-r 1-[4-(trifluoromethylphenyl)]piperazine.
- t-s 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (also known as 5,6-Methylenedioxy-2-aminoindane or MDAl).
- u-t 2-(Ethylamino)-2-(3-methoxyphenyl)cyclohexanone (also known as Methoxetamine or MXE).
- v-u Ethylamine analog of phencyclidine (also known as N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE).
- w-v Pyrrolidine analog of phencyclidine (also known as 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP).
- x-w Thiophene analog of phencyclidine (also known as (1-[1-(2-thienyl)cyclohexyl] piperidine; 2-Thienylanalog of phencyclidine; TCP, TCP).
- y-x 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (also known as TCPy).
- z-y Salvia divinorum, salvinorin A, or any of the active ingredients of salvia divinorum.

**SECTION 3. AMENDMENT.** Subsection 1 of section 19-03.1-22.2 of the North Dakota Century Code is amended and reenacted as follows:

1. For purposes of this section:
  - a. "Chemical substance" means a substance intended to be used as a precursor in the manufacture of a controlled substance or any other chemical intended to be used in the manufacture of a controlled substance. Intent under this subsection may be demonstrated by the substance's use, quantity, manner of storage, or proximity to other precursors or to manufacturing equipment.
  - b. "Child" means an individual who is under the age of eighteen years.
  - c. "Controlled substance" means the same as that term is defined in section 19-03.1-01, except the term does not include less than one-half ounce [14.175 grams] of marijuana or less than two grams of tetrahydrocannabinol.
  - d. "Drug paraphernalia" means the same as that term is defined in section 19-03.4-01.
  - e. "Prescription" means the same as that term is described in section 19-03.1-22.
  - f. "Vulnerable adult" means a vulnerable adult as the term is defined in section 50-25.2-01.

**SECTION 4. AMENDMENT.** Section 19-03.1-22.3 of the North Dakota Century Code is amended and reenacted as follows:

**19-03.1-22.3. Ingesting a controlled substance - Venue for violation - Penalty.**

1. Except as provided in subsection 2, a person who intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance, unless the substance was obtained directly from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, is guilty of a class A misdemeanor. This subsection does not apply to ingesting, inhaling, injecting, or otherwise taking into the body marijuana or tetrahydrocannabinol.
2. A person who is under twenty-one years of age and intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance that is marijuana or tetrahydrocannabinol, unless the substance was medical marijuana obtained in accordance with chapter 19-24.1, is guilty of a class B misdemeanor.
3. The venue for a violation of this section exists in either the jurisdiction in which the controlled substance was ingested, inhaled, injected, or otherwise taken into the body or the jurisdiction in which the controlled substance was detected in the body of the accused.

**SECTION 5. AMENDMENT.** Subsections 1, 7, and 9 of section 19-03.1-23 of the North Dakota Century Code are amended and reenacted as follows:

1. Except as authorized by this chapter, it is unlawful for a person to willfully, as defined in section 12.1-02-02, manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance, or to deliver, distribute, or dispense a controlled substance by means of the internet, but a person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection. A person who violates this subsection with respect to:

- a. A controlled substance classified in schedule I or II which is a narcotic drug, or methamphetamine, is guilty of a class B felony.
  - b. Any other controlled substance classified in schedule I, II, or III, or a controlled substance analog, except marijuana or tetrahydrocannabinol is guilty of a class B felony.
  - c. ~~A~~Marijuana, tetrahydrocannabinol, or a substance classified in schedule IV, is guilty of a class C felony.
  - d. A substance classified in schedule V, is guilty of a class A misdemeanor.
7. a. It is unlawful for any person to willfully, as defined in section 12.1-02-02, possess a controlled substance or a controlled substance analog unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this chapter, but any person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection.
- b. Except as otherwise provided in this subsection, any person who violates this subsection is guilty of a class A misdemeanor for the first offense under this subsection and a class C felony for a second or subsequent offense under this subsection.
- c. If, at the time of the offense the person is in or on the real property comprising a public or private elementary or secondary school or a public career and technical education school, the person is guilty of a class B felony, unless the offense involves marijuana or tetrahydrocannabinol.
- d. A person who violates this subsection by possessing:
- (1) ~~Marijuana is:~~
    - (a) In an amount of less than one-half ounce [14.175 grams] is guilty of an infraction.
    - ~~(2)(b)~~ At least one-half ounce [14.175 grams] but not more than 500 grams of marijuana is guilty of a class B misdemeanor.
    - ~~(3)(c)~~ More than 500 grams of marijuana is guilty of a class A misdemeanor.
  - (2) Tetrahydrocannabinol:
    - (a) In an amount less than two grams is guilty of an infraction.
    - (b) At least two grams but not more than six grams of tetrahydrocannabinol is guilty of a class B misdemeanor.
    - (c) More than six grams of tetrahydrocannabinol is guilty of a class A misdemeanor.
- e. If an individual is sentenced to the legal and physical custody of the department of corrections and rehabilitation under this subsection, the department may place the individual in a drug and alcohol treatment program designated by the department. Upon the successful completion of the drug and alcohol treatment program, the department shall release the individual from imprisonment to begin any court-ordered period of probation.

- f. If the individual is not subject to any court-ordered probation, the court shall order the individual to serve the remainder of the sentence of imprisonment on supervised probation subject to the terms and conditions imposed by the court.
  - g. Probation under this subsection may include placement in another facility, treatment program, or drug court. If an individual is placed in another facility or treatment program upon release from imprisonment, the remainder of the sentence must be considered as time spent in custody.
  - h. An individual incarcerated under this subsection as a result of a second probation revocation is not eligible for release from imprisonment upon the successful completion of treatment.
  - i. A person who violates this subsection regarding possession of five or fewer capsules, pills, or tablets of a schedule II, III, IV, or V controlled substance or controlled substance analog is guilty of a class A misdemeanor.
9. If a person pleads guilty or is found guilty of a first offense regarding possession of one ounce [28.35 grams] or less of marijuana or two grams or less of tetrahydrocannabinol and a judgment of guilt is entered, a court, upon motion, shall seal the court record of that conviction if the person is not subsequently convicted within two years of a further violation of this chapter. Once sealed, the court record may not be opened even by order of the court.

**SECTION 6. AMENDMENT.** Subsection 12 of section 19-03.4-01 of the North Dakota Century Code is amended and reenacted as follows:

12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, ~~hashish, or hashish oil~~ tetrahydrocannabinol into the human body, including:
- a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, ~~hashish heads~~, or punctured metal bowls.
  - b. Water pipes.
  - c. Carburetion tubes and devices.
  - d. Smoking and carburetion masks.
  - e. Objects, sometimes commonly referred to as roach clips, used to hold burning material, for example, a marijuana cigarette, that has become too small or too short to be held in the hand.
  - f. Miniature cocaine spoons and cocaine vials.
  - g. Chamber pipes.
  - h. Carburetor pipes.
  - i. Electric pipes.
  - j. Air-driven pipes.
  - k. Chillums.
  - l. Bongs.
  - m. Ice pipes or chillers.

**SECTION 7. AMENDMENT.** Section 19-03.4-03 of the North Dakota Century Code is amended and reenacted as follows:

**19-03.4-03. Unlawful possession of drug paraphernalia - Penalty.**

1. A person may not use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of chapter 19-03.1. A person violating this subsection is guilty of a class C felony if the drug paraphernalia is used, or possessed with intent to be used, to manufacture, compound, convert, produce, process, prepare, test, or analyze a controlled substance, other than marijuana or tetrahydrocannabinol, classified in schedule I, II, or III of chapter 19-03.1.
2. A person may not use or possess with the intent to use drug paraphernalia to inject, ingest, inhale, or otherwise induce into the human body a controlled substance, other than marijuana or tetrahydrocannabinol, classified in schedule I, II, or III of chapter 19-03.1. A person violating this subsection is guilty of a class A misdemeanor. If a person previously has been convicted of an offense under this title, other than an offense related to marijuana or tetrahydrocannabinol, or an equivalent offense from another court in the United States, a violation of this subsection is a class C felony.
3. A person may not use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, or repack marijuana or tetrahydrocannabinol in violation of chapter 19-03.1. A person violating this subsection is guilty of a class A misdemeanor.
4. A person may not use or possess with the intent to use drug paraphernalia to ingest, inhale, or otherwise introduce into the human body marijuana or tetrahydrocannabinol or possess with the intent to use drug paraphernalia to store or contain marijuana or tetrahydrocannabinol in violation of chapter 19-03.1. A person violating this subsection is guilty of an infraction.
5. A person sentenced to the legal and physical custody of the department of corrections and rehabilitation under this section may be placed in a drug and alcohol treatment program as designated by the department. Upon the successful completion of the drug and alcohol treatment program, the department shall release the person from imprisonment to begin any court-ordered period of probation. If the person is not subject to court-ordered probation, the court may order the person to serve the remainder of the sentence of imprisonment on supervised probation subject to the terms and conditions imposed by the court.
6. Probation under this section may include placement in another facility, treatment program, or drug court. If the person is placed in another facility or treatment program upon release from imprisonment, the remainder of the sentence must be considered as time spent in custody.

**SECTION 8. AMENDMENT.** Section 19-03.4-04 of the North Dakota Century Code is amended and reenacted as follows:

**19-03.4-04. Unlawful manufacture or delivery of drug paraphernalia - Penalty.**

A person may not deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, if that person knows or should reasonably know that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of chapter 19-03.1. Any person

violating this section is guilty of a class C felony if the drug paraphernalia will be used to manufacture, compound, convert, produce, process, prepare, test, inject, ingest, inhale, or analyze a controlled substance, other than marijuana or tetrahydrocannabinol, classified in schedule I, II, or III of chapter 19-03.1. Otherwise, a violation of this section is a class A misdemeanor.

**SECTION 9. AMENDMENT.** Section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**19-24.1-01. Definitions.**

As used in this chapter, unless the context indicates otherwise:

1. "Advanced practice registered nurse" means an advanced practice registered nurse defined under section 43-12.1-02.
2. "Allowable amount of usable marijuana" means the amount of usable marijuana a registered qualifying patient or registered designated caregiver may purchase in a thirty-day period under this chapter.
  - a. Except as provided under subdivision b:
    - (1) During a thirty-day period, a registered qualifying patient may not purchase or have purchased by a registered designated caregiver more than two and one-half ounces [70.87 grams] of dried leaves or flowers of the plant of genus cannabis in a combustible delivery form.
    - (2) At any time a registered qualifying patient, or a registered designated caregiver on behalf of a registered qualifying patient, may not possess more than three ounces [85.05 grams] of dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form.
  - b. Notwithstanding subdivision a, if a registered qualifying patient has a registry identification card authorizing an enhanced allowable amount:
    - (1) During a thirty-day period a registered qualifying patient may not purchase or have purchased by a registered designated caregiver more than six ounces [170.01 grams] of dried leaves or flowers of the plant of genus cannabis in a combustible delivery form.
    - (2) At any time a registered qualifying patient, or a registered designated caregiver on behalf of a registered qualifying patient, may not possess more than seven and one-half ounces [212.62 grams] of dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form.
  - c. A registered qualifying patient may not purchase or have purchased by a registered designated caregiver more than the maximum concentration or amount of tetrahydrocannabinol permitted in a thirty-day period. The maximum concentration or amount of tetrahydrocannabinol permitted in a thirty-day period for a cannabinoid concentrate or medical cannabinoid product, or the cumulative total of both, is four thousand milligrams.
3. "Bona fide provider-patient relationship" means a treatment or counseling relationship between a health care provider and patient in which all the following are present:
  - a. The health care provider has reviewed the patient's relevant medical records and completed a full assessment of the patient's medical

history and current medical condition, including a relevant, in-person, medical evaluation of the patient.

- b. The health care provider has created and maintained records of the patient's condition in accordance with medically accepted standards.
  - c. The patient is under the health care provider's continued care for the debilitating medical condition that qualifies the patient for the medical use of marijuana.
  - d. The health care provider has a reasonable expectation that provider will continue to provide followup care to the patient to monitor the medical use of marijuana as a treatment of the patient's debilitating medical condition.
  - e. The relationship is not for the sole purpose of providing written certification for the medical use of marijuana.
- 4. "Cannabinoid" means a chemical compound that is one of the active constituents of marijuana.
  - 5. "Cannabinoid capsule" means a small, soluble container, usually made of gelatin, which encloses a dose of a cannabinoid product or a cannabinoid concentrate intended for consumption. The maximum concentration of amount of tetrahydrocannabinol permitted in a serving of a cannabinoid capsule is fifty milligrams.
  - 6. "Cannabinoid concentrate" means a concentrate or extract obtained by separating cannabinoids from marijuana by a mechanical, chemical, or other process.
  - 7. "Cannabinoid edible product" means a food or potable liquid into which a cannabinoid concentrate or the dried leaves or flowers of the plant of the genus cannabis is incorporated.
  - 8. "Cannabinoid solution" means a solution consisting of a mixture created from cannabinoid concentrate and other ingredients. A container holding a cannabinoid solution for dispensing may not exceed thirty milliliters.
  - 9. "Cannabinoid topical" means a cannabinoid product intended to be applied to the skin or hair. The maximum concentration or amount of tetrahydrocannabinol permitted in a cannabinoid topical is six percent.
  - 10. "Cannabinoid transdermal patch" means an adhesive substance applied to the skin which contains a cannabinoid product or cannabinoid concentrate for absorption into the bloodstream. The maximum concentration or amount of tetrahydrocannabinol permitted in a serving of a cannabinoid transdermal patch is fifty milligrams.
  - 11. "Cardholder" means a qualifying patient, designated caregiver, or compassion center agent who has been issued and possesses a valid registry identification card.
  - 12. "Compassion center" means a manufacturing facility or dispensary.
  - 13. "Compassion center agent" means a principal officer, board member, member, manager, governor, employee, volunteer, or agent of a compassion center. The term does not include a lawyer representing a compassion center in civil or criminal litigation or in an adversarial administrative proceeding.
  - 14. "Contaminated" means made impure or inferior by extraneous substances.
  - 15. "Debilitating medical condition" means one of the following:



- a. Cancer;
- b. Positive status for human immunodeficiency virus;
- c. Acquired immune deficiency syndrome;
- d. Decompensated cirrhosis caused by hepatitis C;
- e. Amyotrophic lateral sclerosis;
- f. Posttraumatic stress disorder;
- g. Agitation of Alzheimer's disease or related dementia;
- h. Crohn's disease;
- i. Fibromyalgia;
- j. Spinal stenosis or chronic back pain, including neuropathy or damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity;
- k. Glaucoma;
- l. Epilepsy;
- m. Anorexia nervosa;
- n. Bulimia nervosa;
- o. Anxiety disorder;
- p. Tourette syndrome;
- q. Ehlers-Danlos syndrome;
- r. Endometriosis;
- s. Interstitial cystitis;
- t. Neuropathy;
- u. Migraine;
- v. Rheumatoid arthritis;
- w. Autism spectrum disorder;
- x. A brain injury;
- y. A terminal illness; or
- z. A chronic or debilitating disease or medical condition or treatment for such disease or medical condition that produces one or more of the following:
  - (1) Cachexia or wasting syndrome;
  - (2) Severe debilitating pain that has not responded to previously prescribed medication or surgical measures for more than three months or for which other treatment options produced serious side effects;
  - (3) Intractable nausea;

- (4) Seizures; or
  - (5) Severe and persistent muscle spasms, including those characteristic of multiple sclerosis.
- 16. "Department" means the state department of health.
- 17. "Designated caregiver" means an individual who agrees to manage the well-being of a registered qualifying patient with respect to the qualifying patient's medical use of marijuana.
- 18. "Dispensary" means an entity registered by the department as a compassion center authorized to dispense usable marijuana to a registered qualifying patient and a registered designated caregiver.
- 19. "Enclosed, locked facility" means a closet, room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access limited to individuals authorized under this chapter or rules adopted under this chapter.
- 20. "Health care provider" means a physician, a physician assistant, or an advanced practice registered nurse.
- 21. "Manufacturing facility" means an entity registered by the department as a compassion center authorized to produce and process and to sell usable marijuana to a dispensary.
- 22. "Marijuana" means all parts of the plant of the genus cannabis; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, the seeds of the plant, or the resin extracted from any part of the plant. The term marijuana does not include hemp:
  - a. ~~Hemp as defined in~~regulated under section 4.1-18.1-01; or
  - b. A prescription drug approved by the United States food and drug administration under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355].
- 23. "Maximum concentration or amount of tetrahydrocannabinol" means the total amount of tetrahydrocannabinol and tetrahydrocannabinolic acid in a medical cannabinoid product or a cannabinoid concentrate.
- 24. "Medical cannabinoid product" means a product intended for human consumption or use which contains cannabinoids.
  - a. Medical cannabinoid products are limited to the following forms:
    - (1) Cannabinoid solution;
    - (2) Cannabinoid capsule;
    - (3) Cannabinoid transdermal patch; and
    - (4) Cannabinoid topical.
  - b. "Medical cannabinoid product" does not include:
    - (1) A cannabinoid edible product;
    - (2) A cannabinoid concentrate by itself; or
    - (3) The dried leaves or flowers of the plant of the genus cannabis by itself.

25. "Medical marijuana product" means a cannabinoid concentrate or a medical cannabinoid product.
26. "Medical marijuana waste" means unused, surplus, returned, or out-of-date usable marijuana; recalled usable marijuana; unused marijuana; or plant debris of the plant of the genus cannabis, including dead plants and all unused plant parts and roots.
27. "Medical use of marijuana" means the acquisition, use, and possession of usable marijuana to treat or alleviate a qualifying patient's debilitating medical condition.
28. "Minor" means an individual under the age of nineteen.
29. "North Dakota identification" means a North Dakota driver's license or comparable state of North Dakota or federal issued photo identification card verifying North Dakota residence.
30. "Owner" means an individual or an organization with an ownership interest in a compassion center.
31. "Ownership interest" means an aggregate ownership interest of five percent or more in a compassion center, unless the interest is solely a security, lien, or encumbrance, or an individual who will be participating in the direction, control, or management of the compassion center.
32. "Pediatric medical marijuana" means a medical marijuana product containing cannabidiol which may not contain a maximum concentration or amount of tetrahydrocannabinol of more than six percent.
- ~~31-33.~~ "Physician" means a physician licensed under chapter 43-17 to practice medicine in the state of North Dakota.
- ~~32-34.~~ "Physician assistant" means an individual licensed under chapter 43-17 to practice as a physician assistant in the state.
- ~~33-35.~~ "Posttraumatic stress disorder" means a patient meets the diagnostic criteria for posttraumatic stress disorder under the "Diagnostic and Statistical Manual of Mental Disorders", American psychiatric association, fifth edition, text revision (2013).
- ~~34-36.~~ "Processing" or "process" means the compounding or conversion of marijuana into a medical marijuana product.
- ~~35-37.~~ "Producing", "produce", or "production" mean the planting, cultivating, growing, trimming, or harvesting of the plant of the genus cannabis or the drying of the leaves or flowers of the plant of the genus cannabis.
- ~~36-38.~~ "Qualifying patient" means an individual who has been diagnosed by a health care provider as having a debilitating medical condition.
- ~~37-39.~~ "Registry identification card" means a document issued by the department which identifies an individual as a registered qualifying patient, registered designated caregiver, or registered compassion center agent.
- ~~38-40.~~ "Substantial corporate change" means:
- a. For a corporation, a change of ten percent or more of the officers or directors, or a transfer of ten percent or more of the stock of the corporation, or an existing stockholder obtaining ten percent or more of the stock of the corporation;
- b. For a limited liability company, a change of ten percent or more of the managing members of the company, or a transfer of ten percent

or more of the ownership interest in the company, or an existing member obtaining a cumulative of ten percent or more of the ownership interest in the company; or

- c. For a partnership, a change of ten percent or more of the managing partners of the company, or a transfer of ten percent or more of the ownership interest in the company, or an existing member obtaining a cumulative of ten percent or more of the ownership interest in the company.

41. "Terminal illness" means a disease, illness, or condition of a patient:

- a. For which there is not a reasonable medical expectation of recovery;
- b. Which as a medical probability, will result in the death of the patient, regardless of the use or discontinuance of medical treatment implemented for the purpose of sustaining life or the life processes; and
- c. As a result of which, the patient's health care provider would not be surprised if death were to occur within six months.

39-42. "Tetrahydrocannabinol" means tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, and synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of the plant, including synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, including:

- a. Delta-1 cis or trans tetrahydrocannabinol, and their optical isomers. Other names: Delta-9-tetrahydrocannabinol.
- b. Delta-6 or trans tetrahydrocannabinol, and their optical isomers. Other names: Delta-8 tetrahydrocannabinol.
- c. Delta-3, 4 cis or trans tetrahydrocannabinol, and its optical isomers.

(Since nomenclature of these substances is not intentionally standardized, compounds of these structures, regardless of numerical designation or atomic positions covered.)

Tetrahydrocannabinol does not include:

- a. The allowable amount of total tetrahydrocannabinol found in hemp as defined in chapter 4.1-18.1; or
- b. A prescription drug approved by the United States food and drug administration under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355].

43. "Total tetrahydrocannabinol" means the sum of the percentage by weight of tetrahydrocannabinolic acid multiplied by eight hundred seventy-seven thousandths plus the percentage of weight of tetrahydrocannabinol.

44. "Usable marijuana" means a medical marijuana product or the dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form. However, the term does not include a cannabinoid edible product. In the case of a registered qualifying patient who is a minor, "usable marijuana" is limited to pediatric medical marijuana.

40-45. "Verification system" means the system maintained by the department under section 19-24.1-31 for verification of registry identification cards.

41-46. "Written certification" means a form established by the department which is executed, dated, and signed by a health care provider within ninety

calendar days of the date of application, stating the patient has a debilitating medical condition. A health care provider may authorize an enhanced amount of dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form to treat or alleviate the patient's debilitating medical condition of cancer. A written certification may not be made except in the course of a bona fide provider-patient relationship.

**SECTION 10. AMENDMENT.** Subdivision a of subsection 2 of section 19-24.1-03 of the North Dakota Century Code is amended and reenacted as follows:

- a. A nonrefundable ~~annual~~ application fee in ~~the~~an amount ~~of not to exceed~~ fifty dollars."

Page 4, after line 7, insert:

**"SECTION 14. AMENDMENT.** Section 19-24.1-13 of the North Dakota Century Code is amended and reenacted as follows:

**19-24.1-13. Compassion centers - Authority.**

1. The activities of a manufacturing facility are limited to producing and processing and to related activities, including acquiring, possessing, storing, transferring, and transporting marijuana and usable marijuana, for the sole purpose of selling usable marijuana to a dispensary.
2. The activities of a dispensary are limited to purchasing usable marijuana from a manufacturing facility, and related activities, including storing, delivering, transferring, and transporting usable marijuana, for the sole purpose of dispensing usable marijuana to a registered qualifying patient, directly or through the registered qualifying patient's registered designated caregiver. The activities of a dispensary include providing educational material and selling usable marijuana related supplies to a registered qualifying patient or a registered designated caregiver.
3. An individual or organization may not hold an ownership interest in:
  - a. More than one manufacturing facility.
  - b. More than four dispensaries.
  - c. More than one dispensary within a twenty-mile [32.19 kilometer] radius of another dispensary.
4. An agreement may not be entered between a manufacturing facility and dispensary whereby a dispensary agrees to limit purchases or sales of usable marijuana to one manufacturing facility."

Page 4, after line 12, insert:

**"SECTION 16. AMENDMENT.** Subdivision a of subsection 1 of section 19-24.1-15 of the North Dakota Century Code is amended and reenacted as follows:

- a. A certification fee, made payable to the "North Dakota State Department of Health, Medical Marijuana Program", in ~~the~~an amount ~~of not to exceed~~ ninety thousand dollars for a dispensary and one hundred ten thousand dollars for a manufacturing facility.

**SECTION 17. AMENDMENT.** Subdivision a of subsection 2 of section 19-24.1-16 of the North Dakota Century Code is amended and reenacted as follows:

- a. The compassion center submits a renewal fee, in ~~the~~an amount ~~of not to exceed~~ ninety thousand dollars for a dispensary and one hundred ten thousand dollars for a manufacturing facility, which the department shall refund if the department rejects the renewal application;

**SECTION 18. AMENDMENT.** Section 19-24.1-17 of the North Dakota Century Code is amended and reenacted as follows:

**19-24.1-17. Compassion centers - Registration certificates nontransferable - Notification of changes.**

1. ~~A registration certificate authorizing operation of a compassion center may not be transferred to another person. Unless a compassion center applies for and receives an amended registration certificate authorizing operation of a compassion center, the registration certificate is void if there is a change in ownership of the compassion center, there is a change in the authorized physical location of the compassion center, or if the compassion center discontinues operation.~~Upon application of a compassion center to the department, a registration certificate of a compassion center may be amended to authorize a change in the authorized physical location of the compassion center, or to amend the ownership or organizational structure of the compassion center with the registration certificate. A compassion center shall provide the department written notice of any change described under this section at least sixty calendar days before the proposed effective date of the change.
2. ~~A compassion center shall provide the department a written notice of any change described under this section at least sixty calendar days before the proposed effective date of the change. The department shall authorize the use of additional structures located within five hundred feet [152.40 meters] of the location described in the original application, unless the department makes an affirmative finding the use of additional structures would jeopardize public health or safety or would result in the compassion center being within one thousand feet [304.80 meters] of a property line of a pre-existing public or private school. The department may waive all or part of the required advance notice to address emergent or emergency situations.~~A registration certificate authorizing the operation of a compassion center is void by a change in ownership, substantial corporate change, change in location, or discontinued operation, without prior approval of the department. The department may adopt rules allowing for certain types of changes in ownership without the need for prior written approval from the department.
3. The department shall authorize the use of additional structures located within five hundred feet [152.40 meters] of the location described in the original application, unless the department makes an affirmative finding the use of additional structures would jeopardize public health or safety or would result in the cannabis business being within one thousand feet [304.80 meters] of a property line of a pre-existing public or private school. The department may waive all or part of the required advance notice to address emergent or emergency situations."

Page 5, after line 8, insert:

**"SECTION 22. AMENDMENT.** Subsection 2 of section 19-24.1-37 of the North Dakota Century Code is amended and reenacted as follows:

2. Information kept or maintained by the department may be disclosed as necessary for:
  - a. The verification of registration certificates and registry identification cards under this chapter;
  - b. Submission of the annual report required by this chapter;
  - c. Submission to the North Dakota prescription drug monitoring program;
  - d. Notification of state or local law enforcement of apparent criminal violation ~~of this chapter~~;

- e. Notification of state and local law enforcement about falsified or fraudulent information submitted for purposes of obtaining or renewing a registry identification card; or
- f. Notification of the North Dakota board of medicine or North Dakota board of nursing if there is a reason to believe a health care provider provided a written certification and the department has reason to believe the health care provider otherwise violated this chapter; or
- g. Data for statistical purposes in a manner such that an individual or compassion center is not identified."

Page 5, after line 26, insert:

**"SECTION 24. AMENDMENT.** Subsection 1 of section 39-20-01 of the North Dakota Century Code is amended and reenacted as follows:

1. Any individual who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state is deemed to have given consent, and shall consent, subject to the provisions of this chapter, to a chemical test, or tests, of the blood, breath, saliva oral fluid, or urine for the purpose of determining the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, saliva oral fluid, or urine. As used in this chapter, the word "drug" means any drug or substance or combination of drugs or substances which renders an individual incapable of safely driving, and the words "chemical test" or "chemical analysis" mean any test to determine the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine, approved by the director of the state crime laboratory or the director's designee under this chapter."

Renumber accordingly

HB 1213 was placed on the Seventh order of business on the calendar.

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

**HB 1437, as engrossed:** Your conference committee (Sens. Luick, Myrdal, Hogan and Reps. Schreiber-Beck, Thomas, D. Johnson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1265, adopt amendments as follows, and place HB 1437 on the Seventh order:

That the Senate recede from its amendments as printed on page 1265 of the House Journal and page 914 of the Senate Journal and that Engrossed House Bill No. 1437 be amended as follows:

Page 1, line 5, after the second semicolon insert "to provide an expiration date;"

Page 5, line 10, replace "showing the" with "of the parcel:"

(b) The"

Page 5, line 14, replace "(b)" with "(c)"

Page 5, line 15, replace "(c)" with "(d)"

Page 5, line 16, replace "(d)" with "(e)"

Page 5, line 17, replace "(e)" with "(f)"

Page 5, line 18, replace "(f)" with "(g)"

Page 5, line 19, replace "detailed" with "downstream flow"

Page 6, line 5, replace "Project designs" with "Detailed drawings"

Page 6, line 5, after "submitted" insert "pursuant to subparagraph a of paragraph 3 of subdivision b"

Page 6, line 6, remove "before or"

Page 6, line 30, after "receives" insert ", provided the property is not assessed already for the assessment drain"

Page 7, line 2, after "61-16.1-26" insert ", provided the property is not assessed already for the assessment drain"

Page 7, line 30, remove "of"

Page 8, line 6, replace "approved permits" with "the notice"

Page 8, line 6, after the underscored period insert "The district does not need to provide copies of the permit application under this subsection."

Page 8, after line 19, insert:

"10. This section applies only to subsurface water management systems that drain, in whole or in part, platted or unplatted lands used for raising agricultural crops or grazing farm animals."

Page 8, line 22, replace "**Reports**" with "**Notification**"

Page 8, line 25, replace "reported to" with "notified"

Page 8, line 27, after "system" insert "of the following information"

Page 8, line 28, replace "maximum discharge" with "total acreage and legal description of the land being drained"

Page 8, line 29, replace "system's discharge location" with "outlet locations and types"

Page 8, line 30, replace "direction of the discharge flow" with "flow direction from each outlet location"

Page 9, line 1, replace "submit a report" with "notify the board"

Page 9, line 1, remove "design and"

Page 9, line 9, replace "a report" with "notification"

Page 9, line 11, replace "report" with "notice"

Page 9, line 13, after "receives" insert ", provided the property is not assessed already for the assessment drain"

Page 9, line 16, after "61-16.1-26" insert ", provided the property is not assessed already for the assessment drain"

Page 9, after line 21, insert:

"6. This section applies only to subsurface water management systems that drain, in whole or in part, platted or unplatted lands used for raising agricultural crops or grazing farm animals.

7. This section does not apply to a subsurface water management system that discharges into a body of water completely encompassed by land owned by the person that owns the land drained by the system.

8. The information that must be provided to a board of a water resource district under this section is an exempt record under section 44-04-18.



**SECTION 4. EXPIRATION DATE.** Section 3 of this Act is effective through December 31, 2022, and after that date is ineffective."

Renumber accordingly

Engrossed HB 1437 was placed on the Seventh order of business on the calendar.

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

**Shanda Morgan, Secretary**

