

JOURNAL OF THE SENATE - SPECIAL SESSION**Sixty-seventh Legislative Assembly**

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Bismarck, November 11, 2021

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

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

The roll was called and all members were present.

A quorum was declared by the President.

POINT OF PERSONAL PRIVILEGE

SEN. WOBBERMA rose on a point of personal privilege.

REMARKS OF SENATOR WOBBERMA

MR. PRESIDENT: Before I really begin, I would like to say Happy Birthday to the United States Marine Corps. They celebrated their 246th birthday yesterday. – Hoorah!

It is with pride, and humble appreciation that I rise before this body today to speak about Veterans Day. With pride, because I am fortunate enough to call myself a Veteran, with humble appreciation to have been blessed by our Creator to have been born in this great nation; but more importantly, to be able, in this chamber, to honor those who have made service to this nation's citizens through military service to our country, an act that extends well beyond that of any other type of service to their fellow man.

On this day, we celebrate the service of those who belong to this great family we call the military. Whether Army, Navy, Air Force, Marine Corps or Coast Guard; active duty, reserve or national guard, those who have served deserve recognition. From freezing in Valley Forge, patrolling the steamy jungles of Vietnam; from Korea to Kuwait to Kandahar; to Africa, Asia, Central America, South America or Europe, our Veterans have carried the burden of the true cost of what it means to be an American on their shoulders.

What makes this such a close-knit family? What is the connection? It is the common bond that comes from understanding what the shared challenges, shared frustrations, shared pain, and shared joy is. Regardless of branch of service, there is an understanding of what each other has gone through, along with the knowledge of what each other is yet willing to go through. A sense of purpose, mission if you will. A developed and ingrained warrior ethos that becomes part of every person who has put on the uniform; and never leaves them. Just look at the veterans you see out there. Take a good look when you get the chance. You will still see it there. Whether 18 or 100, if they have worn the uniform, it is there, and they are connected.

Let me share a couple of examples:

Historians have said the Dwight Eisenhower was prouder of having been a soldier than he was of having been the President. While few ever reach the rank of general, the pride of a veteran in their military service is a bond that nearly all who have served share.

When Medal of Honor recipient Staff Sergeant Clinton Romesha received this nation's highest military medal, he said he felt conflicted. "The joy comes from recognition of us doing our jobs as soldiers in distant battlefields but is countered by the constant reminder of the loss of our battle buddies. My battle buddies. My soldiers. My friends," he said. His attitude is common among the living Medal of Honor recipients. They will never put receiving that award above, or ever forget, the sacrifice of their friends.

There is a lot of time spent thanking Veterans. Especially on this day. And it is appreciated, but honestly, it's unnecessary. Especially in this current era of an all-volunteer force, most of us spend our service living a dream. Flying the best jets this country has to the edge of their performance envelopes, and dominating the skies wherever we are tasked to go. It is a dream to be able to do that. Many of you have heard me say in our conversations, "You paid

me to do this too!" No, you don't need to thank me for it, I need to thank the taxpayers for letting me do it.

But you do need to thank someone though... our families. They don't get thanked for their service. They don't have a holiday dedicated to them. They don't get thanked for long absences, constantly moving all over the place, the constant fear for our safety, or not knowing when, or if, we'll come home. Those families have sacrificed, and they have done so in silence. (Well, maybe not so much in silence for some of them.) Yes, our families have sacrificed too. If you're going to take the time to thank a veteran today, please take the time to thank the family too. And since I'm holding the microphone, "To the families of all of our Veterans out there, thank you for being there for us. Our nation hasn't always been there for us, but you were. You deserve the applause.

For all the Veterans here today – thank you for your service and your sacrifice. I share the pride you feel in being able to count yourselves among the less than ten percent who have ever served, and among the less than one percent that are ever currently serving this great country – and the greatest military in the world.

And for those who thank me for my service. It has been my honor – you are worth it.

POINT OF PERSONAL PRIVILEGE

SEN. DEVER rose on a point of personal privilege.

REMARKS OF SENATOR DEVER

MR. PRESIDENT: Today is Veterans Day, formerly known as Armistice Day. In its early history, it commemorated the end of the "war to end all wars", on the eleventh hour, of the eleventh day, of the eleventh month in 1918. In 1954, the name was changed from Armistice Day to Veterans Day to honor all veterans, and importantly the values of our country for which they served.

Six years ago, I attended a commemoration of the seventieth anniversary of the end of World War II at the World War Memorial building here in Bismarck. Over 16 million Americans put on the uniform and the entire country got behind the war effort. The number that served represented 11% of the population at that time. The number serving now is less than 1% of the population. It makes a difference in our culture. 25 members of the ND State Legislature are veterans which is 17.7% of the membership. People who serve, serve.

At this event, a history was given of the War. It started with Pearl Harbor on the 7th of December 1941 and ended with V-E Day in May of 1945 and V-J Day in September of 1945. As I observed the 125 heroes of my Father's generation in an honored section, it occurred to me that, while we measure our wars in terms of time, when the young men and women put on the uniform, it is a lifetime commitment, their life is never the same.

Following 9/11, at public events, speakers would ask all veterans to stand and be recognized. The first few times, I felt that they didn't need to honor me. I came to realize that it is good for the country to recognize that freedom isn't free.

Four or five years ago, as I came out of church on a Sunday morning, a young man rode by on his bicycle and stopped to ask me, "Is this a friendly church?" I assured him that it was and invited him to go in and meet the Pastor. As we were walking back out, I said something to him, and he asked me to repeat myself. He said that he has an 80% hearing loss in his left ear from his time in the service. I asked him if was getting assistance from the V.A. He said, "No, and I never will because so many didn't come back." I said, "We need to talk." As he rode away, I noticed that he had a pint of whiskey in his back pocket. Much to my regret, I never saw him again.

We honor our dead in many ways. One of the ways we honor them is in the way we care for their comrades among the living. If you know anyone who is living with a service-connected disability and is not receiving assistance from the V.A., we need to talk. It would be good for the veteran. It would honor our fallen comrades, and it would be good for the country.

If time allows this morning, there will be a Veterans Day service at the Heritage Center, I encourage you all to attend.

POINT OF PERSONAL PRIVILEGE

SEN. MARCELLAIS rose on a point of personal privilege.

REMARKS OF SENATOR MARCELLAIS

MR. PRESIDENT: Dear Veteran Brothers and Sisters: Across this great country and throughout the world, Americans will pause on Veterans Day to honor our brave fighting men and women who for more than 230 years have underwritten our freedom by their duty, honor and service. We recognize that all our veterans, have given all; laying down their lives to defend the freedoms we hold so dear.

May we always be humbly grateful to those brave American patriots who suffered and sacrificed for the glory of God and for the freedom of all Americans. For those soldiers who have stood guard in peacetime, and to those who have seen the terror, the horror and inhumanity of combat, and to those who paid the ultimate sacrifice.

Let it be said that our soldiers have been there for America, defending the Constitution of the United States of America. For all veterans, regardless of their service and the era in which they have served, they have paid the price time and time again. They have defended America through both the best and worst of times, and they have performed their duties tirelessly, with little recognition or fanfare. They have sought neither fortune nor fame. It was merely a simple love for America and the freedoms we all cherish so much. Soldiers know what it is like to stand guard in the chill of the night while others sleep. They understand the meaning of hardship, standing watch on freedom's frontier far from their loved ones.

It's this devotion to duty that gives us all strength. Looking out on the world, we see our soldiers serving in over 100 countries throughout the world, and the legacy of our veterans continues to inspire our American soldiers today to answer the call to duty.

While we pay homage to all Veterans, I particularly want to thank our Vietnam Veterans and welcome them home. We served in a war that deeply divided our nation, but America is resilient! We are a country of temperance, compassion and reason; and with the passage of time we healed our wounds. To all our veterans, we have a simple yet heartfelt message, thank you.

Thank you for your unwavering service in peacetime and war, here in this nation and throughout the world. Happy Veterans Day!

POINT OF PERSONAL PRIVILEGE

SEN. WARDNER rose on a point of personal privilege.

REMARKS OF SENATOR WARDNER

MR. PRESIDENT: As we walk through these halls and debate the laws which are placed before us, we must remember that the ability to practice and participate in democracy is not given; it has been earned. To facilitate our rights as citizens was earned by these individuals who answered their nation's call. Today we stand on the shoulders of those who came before us, and our future is in the hands of those who come after us. The veterans from centuries ago, the veterans of today, and the veterans of tomorrow have done the noblest of acts. They believe in their country, and they believe for what it stands for. As political movements rise and fall, our nation will continue to move forward. That progress would not be possible without those who stand, ready to protect the people who call the United States their home.

Today, we acknowledged those in our communities, nation, and worldwide who are United States veterans. The words of speeches cannot reflect the genuine gratitude which is deserving of these individuals. And while these words fall short of that gratitude, I hope these individuals feel the appreciation of which they are enormously worthy.

We thank Senator Wobbema, Senator Marcellais, and Senator Dever, Senator Fors, Senator Doug Larsen, Senator Bekkedahl, Senator Hogue, Senator Vedaa, Senator Clemens and Senator Holmberg for their time in the service. We also thank Senators of past who also committed themselves to the armed services.

As we move forward, let us remember the words of former President Reagan, "We remember those who were called upon to give all a person can give, and we remember those who were prepared to make that sacrifice if it were demanded of them in the line of duty, though it

never was. Most of all, we remember the devotion and gallantry with which all of them ennobled their nation as they became champions of a noble cause."

REQUEST

SEN. KLEIN REQUESTED that the remarks of Sen. Wobbema, Dever, Marcellais and Wardner be printed in the Journal, which request was granted.

SECOND READING OF HOUSE BILL

HB 1507: A BILL for an Act to amend and reenact section 15.1-02-04 of the North Dakota Century Code, relating to the duties of the superintendent of public instruction to report to the legislative management regarding contemplated curriculum in computer science and cybersecurity; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Larsen, O.; Vedaa

Engrossed HB 1507 passed.

MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 1:00 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 passed, unchanged: HB 1507.

REPORT OF STANDING COMMITTEE

SB 2350: Joint Technical Corrections Committee (Sen. Lee, Co-Chairman) recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2350 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1505, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1505 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "\$53,276,228" with "\$68,276,228"

Page 1, line 16, replace "\$30,000,000" with "\$20,000,000"

Page 7, line 5, after "projects" insert "and \$24,652,429 is available for grants to counties for county bridge projects based on an application process developed by the department of transportation"

Page 7, line 6, replace "\$100,000,000" with "\$75,347,571"

Page 7, line 7, remove "based on the county highway tax"

Page 7, line 8, replace "distribution fund formula in subsection 4 of section 54-27-19" with "for road and bridge projects using a distribution formula based on \$80,000,000 allocated to counties in proportion to each county's total twenty-year estimated road

and bridge needs using the most recent data compiled by the upper great plains transportation institute with a maximum of \$3,000,000 per county"

Page 8, line 22, replace "\$60,000,000" with "\$45,000,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment:

- Adjusts funding for career and technical education center projects to provide \$68.3 million from the federal Coronavirus Capital Projects Fund and \$20 million from the state fiscal recovery fund for total funding of \$88.3 million.
- Reduces funding from the federal Coronavirus Capital Projects Fund for broadband grants from \$60 million to \$45 million.
- Amends Section 7 relating to \$100 million of transportation funding for counties to provide \$24.7 million for county bridge projects grants and \$75.3 million to be distributed to counties for road and bridge projects based on Upper Great Plains Transportation Institute data with a limit of \$3 million per county.

REPORT OF STANDING COMMITTEE

HB 1506, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1506 was placed on the Sixth order on the calendar.

Page 1, line 2, after "positions" insert "; to amend and reenact section 9 of chapter 46 of the 2021 Session Laws, relating to the beyond visual line of sight unmanned aircraft system program"

Page 5, after line 7, insert:

"SECTION 18. APPROPRIATION - BANK OF NORTH DAKOTA. There is appropriated out of any moneys in the Bank of North Dakota operating fund in the state treasury, not otherwise appropriated, the sum of \$1,025,369, or so much of the sum as may be necessary, to the Bank of North Dakota for the purpose of salaries and wages funding, for the period beginning with the effective date of this Act, and ending June 30, 2023.

SECTION 19. APPROPRIATION - DEPARTMENT OF COMMERCE - ONE-TIME FUNDING - WORKFORCE COMMUNITY SERVICES PROGRAM. There is appropriated from federal funds, not otherwise appropriated, the sum of \$1,074,888, or so much of the sum as may be necessary, to the department of commerce for the purpose of the workforce community services program, for the period beginning with the effective date of this Act, and ending June 30, 2023. The funding provided under this section is considered a one-time funding item.

SECTION 20. APPROPRIATION - DEPARTMENT OF COMMERCE - ONE-TIME FUNDING - COMMUNITY DEVELOPMENT PLANNING GRANT PROGRAM. There is appropriated from federal funds, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of a community development planning grant program, for the period beginning with the effective date of this Act, and ending June 30, 2023. The funding provided under this section is considered a one-time funding item.

SECTION 21. APPROPRIATION - DEPARTMENT OF COMMERCE - ONE-TIME FUNDING - WORKFORCE INNOVATION NETWORK GRANT PROGRAM. There is appropriated from special funds, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of a workforce innovation network grant program, for the period beginning with the effective date of this Act, and ending June 30, 2023. The funding provided under this section is considered a one-time funding item.

SECTION 22. AMENDMENT. Section 9 of chapter 46 of the 2021 Session Laws is amended and reenacted as follows:

SECTION 9. BEYOND VISUAL LINE OF SIGHT UNMANNED AIRCRAFT SYSTEM PROGRAM - MATCHING FUND REQUIREMENT - ONE-TIME FUNDING. The grants line item in section 1 of this Act includes \$1,000,000 from the general fund for grants to an organization dedicated to expanding workforce opportunities, training, and education related to the beyond visual line of sight unmanned aircraft system industry, ~~which the~~ The department of commerce may provide funding under this section only to the extent the organization provides one dollar of matching funds from private or other public sources during the period beginning July 1, 2020, and ending June 30, 2023, for each one dollar provided by the department. This funding is considered a one-time funding item."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment:

- Appropriates \$1,025,369 from the Bank of North Dakota operating fund to the Bank for salaries and wages funding.
- Appropriates \$1,074,888 of federal funds to the Department of Commerce for the workforce community services program.
- Appropriates \$1 million of federal funds to the Department of Commerce for a community development planning grant program.
- Appropriates \$100,000 of special funds to the Department of Commerce for a workforce innovation network grant program.
- Amends Section 9 of Chapter 46 of the 2021 Session Laws to allow the Department of Commerce to accept matching funds raised prior to July 1, 2021, for the beyond visual line of sight unmanned aircraft system program provided for in Senate Bill No. 2018 (2021).

REPORT OF STANDING COMMITTEE

HB 1512: Joint Technical Corrections Committee (Sen. Lee, Co-Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1512 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 21-10-11 of the North Dakota Century Code, relating to the legacy and budget stabilization fund advisory board; to provide for the selection of a chairman; and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 21-10-11 of the North Dakota Century Code is amended and reenacted as follows:

21-10-11. Legacy and budget stabilization fund advisory board.

1. The legacy and budget stabilization fund advisory board is created to develop recommendations for the investment of funds in the legacy fund and the budget stabilization fund to present to the state investment board.
2. The goal of investment for the legacy fund is principal preservation while maximizing total return and to provide a direct benefit to the state by investing a portion of the principal in the state. Preference must be given

- to qualified investment firms and financial institutions with a presence in the state for investment of the legacy fund.
3. The board shall determine the asset allocation for the investment of the principal of the legacy fund including:
 - a. A target allocation of ten percent to fixed income investments within the state, of which:
 - (1) Up to forty percent must be targeted for infrastructure loans to political subdivisions under section 6-09-49.1. The net return to the legacy fund under this paragraph must be fixed at a target rate of one and one-half percent;
 - (2) Up to sixty percent, with a minimum of four hundred million dollars, must be designated to the Bank of North Dakota's certificate of deposit match program with an interest rate fixed at the equivalent yield of United States treasury bonds having the same term, up to a maximum term of twenty years; and
 - (3) Any remaining amounts must be designated for other qualified fixed income investments within the state.
 - b. A target allocation of ten percent to equity investments in the state, of which at:
 - (1) At least three percent may be targeted for investment in one or more equity funds, venture capital funds, or alternative investment funds with a primary strategy of investing in emerging or expanding companies in the state. Equity investments under this subdivision paragraph must:
 - ~~(1)(a)~~ Be managed by qualified investment firms, financial institutions, or equity funds which have a strategy to invest in qualified companies operating or seeking to operate in the state and which have a direct connection to the state; and
 - ~~(2)(b)~~ Have a benchmark investment return equal to the five-year average net return for the legacy fund, excluding in-state investments.
 - (2) The legacy and budget stabilization fund advisory board shall develop guidelines for eligible investments under this paragraph. The advisory board shall receive and review proposals for eligible investments under this paragraph, and the advisory board shall consult with industry representatives, financial professionals, or other technical advisors to review the proposed investments. The advisory board shall submit recommendations for investments under this paragraph to the state investment board.
 4. The board consists of ~~two~~three members of the senate appointed by the senate majority leader, ~~two~~three members of the house of representatives appointed by the house majority leader, ~~the director of the office of management and budget or designee, the president of the Bank of North Dakota or designee, and the tax commissioner or designee, the insurance commissioner or designee, and the state treasurer or designee.~~ The board shall select a member from the senate or house of representatives to serve as chairman for no more than one consecutive year and must meet at the call of the chairman.
 5. The board shall report at least semiannually to the budget section.

6. Legislative members are entitled to receive compensation and expense reimbursement as provided under section 54-03-20 and reimbursement for mileage as provided by law for state officers. The legislative council shall pay the compensation and expense reimbursement for the legislative members.
7. The legislative council shall provide staff services to the legacy and budget stabilization fund advisory board.
8. The staff and consultants of the state retirement and investment office shall advise the board in developing asset allocation and investment policies.
9. The board ~~shall~~may develop a process to select a member of the board who is not a member of the state investment board to serve on the state investment board in a nonvoting capacity.

SECTION 2. LEGACY AND BUDGET STABILIZATION FUND ADVISORY BOARD - SELECTION OF CHAIRMAN. Pursuant to the requirement for the legacy and budget stabilization fund advisory board to select a chairman under subsection 4 of section 21-10-11, the advisory board shall select a new chairman during its first meeting after the effective date of this Act.

SECTION 3. EFFECTIVE DATE. This Act becomes effective on December 1, 2021."

Renumber accordingly

MOTION

SEN. KLEIN MOVED that Engrossed HB 1512 be rereferred to the **Joint Technical Corrections Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1512 was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1506, as engrossed: SEN. BEKKEDAHL (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1506: A BILL for an Act to provide an appropriation; to provide for a transfer; to authorize full-time equivalent positions; to amend and reenact section 9 of chapter 46 of the 2021 Session Laws, relating to the beyond visual line of sight unmanned aircraft system program; to provide an exemption; to provide for a report; and to provide an effective date.

ROLL CALL

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

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

Engrossed HB 1506, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1505, as engrossed: SEN. DAVISON (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1505: A BILL for an Act to amend section 6 of chapter 15, section 5 of chapter 18, sections 6, 7, and 8 of chapter 19, and section 1 of chapter 55 of the 2021 Session Laws, relating to the federal coronavirus capital projects fund and federal state fiscal recovery fund; to identify department of transportation funding sources; to provide an appropriation; to provide for a transfer; to provide for a report; and to provide an effective date.

ROLL CALL

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

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

Engrossed HB 1505, as amended, passed.

SECOND READING OF SENATE BILL

SB 2351: A BILL for an Act to amend and reenact subsection 4 of section 57-38-01.28 and subdivision t of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to the marriage penalty credit and an income tax exclusion for social security benefits; and to provide an effective date.

MOTION

SEN. HECKAMAN MOVED that SB 2351 be amended as follows, which motion failed on a voice vote.

Page 1, line 3, remove the second "and"

Page 1, line 4, after "date" insert "; and to provide an expiration date"

Page 2, line 7, after "**DATE**" insert "**- EXPIRATION DATE**"

Page 2, line 7, after "for" insert "the first two"

Page 2, line 8, after "2020" insert ", and is thereafter ineffective"

Renumber accordingly

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Mathern

SB 2351 passed.

SECOND READING OF SENATE BILL

SB 2350: A BILL for an Act to amend and reenact section 15.1-21-02.4 of the North Dakota

Century Code, relating to career and technical education scholarship eligibility requirements; and to provide an effective date.

ROLL CALL

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

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

SB 2350 passed.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2350, SB 2351.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1505, HB 1506.

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

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1508, HB 1509, HB 1512, HB 1515, HCR 3049.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1504, HB 1513.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1507.

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

MR. PRESIDENT: The Speaker has signed: SB 2346, SB 2347, SB 2348, SB 2349.

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

MR. SPEAKER: The President has signed: SB 2346, SB 2347, SB 2348, SB 2349.

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

MR. SPEAKER: The President has signed: HB 1507.

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

MR. PRESIDENT: The Speaker has signed: HB 1507.

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

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1511, HB 1514.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on November 11, 2021: SB 2346, SB 2347, SB 2348, SB 2349.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2345.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2345

Page 1, line 1, after "27-20.4" insert "and a new section to chapter 61-01"

Page 1, line 3, after "court" insert "and the water projects stabilization fund"

Page 1, line 3, after "reenact" insert "subsection 1 of section 21-10-06 and"

Page 1, line 4, after "Code" insert " and section 3 of chapter 20 of the 2021 Session Laws"

Page 1, line 4, after the first "to" insert "funds invested by the state investment board,"

Page 1, line 4, after "files" insert ", and the appropriation of additional amounts to the state water commission"

Page 1, line 5, remove "to provide for a legislative management study;"

Page 1, line 6, after the second semicolon insert "to provide a statement of legislative intent;"

Page 2, line 4, remove ". The funding"

Page 2, remove line 5

Page 2, line 6, replace "water supply, and economic development" with "for projects the department determines comply with federal guidance for the state fiscal recovery fund"

Page 2, line 17, after "facilities" insert "with priority for outdoor facilities"

Page 4, line 5, replace "\$2,200,000" with "\$1,600,000"

Page 6, line 25, replace "\$25,750,000" with "\$25,350,000"

Page 6, line 31, after the comma insert "and"

Page 7, line 1, remove ", and up to \$400,000 is for administrative expenses of the"

Page 7, line 2, remove "department relating to providing financial assistance to long-term care facilities"

Page 7, line 24, after "current" insert "agreement"

Page 7, line 24, after "services" insert "agreements"

Page 9, line 31, after "43." insert "There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of providing a grant for the construction of a new medical center located in the county seat of Pierce County for the period beginning with the effective date of this Act, and ending June 30, 2023.

44."

Page 9, after line 31, insert:

"SECTION 2. AMENDMENT. Subsection 1 of section 21-10-06 of the North Dakota Century Code is amended and reenacted as follows:

1. Subject to the provisions of section 21-10-02, the board shall invest the following funds:
 - a. State bonding fund.
 - b. Teachers' fund for retirement.
 - c. State fire and tornado fund.
 - d. Workforce safety and insurance fund.
 - e. Public employees retirement system.

- f. Insurance regulatory trust fund.
- g. State risk management fund.
- h. Budget stabilization fund.
- i. Water projects stabilization fund.
- j. Health care trust fund.
- ~~j-k.~~ Cultural endowment fund.
- ~~k-l.~~ Petroleum tank release compensation fund.
- ~~l-m.~~ Legacy fund.
- ~~m-n.~~ Legacy earnings fund.
- ~~n-o.~~ A fund under contract with the board pursuant to subsection 3."

Page 16, after line 11, insert:

"SECTION 5. A new section to chapter 61-01 of the North Dakota Century Code is created and enacted as follows:

Water projects stabilization fund.

The water projects stabilization fund is a special fund in the state treasury. The fund consists of all money transferred to the fund and all interest and earnings upon moneys in the fund. Moneys in the fund may be used for defraying planning and construction expenses of water-related projects.

SECTION 6. AMENDMENT. Section 3 of chapter 20 of the 2021 Session Laws is amended and reenacted as follows:

SECTION 3. ADDITIONAL INCOME - APPROPRIATION - BUDGET SECTION APPROVAL. In addition to the amounts appropriated in section 1 of this Act, any additional amounts in the resources trust fund or the water projects stabilization fund which become available are appropriated, subject to budget section approval, to the state water commission for the purpose of defraying the expenses of that agency, for the period beginning with the effective date of this Act, and ending June 30, 2023. Before approving any request, the budget section shall determine:

1. Approving additional appropriations will not negatively affect the sixty-seventh legislative assembly's ability to address water-related needs;
2. The proposed use of the additional income complies with legislative intent; and
3. The proposed use of the additional income will not result in future funding commitments.

SECTION 7. WATER PROJECTS STABILIZATION FUND - TRANSFERS.

1. The office of management and budget shall transfer the sum of \$1,000,000 from the resources trust fund to the water projects stabilization fund during the month of January 2022.
2. Notwithstanding subsections 1 and 2 of section 57-51.1-07, any oil extraction tax revenues deposited in the resources trust fund that exceed the amount included in the 2021 legislative forecast during the period beginning August 1, 2021, and ending February 28, 2023, must be

transferred at least quarterly by the office of management and budget from the resources trust fund to the water projects stabilization fund for the period beginning with the effective date of this Act, and ending June 30, 2023."

Page 16, replace lines 18 through 25 with:

"SECTION 9. LEGISLATIVE INTENT - NATURAL GAS PIPELINE INFRASTRUCTURE. It is the intent of the sixty-seventh legislative assembly that the sixty-eighth legislative assembly consider providing additional funding for continuing the development of high-pressure transmission pipeline infrastructure for the transportation and competitive selling of natural gas to eastern North Dakota."

Page 16, line 27, replace "3" with "4"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment includes the following changes to Section 1:

- Subsection 3 - Clarifies the use of water projects funding.
- Subsection 5 - Provides priority be given for outdoor local park facilities.
- Subsection 13 - Reduces the appropriation to North Dakota State University for high-performance computing from \$2.2 million to \$1.6 million.
- Subsection 28 - Removes \$400,000 added by the Senate for Department of Human Services administrative costs relating to providing financial assistance to long-term care facilities.
- Subsection 30 - Clarifies the use of alternatives-to-abortion services funding.
- Subsection 43 - Provides \$1 million to the Office of Management and Budget for a grant relating to a new medical center located in Pierce County.

This amendment also:

- Adds four new sections to establish a water projects stabilization fund to provide for transfers from the resources trust fund to the water projects stabilization fund, to provide for Budget Section approval, and to provide for the investment of money in the water projects stabilization fund.
- Adds a section of legislative intent related to the continued development of pipeline infrastructure for the transportation of natural gas to eastern North Dakota.
- Removes a section providing for a Legislative Management study related to a water projects stabilization fund.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1504, HB 1513.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1504, HB 1513.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1505, HB 1506.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Friday, November 12, 2021, which motion prevailed.

FIRST READING OF HOUSE BILLS

HB 1508: A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to prohibiting the teaching of critical race theory in public schools; and to provide an effective date.

Was read the first time and referred to the **Joint Technical Corrections Committee**.

HB 1509: A BILL for an Act to amend and reenact section 53-06.1-12 of the North Dakota Century Code, relating to charitable gaming tax; to provide for retroactive application; and to provide an effective date.

Was read the first time and referred to the **Joint Technical Corrections Committee**.

HB 1511: A BILL for an Act to create and enact a new section to chapter 34-03 of the North Dakota Century Code, relating to employer-required COVID-19 vaccinations; to amend and reenact sections 23-01-05.3 and 23-12-20 of the North Dakota Century Code, relating to vaccine passports and limitations on requiring documentation of COVID-19 vaccinations, antibodies, and post-transmission recovery status; to repeal section 23-12-20 of the North Dakota Century Code and section 2 of this Act, relating to limitations on requiring documentation of COVID-19 vaccinations, antibodies, and post-transmission recovery status and employer-required COVID-19 vaccinations; and to provide an effective date.

Was read the first time and referred to the **Joint Technical Corrections Committee**.

HB 1512: A BILL for an Act to amend and reenact section 21-10-11 of the North Dakota Century Code, relating to the legacy and budget stabilization fund advisory board; to provide for the selection of a chairman; and to provide for an effective date.

Was read the first time and referred to the **Joint Technical Corrections Committee**.

HB 1514: A BILL for an Act to create and enact a new section to chapter 43-12.1, a new section to chapter 43-15, and a new section to chapter 43-17 of the North Dakota Century Code, relating to disciplinary actions by the board of nursing, board of pharmacy, and board of medicine; and to provide an effective date.

Was read the first time and referred to the **Joint Technical Corrections Committee**.

HB 1515: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an individual income tax credit; to provide an effective date; and to provide an expiration date.

Was read the first time and referred to the **Joint Technical Corrections Committee**.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3049: A concurrent resolution recognizing parents as the chief stakeholders of the future and education of their children.

Was read the first time and referred to the **Joint Technical Corrections Committee**.

REPORT OF STANDING COMMITTEE

HB 1508: Joint Technical Corrections Committee (Sen. Lee, Co-Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1508 was placed on the Sixth order on the calendar.

Page 1, line 8, replace the second "and" with an underscored comma

Page 1, line 9, after "objective" insert ", and aligned to the kindergarten through grade twelve state content standards"

Page 1, after line 12 insert "learned"

Page 1, line 15, replace "shall" with "may"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1509: Joint Technical Corrections Committee (Sen. Lee, Co-Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1509 was placed

on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide for retroactive application;"

Page 1, line 16, after "state" insert "with adjusted gross proceeds exceeding fifty thousand dollars"

Page 1, after line 23, insert:

"SECTION 2. RETROACTIVE APPLICATION. This Act applies retroactively to raffles conducted after June 30, 2021."

Page 2, line 1, remove "is effective for taxable events occurring after"

Page 2, line 2, replace "December 31, 2021" with "becomes effective upon its filing with the secretary of state"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1512, as engrossed: Joint Technical Corrections Committee (Sen. Lee, Co-Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1512 was placed on the Sixth order on the calendar.

Page 2, line 17, replace "shall" with "may"

Page 2, line 18, after "for" insert "other"

Page 2, line 18, replace "paragraph" with "subdivision"

Page 2, line 18, remove "The advisory board"

Page 2, remove lines 19 through 24

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1514: Joint Technical Corrections Committee (Sen. Lee, Co-Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1514 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 43-12.1, a new section to chapter 43-15, and a new section to chapter 43-17 of the North Dakota Century Code, relating to disciplinary actions by the board of nursing, board of pharmacy, and board of medicine; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 43-12.1 of the North Dakota Century Code is created and enacted as follows:

Limitations on disciplinary actions.

The board may not take disciplinary action against an advanced practice registered nurse based solely on the advanced practice registered nurse prescribing or dispensing ivermectin for the off-label treatment or prevention of severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral fragments of SARS-CoV-2. This section does not limit the board from taking a disciplinary action on another basis, such as unlicensed practice, inappropriate documentation, or substandard care, or any basis that would in the board's determination harm the patient.

SECTION 2. A new section to chapter 43-15 of the North Dakota Century Code is created and enacted as follows:

Limitations on disciplinary actions.

The board may not take disciplinary action against a pharmacist based solely on the pharmacist dispensing ivermectin for the off-label treatment or prevention of severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral fragments of SARS-CoV-2. This section does not limit the board from taking a disciplinary action on another basis, such as unlicensed practice, inappropriate documentation, or substandard care, or any basis that would in the board's determination harm the patient.

SECTION 3. A new section to chapter 43-17 of the North Dakota Century Code is created and enacted as follows:

Limitations on disciplinary actions.

The board may not take disciplinary action against a licensee based solely on the licensee prescribing or dispensing ivermectin for the off-label treatment or prevention of severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral fragments of SARS-CoV-2. This section does not limit the board from taking a disciplinary action on another basis, such as unlicensed practice, inappropriate documentation, or substandard care, or any basis that would in the board's determination harm the patient.

SECTION 4. EFFECTIVE DATE. This Act becomes effective upon its filing with the secretary of state."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1515: Joint Technical Corrections Committee (Sen. Lee, Co-Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1515 was placed on the Sixth order on the calendar.

Page 1, line 3, after the second semicolon insert "and"

Page 1, line 3, remove "; and to declare an"

Page 1, line 4, remove "emergency"

Page 1, line 11, replace "five hundred" with "three hundred fifty"

Page 1, remove line 20

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3049: Joint Technical Corrections Committee (Sen. Lee, Co-Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3049 was placed on the Sixth order on the calendar.

Page 1, line 17, after the first "the" insert "President of the United States, the"

Page 1, line 18, remove "and"

Page 1, line 18, after "Delegation" insert ", the Attorney General of the United States, and the Executive Director of the National School Boards Association"

Renumber accordingly

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

Shanda Morgan, Secretary

