JOURNAL OF THE HOUSE

Sixty-eighth Legislative Assembly

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Bismarck, April 20, 2023

The House convened at 12:30 p.m., with Speaker D. Johnson presiding.

The prayer was offered by Pastor Larry Giese, Chaplain at Missouri Slope Lutheran Care Center, Bismarck.

The roll was called and all members were present except Representatives Bahl, Fisher, Kempenich, and M. Ruby.

A quorum was declared by the Speaker.

REPORT OF STANDING COMMITTEE

SB 2009, as engrossed: Appropriations Committee (Rep. Vigesaa, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2009 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to create and enact a new section to chapter 4.1-01 of the North Dakota Century"

Page 1, line 3, remove "Code, relating to the establishment of a post-production royalty oversight program;"

Page 1, line 4, remove "49-22-09,"

Page 1, line 6, remove "factors to be considered in evaluating applications and designations of sites,"

Page 1, line 7, remove "corridors, and routes,"

Page 1, line 7, remove "direct and indirect"

Page 1, line 8, remove "and"

Page 1, line 8, after "exemption" insert "; and to provide for a legislative management study"

Page 1, replace lines 18 and 19 with:

"Salaries and wages	$15,717,126	$873,888	$16,591,014
Operating expenses	6,848,052	578,121	7,426,173"

Page 1, replace line 21 with:

"Grants	9,031,774	3,922,195	12,953,969"

Page 2, after line 4 insert:

"Bioscience innovation program transfer	0	6,500,000	6,500,000"

Page 2, replace lines 6 through 9 with:

"Total all funds	$37,570,487	$15,916,204	$53,486,691
Less estimated income	24,110,775	6,856,343	30,967,118
Total general fund	$13,459,712	$9,059,861	$22,519,573
Full-time equivalent positions	79.00	1.00	80.00"

Page 2, replace lines 17 and 18 with:

"Grasslands grazing grants	5,000,000	1,000,000
Bioscience innovation grant program transfer	5,500,000	6,500,000
Food distribution grants	0	1,000,000"

Page 2, replace lines 22 through 24 with:

"Total all funds	$20,900,000	$12,000,000
Less estimated income	10,400,000	4,000,000
Total general fund	$10,500,000	$8,000,000"

Page 3, line 4, replace "**LEGACY EARNINGS**" with "**GENERAL**"

Page 3, line 5, remove "Pursuant to the designation of"

Page 3, remove line 6

Page 3, line 7, replace "the office of management and budget shall transfer" with "The bioscience innovation program transfer line item in section 1 of this Act includes"

Page 3, line 7, replace "legacy earnings" with "general"

Page 3, line 7, after "fund" insert ", which the office of management and budget shall transfer"

Page 3, line 12, replace "office of management and budget" with "agriculture commissioner"

Page 3, line 25, replace "$7,344,029" with "$7,351,547"

Page 4, after line 7, insert:

"**SECTION 11. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - GRASSLANDS GRAZING GRANTS - MATCHING FUNDS REQUIREMENT.** The estimated income line item in section 1 of this Act includes the sum of $1,000,000 from the strategic investment and improvements fund for the purpose of providing grasslands 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 or capture carbon, or to 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 5, line 2, replace "thirty" with "thirty-one"

Page 5, line 3, after "~~fifty-three~~" insert "four hundred twenty-three"

Page 5, line 4, replace "thirty-five" with "thirty-six"

Page 5, line 4, replace "two" with "six"

Page 5, line 4, after "~~eighty-four~~" insert "eighty"

Page 5, remove lines 5 through 14

Page 5, line 22, overstrike "agriculture"

Page 5, line 26, overstrike "Contracting for consultation" and insert immediately thereafter "Consultation"

Page 5, line 26, after "engineers" insert ", industry specialists, or others"

Page 5, line 27, after "to" insert "analyze or"

Page 5, line 29, overstrike "Reclamation or mitigation" and insert immediately thereafter "Creation, restoration, or mitigation of similar habitat affected by the construction or operation of an energy conversion or transmission facility. Mitigation"

Page 5, line 29, after "development" insert "under this section shall be conducted in the following order of priority:

(1) The area immediately impacted by the development;

(2) The county impacted by the development;

(3) The region impacted by the development; and

(4) Other areas within the state"

Page 6, line 1, overstrike "The federal environmental law impact review committee shall establish criteria for"

Page 6, line 2, overstrike "disbursement of"

Page 6, line 2, remove "moneys in the"

Page 6, line 2, overstrike "environmental impact"

Page 6, line 2, replace "mitigation fund" with "In consultation with the federal environmental law impact review committee, the commissioner shall adopt rules pursuant to chapter 28-32 to implement the provisions of this section"

Page 6, line 3, overstrike "The commissioner shall make disbursements"

Page 6, line 3, remove "of moneys in the environmental impact"

Page 6, line 4, remove "mitigation fund"

Page 6, line 4, overstrike "based upon the determinations made by the federal environmental law"

Page 6, overstrike lines 5 through 10

Page 6, line 11, overstrike "the disbursement of"

Page 6, line 11, remove "environmental impact mitigation fund"

Page 6, line 11, overstrike "grants in accordance with"

Page 6, line 12, overstrike "subsection 2 and provide those determinations to the commissioner" and insert immediately thereafter "Easements or leaseholds purchased by a person to mitigate adverse environmental effects of the construction or operation of an energy conversion or transmission facility under chapter 49-22 must be limited to the operational life of the facility as defined under chapter 49-22. Any payment made to mitigate adverse environmental effects of the construction or operation of an energy conversion or transmission facility under chapter 49-22 must be made to the commissioner who shall deposit the payment into the environmental impact mitigation fund. Prior to the public service commission issuing a permit or certificate to an applicant under chapter 49-22, the commissioner shall notify the public service commission of mitigation efforts under this section to create, restore, or mitigate similar habitat affected by the construction or operation of an energy conversion or transmission facility"

Page 6, line 13, overstrike "8." and insert immediately thereafter "6."

Page 6, line 13, overstrike "federal environmental law impact review committee" and insert immediately thereafter "commissioner"

Page 6, line 15, overstrike "9." and insert immediately thereafter "7."

Page 6, remove lines 17 through 31

Page 7, remove lines 1 through 16

Page 7, line 19, overstrike "**direct** "

Page 7, line 19, remove "**or indirect**"

Page 7, line 20, overstrike "1. An applicant"

Page 7, line 20, remove "shall"

Page 7, line 20, overstrike "provide payment to mitigate any assessed adverse"

Page 7, line 21, overstrike "direct"

Page 7, line 21, remove "or indirect"

Page 7, line 21, overstrike "environmental impacts of a proposed site, corridor, route, or facility."

Page 7, line 22, overstrike "The applicant"

Page 7, line 22, remove "shall"

Page 7, line 22, overstrike "provide"

Page 7, line 22, remove "a minimum of fifty percent of"

Page 7, line 22, overstrike "the payment to"

Page 7, overstrike lines 23 and 24

Page 7, line 25, overstrike "environmental impacts of a proposed site, corridor, route, or facility"

Page 7, line 26, overstrike "into the environmental impact mitigation fund"

Page 7, line 27, after "fund" insert "If an applicant elects to provide a payment to mitigate the environmental impact of the construction or operation of an energy conversion or transmission facility, the payment must be made to the agriculture commissioner who shall deposit the payment into the environmental impact mitigation fund under section 4.1-01-21.1. Nothing in this section shall be construed to limit an applicant from conducting mitigation activities"

Page 8, after line 8, insert:

"**SECTION 20. EXEMPTION - GRASSLANDS GRAZING GRANTS.** The amount of $5,000,000 appropriated from the strategic investment and improvements fund for grasslands grazing grants in the grants line item in section 1 of chapter 9 of the 2021 Session Laws is not subject to section 54-44.1-11 and may be continued into the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 21. LEGISLATIVE MANAGEMENT STUDY - ENERGY CONVERSION OR TRANSMISSION FACILITY - ENVIRONMENTAL MITIGATION. During the 2023-24 interim, the legislative management shall consider studying plans for mitigation of adverse wildlife and environmental impacts and monetary payments made to state agencies, contractors, nongovernmental organizations, and others by applicants or other persons for mitigation during the siting and operation of energy conversion or transmission facilities. The study must include consideration of

the provisions of law that affect the ability of developers to effectively mitigate adverse wildlife habitat and environmental impacts, applicant payments used for the purchase of perpetual or nonperpetual conservation easements, the distinction between an adverse direct environmental effect or an adverse indirect environmental effect, methods to monetarily quantify adverse direct or adverse indirect environmental effects, and alternative programs that may be used or developed for the mitigation of adverse wildlife and environmental effects. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly.

SECTION 22. LEGISLATIVE MANAGEMENT STUDY - TRANSFER OF AGRICULTURE EDUCATION PROGRAMS. During the 2023-24 interim, the legislative management shall consider studying the feasibility and desirability of transferring agriculture education programs in the department of career and technical education to the agriculture commissioner. The study must include an analysis of each program, duties and responsibilities of the programs and department of career and technical education staff, the potential to gain administrative and resource efficiencies if the programs are transferred to the agriculture commissioner, and future staffing, operating, and equipment needs of the programs. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2009 - Department of Agriculture - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	$15,717,126	$17,410,572	($819,558)	$16,591,014
Operating expenses	6,848,052	7,436,173	(10,000)	7,426,173
Capital assets	15,000	7,000		7,000
Grants	9,031,774	10,953,969	2,000,000	12,953,969
State Board of Animal Health	865,718	865,718		865,718
Wildlife services	1,457,400	1,657,400		1,657,400
Crop Harmonization Board	75,000	75,000		75,000
Pipeline restoration and reclamation	200,000	200,000		200,000
Ag. Products Utilization Commission	1,760,417	5,110,417		5,110,417
North Dakota trade office	1,600,000	2,100,000		2,100,000
Bioscience innovation program transfer			6,500,000	6,500,000
Total all funds	$37,570,487	$45,816,249	$7,670,442	$53,486,691
Less estimated income	24,110,775	30,135,848	831,270	30,967,118
General fund	$13,459,712	$15,680,401	$6,839,172	$22,519,573
FTE	79.00	81.00	(1.00)	80.00

Department 602 - Department of Agriculture - Detail of House Changes

	Adjusts Funding for Salary and Benefit Increases[1]	Removes Funding for Elected Official Salary Equity[2]	Removes FTE Position[3]	Removes Salary Funding for Funding Pool[4]	Adjusts One-Time Funding for Bioscience Innovation Grants[5]	Adds One-Time Funding[6]
Salaries and wages	$230,303	($2,535)	($170,326)	($877,000)		
Operating expenses			(10,000)			
Capital assets						
Grants						$2,000,000
State Board of Animal Health						
Wildlife services						
Crop Harmonization Board						
Pipeline restoration and reclamation						
Ag. Products Utilization Commission						
North Dakota trade office						
Bioscience innovation program transfer					$6,500,000	
Total all funds	$230,303	($2,535)	($180,326)	($877,000)	$6,500,000	$2,000,000
Less estimated income	99,543	0	0	(268,273)	0	1,000,000
General fund	$130,760	($2,535)	($180,326)	($608,727)	$6,500,000	$1,000,000
FTE	0.00	0.00	(1.00)	0.00	0.00	0.00

	Total House Changes
Salaries and wages	($819,558)
Operating expenses	(10,000)
Capital assets	
Grants	2,000,000
State Board of Animal Health	
Wildlife services	
Crop Harmonization Board	
Pipeline restoration and reclamation	
Ag. Products Utilization Commission	
North Dakota trade office	
Bioscience innovation program transfer	6,500,000
Total all funds	$7,670,442
Less estimated income	831,270
General fund	$6,839,172
FTE	(1.00)

[1] Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates as follows:

	General Fund	Other Funds	Total
Salary increase	$141,284	$103,774	$245,058
Health insurance adjustment	(10,524)	(4,231)	(14,755)
Total	$130,760	$99,543	$230,303

The Senate provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

[2] Funding of $2,535 from the general fund for a salary equity increase for the Agriculture Commissioner is removed.

[3] Funding of $180,326 added by the Senate from the general fund for 1 FTE project manager and systems coordinator position, including $170,326 for salaries and wages and $10,000 for operating expenses, is removed.

[4] Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Office of Management and Budget for a transfer from the new and vacant FTE funding pool.

	General Fund	Other Funds	Total
New FTE positions	($214,930)	$0	($214,930)
Vacant FTE positions	(393,797)	(268,273)	(662,070)
Total	($608,727)	($268,273)	($877,000)

[5] One-time funding for the bioscience innovation grant program is adjusted by removing $6.5 million from the legacy earnings fund and adding $6.5 million from the general fund to provide a total of $12 million, of which $5.5 million is from the strategic investment and improvements fund (SIIF). Funding provided by the House from the general fund is added in a new bioscience innovation program transfer line item.

The Senate provided $12 million, of which $5.5 million was from SIIF and $6.5 million was from the legacy earnings fund.

[6] One-time funding is added as follows:

- Adds $1 million from SIIF for grasslands grazing grants. The Senate did not provide funding for this program.
- Adds $1 million from the general fund for a food distribution grant program to be used for the purchase of food and equipment and any distribution costs associated with assisting local food banks to provide food to individuals in the state. The Senate did not provide funding for this program.

This amendment also:

- Amends a section providing for a transfer of $6.5 million to the bioscience innovation grant fund. The Senate provided the transfer from the legacy earnings fund. The House provided the transfer from the general fund.
- Amends a section identifying funding in Section 1 from the environment and rangeland protection fund.
- Adds a section identifying funding in Section 1 from SIIF. The House provided one-time funding of $1 million for grasslands grazing grants. The Senate did not provide funding for this program. To be eligible for a grant under this program, an organization must provide $1 of matching funds from nonstate sources for every $4 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 or capture carbon, or to 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.
- Amends a section to provide the statutory changes necessary for the salary of the Agriculture Commissioner.
- Removes a section added by the Senate that established a post-production royalty oversight program. This program was created in Senate Bill No. 2194 (2023).
- Amends two sections related the environmental impact mitigation fund and mitigation of environmental impacts.
- Removes a section added by the Senate that amended Section 49-22-09 related to factors to be considered in evaluating applications and designations of sites, corridors, and routes.
- Adds a section to provide an exemption to authorize the Agriculture Commissioner to continue $5 million appropriated from SIIF for grasslands grazing grants for the 2021-23 biennium into the 2023-25 biennium.
- Adds a section to provide for a Legislative Management study of plans for mitigation of adverse wildlife and environmental impacts and monetary payments made to state agencies, contractors, nongovernmental organizations, and others by applicants or other persons for mitigation during the siting and operation of energy conversion or transmission facilities.
- Adds a section to provide for a Legislative Management study of the feasibility and desirability of transferring agriculture education programs in the Department of Career and Technical Education to the Agriculture Commissioner.

REPORT OF STANDING COMMITTEE

SB 2019, as engrossed: Appropriations Committee (Rep. Vigesaa, Chairman)

recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed SB 2019 was placed on the Sixth order on the calendar.

Page 1, line 2, after "transfer" insert "; to provide for a report to the legislative assembly"

Page 1, replace lines 14 through 19 with:

"Administration	$2,765,070	$189,761	$2,954,831
Park operations and maintenance	21,155,523	91,860,669	113,016,192
Recreation	11,126,162	16,308,081	27,434,243
Total all funds	$35,046,755	$108,358,511	$143,405,266
Less estimated income	22,599,593	90,667,122	113,266,715
Total general fund	$12,447,162	$17,691,389	$30,138,551"

Page 2, replace lines 1 and 2 with:

"International Peace Garden	$876,329	$1,050,000	$1,926,329
Total all funds	$876,329	$1,050,000	$1,926,329
Less estimated income	0	800,000	800,000
Total general fund	$876,329	$250,000	$1,126,329"

Page 2, replace lines 7 through 9 with:

"Grand total general fund	$13,323,491	$17,941,389	$31,264,880
Grand total special funds	22,599,593	91,467,122	114,066,715
Grand total all funds	$35,923,084	$109,408,511	$145,331,595"

Page 2, replace lines 24 through 27 with:

"City, county, and tribal park system grants	0	750,000
Local park district grants	0	10,000,000
Pembina Gorge campground construction	0	7,000,000
Riverfront revitalization grants	0	2,000,000
International Peace Garden pavilion construction	0	800,000
Theodore Roosevelt presidential library project	0	70,000,000
Total all funds	$27,782,800	$106,200,000
Total other funds	27,532,800	89,200,000
Total general fund	$250,000	$17,000,000"

Page 2, after line 31, insert:

"**SECTION 3. LINE OF CREDIT - THEODORE ROOSEVELT PRESIDENTIAL LIBRARY PROJECT.**

1. The Bank of North Dakota shall extend a line of credit not to exceed $70,000,000 to the parks and recreation department. The interest rate on the line of credit may not exceed the prevailing interest rate charged to North Dakota governmental entities.

2. The parks and recreation department may use the funds borrowed through the line of credit to support activities related to the Theodore Roosevelt presidential library project. The parks and recreation department shall require any entity receiving funds under this section to repay the funds to the department, including accrued interest.

3. The parks and recreation department may accept funds from participating entities and shall use the funds to repay the line of credit. If the amounts available are not anticipated to be sufficient to repay the line of credit by June 30, 2027, the department shall request a deficiency appropriation from the legislative assembly to repay the line of credit.

4. The department shall develop guidelines and rules for the use and repayment of this funding."

Page 3, line 20, replace "$12,500,000" with "$15,300,000"

Page 3, line 22, after the second comma insert "$2,000,000 is for riverfront revitalization grants, $800,000 is for the construction of a pavilion at the International Peace Garden,"

Page 3, after line 26, insert:

"**SECTION 9. LOCAL PARK DISTRICT GRANT - MATCHING REQUIREMENTS.** Prior to the parks and recreation department awarding a local park district grant as appropriated in section 1 of this Act, the grant recipient must certify to the department that it has at least:

1. One dollar of matching funds from the local park district for each one dollar to be received from the department; and

2. Fifty cents of matching funds from private sources for each one dollar to be received from the department.

The parks and recreation department may not award more than $3,000,000 to one park district.

SECTION 10. RIVERFRONT REVITALIZATION GRANT - MATCHING REQUIREMENTS. Prior to the parks and recreation department awarding a riverfront revitalization grant as appropriated in section 1 of this Act, the grant recipient must certify to the department that it has at least $2,000,000 of matching funds from nonstate sources for the riverfront revitalization project.

SECTION 11. INTERNATIONAL PEACE GARDEN PAVILION CONSTRUCTION GRANT - MATCHING REQUIREMENTS. The International Peace Garden line item in subdivision 2 of section 1 of this Act includes $800,000 for construction of a pavilion at the International Peace Garden. Expenditure of these funds is subject to one-to-one matching funds being raised from nonstate sources."

Page 4, after line 29, insert:

"10. Any funds remaining from the federal state fiscal recovery fund in section 6 of chapter 19 of the 2021 Session Laws as amended by section 3 of chapter 548 of the 2021 Special Session Session Laws for deferred maintenance and capital projects."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2019 - Parks and Recreation Department - House Action

	Base Budget	Senate Version	House Changes	House Version
Administration	$2,765,070	$3,005,826	($50,995)	$2,954,831
Park operations and maintenance	21,155,523	36,461,299	76,554,893	113,016,192
Recreation	11,126,162	15,465,049	11,969,194	27,434,243
International Peace Garden	876,329	1,126,329	800,000	1,926,329
Total all funds	$35,923,084	$56,058,503	$89,273,092	$145,331,595
Less estimated income	22,599,593	41,418,280	72,648,435	114,066,715
General fund	$13,323,491	$14,640,223	$16,624,657	$31,264,880
FTE	57.75	65.00	0.00	65.00

Department 750 - Parks and Recreation Department - Detail of House Changes

	Adds Funding for Salary and Benefit Increases[1]	Removes Salary Funding for Funding Pool[2]	Adds Funding for One-Time Items[3]	Total House Changes
Administration	$16,983	($67,978)		($50,995)
Park operations and maintenance	147,971	(593,078)	$77,000,000	76,554,893
Recreation	18,451	(49,257)	12,000,000	11,969,194
International Peace Garden			800,000	800,000
Total all funds	$183,405	($710,313)	$89,800,000	$89,273,092
Less estimated income	11,653	(163,218)	72,800,000	72,648,435
General fund	$171,752	($547,095)	$17,000,000	$16,624,657
FTE	0.00	0.00	0.00	0.00

[1] Salaries and wages funding is adjusted to provide for the 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates as follows:

	General Fund	Other Funds	Total
Salary increase	$177,883	$12,010	$189,893
Health insurance adjustment	(6,131)	(357)	(6,488)
Total	$171,752	$11,653	$183,405

The Senate provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

[2] Funding for the new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency by submitting a request to the Office of Management and Budget for a transfer from the new and vacant FTE pool.

	General Fund	Other Funds	Total
New FTE positions	($65,175)	($131,928)	($197,103)
Vacant FTE positions	(481,920)	(31,290)	(513,210)
Total	($547,095)	($163,218)	($710,313)

[3] One-time funding is added for the following:

- $7 million from the general fund for the Pembina Gorge campground construction project.
- $10 million from the general fund for grants to local park districts to renovate or upgrade existing outdoor facilities. Local park districts must provide matching funds of $1.50 for each $1 provided by the state. Of the local matching funds, $1 must be from the local park district and 50 cents from private sources. A local park district may not receive more than $3 million.
- $70 million from a line of credit at the Bank of North Dakota for supporting activities related to the Theodore Roosevelt Presidential Library project.
- $2 million from the strategic investment and improvements fund for a Bismarck riverfront revitalization project. A section is added requiring the grant recipient to provide a minimum of $2 million in matching funds from nonstate sources for the project.
- $800,000 from the strategic investment and improvements fund for construction of the Willis Pavilion at the International Peace Garden. A section is added requiring dollar for dollar in matching funds for the project.

This amendment also:

- Adds a section providing a line of credit from the Bank of North Dakota to the Parks and Recreation Department of $70 million for supporting activities relating to the Theodore Roosevelt Presidential Library project.
- Adjusts the total funding from the strategic investment and improvements fund to $15.3 million. An additional $2.8 million was added by the House for a Bismarck riverfront revitalization grant ($2 million) and for an International Peace Garden pavilion project ($800,000). Sections are added requiring matching funds for these grants and projects.

- Establishes matching requirements for local park district grants of $1 from the local park district and 50 cents from private sources for each $1 of state funds.
- Adds a subsection to allow any funds remaining from the federal State Fiscal Recovery Fund appropriation in Section 6 of Chapter 19 of the 2021 Session Laws to be available for deferred maintenance and capital projects.

REPORT OF CONFERENCE COMMITTEE

HB 1007, as engrossed: Your conference committee (Sens. Dever, Kreun, Mathern and Reps. Kreidt, B. Anderson, Mitskog) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1673-1676 and place HB 1007 on the Seventh order.

Engrossed HB 1007 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1024, as engrossed: Your conference committee (Sens. Davison, Burckhard, Mathern and Reps. Stemen, Strinden, Mitskog) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1676-1678, adopt amendments as follows, and place HB 1024 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1676-1678 of the House Journal and pages 1427-1429 of the Senate Journal and that Engrossed House Bill No. 1024 be amended as follows:

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

Page 1, line 4, after "fund" insert "and to provide for an exemption"

Page 1, replace lines 14 through 21 with:

"Salaries and wages	$32,551,817	$4,553,049	$37,104,866
Operating expenses	10,771,898	6,475,528	17,247,426
Capital assets	1,247,172	(78,672)	1,168,500
Grants	15,060,118	22,138,000	37,198,118
Total all funds	$59,631,005	$33,087,905	$92,718,910
Less estimated income	46,969,930	29,966,956	76,936,886
Total general fund	$12,661,075	$3,120,949	$15,782,024
Full-time equivalent positions	166.00	7.00	173.00"

Page 1, line 22, after "**FUNDING**" insert "**- EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-NINTH LEGISLATIVE ASSEMBLY**"

Page 2, after line 13, insert:

"**SECTION 3. APPROPRIATION - FEDERAL FUNDS - LEAD PIPE REMOVAL AND CLEAN WATER PROJECT GRANTS - ONE-TIME FUNDING.** There is appropriated from federal funds, not otherwise appropriated, the sum of $25,000,000, or so much of the sum as may be necessary, to the department of environmental quality for the purpose of providing grants to political subdivisions with a population of ten thousand or less for lead pipe removal and other projects eligible for funding from the clean water state revolving loan fund for the biennium beginning July 1, 2023, and ending June 30, 2025. The department shall require a political subdivision grant recipient to provide twenty-five percent matching funds and the department may not award grants in excess of $5,000,000 to a political subdivision. The funding provided in this section is considered a one-time funding item."

Page 2, line 19, replace "$742,080" with "$723,595"

Page 3, after line 19, insert:

"**SECTION 8. EXEMPTION - LABORATORY INFORMATION MANAGEMENT SYSTEM.** The sum of $1,000,000, appropriated from the general fund for the laboratory information management system in section 1 of chapter 52 of the 2021 Session Laws, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available for the laboratory information

management system during the biennium beginning July 1, 2023, and ending June 30, 2025."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1024 - Department of Environmental Quality - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	$32,551,817	$36,933,657	$171,209	$37,104,866	$37,104,866	
Operating expenses	10,771,898	16,177,694	1,069,732	17,247,426	17,247,426	
Capital assets	1,247,172	1,168,500		1,168,500	1,168,500	
Grants	15,060,118	36,838,118	360,000	37,198,118	37,198,118	
Lead pipe removal and clean water grants			25,000,000	25,000,000		$25,000,000
Total all funds	$59,631,005	$91,117,969	$26,600,941	$117,718,910	$92,718,910	$25,000,000
Less estimated income	46,969,930	76,828,535	25,108,351	101,936,886	76,936,886	25,000,000
General fund	$12,661,075	$14,289,434	$1,492,590	$15,782,024	$15,782,024	$0
FTE	166.00	171.00	2.00	173.00	173.00	0.00

Department 303 - Department of Environmental Quality - Detail of Conference Committee Changes

	Adds Funding for Salary and Benefit Increases[1]	Removes Salary Funding for Funding Pool[2]	Adds Funding for Health Insurance Increases for Vacant Positions[3]	Adds Salary Equity Funding to Reclassify Positions[4]	Adds 1 FTE Human Resource Director Position[5]	Adds 1 FTE Assistant Director Position[6]
Salaries and wages	$587,965	($3,743,544)	$121,026	$2,000,000	$255,456	$349,706
Operating expenses					15,165	15,167
Capital assets						
Grants						
Lead pipe removal and clean water grants						
Total all funds	$587,965	($3,743,544)	$121,026	$2,000,000	$270,621	$364,873
Less estimated income	412,219	(2,795,634)	78,694	0	175,903	237,169
General fund	$175,746	($947,910)	$42,332	$2,000,000	$94,718	$127,704
FTE	0.00	0.00	0.00	0.00	1.00	1.00

	Adds Funding for Federal Climate Pollution Reduction Act Grant[7]	Adds One-Time Funding for Lead Pipe Removal and Clean Water Projects[8]	Total Conference Committee Changes
Salaries and wages	$600,600		$171,209
Operating expenses	1,039,400		1,069,732
Capital assets			
Grants	360,000		360,000
Lead pipe removal and clean water grants		$25,000,000	25,000,000
Total all funds	$2,000,000	$25,000,000	$26,600,941
Less estimated income	2,000,000	25,000,000	25,108,351
General fund	$0	$0	$1,492,590
FTE	0.00	0.00	2.00

[1] Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates as follows:

	General Fund	Other Funds	Total
Salary increase	$180,905	$424,571	$605,476
Health insurance adjustment	(5,159)	(12,352)	(17,511)
Total	$175,746	$412,219	$587,965

This is the same as the Senate version. The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

[2] Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Office of Management and Budget for a transfer from the new and vacant FTE funding pool, the same as the Senate version.

	General Fund	Other Funds	Total
New FTE positions	($364,806)	($1,407,442)	($1,772,248)
Vacant FTE positions	(583,104)	(1,388,192)	(1,971,296)
Total	($947,910)	($2,795,634)	($3,743,544)

[3] Funding is added for health insurance increases for vacant positions that was not included in the executive recommendation or the House version, the same as the Senate version.

[4] Equity funding is added to increase salaries and wages to reclassify chemist and environmental scientist positions. The funding is provided in addition to equity funding included in the salary equity pool appropriated to the Office of Management and Budget, the same as the Senate version.

[5] Funding, including funding from federal and special funds, is added for 1 FTE human resource director position in the Office of the Director and related operating expenses, the same as the Senate version.

[6] Funding, including funding from federal and special funds, is added for 1 FTE assistant director in the Office of the Director and related operating expenses, the same as the Senate version.

[7] Federal funding is added for a Climate Pollution Reduction Act grant, the same as the Senate version.

[8] A section is added to the bill to provide $25 million of one-time funding from federal funds for grants to political subdivisions with a population of 10,000 or less for lead pipe removal and other projects eligible for funding from the clean water state revolving loan fund. The department must require a political subdivision grant recipient to provide 25 percent matching funds and the department may not award grants in excess of $5 million to a political subdivision. The House and Senate versions did not include this section.

This amendment also adds an exemption to allow the department to continue unexpended one-time funding provided during the 2021-23 biennium for the laboratory information management system project, the same as the Senate version.

Engrossed HB 1024 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1025, as engrossed: Your conference committee (Sens. Dever, Burckhard, Mathern and Reps. B. Anderson, Kreidt, Strinden) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1614-1616 and place HB 1025 on the Seventh order.

Engrossed HB 1025 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1231, as engrossed: Your conference committee (Sens. Beard, Wobbema, Lemm and Reps. Timmons, Conmy, Jonas) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1679-1680, adopt amendments as follows, and place HB 1231 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1679 and 1680 of the House Journal and pages 1430 and 1431 of the Senate Journal and that Engrossed House Bill No. 1231 be amended as follows:

Page 1, line 1, remove "to create and enact a new section to chapter 15.1-13 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to teacher license requirements for reading instruction competency;"

Page 1, line 3, replace "section" with "sections 15.1-02-04, 15.1-13-35.1, and"

Page 1, line 3, after "to" insert "the creation of a dyslexia and literacy task force, reading instruction competency for teacher licensure, and"

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

Page 1, line 6, remove "management study;"

Page 1, line 6, replace "effective" with "expiration"

Page 1, remove lines 9 through 22

Page 2, replace lines 1 through 9 with:

"**SECTION 1. AMENDMENT.** Section 15.1-02-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-02-04. Superintendent of public instruction - Duties - Report. ~~(Effective through June 30, 2023)~~

~~The superintendent of public instruction:~~

~~1. Shall supervise the provision of elementary and secondary education to the students of this state.~~

~~2. Shall supervise the establishment and maintenance of schools and provide advice and counsel regarding the welfare of the schools.~~

~~3. Shall supervise the development of course content standards.~~

~~4. Shall supervise the assessment of students.~~

~~5. Shall serve as an ex officio member of the board of university and school lands.~~

~~6. Shall keep a complete record of all official acts and appeals.~~

~~7. As appropriate, shall determine the outcome of appeals regarding education matters.~~

~~8. Shall direct school district annexation, reorganization, and dissolution and employ and compensate personnel necessary to enable the state board of public school education to carry out its powers and duties regarding school district annexation, reorganization, and dissolution.~~

~~9. Shall facilitate a process to review and update annually the statewide prekindergarten through grade twelve education strategic vision. The process must include input and participation from a steering committee that includes representatives of all state-level entities receiving state education funding and education stakeholder groups. Each steering committee member entity receiving state education funds shall provide components of the entity's strategic plan which are aligned to the statewide strategic vision. The steering committee shall prepare a collaborative report of the strategic plans of each committee member entity receiving state education funds. The superintendent shall provide the collaborative report and any updates to the strategic vision to the legislative management during each interim and to a joint meeting of the education standing committees during each regular legislative session.~~

~~10. Shall administer a student loan forgiveness program for individuals teaching at grade levels, in content areas, and in geographical locations identified as having a teacher shortage or critical need.~~

~~11. Shall facilitate the development and implementation of a North Dakota learning continuum in collaboration with the department of career and technical education, upon the recommendation of the kindergarten through grade twelve education coordination council.~~

~~12. Shall collaborate with workforce development stakeholders and the kindergarten through grade twelve education coordination council to determine how best to integrate computer science and cybersecurity into elementary, middle, and high school curriculum under sections 15.1-21-01 and 15.1-21-02. Before September 1, 2022, the superintendent shall provide a report to the legislative management regarding the outcome of this collaboration.~~

~~Superintendent of public instruction - Duties. (Effective after June 30, 2023)~~

The superintendent of public instruction:

1. Shall supervise the provision of elementary and secondary education to the students of this state.

2. Shall supervise the establishment and maintenance of schools and provide advice and counsel regarding the welfare of the schools.

3. Shall supervise the development of course content standards.

4. Shall supervise the assessment of students.

5. Shall serve as an ex officio member of the board of university and school lands.

6. Shall keep a complete record of all official acts and appeals.

7. As appropriate, shall determine the outcome of appeals regarding education matters.

8. Shall direct school district annexation, reorganization, and dissolution and employ and compensate personnel necessary to enable the state board of public school education to carry out its powers and duties regarding school district annexation, reorganization, and dissolution.

9. Shall facilitate a process to review and update annually the statewide prekindergarten through grade twelve education strategic vision. The process must include input and participation from a steering committee that includes representatives of all state-level entities receiving state education funding and education stakeholder groups. Each steering committee member entity receiving state education funds shall provide components of the entity's strategic plan which are aligned to the statewide strategic vision. The steering committee shall prepare a collaborative report of the strategic plans of each committee member entity receiving state education funds. The superintendent shall provide the collaborative report and any updates to the strategic vision to the legislative management during each interim and to a joint meeting of the education standing committees during each regular legislative session.

10. Shall facilitate the development and implementation of a North Dakota learning continuum in collaboration with the department of career and technical education, upon the recommendation of the kindergarten through grade twelve education coordination council.

11. Shall appoint a task force in collaboration with the kindergarten through grade twelve education coordination council. The task force shall review all statutes in this code relating to literacy, dyslexia, and related teacher training and report the findings and recommendations of the task force, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly.

SECTION 2. AMENDMENT. Section 15.1-13-35.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-13-35.1. Teaching license - Reading instruction competency.

1. The board shall ensure a candidate for teacher licensure who will be certified to be an early childhood or elementary teacher demonstrates competencies in beginning reading instruction based on scientifically and research-based best practices. Competencies must include the acquisition of knowledge of the essential components of beginning reading instruction, including:

   a. Phonemic awareness;

   b. Phonics;

   c. Fluency;

   d. Vocabulary;

   e. Comprehension;

   f. How to assess student reading ability; ~~and~~

   g. How to identify and correct reading difficulties;

   h. Scientifically based, evidence-based, and research-based curricula; and

   i. The use of systematic direct instruction to ensure all students obtain necessary early reading skills.

2. A prekindergarten, kindergarten, elementary, and special education initial teacher licensure candidate must provide evidence that the candidate meets the competency standards of the components under subsection 1.

3. ~~A prekindergarten through grade twelve and a secondary education~~An early childhood and elementary initial teacher licensure candidate must provide evidence that the candidate meets the competency standards of the components under subsection 1.

4. A teacher licensure candidate satisfies the requirements of this section if the candidate demonstrates the candidate has received training in competencies related to reading instruction from an accredited or approved program, or demonstrates mastery of the topics provided under subsection 1. The board may issue a provisional license for up to two years to a teacher licensure candidate who does not meet the requirements of this section."

Page 2, line 14, overstrike the colon

Page 2, line 15, overstrike "a. "Dyslexia"" and insert immediately thereafter ", "dyslexia""

Page 2, line 19, overstrike "b. "Specialist trained in dyslexia"

Page 2, line 19, remove "characteristics"

Page 2, line 19, overstrike "" means an individual who:"

Page 2, overstrike lines 20 and 21

Page 2, line 22, overstrike "and encoding and decoding skills;"

Page 2, line 22, remove "and"

Page 2, line 23, overstrike "(2)"

Page 2, line 24, overstrike "Has training in identifying dyslexia"

Page 2, line 24, remove "characteristics and intervention"

Page 2, remove line 25

Page 2, line 26, remove "superintendent of public instruction"

Page 2, line 26, overstrike the period

Page 2, line 29, replace the second "and" with "in"

Page 3, line 17, remove "and which must be developed and overseen"

Page 3, line 18, remove "by a specialist trained in dyslexia characteristics"

Page 3, line 27, after "interventions" insert "related to phonological and phonemic awareness, sound and symbol relationships, alphabet knowledge, rapid naming skills, and encoding and decoding skills,"

Page 3, line 27, after "~~participants~~" insert "appropriate"

Page 3, line 28, replace "must" with "may"

Page 3, line 30, replace "an assessment" with "a universal screener"

Page 4, replace lines 9 through 17 with:

"**SECTION 5. EXPIRATION DATE.** Section 1 of this Act is effective through December 31, 2024, and after that date in ineffective."

Renumber accordingly

Engrossed HB 1231 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1239, as engrossed: Your conference committee (Sens. Weber, Myrdal, Lemm and Reps. Beltz, Schreiber-Beck, VanWinkle) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1627 and place HB 1239 on the Seventh order.

Engrossed HB 1239 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1480, as engrossed: Your conference committee (Sens. Cleary, Hogan, Weston and Reps. M. Ruby, Holle, Davis) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1632-1633 and place HB 1480 on the Seventh order.

Engrossed HB 1480 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1536, as engrossed: Your conference committee (Sens. Lee, Weston, Hogan and Reps. Fegley, McLeod, Davis) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1432-1441, adopt amendments as follows, and place HB 1536 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1432-1441 of the House Journal and pages 1184-1193 of the Senate Journal and that Engrossed House Bill No. 1536 be amended as follows:

Page 1, line 1, replace "a new subsection to section 27-20.3-19" with "chapter 27-19.1"

Page 1, line 2, after the semicolon insert "to amend and reenact section 27-20.3-18 of the North Dakota Century Code, relating to reasonable efforts to prevent removal; to repeal section 27-20.3-19 of the North Dakota Century Code, relating to Indian child welfare;"

Page 1, replace lines 5 through 19 with:

"SECTION 1. Chapter 27-19.1 of the North Dakota Century Code is created and enacted as follows:

27-19.1-01. Indian child welfare - Active efforts and procedures.

1. As used in this chapter, unless context requires otherwise:

   a. "Active efforts" means affirmative, active, thorough, and timely efforts intended primarily to maintain or reunite an Indian child with the Indian child's family. If an agency is involved in the child custody proceeding, active efforts must involve assisting the parent or a parent or Indian custodian with the steps of a case plan and including accessing or developing the resources necessary to satisfy the case plan. To the maximum extent possible, active efforts should be provided in a manner consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe and should be conducted in partnership with the Indian child and the Indian child's parents, extended family members, Indian custodians, and tribe. Active efforts are to be tailored to the facts and circumstances of the case. The term includes:

      (1) Conducting a comprehensive assessment of the circumstances of the Indian child's family, with a focus on safe reunification as the most desirable goal, with ongoing timely assessment to determine when the threat is resolved and placement of the Indian child can be returned to the custodian.

      (2) Identifying appropriate services and helping a parent or Indian custodian to overcome barriers, including actively assisting a parent or Indian custodian in obtaining such services.

      (3) Identifying, notifying, and inviting representatives of the Indian child's tribe to participate in providing support and services to the Indian child's family and in family team meetings, permanency planning, and resolution of placement issues.

      (4) Conducting or causing to be conducted a diligent search for the Indian child's extended family members, and contacting and consulting with extended family members to provide family structure and support for the Indian child and the Indian child's parent or Indian custodian.

      (5) Offering and employing available and culturally appropriate family preservation strategies and facilitating the use of remedial and rehabilitative services provided by the Indian child's tribe.

      (6) Taking steps to keep siblings together, if possible.

      (7) Supporting regular visits with a parent or Indian custodian in the most natural setting possible as well as trial home visits of the Indian child during any period of removal, consistent with

the need to ensure the health, safety, and welfare of the Indian child.

(8) Identifying community resources, including housing, financial, transportation, mental health, substance abuse, and peer support services and actively assisting the Indian child's parent or Indian custodian or, as appropriate, the Indian child's family, in utilizing and accessing those resources.

(9) Monitoring progress and participation in services.

(10) Considering alternative ways to address the needs of the Indian child's parent or Indian custodian and where appropriate, the family, if the optimum services do not exist or are not available.

(11) Providing post-reunification services and monitoring.

b. "Adoptive placement" means the permanent placement of an Indian child for adoption.

c. "Extended family member" means a relationship defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, means an individual who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent.

d. "Foster care or nonfoster care placement" means the removal of an Indian child from the home of his or her parent or Indian custodian for temporary placement in a foster home, qualified residential treatment program, residential care center for Indian children and youth, or certified shelter care facility, in the home of a relative other than a parent or Indian custodian, or in the home of a guardian, from which placement the parent or Indian custodian cannot have the Indian child returned upon demand. The term does not include an adoptive placement, a preadoptive placement, and emergency change in placement under section 27-20.3-06 or holding an Indian child in custody.

e. "Indian" means an individual who is a member of an Indian tribe, or who is a native and a member of a regional corporation as defined under 43 U.S.C. 1606.

f. "Indian child" means any unmarried individual who is under the age of eighteen and is either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

g. "Indian child custody proceeding" means a proceeding brought by the state involving:

(1) Foster care or nonfoster care placement;

(2) A preadoptive placement;

(3) An adoptive placement; or

(4) A termination of parental rights under section 27-20.3-20 for an Indian child.

h. "Indian child's tribe" means the Indian tribe in which an Indian child is a member or eligible for membership or, in the case of an Indian child who is a member of or eligible for membership in more than

one tribe, the Indian tribe with which the Indian child has the more significant contacts.

i. "Indian custodian" means any Indian individual who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control has been transferred by the parent of the Indian child.

j. "Indian tribe" means an Indian tribe, band, nation, or other organized Indian group or community of Indians recognized as eligible for services provided to Indians by the United States secretary of the interior because of their status as Indians, including any Alaska native village as defined in 43 U.S.C. 1602(c).

k. "Parent" means a biological parent or parents of an Indian child or an Indian individual who has lawfully adopted an Indian child, including adoptions under tribal law or custom. The term does not include the unwed father if paternity has not been acknowledged or established.

l. "Preadoptive placement" means the temporary placement of an Indian child in a foster home, home of a relative other than a parent or Indian custodian, or home of a guardian after a termination of parental rights but before or in lieu of an adoptive placement, but does not include an emergency change in placement under section 27-20.3-06.

m. "Termination of parental rights" means any action resulting in the termination of the parent-child relationship. It does not include a placement based upon an act by an Indian child which, if committed by an adult, would be deemed a crime or a placement upon award of custody to one of the Indian child's parents in a divorce proceeding.

2. Before removal of an Indian child from the custody of a parent or Indian custodian for purposes of involuntary foster care placement or the termination of parental rights over an Indian child, the court shall find that active efforts have been made to provide remedial services and rehabilitative services designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful. The court may not order the removal unless evidence of active efforts shows there has been a vigorous and concerted level of casework beyond the level that would constitute reasonable efforts under section 27-20.3-26. Reasonable efforts may not be construed to be active efforts. Active efforts must be made in a manner that takes into account the prevailing social and cultural values, conditions, and way of life of the Indian child's tribe. Active efforts must utilize the available resources of the Indian child's extended family, tribe, tribal and other relevant social service agencies, and individual Indian caregivers.

3. The court may order the removal of the Indian child for involuntary foster care placement only if the court determines, by clear and convincing evidence, that continued custody of the Indian child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the Indian child. Evidence must show a causal relationship between the particular conditions in the home and the likelihood that continued custody of the Indian child will result in serious emotional or physical damage to the particular Indian child who is the subject of the proceeding. Poverty, isolation, custodian age, crowded or inadequate housing, substance use, or nonconforming social behavior does not by itself constitute clear and convincing evidence of imminent serious emotional or physical damage to the Indian child. As soon as the threat has been removed and the Indian child is no longer at risk, the state should terminate the removal, by returning the Indian child to the parent or Indian custodian while offering a solution to mitigate the situation that gave rise to the need for emergency removal and placement.

4. The court may order the termination of parental rights over the Indian child only if the court determines, by evidence beyond a reasonable doubt that continued custody of the Indian child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the Indian child.

5. In considering whether to involuntarily place an Indian child in foster care or to terminate the parental rights of the parent of an Indian child, the court shall require that a qualified expert witness must be qualified to testify regarding whether the Indian child's continued custody by the parent or Indian custodian is likely to result in serious emotional or physical damage to the Indian child and should be qualified to testify as to the prevailing social and cultural standards of the Indian child's tribe. An individual may be designated by the Indian child's tribe as being qualified to testify to the prevailing social and cultural standards of the Indian child's tribe. If the parties stipulate in writing and the court is satisfied the stipulation is made knowingly, intelligently, and voluntarily, the court may accept a declaration or affidavit from a qualified expert witness in lieu of testimony. The court or any party may request the assistance of the Indian child's tribe or the bureau of Indian affairs office serving the Indian child's tribe in locating individuals qualified to serve as expert witnesses. The social worker regularly assigned to the Indian child may not serve as a qualified expert witness in child custody proceedings concerning the Indian child. The qualified expert witness should be someone familiar with the particular Indian child and have contact with the parent or Indian custodian to observe interaction between the parent or Indian custodian, Indian child, and extended family members. The child welfare agency and courts should facilitate access to the family and records to facilitate accurate testimony.

6. An emergency removal or placement of an Indian child under state law must terminate immediately when the removal or placement is no longer necessary to prevent imminent physical damage or harm to the Indian child.

7. To facilitate the intent of this chapter, the agency, in cooperation with the Indian child's tribe of affiliation, unless a parent objects, shall take steps to enroll the Indian child in the tribe with the goal of finalizing enrollment before termination.

27-19.1-02. Indian child welfare - Jurisdiction over custody proceedings.

1. This chapter includes requirements that apply if an Indian child is the subject of:

   a. A child custody proceeding, including:

      (1) An involuntary proceeding; and

      (2) A voluntary proceeding that could prohibit the parent or Indian custodian from regaining custody of the Indian child upon demand;

   b. An emergency proceeding other than:

      (1) A tribal court proceeding; or

      (2) A proceeding regarding a delinquent act;

   c. An award of custody of the Indian child to one of the parents, including an award in a divorce proceeding; or

   d. A voluntary placement that either parent, both parents, or the Indian custodian has, of his or her or their free will, without a threat of removal by a state agency, chosen for the Indian child and that does

not operate to prohibit the Indian child's parent or Indian custodian from regaining custody of the Indian child upon demand.

2. If a proceeding under subsection 1 concerns an Indian child, this chapter applies to that proceeding. In determining whether this chapter applies to a proceeding, the state court may not consider factors such as the participation of a parent or the Indian child in tribal cultural, social, religious, or political activities; the relationship between the Indian child and the Indian child's parent; whether the parent ever had custody of the Indian child; or the Indian child's blood quantum.

3. If this chapter applies at the commencement of a proceeding, this chapter does not cease to apply solely because the Indian child reaches age eighteen during the pendency of the proceeding.

4. In an Indian child custody proceeding under this chapter involving an Indian child who is not residing or domiciled within the reservation of the Indian child's tribe, the court assigned to exercise jurisdiction under this chapter, upon the petition of the Indian child's parent, Indian custodian, or tribe, shall transfer the proceeding to the jurisdiction of the tribe unless either of the following applies:

   a. A parent of the Indian child objects to the transfer.

   b. An Indian tribe has exclusive jurisdiction over an Indian child custody proceeding involving an Indian child who resides or is domiciled within the reservation of the tribe, except if that jurisdiction is otherwise vested in the state by federal law. If an Indian child is a ward of a tribal court, the Indian tribe retains exclusive jurisdiction regardless of the residence or domicile of the Indian child.

5. In an Indian child custody proceeding under this chapter involving an Indian child who is not residing or domiciled within the reservation of the Indian child's tribe, the court assigned to exercise jurisdiction under this chapter, upon the petition of the Indian child's parent, Indian custodian, or tribe, shall transfer the proceeding to the jurisdiction of the tribe unless any of the following apply:

   a. A parent of the Indian child objects to the transfer.

   b. The Indian child's tribe does not have a tribal court, or the tribal court of the Indian child's tribe declines jurisdiction.

   c. The court determines good cause exists to deny the transfer. In determining whether good cause exists to deny the transfer, the court may not consider any perceived inadequacy of the tribal social services department or the tribal court of the Indian child's tribe. The court may determine good cause exists to deny the transfer only if the person opposing the transfer shows by clear and convincing evidence the evidence or testimony necessary to decide the case cannot be presented in tribal court without undue hardship to the parties or the witnesses and that the tribal court is unable to mitigate the hardship by making arrangements to receive the evidence or testimony by use of telephone or live audiovisual means, by hearing the evidence or testimony at a location that is convenient to the parties and witnesses, or by use of other means permissible under the tribal court's rules of evidence.

6. An Indian child's tribe may intervene at any point in an Indian child custody proceeding.

7. The state shall give full faith and credit to the public acts, records, and judicial proceedings of an Indian tribe which are applicable to an Indian child custody proceeding to the same extent that the state gives full faith

and credit to the public acts, records, and judicial proceedings of any other governmental entity.

27-19.1-03. Indian child welfare - Court proceedings.

1. In a proceeding involving the foster care or nonfoster care placement of or termination of parental rights to an Indian child whom the court knows or has reason to know may be an Indian child, the party seeking the foster care or nonfoster care placement or termination of parental rights, for the first hearing of the proceeding, shall notify the Indian child's parent, Indian custodian, and tribe, by registered mail, return receipt requested, of the pending proceeding and of the parties' right to intervene in the proceeding and shall file the return receipt with the court. Notice of subsequent hearings in a proceeding must be in writing and may be given by mail, personal delivery, facsimile transmission, or electronic mail. If the identity or location of the Indian child's parent, Indian custodian, or tribe cannot be determined, that notice shall be given to the United States secretary of the interior in like manner. The first hearing in the proceeding may not be held until at least ten days after receipt of the notice by the parent, Indian custodian, and tribe or until at least fifteen days after receipt of the notice by the United States secretary of the interior. On request of the parent, Indian custodian, or tribe, the court shall grant a continuance of up to twenty additional days to enable the requester to prepare for that hearing.

2. Each party to a child custody proceeding of an Indian child has the right to examine all reports or other documents filed with the court upon which a decision with respect to the out-of-home care placement, termination of parental rights, or return of custody may be based.

27-19.1-04. Indian child welfare - Voluntary proceedings - Consent - Withdrawal.

1. A voluntary consent by a parent or Indian custodian to a foster care or nonfoster care placement of an Indian child is not valid unless the consent or delegation is executed in writing, recorded before a judge, and accompanied by a written certification by the judge that the terms and consequences of the consent or delegation were fully explained in detail to and were fully understood by the parent or Indian custodian. The judge also shall certify the parent or Indian custodian fully understood the explanation in English or that the explanation was interpreted into a language the parent or Indian custodian understood. Any consent or delegation of powers given under this subsection before or within ten days after the birth of the Indian child is not valid. A parent or Indian custodian who has executed a consent or delegation of powers under this subsection may withdraw the consent or delegation for any reason at any time, and the Indian child must be returned to the parent or Indian custodian. A parent or Indian custodian who has executed a consent or delegation of powers under this subsection also may move to invalidate the out-of-home care placement.

2. A voluntary consent by a parent to a termination of parental rights under subdivision d of subsection 1 of section 27-20.3-20 is not valid unless the consent is executed in writing, recorded before a judge, and accompanied by a written certification by the judge that the terms and consequences of the consent were fully explained in detail to and were fully understood by the parent. The judge also shall certify the parent fully understood the explanation in English or that the explanation was interpreted into a language that the parent understood. Consent given under this subsection before or within ten days after the birth of the Indian child is not valid. A parent who has executed a consent under this subsection may withdraw the consent for any reason at any time before the entry of a final order terminating parental rights, and the Indian child must be returned to the Indian child's parent.

27-19.1-05. Indian child welfare - Placements preferences.

1. Subject to subsections 3 and 4, in placing an Indian child for adoption or in delegating powers, as described in a lawful executed power of attorney regarding an Indian child, preference must be given, in the absence of good cause, as described in subsection 6, to the contrary, to a placement with or delegation to one of the following, in the order of preference listed:

   a. An extended family member of the Indian child;

   b. Another member of the Indian child's tribe;

   c. Another Indian family with whom the Indian child has a relationship or an Indian family from a tribe that is culturally similar to or linguistically connected to the Indian child's tribe; or

   d. The tribe's statutory adopted placement preferences.

2. An Indian child who is accepted for a foster care or nonfoster care placement or a preadoptive placement must be placed in the least restrictive setting that most approximates a family that meets the Indian child's special needs, if any, and which is within reasonable proximity to the Indian child's home, taking into account those special needs. Subject to subsections 4 and 6, in placing an Indian child in a foster care or nonfoster care placement or a preadoptive placement, preference must be given, in the absence of good cause, as described in subsection 6, to the contrary, to a placement in one of the following, in the order of preference listed:

   a. The home of an extended family member of the Indian child;

   b. A foster home licensed, approved, or specified by the Indian child's tribe;

   c. An Indian foster home licensed or approved by the department; or

   d. A qualified residential treatment facility or residential care center for children and youth approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the needs of the Indian child.

3. An Indian child who is the subject of an emergency removal or placement under a child custody determination under section 27-20.3-06 must be placed in compliance with foster care or nonfoster care placement or preadoptive placement preferences, unless the person responsible for determining the placement finds good cause, as described in subsection 6, for departing from the order of placement preference under subsection 2 or finds that emergency conditions necessitate departing from that order. When the reason for departing from that order is resolved, the Indian child must be placed in compliance with the order of placement preference under subsection 2.

4. In placing an Indian child under subsections 1 and 2 regarding an Indian child under subsection 1, if the Indian child's tribe has established, by resolution, an order of preference that is different from the order specified in subsection 1 or 2, the order of preference established by that tribe must be followed, in the absence of good cause, as described in subsection 6, to the contrary, so long as the placement under subsection 1 is appropriate for the Indian child's special needs, if any, and the placement under subsection 2 is the least restrictive setting appropriate for the Indian child's needs as specified in subsection 2.

5. The standards to be applied in meeting the placement preference requirements of this subsection must be the prevailing social and cultural

standards of the Indian community in which the Indian child's parent, Indian custodian, or extended family members reside or with which the Indian child's parent, Indian custodian, or extended family members maintain social and cultural ties.

6. a. If a party asserts that good cause not to follow the placement preferences exists, the reasons for that belief or assertion must be stated orally on the record or provided in writing to the parties to the child custody proceeding and the court.

b. The party seeking departure from the placement preferences bears the burden of proving by clear and convincing evidence that there is good cause to depart from the placement preferences.

c. A court's determination of good cause to depart from the placement preferences must be made on the record or in writing and must be based on one or more of the following considerations:

(1) The request of the Indian child's parent, if they attest that they have reviewed the placement options, if any, that comply with the order of preference.

(2) The request of the Indian child, if the Indian child is of sufficient age and capacity to understand the decision being made.

(3) The presence of a sibling attachment that can be maintained only through a particular placement.

(4) The extraordinary physical, mental, or emotional needs of the Indian child, such as specialized treatment services that may be unavailable in the community where families who meet the placement preferences live.

(5) The unavailability of a suitable placement after a determination by the court that a diligent search was conducted to find suitable placements meeting the preference criteria, but none has been located. For purposes of this analysis, the standards for determining whether a placement is unavailable must conform to the prevailing social and cultural standards of the Indian community in which the Indian child's parent, Indian custodian, or extended family resides or with which the Indian child's parent, Indian custodian, or extended family members maintain social and cultural ties.

d. A placement may not depart from the preferences based on the socioeconomic status of any placement relative to another placement.

e. A placement may not depart from the preferences based solely on ordinary bonding or attachment that flowed from time spent in a nonpreferred placement that was made in violation of this chapter.

f. The burden of establishing good cause to depart from the order of placement preference is on the party requesting that departure.

7. The department or a child welfare agency shall maintain a record of each adoptive placement, foster care or nonfoster care placement, preadoptive placement, and delegation of powers, made of an Indian child, evidencing the efforts made to comply with the placement preference requirements specified in this section, and shall make that record available at any time on the request of the United States secretary of the interior or the Indian child's tribe.

27-19.1-06. Adoptee information.

1. The state court entering a final adoption decree or order in any voluntary or involuntary Indian child adoptive placement must furnish a copy of the decree or order within thirty days to the Bureau of Indian Affairs, Chief, Division of Human Services, 1849 C Street NW, Mail Stop 3645 MIB, Washington, DC 20240, along with the following information, in an envelope marked "Confidential";

   a. The birth name and birth date of the Indian child, and tribal affiliation and name of the Indian child after adoption;

   b. The names and addresses of the biological parents;

   c. The names and addresses of the adoptive parents;

   d. The name and contact information for any agency having files or information relating to the adoption;

   e. Any affidavit signed by the biological parent or parents requesting the parent's identity remain confidential; and

   f. Any information relating to tribal membership or eligibility for tribal membership of the adopted Indian child.

2. The court shall give the birth parent of an Indian child the opportunity to file an affidavit indicating that the birth parent wishes the United States secretary of the interior to maintain the confidentiality of the birth parent's identity. If the birth parent files that affidavit, the court shall include the affidavit with the information provided to the United States secretary of the interior under subsection 1, and that secretary shall maintain the confidentiality of the birth parent's identity.

SECTION 2. AMENDMENT. Section 27-20.3-18 of the North Dakota Century Code is amended and reenacted as follows:

27-20.3-18. Reasonable efforts to prevent removal or to reunify - When required.

1. As used in this section, "reasonable efforts" means the exercise of due diligence, by the agency granted authority over the child under this chapter, to use appropriate and available services to meet the needs of the child and the child's family in order to prevent removal of the child from the child's family or, after removal, to use appropriate and available services to eliminate the need for removal, to reunite the child and the child's family, and to maintain family connections. In determining reasonable efforts to be made with respect to a child under this section, and in making reasonable efforts, the child's health and safety must be the paramount concern.

2. Except as provided in subsection 4, reasonable efforts must be made to preserve families, reunify families, and maintain family connections:

   a. Before the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home;

   b. To make it possible for a child to return safely to the child's home;

   c. Whether and, if applicable, to place siblings in the same foster care, relative, guardianship, or adoptive placement, unless it is determined that such a joint placement would be contrary to the safety or well-being of any of the siblings; and

   d. In the case of siblings removed from the home of the siblings who are not jointly placed, to provide for frequent visitation or other

ongoing interaction between the siblings, unless it is contrary to the safety or well-being of any of the siblings.

3. If the court or the child's custodian determined that continuation of reasonable efforts, as described in subsection 2, is inconsistent with the permanency plan for the child, reasonable efforts must be made to place the child in a timely manner in accordance with the permanency plan and to complete steps that are necessary to finalize the permanent placement of the child.

4. Reasonable efforts of the type described in subsection 2 are not required if:

   a. A court of competent jurisdiction has determined a parent has subjected a child to aggravated circumstances; or

   b. The parental rights of the parent, with respect to another child of the parent, have been involuntarily terminated.

5. Efforts to place a child for adoption, with a fit and willing relative or other appropriate individual as a legal guardian, or in another planned permanent living arrangement, may be made concurrently with reasonable efforts of the type described in subsection 2.

6. Removal of a child from the child's home for placement in foster care must be based on judicial findings stated in the court's order, and determined on a case-by-case basis in a manner that complies with the requirements of titles IV-B and IV-E of the federal Social Security Act [42 U.S.C. 620 et seq. and 42 U.S.C. 6701 et seq.], as amended, and federal regulations adopted under this federal Act, provided that this subsection may not provide a basis for overturning an otherwise valid court order.

7. For the purpose of section ~~27-20.3-19~~27-19.1-01, reasonable efforts were made under this section to meet the child's needs before a foster care placement for a child remaining in care for continued foster care purposes.

SECTION 3. REPEAL. Section 27-20.3-19 of the North Dakota Century Code is repealed."

Page 1, line 20, after "**STUDY**" insert "**- INDIAN CHILD WELFARE**"

Page 1, line 21, remove "implications of codifying the Indian Child"

Page 1, line 22, replace "Welfare Act of 1978 [25 U.S.C. 1901 et seq.]" with "implementation of chapter 27-19.1"

Page 1, line 22, remove "the Indian"

Page 1, line 23, replace "Child Welfare Act of 1978 [25 U.S.C. 1901 et seq.], section 27-20.3-19" with "federal statutes related to Indian child welfare"

Page 1, line 23, replace "related" with "relevant"

Renumber accordingly

Engrossed HB 1536 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HCR 3033, as engrossed: Your conference committee (Sens. Larsen, Klein, Kessel and Reps. Kasper, Mock, Thomas) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1797-1798 and place HCR 3033 on the Seventh order.

Engrossed HCR 3033 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2029, as engrossed: Your conference committee (Sens. K. Roers, Estenson, Cleary and Reps. Steiner, Rohr, Schauer) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1334-1335, adopt amendments as follows, and place SB 2029 on the Seventh order:

That the House recede from its amendments as printed on pages 1334 and 1335 of the Senate Journal and pages 1493 and 1494 of the House Journal and that Engrossed Senate Bill No. 2029 be amended as follows:

Page 2, line 27, remove the overstrike over "~~fifty million dollars~~"

Page 2, line 27, remove "an amount equal"

Page 2, remove line 28

Page 2, line 29, remove "most recently adjourned special or regular session of the legislative assembly"

Page 2, line 30, remove the overstrike over "~~fifty~~"

Page 2, line 31, remove the overstrike over "~~million dollars of funds~~"

Page 2, line 31, remove "an amount equal to two percent of the current biennial state"

Page 3, line 1, remove "general fund budget"

Page 3, line 3, after "governor" insert ". The director of the office of management and budget shall notify the members of the legislative assembly of any requests submitted which, if approved, would exceed the limit under this subsection"

Page 3, line 5, remove the overstrike over "~~fifty million dollars~~"

Page 3, line 5, remove "an"

Page 3, remove lines 6 and 7

Page 3, line 8, remove "assembly"

Page 4, line 13, after "~~five~~" insert "twenty"

Page 4, line 13, remove the overstrike over "~~million dollars~~"

Page 4, line 13, remove "an"

Page 4, remove lines 14 and 15

Page 4, line 16, remove "assembly"

Page 4, line 17, after "~~five~~" insert "twenty"

Page 4, line 17, remove the overstrike over "~~million dollars~~"

Page 4, line 17, remove "an amount equal to one percent of the current biennial"

Page 4, line 18, remove "state general fund budget"

Page 4, line 20, after "governor" insert ". The director of the office of management and budget shall notify the members of the legislative assembly of any requests submitted which, if approved, would exceed the limit under this subsection"

Renumber accordingly

Engrossed SB 2029 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2227: Your conference committee (Sens. Lee, K. Roers, Hogan and Reps. Prichard, McLeod, Rohr) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1174, adopt amendments as follows, and place SB 2227 on the Seventh order:

That the House recede from its amendments as printed on page 1174 of the Senate Journal and page 1345 of the House Journal and that Senate Bill No. 2227 be amended as follows:

Page 1, line 9, replace "eleven" with "twelve"

Page 2, line 15, replace "public" with "local"

Page 2, line 15, after the first "officer" insert "from a public health unit"

Page 2, line 17, replace "Six" with "Seven"

Page 2, line 21, replace "pharmacies" with "pharmacists"

Page 2, line 24, after "health" insert "unit administrators"

Page 2, after line 26, insert:

"(7) An entity representing dietitians."

Renumber accordingly

SB 2227 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2261: Your conference committee (Sens. Kannianen, Beard, Boehm and Reps. Roers Jones, Heinert, Novak) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1210-1211, adopt amendments as follows, and place SB 2261 on the Seventh order:

That the House recede from its amendments as printed on pages 1210 and 1211 of the Senate Journal and page 1357 of the House Journal and that Senate Bill No. 2261 be amended as follows:

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

Page 1, line 1, after "17-04-07" insert "and 35-27-13"

Page 1, after line 11, insert:

"**SECTION 2. AMENDMENT.** Section 35-27-13 of the North Dakota Century Code is amended and reenacted as follows:

35-27-13. How lien perfected - Construction lien recorded.

Every person desiring to perfect the person's lien shall record with the recorder of the county in which the property to be charged with the lien is situated, within ninety days after all the person's contribution is done, and having complied with the provisions of this chapter, a lien describing the property and stating the amount due, the dates of the first and last contribution, and the person with which the claimant contracted. Unless the owner of the freehold estate also is the owner of the leasehold for wind turbines or an electric energy conversion facility for which the labor, materials, or services were supplied, if a recorded lien is for a wind turbine or associated facility under section 17-04-07, the recorded lien must contain the following statement in at least sixteen-point type:

The lien in this chapter attaches only to the leasehold for an electric energy conversion facility or wind turbines for which labor, materials, or services were supplied. This lien does not attach to or encumber the real property or freehold estate.

Failure to include the statement required under this section in the statement of the lien does not invalidate a lien on the leasehold or electric energy conversion facility."

Renumber accordingly

SB 2261 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2343: Your conference committee (Sens. Elkin, Conley, Axtman and Reps. Marschall, Novak, Longmuir) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1333, adopt amendments as follows, and place SB 2343 on the Seventh order:

That the House recede from its amendments as printed on page 1333 of the Senate Journal and page 1393 of the House Journal and that Senate Bill No. 2343 be amended as follows:

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

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

Page 1, line 1, replace "44-04" with "15-10"

Page 1, line 2, after the first "to" insert "the state board of higher education, reporting by the state commissioner of higher education, and"

Page 1, line 2, replace "a public entity governing body" with "the state board of higher education"

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

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

Page 1, line 3, remove "and 44-04-17.1"

Page 1, line 3, remove "defining a"

Page 1, line 4, remove "public entity governing body and"

Page 1, line 4, after "policy" insert "; and to provide for a legislative management report"

Page 6, remove lines 9 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 30

Page 9, replace lines 1 through 23 with:

"**SECTION 2.** A new section to chapter 15-10 of the North Dakota Century Code is created and enacted as follows:

State commissioner of higher education - Board member information access - Report to the legislative management.

The state commissioner of higher education shall provide a report to the legislative management on state board of higher education policies regarding communications between board members and board member access to current and historic board information.

SECTION 3. A new section to chapter 15-10 of the North Dakota Century Code is created and enacted as follows:

Records of the North Dakota university system and state board of higher education.

The North Dakota university system and the state board of higher education may not deny a member of the governing body access to a record that is closed or confidential, as defined in chapter 44-04, including a meeting record, whether written or recorded, unless otherwise prohibited by law."

Renumber accordingly

SB 2343 was placed on the Seventh order of business on the calendar.

MOTION

REP. BOSCH MOVED that Engrossed HB 1297 be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Bosch's motion, Engrossed HB 1297 was rereferred.

MOTION

REP. BOSCH MOVED that SB 2239, which is on the Fourteenth order, be laid over two legislative days, which motion prevailed.

CONSIDERATION OF MESSAGES FROM THE SENATE

REP. BOSCH MOVED that the House do not concur in the Senate amendments to Engrossed HB 1415 as printed on HJ pages 1389-1390 and in the Senate amendments to Engrossed HB 1474 as printed on HJ pages 1562-1563 and that a conference committee be appointed to meet with a like committee from the Senate on each of these measures, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on:
Engrossed HB 1415: Reps. Vetter, S. Olson, B. Anderson.
Engrossed HB 1474: Reps. Rohr, Frelich, Davis.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. BOSCH MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Reengrossed SB 2089, Engrossed SB 2149, Engrossed SB 2181, SB 2245, Engrossed SB 2328, Reengrossed SB 2345, and Engrossed SB 2371, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Reengrossed SB 2089: Reps. Bosch, D. Anderson, Meier
Engrossed SB 2149: Reps. J. Olson, Weisz, Mitskog
Engrossed SB 2181: Reps. McLeod, Frelich, Strinden
SB 2245: Reps. Dockter, Toman, Koppelman
Engrossed SB 2328: Reps. Heinert, Hauck, Richter
Reengrossed SB 2345: Reps. M. Ruby, Beltz, Davis
Engrossed SB 2371: Reps. Thomas, S. Olson, Schreiber-Beck

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. THOMAS MOVED that the conference committee report on Engrossed HB 1371 as printed on HJ pages 1537-1561 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1371: A BILL for an Act to create and enact four new sections to chapter 10-06.1 of the North Dakota Century Code, relating to authorized livestock farm corporation and authorized livestock farm limited liability company requirements, and initial and annual reporting requirements for authorized livestock farm corporations, and authorized livestock farm limited liability companies; to amend and reenact sections 10-06.1-01, 10-06.1-02, 10-06.1-03, 10-06.1-04, 10-06.1-05, 10-06.1-06, 10-06.1-07, and 10-06.1-08, subsection 1 of section 10-06.1-09, and sections 10-06.1-10, 10-06.1-11, 10-06.1-12, 10-06.1-13, 10-06.1-14, 10-06.1-15, 10-06.1-16, 10-06.1-17, 10-06.1-18, 10-06.1-19, 10-06.1-20, 10-06.1-21, 10-06.1-22, 10-06.1-23, 10-06.1-24, 10-06.1-25, 10-06.1-26, and 10-06.1-27 of the North Dakota Century Code, relating to agricultural definitions, ownership exceptions for

beekeeping, agriculture support services, livestock backgrounding and feedlot operations, raising or producing of livestock by persons that have limited landholdings, and required reporting for corporate farming; to provide a penalty; 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 70 YEAS, 20 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Bellew; Beltz; Bosch; Brandenburg; Christy; Conmy; Cory; Dakane; Dockter; Dyk; Fegley; Frelich; Grueneich; Hagert; Hatlestad; Hauck; Headland; Heinert; Johnson, J.; Jonas; Karls; Kasper; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Monson; Motschenbacher; Murphy; Nathe; Nelson; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Ruby, D.; Sanford; Satrom; Schatz; Schauer; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Toman; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

NAYS: Boschee; Christensen; Davis; Dobervich; Finley-DeVille; Hager; Hanson; Heilman; Henderson; Holle; Hoverson; Ista; Longmuir; Mock; Novak; Rohr; Schneider; Timmons; Tveit; VanWinkle

ABSENT AND NOT VOTING: Bahl; Fisher; Kempenich; Ruby, M.

Reengrossed HB 1371 passed and the emergency clause was declared carried.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WARREY MOVED that the conference committee report on Engrossed HB 1429 as printed on HJ pages 1487-1488 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1429: A BILL for an Act to create and enact a new subdivision to subsection 7 of section 26.1-04-03 and a new section to chapter 54-06 of the North Dakota Century Code, relating to unfair discrimination in the business of insurance and the investment and management of public funds; to amend and reenact section 21-10-08.1 and subsection 10 of section 54-44.4-02 of the North Dakota Century Code, relating to the prohibition on social investments and restrictions on perpetual contracts; and to provide for a legislative management report.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 1 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Bellew; Beltz; Bosch; Boschee; Brandenburg; Christensen; Christy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Ista; Johnson, J.; Jonas; Karls; Kasper; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

NAYS: Conmy

ABSENT AND NOT VOTING: Bahl; Fisher; Kempenich; Ruby, M.

Reengrossed HB 1429 passed.

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POINT OF ORDER

REP. MARTINSON rose to a point of order and stated the motion to rerefer Engrossed HB 1297 to the **Human Services Committee** was out of order.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KOPPELMAN MOVED that the conference committee report on Engrossed HB 1052 as printed on HJ page 1389 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1052: A BILL for an Act to amend and reenact paragraph 1 of subdivision b of subsection 11 of section 65-01-02, subsection 4 of section 65-01-16, section 65-04-15, subsection 3 of section 65-04-19, subsections 1 and 3 of section 65-04-27.2, subsection 2 of section 65-04-32, and subsection 10 of section 65-05-32 of the North Dakota Century Code, relating to preventive treatment, requests for reconsideration of claim decisions issued by the organization, providing employer account information, calculation of an employer's premium and creating a presumption of accuracy, an employer conducting business with a known uninsured employer, requests for reconsideration of employer decisions issued by the organization, and privacy of records; to provide for a legislative management report; and to provide for application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Bellew; Beltz; Bosch; Boschee; Brandenburg; Christensen; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Ista; Jonas; Karls; Kasper; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

NAYS: Hoverson; Johnson, J.

ABSENT AND NOT VOTING: Bahl; Fisher; Kempenich; Ruby, M.

Reengrossed HB 1052 passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HAGERT MOVED that the conference committee report on Engrossed HB 1455 as printed on HJ pages 1430-1431 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1455: A BILL for an Act to create and enact a new subdivision to subsection 3 of section 54-35-26, a new section to chapter 57-39.2, and a new subdivision to subsection 3 of section 57-40.2-03.3 of the North Dakota Century Code, relating to evaluation of economic development tax incentives and a sales and use tax exemption for raw materials, single-use product contact systems, and reagents used for biologic manufacturing; to provide for a legislative management report; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 64 YEAS, 27 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Fegley; Finley-DeVille; Grueneich; Hager; Hagert; Hatlestad; Headland; Heinert; Ista; Jonas; Karls; Kempenich; Kiefert; Klemin; Koppelman; Lefor; Longmuir; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Ostlie; Porter; Pyle; Richter; Roers Jones; Sanford; Satrom; Schauer; Schneider; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Vetter; Wagner; Warrey; Speaker Johnson, D.

NAYS: Bellew; Christensen; Dyk; Frelich; Hanson; Hauck; Heilman; Henderson; Holle; Hoverson; Johnson, J.; Kasper; Kreidt; Louser; Olson, S.; Prichard; Rios; Rohr; Ruby, D.; Schatz; Schobinger; Timmons; Toman; Tveit; VanWinkle; Vigesaa; Weisz

ABSENT AND NOT VOTING: Bahl; Fisher; Ruby, M.

Reengrossed HB 1455 passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. MOCK MOVED that the conference committee report on Engrossed HB 1011 as printed on HJ page 1610 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1011: A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; to create and enact section 39-03-18.1 of the North Dakota Century Code, relating to a federal assets forfeiture fund; to provide an exemption; to provide a continuing appropriation; to provide a report; and to provide for a transfer.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 80 YEAS, 11 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Beltz; Bosch; Boschee; Brandenburg; Christensen; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Holle; Ista; Johnson, J.; Jonas; Karls; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Pyle; Richter; Rios; Roers Jones; Rohr; Sanford; Satrom; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Tveit; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

NAYS: Bellew; Heilman; Henderson; Hoverson; Kasper; Kempenich; Prichard; Ruby, D.; Schatz; Toman; VanWinkle

ABSENT AND NOT VOTING: Bahl; Fisher; Ruby, M.

Reengrossed HB 1011 passed.

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SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3035: A concurrent resolution commending Taiwan's vibrant democracy, celebrating the 37th anniversary of North Dakota's sister-state relationship with Taiwan, recognizing North Dakota's trade relationship and academic exchange program with Taiwan, supporting the U.S.-Taiwan Initiative on 21st-Century Trade, and advocating for Taiwan's inclusion in the Indo-Pacific Economic Framework for Prosperity and international organizations that are important to the health, safety, and well-being of Taiwan's people and the world.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read.

The roll was called and there were 54 YEAS, 37 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Beltz; Bosch; Boschee; Christy; Conmy; Dakane; Davis; Dobervich; Fegley; Finley-DeVille; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Heinert; Ista; Jonas; Karls; Kempenich; Klemin; Longmuir; Martinson; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; O'Brien; Olson, J.; Ostlie; Porter; Roers Jones; Sanford; Satrom; Schauer; Schneider; Schreiber-Beck; Stemen; Strinden; Swiontek; Thomas; Toman; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

NAYS: Bellew; Brandenburg; Christensen; Cory; Dockter; Dyk; Frelich; Headland; Heilman; Henderson; Holle; Hoverson; Johnson, J.; Kasper; Kiefert; Koppelman; Kreidt; Lefor; Louser; Marschall; McLeod; Meier; Novak; Olson, S.; Prichard; Pyle; Richter; Rios; Rohr; Ruby, D.; Schatz; Schobinger; Steiner; Timmons; Tveit; VanWinkle; Vetter

ABSENT AND NOT VOTING: Bahl; Fisher; Ruby, M.

Reengrossed HCR 3035 was declared adopted on a recorded roll call vote.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BELTZ MOVED that the conference committee report on Engrossed SB 2026 as printed on HJ pages 1355-1356 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2026: A BILL for an Act to provide an appropriation to the department of health and human services relating to the demolition of state hospital buildings; 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 68 YEAS, 23 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Fegley; Finley-DeVille; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Ista; Johnson, J.; Jonas; Karls; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Ostlie; Porter; Pyle; Richter; Roers Jones; Rohr; Sanford; Satrom; Schauer; Schneider; Schobinger; Schreiber-Beck; Stemen; Strinden; Swiontek; Thomas; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

NAYS: Bellew; Christensen; Dyk; Hauck; Heilman; Henderson; Holle; Hoverson; Kasper; Koppelman; Marschall; Motschenbacher; Olson, S.; Prichard; Rios; Ruby, D.; Schatz; Steiner; Timmons; Toman; Tveit; VanWinkle; Vetter

ABSENT AND NOT VOTING: Bahl; Fisher; Ruby, M.

Engrossed SB 2026, as amended, passed and the emergency clause was declared carried.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KOPPELMAN MOVED that the conference committee report on Reengrossed SB 2063 as printed on HJ pages 1265-1266 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2063: A BILL for an Act to create and enact section 24-02-45.4 of the North Dakota Century Code, relating to reimbursable federal electric vehicle infrastructure grants; and to provide for a legislative management report.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 73 YEAS, 18 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Finley-DeVille; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Ista; Johnson, J.; Jonas; Karls; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Tveit; Vetter; Wagner; Warrey; Weisz; Speaker Johnson, D.

NAYS: Anderson, D.; Anderson, K.; Bellew; Christensen; Dyk; Fegley; Heilman; Henderson; Holle; Hoverson; Kasper; Prichard; Rios; Rohr; Timmons; Toman; VanWinkle; Vigesaa

ABSENT AND NOT VOTING: Bahl; Fisher; Ruby, M.

Reengrossed SB 2063, as amended, passed.

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MOTION

REP. BOSCH MOVED that the House stand in recess until 6:00 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker D. Johnson presiding.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on April 19, 2023, I have signed the following: HB 1254.

MOTION

REP. BOSCH MOVED that House Rule 509 be suspended for one legislative day, which motion prevailed.

MOTION

REP. BOSCH MOVED that SB 2020, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

MOTION

REP. BOSCH MOVED that HB 1205, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

MOTION

REP. HEADLAND MOVED that the House reconsider its action whereby the House Did Not Concur in the Senate amendments to HB 1438 and appointed a conference committee, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. HEADLAND MOVED that the House Conference Committee on HB 1438 be dissolved, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BOSCH MOVED that the House do not concur in the Senate amendments to Engrossed HB 1297 as printed on HJ page 1536 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on:
Engrossed HB 1297: Reps. Fegley, Kiefert, Beltz.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. BOSCH MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Reengrossed SB 2129, Engrossed SB 2170, SB 2198, and Reengrossed SB 2248, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Reengrossed SB 2129: Reps. S. Olson, Schneider, Stemen
Engrossed SB 2170: Reps. Koppelman, Kasper, Dakane
SB 2198: Reps. Wagner, J. Johnson, Schauer
Reengrossed SB 2248: Reps. Klemin, Cory, Stemen

SIXTH ORDER OF BUSINESS

SPEAKER D. JOHNSON DEEMED approval of the amendments to HB 1540, Engrossed SB 2009, Engrossed SB 2012, Engrossed SB 2013, Engrossed SB 2019, and SB 2206.

HB 1540, as amended, was placed on the Eleventh order of business on the calendar.

Engrossed SB 2009, Engrossed SB 2012, Engrossed SB 2013, Engrossed SB 2019, and SB 2206, as amended, were placed on the Fourteenth order of business on the calendar.

SIXTH ORDER OF BUSINESS

SB 2284, as reengrossed and amended: REP. RICHTER (Appropriations Committee) MOVED that the amendments on HJ pages 2085-2092 be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

REP. HOVERSON REQUESTED that the House divide the amendments to Reengrossed SB 2284, as amended, which request was granted.

DIVISION A:

In lieu of the amendments adopted by the House as printed on pages 1447-1455 of the House Journal, Reengrossed Senate Bill No. 2284 is amended as follows:

Page 21, replace lines 4 through 10 with:

> **SECTION 17. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - GRANTS FOR FREE MEALS.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $6,000,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing grants to school districts to defray the expenses of providing meals, free of charge, for all students enrolled in public school at or below two hundred percent of the federal poverty guideline, for the biennium beginning July 1, 2023, and ending June 30, 2025. The superintendent of public instruction shall develop guidelines and reporting requirements for the grants."

Renumber accordingly

DIVISION B:

In lieu of the amendments adopted by the House as printed on pages 1447-1455 of the House Journal, Reengrossed Senate Bill No. 2284 is amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15.1-06 and a new section to chapter 15.1-21 of the North Dakota Century Code, relating to school purchases of gifts or gratuities and permitting private tutors on public school premises; to"

Page 1, line 1, replace "section 15.1-01-01" with "sections 15.1-01-03, 15.1-07-25.4, and 15.1-07-26"

Page 1, line 2, replace the first "subsection" with "subsections 2 and"

Page 1, line 4, replace "the state board of public school education members" with "a policy to revert a reorganized school district back to separate districts, virtual learning, school district enrollment"

Page 1, line 5, after the second quotation mark insert ", a school district's policy governing possession of a weapon"

Page 1, line 5, after the third quotation mark insert "dangerous"

Page 1, line 5, replace "and" with a comma

Page 1, line 6, remove the comma

Page 1, line 6, after "payments" insert ", and the school construction revolving loan fund"

Page 1, line 7, after "a" insert "legislative management"

Page 1, line 7, after "report" insert "; to provide for a teacher shortage and military families task force"

Page 1, remove lines 10 through 23

Page 2, remove lines 1 through 31

Page 3, replace lines 1 through 5 with:

"**SECTION 1. AMENDMENT.** Section 15.1-01-03 of the North Dakota Century Code is amended and reenacted as follows:

15.1-01-03. State board of public school education - Powers and duties.

1. The state board of public school education shall:

   a. Assist county committees in carrying out their duties.

   b. Provide county committees with clerical assistance, plans of procedure, standards, data, maps, forms, and other materials, information, and services.

   c. Appoint members to the county committee, if the county superintendent does not fulfill this duty, as provided for in section 15.1-10-01.

   d. Provide oversight for regional education associations as required by chapter 15.1-09.1.

   e. Establish and certify a North Dakota learning continuum to allow a district-approved, mastery framework policy to award units required under sections 15.1-21-01 and 15.1-21-02 and to waive unit instructional time requirements under section 15.1-21-03, upon the recommendation of the kindergarten through grade twelve education coordination council.

   f. Develop a policy and procedures for a school district formed by the reorganization process under chapter 15.1-12 to revert to individual school districts. For a reorganized school district to be eligible for the reversion process, the reorganized school district must have been formed by school districts located in two or more communities, including a rural community, and may not have been formed by school districts that were located in the same city. The board shall develop the policy and procedures on or before January 1, 2024.

2. The state board of public school education may adopt rules in accordance with chapter 28-32.

SECTION 2. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Purchase of gifts or gratuities - Gift fund.

1. A public school or school district may create a gift fund. The gift fund may not include state funds.

2. A public school or school district may use funds from the gift fund to purchase an item as a gift or gratuity for an individual, including a school district employee, an individual who speaks or performs at a school function, or a guest on the school premises.

3. For purposes of this section, "gift" includes:

   a. A beverage, food item, or refreshment;

   b. For parent-teacher conferences, beverages, food items, or refreshments, costing no more than twenty-five dollars per teacher;

   c. A catered meal costing no more than fifty dollars per meal;

   d. Pens, notepads, or other promotional materials;

   e. An item of cultural significance, including a quilt, basket, beadwork, sage, or quillwork;

   f. An award or incentive, as approved by the superintendent of public instruction or the superintendent's designee; and

   g. Any other item of de minimis value.

SECTION 3. AMENDMENT. Section 15.1-07-25.4 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-25.4. Virtual learning - School district policy - Report to legislative management and legislative assembly.

The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and in the case of a school district, qualify for average daily membership in the district. The superintendent of public instruction shall adopt rules governing policies under this section. A policy adopted by a school district under this section must comply with the rules adopted by the superintendent of public instruction. The superintendent of public instruction shall provide ~~biennial reports~~an annual report to the legislative management ~~regarding~~in even-numbered years and the legislative assembly in odd-numbered years comparing the academic performance ~~metrics~~ of students participating in virtual instruction with students not participating in virtual instruction under this section using state assessment data. If the superintendent of public instruction does not have access to academic performance reports of a school district's virtual instruction subgroup because of low group size, information must be reported in the aggregate.

SECTION 4. AMENDMENT. Section 15.1-07-26 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-26. School district ~~demographics~~enrollment ~~- Long-term planning process~~Review - Report.

1. Between January first and June thirtieth of every even-numbered year, the board of each school district shall invite the public to participate in a ~~planning process~~review addressing the effects ~~that demographics might~~decreasing or increasing enrollment will have on the district in the ensuing three-year and five-year periods, and specifically addressing potential effects on:

a. Academic ~~and extracurricular programs~~achievement, as it relates to the local strategic plan, including progress toward state academic goals adopted by the statewide prekindergarten through grade twelve education strategic vision steering committee;

b. Instructional ~~and~~, administrative, and ancillary staffing;

c. Co-curricular or extracurricular programs;

d. Facility needs and utilization; and

~~d.~~e. District property tax levies.

2. At the conclusion of the ~~planning process~~review, the board shall prepare a report, ~~publish a notice in the official newspaper of the district indicating that the report is available~~make the report available on the district website, and make the report available upon request."

Page 3, after line 9, insert:

"**SECTION 6. AMENDMENT.** Subsection 2 of section 15.1-19-10 of the North Dakota Century Code is amended and reenacted as follows:

2. The policy must ~~prohibit~~:

a. Prohibit the possession of a dangerous weapon or a firearm by a student on school property and at school functions and provide for the punishment of any student found to be in violation. ~~Punishment must include immediate suspension from school and expulsion. A~~

b. Require a student who possesses a firearm in violation of this section ~~must~~to be expelled for at least one year. ~~The school district firearms policy must authorize~~

c. Authorize the school district superintendent or the school principal, if the school district does not have a superintendent, to modify an expulsion for firearms possession under this section on a case-by-case basis in accordance with criteria established by the board. Before expelling a student, a school board or its designated hearing officer, within ten days of the student's suspension, shall provide the student with a hearing at which time the school board or its designated hearing officer shall take testimony and consider evidence, including the existence of mitigating circumstances. If a designated hearing officer orders that a student be expelled, the student may seek a review of the decision by the school board, based on the record of the expulsion hearing.

d. Include a referral mechanism to the criminal justice or juvenile delinquency system for a student who possesses a firearm in violation of this subsection."

Page 3, line 13, after "a." insert ""Dangerous weapon" has the meaning provided in 18 U.S.C. 930(g)(2).

b."

Page 3, line 15, overstrike "b." and insert immediately thereafter "c."

Page 3, remove lines 18 through 31

Page 4, replace lines 1 through 3 with:

"**SECTION 8.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Private tutors.

A board of a school district may adopt a policy to permit private tutors to provide tutoring services on school premises."

Page 5, line 8, overstrike "0.082" and insert immediately thereafter "0.088"

Page 5, line 27, after "report" insert ", adjusted for students that will generate average daily membership,"

Page 5, line 31, after "enrollment" insert ", adjusted for students that will generate average daily membership,"

Page 6, line 12, after "enrollment" insert ", adjusted for students that will generate average daily membership,"

Page 6, line 21, remove the overstrike over "~~For~~"

Page 6, line 21, remove the overstrike over "~~school districts that operate multiple~~"

Page 6, line 22, remove the overstrike over "~~kindergarten through grade twelve buildings at least~~"

Page 6, line 22, after "~~nineteen~~" insert "fourteen"

Page 6, line 22, remove the overstrike over "~~miles [~~"

Page 6, line 22, after "~~30.58~~" insert "22.53"

Page 6, line 22, remove the overstrike over "~~kilometers]~~"

Page 6, line 23, remove the overstrike over "~~apart, or multiple buildings at least~~"

Page 6, line 23, after "~~nineteen~~" insert "fourteen"

Page 6, line 23, remove the overstrike over "~~miles [~~"

Page 6, line 23, after "~~30.58~~" insert "22.53"

Page 6, line 23, remove the overstrike over "~~kilometers] apart with no~~"

Page 6, remove the overstrike over line 24

Page 6, line 25, remove the overstrike over "~~size weighting factor for each building separately~~" and insert immediately thereafter ", with no adjustment for elementary schools"

Page 6, line 25, remove the overstrike over "~~. The superintendent of public~~"

Page 6, remove the overstrike over lines 26 through 30

Page 9, line 29, replace "forty-four" with "ninety-five"

Page 10, line 4, replace "forty-four" with "ninety-five"

Page 10, line 11, replace "eight hundred sixty" with "nine hundred thirteen"

Page 10, line 17, replace "eight hundred sixty" with "nine hundred thirteen"

Page 16, line 18, replace "forty-four" with "ninety-five"

Page 16, line 24, replace "forty-four" with "ninety-five"

Page 16, line 31, replace "eight hundred sixty" with "nine hundred thirteen"

Page 17, line 6, replace "eight hundred sixty" with "nine hundred thirteen"

Page 20, line 20, overstrike "ten" and insert immediately thereafter "fifteen"

Page 20, line 24, overstrike "eight" and insert immediately thereafter "twelve"

Page 20, line 26, replace "fifty" with "twenty-five"

Page 20, line 30, replace "forty" with "twenty"

Page 21, after line 3, insert:

"e. A district with a school construction loan secured on the open bond market may apply to refinance the loan when callable with the school construction assistance revolving loan fund under this subsection.

f. A district that qualifies for a loan under subdivision a, which was approved for a loan of up to ten million dollars for a construction project bid after January 1, 2021, and before June 30, 2024, may apply for a loan in an amount equal to the difference between fifteen million dollars and the amount of the approved loan.

g. A district that qualifies for a loan under subdivision b, which was approved for a loan of up to ten million dollars for a construction project bid after January 1, 2021, and before June 30, 2024, may apply for a loan in an amount equal to the difference between twenty-five million dollars and the amount of the approved loan."

Page 21, replace lines 4 through 10 with:

"**SECTION 14. LEGISLATIVE MANAGEMENT STUDY - COMPOSITION OF THE STATE BOARD OF PUBLIC SCHOOL EDUCATION.**

1. During the 2023-24 interim, the legislative management shall consider studying the composition of the state board of public school education. The study must include:

   a. An analysis of the state board of public school education boundaries, including a comparison of methodologies for creating the boundaries;

   b. An analysis of the inclusion of representatives from small, large, urban, and rural schools on the board;

   c. An evaluation of term limits for board members, including staggering terms to ensure continuity of knowledge;

   d. An evaluation of the benefits and consequences of requiring the composition of the board to include two school district superintendents, two members of a board of a school district, and two citizens at large;

   e. An evaluation of the benefits and consequences of requiring a minimum or maximum number of candidates to be submitted to the governor and permitting the governor to request a new list of potential candidates once; and

   f. An analysis of the role and practices of the county superintendent of schools.

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

SECTION 15. LEGISLATIVE MANAGEMENT STUDY - SCHOOL CHOICE MODELS.

1. During the 2023-24 interim, the legislative management shall study school choice models implemented nationally for kindergarten through grade twelve schools, including charter schools, magnet schools, private schools, voucher systems, and home schools. The study must include input from stakeholders, including public and nonpublic teachers and administrators, parents of students, representatives from the department of public instruction, a representative from the governor's office, and representatives from regional education associations. The study also must include the following, supported by quantitative data:

   a. A review of regulations and methods for accountability by state regulatory agencies for various school choice models;

   b. A comparison of nontraditional school choice models implemented by rural states;

   c. An analysis of the impact of enrollment fluctuation, including the impact on state aid;

   d. A review of the state's student population, enrollment capacity and tuition costs of nonpublic schools, and the capacity of nonpublic schools to provide services to students with special needs; and

   e. A comparison of achievement data between public schools and nontraditional schools in other states.

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

SECTION 16. TEACHER SHORTAGE AND MILITARY FAMILIES TASK FORCE - REPORT TO LEGISLATIVE MANAGEMENT. During the 2023-24 interim, the superintendent of public instruction shall establish a teacher shortage and military families task force to examine employer recruitment needs, applicable state regulations, and benefit options for kindergarten through grade twelve educators within the state, including potential barriers to military personnel and spouses teaching in the classroom. The task force shall identify immediate and long-term public policy strategies to address teacher shortages and support for military families and spouses. The task force shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly.

Page 21, after line 23, insert:

"**SECTION 19. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF PUBLIC INSTRUCTION - DYSLEXIA IDENTIFICATION TRAINING.** There is appropriated out of any moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum of $279,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing training in identification of dyslexia characteristics to one educator in every school that instructs students in kindergarten through third grade for one year, for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 20. APPROPRIATION - PUBLIC INSTRUCTION FUND - DEPARTMENT OF PUBLIC INSTRUCTION - READING LEARNING PLATFORM TRAINING. There is appropriated out of any moneys in the public instruction fund in the state treasury, not otherwise appropriated, the sum of $558,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing training in a reading learning platform approved by the superintendent of public instruction to one educator in every school that instructs students in kindergarten through third grade for two years, for the biennium beginning July 1, 2023, and ending June 30, 2025."

Page 21, line 28, replace "$1,000,000" with "$1,837,000"

Page 22, line 1, after "instruction" insert ", training in identification of dyslexia characteristics, and reading training for kindergarten through grade three teachers"

Page 22, line 1, remove "section 10 of"

Page 22, line 5, replace "$75,000,000" with "$40,000,000"

Page 22, line 8, replace "5" with "10"

Renumber accordingly

REQUEST

REP. ISTA REQUESTED a recorded roll call vote on Division A of the proposed amendments to Reengrossed SB 2284, as amended, which request was granted.

ROLL CALL

The question being the adoption of Division A of the proposed amendments to Reengrossed SB 2284, as amended, the roll was called and there were 76 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Dakane; Davis; Dobervich; Dockter; Fegley; Finley-DeVille; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Holle; Ista; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Toman; Tveit; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

NAYS: Bellew; Christensen; Cory; Dyk; Hauck; Heilman; Henderson; Hoverson; Johnson, J.; Koppelman; Marschall; Prichard; Ruby, D.; Schatz; Timmons; VanWinkle

ABSENT AND NOT VOTING: Bahl; Fisher

Division A of the proposed amendments to Reengrossed SB 2284, as amended, was adopted on a recorded roll call vote.

The question being the adoption of Division B of the proposed amendments to Reengrossed SB 2284, as amended, the motion passed on a voice vote.

Division B of the proposed amendments to Reengrossed SB 2284, as amended, was adopted on a voice vote.

SECOND READING OF SENATE BILL

SB 2284: A BILL for an Act to create and enact a new section to chapter 15.1-06 and a new section to chapter 15.1-21 of the North Dakota Century Code, relating to school purchases of gifts or gratuities and permitting private tutors on public school premises; to amend and reenact sections 15.1-01-03, 15.1-07-25.4, and 15.1-07-26, subsection 8 of section 15.1-15-02, subsections 2 and 6 of section 15.1-19-10, section 15.1-27-03.1, subsection 4 of section 15.1-27-03.2, section 15.1-27-04.1, and subsection 5 of section 15.1-36-08 of the North Dakota Century Code, relating to a policy to revert a reorganized school district back to separate districts, virtual learning, school district enrollment, the definition of "probationary teacher", a school district's policy governing possession of a weapon, the definition of "dangerous weapon", modification of weighting factors, transition maximums and an increase in per student payments, and the school construction revolving loan fund; to provide for a legislative management study; to provide a legislative management report; to provide for a teacher shortage and military families task force; to provide an appropriation; to provide for an exemption; to provide for a transfer; 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 76 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Dakane; Davis; Dobervich; Dockter; Fegley; Finley-DeVille; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Holle; Ista; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Toman; Tveit; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

NAYS: Bellew; Christensen; Cory; Dyk; Hauck; Heilman; Henderson; Hoverson; Johnson, J.; Koppelman; Marschall; Prichard; Ruby, D.; Schatz; Timmons; VanWinkle

ABSENT AND NOT VOTING: Bahl; Fisher

Reengrossed SB 2284, as amended, passed.

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SECOND READING OF SENATE BILL

SB 2013: A BILL for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the state library, the school for the deaf, and North Dakota vision services - school for the blind; to amend and reenact sections 15.1-02-02, 15.1-27-04.1, 15.1-32-01, 15.1-32-14, 15.1-32-18, and 54-24.3-01 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction, baseline funding, high-cost students, and regional library cooperative definitions; to provide for a transfer; to provide a statement of legislative intent; to provide for reports; to provide an exemption; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 65 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Dakane; Davis; Dobervich; Dockter; Fegley; Finley-DeVille; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Ista; Jonas; Karls; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Ostlie; Porter; Pyle; Richter; Roers Jones; Ruby, M.; Sanford; Satrom; Schauer; Schneider; Schobinger; Schreiber-Beck; Stemen; Strinden; Swiontek; Thomas; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

NAYS: Bellew; Christensen; Cory; Dyk; Hauck; Heilman; Henderson; Holle; Hoverson; Johnson, J.; Kasper; Koppelman; Louser; Marschall; Motschenbacher; Olson, S.; Prichard; Rios; Rohr; Ruby, D.; Schatz; Steiner; Timmons; Toman; Tveit; VanWinkle; Vetter

ABSENT AND NOT VOTING: Bahl; Fisher

Engrossed SB 2013, as amended, passed and the emergency clause was declared carried.

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SECOND READING OF SENATE BILL

SB 2012: A BILL for an Act to provide an appropriation for defraying the expenses of various divisions of the department of health and human services; to provide an appropriation to the university of North Dakota school of medicine and health sciences; to provide an exemption; to create and enact a new section to chapter

50-06 and a new subsection to section 50-24.1-07 of the North Dakota Century Code, relating to a North Dakota legislative health care task force, and Medicaid claims; to amend and reenact sections 50-01.2-01, 50-06-42, 50-11.1-02, 50-11.1-22, 50-11.1-23, 50-11.1-24, 50-24.1-26, subsection 5 of section 50-24.1-37 and sections 50-24.5-02.3 and 50-29-04 of the North Dakota Century Code, relating to human service zone board membership, the substance use disorder treatment voucher system, Medicaid in-home services, the best in class program, basic care payment rates, the Medicaid expansion program, and the children's health insurance program; to repeal section 50-06-32.1 of the North Dakota Century Code, relating to the autism voucher; to provide a statement of legislative intent; to provide for a legislative management study; to provide for a report; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 60 YEAS, 32 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Fegley; Finley-DeVille; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Headland; Ista; Jonas; Karls; Kempenich; Klemin; Kreidt; Lefor; Longmuir; Martinson; Meier; Mitskog; Mock; Monson; Murphy; Nathe; Nelson; O'Brien; Olson, J.; Ostlie; Porter; Pyle; Richter; Roers Jones; Sanford; Satrom; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

NAYS: Anderson, K.; Bellew; Christensen; Dockter; Dyk; Hauck; Heilman; Heinert; Henderson; Holle; Hoverson; Johnson, J.; Kasper; Kiefert; Koppelman; Louser; Marschall; McLeod; Motschenbacher; Novak; Olson, S.; Prichard; Rios; Rohr; Ruby, D.; Ruby, M.; Schatz; Timmons; Toman; Tveit; VanWinkle; Vetter

ABSENT AND NOT VOTING: Bahl; Fisher

Engrossed SB 2012, as amended, passed but the emergency clause failed.

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SECOND READING OF SENATE BILL

SB 2206: A BILL for an Act to amend and reenact sections 28-22-03.1, 47-18-01, 47-18-04, and 47-18-14 of the North Dakota Century Code, relating to insurance cash value exemptions and homestead exemption.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Bellew; Beltz; Bosch; Boschee; Brandenburg; Christensen; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

NAYS: Hoverson; Ruby, D.

ABSENT AND NOT VOTING: Bahl; Fisher

SB 2206, as amended, passed.

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SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to amend and reenact sections 4.1-01-02, 4.1-01-21.1, and 49-22-09.2 of the North Dakota Century Code, relating to the salary of the agriculture commissioner, the environmental impact mitigation fund, and mitigating environmental impacts; to provide for a transfer; to provide an exemption; and to provide for a legislative management study.

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 75 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, K.; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Fegley; Finley-DeVille; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Holle; Ista; Johnson, J.; Jonas; Karls; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Pyle; Richter; Roers Jones; Rohr; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Tveit; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

NAYS: Anderson, D.; Bellew; Christensen; Dyk; Heilman; Henderson; Hoverson; Kasper; Koppelman; Marschall; Novak; Prichard; Rios; Ruby, D.; Ruby, M.; Toman; VanWinkle

ABSENT AND NOT VOTING: Bahl; Fisher

Engrossed SB 2009, as amended, passed.

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SECOND READING OF SENATE BILL

SB 2019: A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department; to provide for a transfer; to provide for a report to the legislative assembly; and to provide for an exemption.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 62 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Beltz; Boschee; Brandenburg; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Finley-DeVille; Grueneich; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Ista; Jonas; Karls; Kempenich; Klemin; Kreidt; Longmuir; Martinson; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Ostlie; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Vigesaa; Wagner; Warrey; Speaker Johnson, D.

NAYS: Bellew; Bosch; Christensen; Dyk; Fegley; Frelich; Hauck; Heilman; Henderson; Holle; Hoverson; Johnson, J.; Kasper; Kiefert; Koppelman; Lefor; Louser; Marschall; McLeod; Olson, S.; Prichard; Rios; Ruby, D.; Schatz; Timmons; Toman; Tveit; VanWinkle; Vetter; Weisz

ABSENT AND NOT VOTING: Bahl; Fisher

Engrossed SB 2019, as amended, passed.

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SECOND READING OF SENATE BILL

SB 2360: A BILL for an Act to create and enact a new subsection to section 12.1-27.1-01 and a new section to chapter 12.1-27.1 of the North Dakota Century Code, relating to the definition of a public library and required safety policies and technology protection measures; to amend and reenact subsection 5 of section 12.1-27.1-01, sections 12.1-27.1-03.1, and 12.1-27.1-11 of the North Dakota Century Code, relating to obscenity control; to provide a penalty; and to provide for application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 54 YEAS, 38 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, D.; Anderson, K.; Bellew; Christensen; Cory; Dyk; Fegley; Frelich; Hager; Hatlestad; Hauck; Headland; Heilman; Henderson; Holle; Hoverson; Johnson, J.; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Louser; Marschall; McLeod; Monson; Motschenbacher; Novak; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Rios; Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Schauer; Schobinger; Steiner; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Weisz; Speaker Johnson, D.

NAYS: Anderson, B.; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Dakane; Davis; Dobervich; Dockter; Finley-DeVille; Grueneich; Hagert; Hanson; Heinert; Ista; Jonas; Longmuir; Martinson; Meier; Mitskog; Mock; Murphy; Nathe; Nelson; O'Brien; Pyle; Richter; Roers Jones; Sanford; Schneider; Schreiber-Beck; Stemen; Strinden; Swiontek; Wagner; Warrey

ABSENT AND NOT VOTING: Bahl; Fisher

Engrossed SB 2360, as amended, passed.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2009, SB 2019, SB 2206, SB 2284, SB 2360.

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2013.

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause failed: SB 2012.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1539.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1539

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

Page 1, line 1, remove "and 54-52.1-04.16"

Page 1, line 2, remove "and the"

Page 1, remove line 3

Page 1, line 4, remove "drug coverage performance audit; and to provide for a legislative management report"

Page 1, line 14, remove "<u>, acting through the chairman,</u>"

Page 2, line 10, overstrike "may"

Page 3, line 6, replace "may" with "shall"

Page 3, remove lines 12 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 5

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1297, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1297: Reps. Fegley; Kiefert; Beltz

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1415 and HB 1474, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1415: Reps. Vetter; S. Olson; B. Anderson
HB 1474: Reps. Rohr; Frelich; Davis

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 1362: Sens. Cleary; Lee; Hogan

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2004, SB 2164, and SB 2335, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2004: Sens. J. Roers; Erbele; Vedaa
SB 2164: Sens. K. Roers; Davison; Braunberger
SB 2335: Sens. K. Roers; Cleary; Hogan

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has appointed as a conference committee to act with a like committee from the Senate on:

SB 2089: Reps. Bosch; D. Anderson; Meier
SB 2149: Reps. J. Olson; Weisz; Mitskog
SB 2181: Reps. McLeod; Frelich; Strinden
SB 2245: Reps. Dockter; Toman; Koppelman
SB 2328: Reps. Heinert; Hauck; Richter
SB 2345: Reps. M. Ruby; Beltz; Davis
SB 2371: Reps. Thomas; S. Olson; Schreiber-Beck

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has appointed as a conference committee to act with a like committee from the Senate on:

SB 2129: Reps. S. Olson; Schneider; Stemen
SB 2170: Reps. Koppelman; Kasper; Dakane
SB 2198: Reps. Wagner; J. Johnson; Schauer
SB 2248: Reps. Klemin; Cory; Stemen

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1011, HB 1052, HB 1371, HB 1429, HB 1455.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HCR 3035.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2063.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2026.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2261, SB 2343.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1515.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2029.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: Your signature is respectfully requested on: HB 1288, HB 1465.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: Your signature is respectfully requested on: HB 1515.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2026, SB 2063.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2150, SB 2247.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1288, HB 1465.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1515.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: HB 1288, HB 1465.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: HB 1515.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: SB 2026, SB 2063.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: SB 2150, SB 2247.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2026, SB 2063.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2150, SB 2247.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS
The following bills were delivered to the Governor for approval on April 20, 2023: HB 1288, HB 1465.

MOTION
REP. BOSCH MOVED that the absent members be excused, which motion prevailed.

MOTION
REP. BOSCH MOVED that the House be on the Fourth, Fifth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Friday, April 21, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE
SB 2283, as engrossed and amended: Appropriations Committee (Rep. Vigesaa, Chairman) recommends **DO NOT PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2283, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE
HB 1013, as engrossed: Your conference committee (Sens. J. Roers, Vedaa, Wanzek and Reps. Kempenich, Mock, Brandenburg) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1610-1611, adopt amendments as follows, and place HB 1013 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1610 and 1611 of the House Journal and pages 1354 and 1355 of the Senate Journal and that Engrossed House Bill No. 1013 be amended as follows:

Page 1, replace lines 11 through 16 with:

"Salaries and wages	$6,473,127	$1,050,694	$7,523,821
Operating expenses	2,229,872	(460,778)	1,769,094
Capital assets	0	4,949,500	4,949,500
Contingencies	100,000	0	100,000
Total special funds	$8,802,999	$5,539,416	$14,342,415
Full-time equivalent positions	30.00	3.00	33.00"

Page 1, remove lines 22 and 23

Page 2, replace lines 1 and 2 with:

"Information technology project	$1,600,000	$4,900,000
Information technology equipment	0	5,400
Utility vehicle and trailer	0	49,500
Total special funds	$1,600,000	$4,954,900"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1013 - Department of Trust Lands - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	$6,473,127	$8,026,528	($502,707)	$7,523,821	$7,523,821	
Operating expenses	2,229,872	1,758,194	10,900	1,769,094	1,769,094	
Capital assets		4,949,500		4,949,500	2,549,500	$2,400,000
Contingencies	100,000	100,000		100,000	100,000	
Total all funds	$8,802,999	$14,834,222	($491,807)	$14,342,415	$11,942,415	$2,400,000

Less estimated income	8,802,999	14,834,222	(491,807)	14,342,415	11,942,415	2,400,000
General fund	$0	$0	$0	$0	$0	$0
FTE	30.00	32.00	1.00	33.00	33.00	0.00

Department 226 - Department of Trust Lands - Detail of Conference Committee Changes

	Adjusts Funding for Salary and Benefit Increases[1]	Adds FTE Position[2]	Removes Salary Funding for a Funding Pool[3]	Total Conference Committee Changes
Salaries and wages	$132,408	$334,842	($969,957)	($502,707)
Operating expenses		10,900		10,900
Capital assets				
Contingencies				
Total all funds	$132,408	$345,742	($969,957)	($491,807)
Less estimated income	132,408	345,742	(969,957)	(491,807)
General fund	$0	$0	$0	$0
FTE	0.00	1.00	0.00	1.00

[1] Salaries and wages funding is adjusted for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates, the same as the Senate, as follows:

	General Fund	Other Funds	Total
Salary increase	$0	$136,076	$136,076
Health insurance adjustment	0	(3,668)	(3,668)
Total	$0	$132,408	$132,408

The House provided salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024.

[2] Funding of $345,742 from the state lands maintenance fund is added for 1 FTE investment analyst position, including $334,842 for salaries and wages and $10,900 for operating expenses. Of the $10,900 for operating expenses, $9,100 is ongoing and $1,800 is one-time. The Senate added the position and related funding, but the House did not include this position.

[3] Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below, the same as the Senate. These amounts are available to the agency if needed by submitting a request to the Office of Management and Budget for a transfer from the new and vacant FTE funding pool.

	General Fund	Other Funds	Total
New FTE positions	$0	$739,732	$739,732
Vacant FTE positions	0	230,225	230,225
Total	$0	$969,957	$969,957

The House did not remove funding for a new and vacant FTE funding pool.

The Conference Committee:

- Provided $4.9 million for an IT project, the same as the House. The Senate provided $2.5 million for the project.
- Did not change a section included by both the House and Senate to provide for the permanent fund income distributions to state institutions.

Engrossed HB 1013 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1225: Your conference committee (Sens. Rummel, Magrum, Piepkorn and Reps. Schobinger, Schatz, Mitskog) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1794, adopt amendments as follows, and place HB 1225 on the Seventh order:

That the Senate recede from its amendments as printed on page 1794 of the House Journal

and page 1477 of the Senate Journal and that House Bill No. 1225 be amended as follows:

Page 1, line 1, replace "tax commissioner" with "information technology department"

Page 1, line 1, replace "the development of" with "providing grants to counties for expenses related to"

Page 1, line 2, remove "statewide"

Page 1, line 7, replace "$424,000" with "$300,000"

Page 1, line 8, replace "tax commissioner" with "information technology department"

Page 1, line 8, replace "developing" with "providing grants to counties for expenses related to"

Page 1, line 9, remove "statewide"

Page 1, line 10, remove "county"

Page 1, line 12, replace "Of the funding provided in this section, $130,000" with "The information technology department shall develop guidelines for the grants, including an application process. The funding provided in this section"

Page 1, line 14, replace "The" with "If a county receives a grant under this section, the"

Page 1, line 14, after "portal" insert "or online access to electronically accessible property information and property tax information"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1225 - Summary of Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Information Technology Department						
Total all funds	$0	$0	$300,000	$300,000	$0	$300,000
Less estimated income	0	0	0	0	0	0
General fund	$0	$0	$300,000	$300,000	$0	$300,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00
State Tax Commissioner						
Total all funds	$0	$424,000	($424,000)	$0	$0	$0
Less estimated income	0	0	0	0	0	0
General fund	$0	$424,000	($424,000)	$0	$0	$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00
Bill total						
Total all funds	$0	$424,000	($124,000)	$300,000	$0	$300,000
Less estimated income	0	0	0	0	0	0
General fund	$0	$424,000	($124,000)	$300,000	$0	$300,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

House Bill No. 1225 - Information Technology Department - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Online property tax portal grants			$300,000	$300,000		$300,000
Total all funds	$0	$0	$300,000	$300,000	$0	$300,000
Less estimated income	0	0	0	0	0	0
General fund	$0	$0	$300,000	$300,000	$0	$300,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Department 112 - Information Technology Department - Detail of Conference Committee Changes

	Adds One-Time Funding for Online Portal Grants[1]	Total Conference Committee Changes
Online property tax portal grants	$300,000	$300,000
Total all funds	$300,000	$300,000
Less estimated income	0	0
General fund	$300,000	$300,000
FTE	0.00	0.00

[1] One-time funding of $300,000 from the general fund for the Information Technology Department is added for grants to counties for expenses related to an online portal or online access to electronically accessible property and property tax information.

House Bill No. 1225 - State Tax Commissioner - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Online property tax portal		$424,000	($424,000)			
Total all funds	$0	$424,000	($424,000)	$0	$0	$0
Less estimated income	0	0	0	0	0	0
General fund	$0	$424,000	($424,000)	$0	$0	$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Department 127 - State Tax Commissioner - Detail of Conference Committee Changes

	Removes Funding for Online Portal[1]	Total Conference Committee Changes
Online property tax portal	($424,000)	($424,000)
Total all funds	($424,000)	($424,000)
Less estimated income	0	0
General fund	($424,000)	($424,000)
FTE	0.00	0.00

[1] An appropriation of $424,000 from the general fund to the Tax Commissioner for an online property tax portal is removed. The House provided $424,000, but the Senate removed the funding.

HB 1225 was placed on the Seventh order of business on the calendar.

The House stood adjourned pursuant to Representative Bosch's motion.

Buell J. Reich, Chief Clerk