JOURNAL OF THE SENATE

Sixty-eighth Legislative Assembly

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Bismarck, February 21, 2023

The Senate convened at 9:00 a.m., with President Miller presiding.

The prayer was offered by Reverend Canon Zanne Ness, Episcopal-Ministry on the Margins, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1012, HB 1254.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1176, HB 1297, HB 1362, HB 1427, HB 1474, HB 1491.

REPORT OF STANDING COMMITTEE

SB 2012: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2012 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, after "exemption" insert "; to amend and reenact sections 50-06-42, 50-24.1-26, and 50-29-04 of the North Dakota Century Code, relating to the substance use disorder treatment voucher system, Medicaid in-home services, 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 study"

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

Page 1, line 3, after "report" insert "; and to provide an effective date"

Page 1, remove lines 13 through 24

Page 2, remove lines 1 through 30

Page 3, replace lines 1 through 6 with:

"

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	$21,363,556	$3,045,900	$24,409,456
Operating expenses	151,161,924	89,904,000	241,065,924
Capital assets	75,000	0	75,000
Total all funds	$172,600,480	$92,949,900	$265,550,380
Less estimated income	92,905,426	93,255,417	186,160,843
Total general fund	$79,695,054	($305,517)	$79,389,537

Subdivision 2.

PROGRAM AND POLICY

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	$122,081,310	$19,537,197	$141,618,507
Operating expenses	176,078,719	55,722,549	231,801,268

Capital assets	10,000	0	10,000
Grants	467,144,387	190,506,682	657,651,069
Grants - medical assistance	3,028,666,463	556,176,867	3,584,843,330
Opioid prevention	0	2,000,000	2,000,000
Total all funds	$3,793,980,879	$823,943,295	$4,617,924,174
Less estimated income	2,499,452,627	489,283,991	2,988,736,618
Total general fund	$1,294,528,252	$334,659,304	$1,629,187,556

Subdivision 3.

FIELD SERVICES

	Base Level	Adjustments or Enhancements	Appropriation
Human service centers	$163,213,829	$26,160,626	$189,374,455
Institutions	130,383,428	33,139,340	163,522,768
Total all funds	$293,597,257	$59,299,966	$352,897,223
Less estimated income	114,273,300	(18,574,719)	95,698,581
Total general fund	$179,323,957	$77,874,685	$257,198,642

Subdivision 4.

COUNTY SOCIAL SERVICE FINANCING

	Base Level	Adjustments or Enhancements	Appropriation
County social services	$189,917,386	$35,444,200	$225,361,586
Total all funds	$189,917,386	$35,444,200	$225,361,586
Less estimated income	188,676,995	35,333,519	224,010,514
Total general fund	$1,240,391	$110,681	$1,351,072

Subdivision 5.

TOTAL - SECTION 1

	Base Level	Adjustments or Enhancements	Appropriation
Grand total general fund	$1,554,787,654	$412,339,153	$1,967,126,807
Grant total special funds	2,895,308,348	599,298,208	3,494,606,556
Grant total all funds	$4,450,096,002	$1,011,637,361	$5,461,733,363
Full-time equivalent positions	2,265.33	94.00	2,359.33"

Page 3, replace line 10 with:

"Technology projects	$67,596,372	$72,000,000"

Page 3, replace line 14 with:

"Human service center projects	724,000	735,154"

Page 3, replace lines 16 through 19 with:

"Special session one-time appropriations	138,389,558	0
State hospital design	0	5,000,000
Operating inflation	0	20,564,344
Field services revenue replacement	0	36,028,141
Program integrity audits	0	4,500,000
Pregnant and parenting residential	0	1,000,000
Workforce initiative	0	13,000,000
Total all funds	$216,080,305	$152,827,639
Less estimated income	191,847,089	97,267,326
Total general fund	$24,233,216	$55,560,313"

Page 3, line 23, after "Act" insert ", section 1 of House Bill No. 1004 as approved by the sixty-eighth legislative assembly, and any remaining appropriation authority for the

department of health and human services approved by the sixty-eighth legislative assembly"

Page 3, line 24, after the period insert "Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer appropriation authority from line items within subdivisions 1, 2, and 3 of section 1 of this Act, section 1 of House Bill No. 1004 as approved by the sixty-eighth legislative assembly and any remaining appropriation authority for the department of health and human services approved by the sixty-eighth legislative assembly to subdivision 4 of section 1 of this Act for the biennium beginning July 1, 2023, and ending June 30, 2025, as requested by the department of health and human services."

Page 3, remove lines 29 through 31

Page 4, replace lines 1 through 6 with:

"**SECTION 4. TRANSFER OF APPROPRIATION AUTHORITY.** Section 1 of this Act and section 1 of House Bill No. 1004 include appropriation authority for the department of health and human services for the biennium beginning July 1, 2023, and ending June 30, 2025. On July 1, 2023, the office of management and budget shall combine the appropriation authority contained in section 1 of this Act and section 1 of House Bill No. 1004, and any other appropriation authority for the department of health and human services in other bills approved by the sixty-eighth legislative assembly, into one budget for the department of health and human services. The department of health and human services shall submit one budget request for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 5. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - HUMAN SERVICE FINANCE FUND. The office of management and budget shall transfer the sum of $21,600,000 from the strategic investment and improvements fund to the human service finance fund during the biennium beginning July 1, 2023, and ending June 30, 2025."

Page 4, line 8, replace "$187,223,092" with "$221,600,000"

Page 4, line 12, replace "$31,500,000" with "$20,400,000"

Page 4, line 13, replace "in the medical services division" with "of the child support computer replacement project"

Page 4, replace lines 14 through 17 with:

"**SECTION 8. ESTIMATED INCOME - LEGACY EARNINGS FUND.** The estimated income line item in subdivision 2 of section 1 of this Act includes the sum of $7,000,000 from the legacy earnings fund for defraying expenses for the child care assistance programs.

SECTION 9. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The estimated income line item in subdivision 5 of section 1 of this Act includes the sum of $17,735,154 from the strategic investment and improvements fund for the following purposes:

1. The sum of $11,000,000 for the procurement and grants management system;

2. The sum of $5,000,000 for the design of a new state hospital;

3. The sum of $1,000,000 for pregnant and parenting women residential facilities; and

4. The sum of $735,154 for projects at the southeast human service center.

SECTION 10. CAPITAL PAYMENTS. During the biennium beginning July 1, 2023, and ending June 30, 2025, the department of health and human services is authorized to expend funds for the payment of special assessments at the state

hospital and life skills and transition center. Pursuant to section 3 of this Act, the director of the office of management and budget may transfer appropriation authority between line items within subdivisions 1, 2, and 3 of section 1 of this Act, section 1 of House Bill No. 1004, and any remaining appropriation authority for the department of health and human services approved by the sixty-eighth legislative assembly. The department may transfer funds for the payment of special assessments at the state hospital and life skills and transition center ahead of the special assessments schedule. Notwithstanding section 54-27-12, the department may spend funds for the payment of special assessments at the state hospital and life skills and transition center.

SECTION 11. CAPITAL PROJECTS - EMERGENCY COMMISSION APPROVAL. During the biennium beginning July 1, 2023, and ending June 30, 2025, the department of health and human services is authorized to proceed with the demolition of the administrative building and employee building and associated tunnels at the state hospital. Pursuant to section 3 of this Act, the director of the office of management and budget may transfer appropriation authority between line items within subdivisions 1, 2, and 3 of section 1 of this Act, section 1 of House Bill No. 1004, and any remaining appropriation authority for the department of health and human services approved by the sixty-eighth legislative assembly. The department may transfer funds for the demolition of the identified buildings and associated tunnels and for emergency capital projects. Notwithstanding section 54-27-12, the department of health and human services may spend up to $5,000,000 for emergency projects under this section and may seek emergency commission approval to spend more than $5,000,000 under this section.

SECTION 12. CHILD CARE FINANCIAL ASSISTANCE - DIRECT PAYMENTS. Subdivision 2 of section 1 of this Act includes the sum of $1,000,000 for the purpose of financial assistance and direct payments for child care services for the biennium beginning July 1, 2023, and ending June 30, 2025. Notwithstanding subsection 3 of section 50-11.1-14.1, the department may provide financial assistance to beneficiaries related to child care services. The requirements of chapter 54-44.4 do not apply to this subsection, including the selection of recipients and the disbursement of funds.

SECTION 13. PERMANENT SUPPORTIVE HOUSING GRANTS. Subdivision 2 of section 1 of this Act includes the sum of $4,672,536 from the general fund for permanent supportive housing grants. The department of health and human services shall develop a funding methodology to distribute the funding to qualified entities that utilize best practices for permanent supportive housing, provide recovery-oriented and person-centered services, submit process and outcome measures to the department, and authorize the department to conduct onsite visits to review program operations.

SECTION 14. STATE HOSPITAL PROJECT - COMMUNITY ACUTE PSYCHIATRY - REPORT. Subdivision 3 of section 1 of this Act includes the sum of $5,000,000 from the strategic investment and improvements fund for the design of a new state hospital. As part of the design process, the department of health and human services shall consider statewide acute psychiatric needs, including the establishment of acute psychiatric facilities in Dickinson, Williston, Minot, Devils Lake, and Grand Forks and shall consider collaborating and entering partnerships with local mental health and substance use disorder providers. The department shall present a report to the sixty-ninth legislative assembly regarding options for a new state hospital.

SECTION 15. EXPENDITURES MAY NOT EXCEED APPROPRIATION - MEDICAL ASSISTANCE EXPANSION PROGRAM - APPLICATION.

1. Subdivision 2 of section 1 of this Act includes the sum of $942,550,279, of which $94,225,028 is from the general fund, for the medical assistance expansion program for the biennium beginning July 1, 2023, and ending June 30, 2025. The expenditures for individuals eligible for the medical assistance expansion program may not exceed this amount.

2. The department of health and human services may exceed appropriations for increases in medical assistance expansion program caseload, for the addition of coverage consistent with the traditional Medicaid 1915(i) state plan, utilization rates, and unwinding of the federal Medicaid continuous enrollment requirement, and reduction in federal medical assistance percentage.

3. The managed care organization under contract with the department to manage the medical assistance expansion program shall reimburse providers within the same provider type and specialty at consistent levels and with consistent methodology and may not provide incentive, quality, or supplemental payments to providers, unless part of a value-based program approved by the department. The managed care organization shall reimburse all North Dakota substance use providers of American society of addiction medicine level 2.5 at consistent levels and with consistent methodology. The managed care organization may consider urban and rural providers as different provider types. Critical access hospitals may not be paid less than one hundred percent of Medicare allowable costs.

4. The managed care organization and the department of health and human services shall ensure payments to Indian or Tribal 638 health care providers, federally qualified health centers, and rural health clinics meet the federally required minimum levels of reimbursement.

5. The department of health and human services shall ensure providers within the same provider type and specialty are reimbursed at consistent levels and with consistent methodology and shall ensure the capitation rates under risk contracts are actuarially sound and are adequate to meet managed care organization contractual requirements regarding availability of services, assurance of adequate capacity and services, and coordination and continuity of care.

SECTION 16. AMENDMENT. Section 50-06-42 of the North Dakota Century Code is amended and reenacted as follows:

50-06-42. Substance use disorder treatment voucher system. ~~(Retroactive application - See note)~~

1. The department shall establish and administer, within the limits of legislative appropriations, a voucher system to address underserved areas and gaps in the state's substance abuse treatment system and to assist in the payment of addiction treatment services provided by licensed substance abuse treatment programs, excluding regional human service centers~~,~~ and hospital- or medical clinic-based programs for medical management of withdrawal~~, and any institution for mental diseases in accordance with subsection 2~~. An out-of-state licensed substance abuse treatment program located within a bordering state may participate in the voucher program to serve an underserved area of this state pursuant to the rules adopted by the department. The department shall develop rules to include processes and requirements for an out-of-state provider to receive reimbursement only for outpatient and community-based services upon a provider completing an assessment of need and receiving approval from the department.

2. ~~The department shall deny a licensed substance abuse treatment program's substance use disorder treatment voucher system application and deny reimbursement by the substance use disorder treatment voucher system if the licensed substance abuse treatment program is an institution for mental diseases and reimbursement is requested for residential beds added on or after July 1, 2020.~~

~~3.~~ Services eligible for the voucher program include only those levels of care recognized by the American society of addiction medicine, with particular emphasis given to underserved areas and programs. The

department shall ensure that a licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers collects and reports process and outcome measures.

~~4.~~3. The department shall develop requirements and provide training and technical assistance to a licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers. A licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers shall provide evidence-based services.

~~5.~~4. The department shall allocate funding appropriated for the substance use disorder treatment voucher as follows:

a. No more than forty-five percent of the appropriated amount may be allocated for residential substance use disorder services administered by licensed substance abuse treatment programs with more than sixteen beds.

b. The remaining appropriation must be allocated for residential programs with sixteen or fewer beds, nonresidential outpatient, and ancillary substance use disorder services administered by licensed substance abuse treatment programs.

SECTION 17. AMENDMENT. Section 50-24.1-26 of the North Dakota Century Code is amended and reenacted as follows:

50-24.1-26. Medicaid waivers - In-home services.

The department shall administer Medicaid waivers to provide in-home services to children with extraordinary medical needs and to children up to the age of ~~sixteen~~eighteen diagnosed with an autism spectrum disorder who would otherwise meet institutional level of care. The department may prioritize applicants for the waiver for children with extraordinary medical needs by degree of need.

SECTION 18. AMENDMENT. Section 50-29-04 of the North Dakota Century Code is amended and reenacted as follows:

50-29-04. Plan requirements.

The plan:

1. Must be consistent with coverage provided to children eligible for medical assistance in the state; and

2. Must provide:

a. A modified adjusted gross income eligibility limit of ~~one~~two hundred ~~seventy-five~~ten percent of the poverty line; and

b. Current eligibility may be established from the first day of the month in which the application was received. Retroactive eligibility may be established for the three calendar months that immediately preceded the month in which the application was received even if there is no eligibility in the month of application. Eligibility can be established if all factors of eligibility are met during each month.

SECTION 19. REPEAL. Section 50-06-32.1 of the North Dakota Century Code is repealed.

SECTION 20. BUILDING PROJECT - LEASE. The department of health and human services is authorized to enter into agreements with vendors to build two buildings for the department to lease for the lake region human service center and northwest human service center for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 21. LEASE OF LAND - STATE HOSPITAL. The department of health and human services and national guard may enter an agreement to lease up to twenty acres of real property associated with the state hospital for the national guard to construct a new training and storage facility.

SECTION 22. PROVIDER PROCESS AND OUTCOME MEASURES. Providers that receive funding from the department of health and human services shall submit process and outcome measures, as required by the department, to the department for programs and services supported by state funding during the biennium beginning July 1, 2023, and ending June 30, 2025, for the department to evaluate the administration of the programs and services using the appropriation for the program or service.

SECTION 23. HUMAN SERVICE CENTERS - CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS - CONTINGENT FULL-TIME EQUIVALENT POSITIONS - REPORT. Beginning with the effective date of this Act, the department of health and human services shall select three human service centers to begin the process of becoming a certified community behavioral health clinic to provide continuous community-based behavioral health services for children and adults. The department shall pursue additional federal funding as available. Subject to the availability of generated income, the department may add up to fifty full-time equivalent positions for field services to provide direct services for the period beginning with the effective date of this Act and ending June 30, 2025. The department shall report to the office of management and budget and legislative council each time a position is added.

SECTION 24. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2023, and ending June 30, 2025:

1. The sum of $750,000 appropriated from the general fund for suicide prevention grants in chapter 37 of the 2019 Session Laws;

2. The sum of $1,776,000 appropriated from the strategic investment and improvements fund and the sum of $5,328,000 appropriated from federal funds for the Medicaid management information system technology stack upgrade in chapter 37 of the 2019 Session Laws;

3. The sum of $600,000 appropriated from the general fund and the sum of $1,800,000 appropriated from federal funds for the Medicaid management information system technology stack upgrade in chapter 12 of the 2021 Session Laws;

4. The sum of $4,326,686 appropriated from the general fund and the sum of $30,673,314 appropriated from federal funds for the Medicaid management information system modularization technology project in chapter 12 of the 2021 Session Laws;

5. Any amounts appropriated to the department of health and human services in chapter 549 of the 2021 Special Session Session Laws of which the amount appropriated for medical assistance percentage adjustments may be used for the home- and community-based services 10 percent enhancement plan;

6. Any amounts appropriated to the department of health and human services in chapter 550 of the 2021 Special Session Session Laws;

7. Any amounts appropriated to the department of health and human services for COVID-19 relief in chapters 27 and 28 of the 2021 Session Laws;

8. The amount appropriated for the modification of the department of human services' eligibility systems in chapter 578 of the 2011 Special Session Session Laws which was continued into the 2013-15 biennium,

then the 2015-17 biennium, then the 2017-19 biennium, then the 2019-21 biennium, and then 2021-23 biennium; and

9. The sum of $2,000,000 appropriated for substance use disorder voucher system grants in chapter 12 of the 2021 Session Laws which may be continued and spent pursuant to section 50-06-42.1.

SECTION 25. EXEMPTION - EARLY CHILDHOOD INFORMATION SYSTEM. The requirements of chapter 54-44.4 do not apply to the selection of a vendor, the procurement award, or payments made under this section regarding an early childhood workforce and professional development information system or an early childhood resource and referral information system for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 26. EXEMPTION - PURCHASE OF CONSUMABLES. The requirements of chapter 54-44.4 do not apply to the purchase of consumables at the department of health and human services continuously staffed residential units during low-census time periods for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 27. LEGISLATIVE INTENT - UTILIZATION RATE ADJUSTMENT. It is the intent of the sixty-eighth legislative assembly that the department of health and human services seeks a deficiency appropriation from the sixty-ninth legislative assembly for any expenditures that exceed appropriated amounts as a result of utilization rates, discontinuation of the federal Medicaid continuous enrollment requirement, value-based purchasing for nursing facilities, and reduction in federal medical assistance percentage, during the biennium beginning July 1, 2023, and ending June 30, 2025, if funding is not sufficient to pay actual expenses.

SECTION 28. LEGISLATIVE INTENT - PROVIDER RATE INCREASE. Except as otherwise noted, section 1 of this Act includes funding for human service provider inflation increases of four percent for each year of the biennium beginning July 1, 2023, and ending June 30, 2025. Section 1 of this Act includes funding for developmental disability service payment inflation increases of seven percent the first year of the biennium and four percent the second year of the biennium beginning July 1, 2023, and ending June 30, 2025. The provider inflation increase in this section does not apply to nursing and basic care facilities.

SECTION 29. FEDERAL FUNDING APPEAL LIMITATION. Except as otherwise specifically provided by federal law, a person may not appeal a denial, revocation, reduction in services or payment, or the termination of a program or service by the department of health and human services due to the unavailability of federal coronavirus funding received under federal law resulting from the federal coronavirus pandemic emergency declaration for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 30. LEGISLATIVE MANAGEMENT STUDY - EARLY CHILDHOOD PROGRAMS AND SERVICES. During the 2023-24 interim, the legislative management shall consider studying the early child care programs and child care services to identify major needs and systemic approaches to stabilize child care infrastructure. 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 31. LEGISLATIVE MANAGEMENT REPORT - EARLY CHILDHOOD PROGRAMS. During the 2023-24 interim, the department of health and human services shall provide reports to the legislative management regarding the status of early childhood programs managed by the department.

SECTION 32. EFFECTIVE DATE. Section 19 of this Act becomes effective on January 1, 2024."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2012 - Summary of Senate Action

	Base Budget	Senate Changes	Senate Version
DHHS - Management			
Total all funds	$172,600,480	$92,949,900	$265,550,380
Less estimated income	92,905,426	93,255,417	186,160,843
General fund	$79,695,054	($305,517)	$79,389,537
FTE	97.85	16.05	113.90
DHHS - Program/Policy			
Total all funds	$3,793,980,879	$823,943,295	$4,617,924,174
Less estimated income	2,499,452,627	489,283,991	2,988,736,618
General fund	$1,294,528,252	$334,659,304	$1,629,187,556
FTE	666.17	21.15	687.32
DHHS - County Social Services Financing			
Total all funds	$189,917,386	$35,444,200	$225,361,586
Less estimated income	188,676,995	35,333,519	224,010,514
General fund	$1,240,391	$110,681	$1,351,072
FTE	159.00	5.00	164.00
DHHS - Field Services			
Total all funds	$293,597,257	$59,299,966	$352,897,223
Less estimated income	114,273,300	(18,574,719)	95,698,581
General fund	$179,323,957	$77,874,685	$257,198,642
FTE	1,342.31	51.80	1,394.11
Bill total			
Total all funds	$4,450,096,002	$1,011,637,361	$5,461,733,363
Less estimated income	2,895,308,348	599,298,208	3,494,606,556
General fund	$1,554,787,654	$412,339,153	$1,967,126,807
FTE	2,265.33	94.00	2,359.33

Senate Bill No. 2012 - DHHS - Management - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	$21,363,556	$3,045,900	$24,409,456
Operating expenses	151,161,924	89,904,000	241,065,924
Capital assets	75,000		75,000
Total all funds	$172,600,480	$92,949,900	$265,550,380
Less estimated income	92,905,426	93,255,417	186,160,843
General fund	$79,695,054	($305,517)	$79,389,537
FTE	97.85	16.05	113.90

Department 326 - DHHS - Management - Detail of Senate Changes

	Adjusts Funding for Management[1]	Total Senate Changes
Salaries and wages	$3,045,900	$3,045,900
Operating expenses	89,904,000	89,904,000
Capital assets		
Total all funds	$92,949,900	$92,949,900
Less estimated income	93,255,417	93,255,417
General fund	($305,517)	($305,517)
FTE	16.05	16.05

[1] Funding for management is adjusted as follows:

2023-25 Ongoing Funding Changes	FTE Positions	General Fund	Other Funds	Total
Adjusts funding for base payroll and budget changes	14.55	$5,995,189	$11,524,138	$17,519,327
Adds funding for salary increases of 4 percent on July 1, 2023, and July 1, 2024		$862,063	$283,496	$1,145,559
Adds funding for increases in monthly health insurance rates from $1,429 to $1,648 per month		436,667	139,099	575,766

Converts 1 temporary position and adds an additional 0.50 FTE position for criminal background check processing	1.50	120,780	26,512	147,292
Adds funding for Americans with Disabilities Act coordination		55,200		55,200
Adds funding for a new Capitol space rent model		842,674		842,674
Reduces funding for overall agency operations		(19,900,262)		(19,900,262)
Total ongoing funding changes	16.05	($11,587,689)	$11,973,245	$385,556
One-Time Funding Items				
Adds one-time funding to continue to automate the criminal background check process		$1,000,000		$1,000,000
Provides one-time funding for operating inflation		10,282,172	$10,282,172	20,564,344
Adds one-time funding from the strategic investment and improvements fund for a procurement and grants software project			11,000,000	11,000,000
Provides one-time funding of $60.0 million, of which $20.4 million is from the community health trust fund and $39.6 million is from federal funds to replace the child support case management system			60,000,000	60,000,000
Total one-time funding changes	0.00	$11,282,172	$81,282,172	$92,564,344
Total changes to base level funding	16.05	($305,517)	$93,255,417	$92,949,900

Senate Bill No. 2012 - DHHS - Program/Policy - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	$122,081,310	$19,537,197	$141,618,507
Operating expenses	176,078,719	55,722,549	231,801,268
Capital assets	10,000		10,000
Grants	467,144,387	190,506,682	657,651,069
Grants - Medical assistance	3,028,666,463	556,176,867	3,584,843,330
Opioid prevention		2,000,000	2,000,000
Total all funds	$3,793,980,879	$823,943,295	$4,617,924,174
Less estimated income	2,499,452,627	489,283,991	2,988,736,618
General fund	$1,294,528,252	$334,659,304	$1,629,187,556
FTE	666.17	21.15	687.32

Department 328 - DHHS - Program/Policy - Detail of Senate Changes

	Adjusts Funding for Program and Policy[1]	Total Senate Changes
Salaries and wages	$19,537,197	$19,537,197
Operating expenses	55,722,549	55,722,549
Capital assets		
Grants	190,506,682	190,506,682
Grants - Medical assistance	556,176,867	556,176,867
Opioid prevention	2,000,000	2,000,000
Total all funds	$823,943,295	$823,943,295
Less estimated income	489,283,991	489,283,991
General fund	$334,659,304	$334,659,304
FTE	21.15	21.15

[1] Funding for program and policy is adjusted as follows:

2023-25 Ongoing Funding Changes	FTE Positions	General Fund	Other Funds	Total
Adjusts funding for base payroll and budget changes	9.15	$11,576,010	$9,505,488	$21,081,498
Adds funding for salary increases of 4 percent on July 1, 2023, and July 1, 2024		2,661,463	3,528,496	6,189,959
Adds funding for increases in monthly health insurance rates from $1,429 to $1,648 per month		1,338,470	1,865,110	3,203,580
Adds funding for estimated cost and caseload increases		122,273,747	381,790,377	504,064,124
Adds funding for annual provider inflation increases of 4 percent		47,443,941	50,139,879	97,583,820
Adds funding for federal medical assistance		21,621,657	(21,621,657)	0

percentage adjustments based on a rate of 52.50 percent for federal fiscal years 2024 and 2025.				
Economic Assistance				
Transfers temporary assistance for needy families funding currently used for foster care funding			7,496,368	7,496,368
Adds funding to increase the utilization of the child care assistance program for children ages 0 to 3		22,000,000		22,000,000
Adds funding to improve the ability of low-income parents to obtain child care		12,900,000		12,900,000
Increases federal funds authority for the child care and development fund ($2,491,435) and the low-income home energy assistance program ($12,700,000)			15,191,435	15,191,435
Medical Services				
Adds positions to provide assistance to Medicaid providers that employ direct care workers	2.00	48,642	266,995	315,637
Increases the eligibility level for the children's health insurance program from 170 to 210 percent of the federal poverty level		1,389,270	2,878,042	4,267,312
Increases the eligibility level for medically needy individuals from 83 to 90 percent of the federal poverty level		6,300,000	4,200,000	10,500,000
Long-Term Care				
Increases funding for home- and community-based services, including an increase in the personal needs allowance, an increase in adult foster care rates, increasing the family home care rate to $72.50 per day, and other enhancements		8,288,319	2,402,565	10,690,884
Eliminates the autism spectrum disorder voucher program and increases funding for the autism waiver program		4,168,959	4,607,797	8,776,756
Increases the maximum benefit level and available slots for the medically fragile waiver		186,400	206,022	392,422
Aging Services				
Adds 2 FTE home- and community-based services navigator positions and 1 FTE home- and community-based services generalist position	3.00	143,912	143,912	287,824
Increases senior meal rates from $4.60 to $8.89 for home-delivered meals and from $4.60 to $7.62 for congregate meals and provides for up to two home-delivered meals per day		12,992,444		12,992,444
Adds funding to increase aging services guardianship rates		70,500		70,500
Adds an FTE position for compliance and quality assurance	1.00	103,868	103,868	207,736
Adds an FTE position using existing federal funds for services to be provided due to a federal Department of Justice lawsuit	1.00			0
Increases funding for dementia care services grants to provide a total of $1.6 million		305,000		305,000
Children and Family Services				
Adds general fund support for foster care to allow temporary assistance for needy families funding to be redirected to economic assistance programs		7,496,368	(7,496,368)	0
Increases funding for children's advocacy centers to provide total funding of $4.1 million		2,500,000		2,500,000
Adds funding to provide assistance to unlicensed kin caregivers		960,000		960,000
Adds funding for grants to organizations that provide family-to-family support services		175,000		175,000
Behavioral Health				
Adds 1 FTE service navigator position and 1 FTE voucher processor position	2.00	223,946		223,946
Increases funding for the free through recovery program for funds to be received from the Department of Corrections and Rehabilitation for the program to provide total funding of $15.5 million			8,326,380	8,326,380
Increases funding for the community connect program to provide total funding of $15 million		7,019,514		7,019,514

Adds funding related to an opioid settlement			2,000,000	2,000,000
Adds funding for pregnant and parenting women residential services		600,000		600,000
Adds funding for school behavioral health grants to provide total funding of $6.5 million		3,500,000		3,500,000
Adds funding for recovery housing		1,300,000		1,300,000
Adds federal funds spending authority for the B-HERO program			400,000	400,000
Increases the Medicaid reimbursement rate for behavioral health practitioners from 75 to 100 percent of the Medicaid professional services fee schedule effective the 2nd year of the 2023-25 biennium		1,362,070	1,505,446	2,867,516
Developmental Disabilities				
Adds funding for guardianship establishment		300,000		300,000
Adds 1 FTE position for compliance and quality assurance	1.00	103,868	103,868	207,736
Adds 1 FTE early intervention position	1.00	86,602	86,602	173,204
Adds additional funding to increase developmental disability provider rates by 7 percent the 1st year of the biennium		10,223,681	11,403,366	21,627,047
Increases corporate guardianship slots by 30 to provide for 529 total slots and increases the daily reimbursement rate by 5 percent per year		808,748		808,748
Early Childhood				
Expands the best in class program		12,000,000		12,000,000
Adds funding for early childhood career grants		2,000,000		2,000,000
Adds 1 FTE program administrator for early childhood programs	1.00	236,905		236,905
Total ongoing funding changes	21.15	$326,709,304	$479,033,991	$805,743,295
One-Time Funding Items				
Adds one-time funding for program integrity audits		$2,250,000	$2,250,000	$4,500,000
Adjusts funding for autism programs		(300,000)		(300,000)
Adds funding from the strategic investment and improvements fund for a pregnant and parenting women facility			1,000,000	1,000,000
Add one-time funding to increase capacity for the early childhood rating infrastructure		3,000,000		3,000,000
Add one-time funding to create quality tiers in the child care reimbursement program		3,000,000		3,000,000
Expands public-private child care benefits using one-time funding from the legacy earnings fund			1,000,000	1,000,000
Provides child care business operating grants using one-time funding from the legacy earnings fund			5,000,000	5,000,000
Creates a pilot program for child care during nontraditional hours using one-time funding from the legacy earnings fund			1,000,000	1,000,000
Total one-time funding changes	0.00	$7,950,000	$10,250,000	$18,200,000
Total changes to base level funding	21.15	$334,659,304	$489,283,991	$823,943,295

Senate Bill No. 2012 - DHHS - County Social Services Financing - Senate Action

	Base Budget	Senate Changes	Senate Version
County social services	$189,917,386	$35,444,200	$225,361,586
Total all funds	$189,917,386	$35,444,200	$225,361,586
Less estimated income	188,676,995	35,333,519	224,010,514
General fund	$1,240,391	$110,681	$1,351,072
FTE	159.00	5.00	164.00

Department 333 - DHHS - County Social Services Financing - Detail of Senate Changes

	Adjusts Funding for County Social Services Program[1]	Total Senate Changes
County social services	$35,444,200	$35,444,200
Total all funds	$35,444,200	$35,444,200
Less estimated income	35,333,519	35,333,519
General fund	$110,681	$110,681
FTE	5.00	5.00

[1] Funding is adjusted for the county social services program as follows:

2023-25 Ongoing Funding Changes	FTE Positions	General Fund	Other Funds	Total
Adjusts funding for base payroll and budget changes	(2.00)	$18,434	$1,240,493	$1,258,927
Adds funding for state employee salary increases of 4 percent on July 1, 2023, and July 1, 2024		61,440	1,486,858	1,548,298
Adds funding for increases in monthly health insurance rates from $1,429 to $1,648 per month		30,807	721,687	752,494
Adds funding for human service zone employee salary increases of 4 percent on July 1, 2023, and July 1, 2024			6,240,680	6,240,680
Adds funding for human services zone employee salary equity adjustments			1,000,000	1,000,000
Adjusts federal and special funds spending authority, including an additional $20 million for human service zone operations and $600,000 for increases in indigent burial assistance			23,541,770	23,541,770
Adds 4 FTE home- and community-based services management positions the 1st year of the biennium and 3 FTE positions the 2nd year of the biennium	7.00		1,102,031	1,102,031
Total ongoing funding changes	5.00	$110,681	$35,333,519	$35,444,200

Senate Bill No. 2012 - DHHS - Field Services - Senate Action

	Base Budget	Senate Changes	Senate Version
Human service centers	$163,213,829	$26,160,626	$189,374,455
Institutions	130,383,428	33,139,340	163,522,768
Total all funds	$293,597,257	$59,299,966	$352,897,223
Less estimated income	114,273,300	(18,574,719)	95,698,581
General fund	$179,323,957	$77,874,685	$257,198,642
FTE	1,342.31	51.80	1,394.11

Department 349 - DHHS - Field Services - Detail of Senate Changes

	Adjusts Funding for Field Services[1]	Total Senate Changes
Human service centers	$26,160,626	$26,160,626
Institutions	33,139,340	33,139,340
Total all funds	$59,299,966	$59,299,966
Less estimated income	(18,574,719)	(18,574,719)
General fund	$77,874,685	$77,874,685
FTE	51.80	51.80

[1] Funding is adjusted for field services as follows:

2023-25 Ongoing Funding Changes	FTE Positions	General Fund	Other Funds	Total
Adjusts funding for base payroll and budget changes	(21.70)	$5,365,003	$7,438,385	$12,803,388
Adds funding for salary increases of 4 percent on July 1, 2023, and July 1, 2024		8,926,423	2,830,652	11,757,075
Adds funding for increases in monthly health insurance rates from $1,429 to $1,648 per month		4,161,185	1,449,231	5,610,416
Converts 28.5 temporary human service center positions to FTE positions to provide behavioral health services	28.50	950,906		950,906
Increases funding for crisis support services to convert 16 temporary positions to FTE peer support positions, to add 1 FTE nurse for residential crisis services, to add 4 FTE mobile crisis positions, to increase funding for locum tenens contracts, and to increase funding for contracted providers	21.00	11,375,536		11,375,536
Adds funding for annual provider inflation increases of 4 percent		1,417,491		1,417,491
Adds funding for three human service centers to become certified community behavioral health clinics	24.00	9,650,000		9,650,000
Total ongoing funding changes	51.80	$41,846,544	$11,718,268	$53,564,812
One-Time Funding Items				
Provides one-time funding from the strategic investment and improvements fund for the architectural design of a new state hospital			$5,000,000	$5,000,000

Provides one-time funding from the strategic investment and improvements fund to replace the fire alarm system and resurface the parking lot at the Southeast Human Service Center			735,154	735,154
Adds one-time funding to replace federal and special fund revenue with funding from the general fund due to decreased revenues and increased operating costs at human service centers and the State Hospital		$36,028,141	(36,028,141)	0
Total one-time funding changes	0.00	$36,028,141	($30,292,987)	$5,735,154
Total changes to base level	51.80	$77,874,685	($18,574,719)	$59,299,966

Senate Bill No. 2012 - Other Changes - Senate Action

This amendment also:

- Transfers $21.6 million from the strategic investment and improvements fund to the human service finance fund.
- Identifies $221.6 million from the human service finance fund for the county social services program.
- Identifies $20.4 million from the community health trust fund for the child support case management system project.
- Identifies $7 million from the legacy earnings fund for child care assistance program.
- Identifies $17,735,154 from the strategic investment and improvements fund for the procurement and grants computer project ($11,000,000), the design of a new state hospital ($5,000,000), pregnant and parenting women residential facilities ($1,000,000), and Southeast Human Service Center deferred maintenance projects ($735,154).
- Authorizes capital payments for special assessment costs at the State Hospital and Life Skills and Transition Center.
- Authorizes the demolition of certain buildings at the State Hospital.
- Authorizes direct assistance for beneficiaries of child care assistance.
- Provides guidelines for the the use of behavioral health facility grants.
- Identifies $4,672,536 from the general fund for permanent supportive housing grants.
- Provides that expenditures for the Medicaid Expansion program may not exceed legislative appropriations.
- Amends North Dakota Century Code Section 50-06-42 to remove the moratorium on new substance use disorder voucher program providers.
- Amends Section 50-24.1-26 to increase the eligible age of the autism waiver program from 16 to 18.
- Amends Section 50-29-04 to increase the eligibility level of the children's health insurance program from 175 to 210 percent of the federal poverty level.
- Repeals Section 50-06-32.1 relating to the autism voucher.
- Authorizes DHHS to enter into agreements with vendors to build two human service center buildings.
- Authorizes DHHS to lease land at the State Hospital to the National Guard to construct a training and storage building.
- Requires providers receiving funding from DHHS to submit process and outcome measures.
- Provides guidelines for three human service centers to become certified behavioral health clinics.
- Provides exemptions to authorize unexpended appropriations to continue into the 2023-25 biennium.
- Provides an exemption for procurement requirements for an early childhood information system.
- Provides an exemption for procurement for consumables at department residential facilities during low-census time periods.
- Provides intent that DHHS seeks a deficiency appropriation from the 69th Legislative Assembly if utilization rates exceed estimates.
- Identifies provider inflation increases included in the amendment.

- Provides that an individual may not appeal a denial or reduction of service by DHHS if federal COVID-19 funding is no longer available.
- Provides for a Legislative Management study of early childhood programs.
- Provides for DHHS to provide reports to the Legislative Management regarding the status of early childhood programs.

REPORT OF STANDING COMMITTEE

SB 2013: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2013 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 3, after the semicolon insert "to amend and reenact sections 15.1-02-02 and 54-24.3-01 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction and regional library cooperative definitions; to provide for a transfer; to provide for reports;"

Page 1, remove lines 14 through 24

Page 2, replace lines 1 through 6 with:

"

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	$17,854,747	$1,459,112	$19,313,859
Operating expenses	33,098,149	195,171	33,293,320
Integrated formula payments	2,131,825,000	316,826,200	2,448,651,200
Grants - special education	27,000,000	0	27,000,000
Grants - transportation	58,100,000	0	58,100,000
Grants - other grants	312,738,893	70,000,000	382,738,893
Grants - program grants	0	13,780,000	13,780,000
Grants - passthrough grants	0	2,229,764	2,229,764
Grants - program and passthrough	10,387,064	(10,387,064)	0
PowerSchool	5,250,000	525,000	5,775,000
National board certification	176,290	0	176,290
Total all funds	$2,596,430,143	$394,628,183	$2,991,058,326
Less estimated income	938,233,270	154,404,811	1,092,638,081
Total general fund	$1,658,196,873	$240,223,372	$1,898,420,245
Full-time equivalent positions	86.25	0.00	86.25"

Page 2, replace lines 9 through 17 with:

"

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	$4,139,907	$345,606	$4,485,513
Operating expenses	1,822,703	415,770	2,238,473
Grants	2,233,528	50,000	2,283,528
Total all funds	$8,196,138	$811,376	$9,007,514
Less estimated income	2,364,417	(221,410)	2,143,007
Total general fund	$5,831,721	$1,032,786	$6,864,507
Full-time equivalent positions	26.75	0.00	26.75"

Page 2, replace lines 20 through 28 with:

"

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	$8,332,820	$855,432	$9,188,252
Operating expenses	1,705,586	120,171	1,825,757
Capital assets	158,678	843,500	1,002,178
Total all funds	$10,197,084	$1,819,103	$12,016,187
Less estimated income	2,790,528	887,693	3,678,221
Total general fund	$7,406,556	$931,410	$8,337,966
Full-time equivalent positions	44.61	0.75	45.36"

Page 3, replace lines 1 through 9 with:

"

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	$4,992,194	$445,666	$5,437,860
Operating expenses	792,671	103,015	895,686
Capital assets	39,192	439,000	478,192
Total all funds	$5,824,057	$987,681	$6,811,738
Less estimated income	1,062,178	602,245	1,664,423
Total general fund	$4,761,879	$385,436	$5,147,315
Full-time equivalent positions	27.75	0.00	27.75"

Page 3, replace lines 12 through 16 with:

"

	Base Level	Adjustments or Enhancements	Appropriation
Grand total general fund	$1,676,197,029	$242,573,004	$1,918,770,033
Grand total special funds	944,450,393	155,673,339	1,100,123,732
Grand total all funds	$2,620,647,422	$398,246,343	$3,018,893,765"

Page 3, line 17, after "**FUNDING**" insert "**- EFFECT ON BASE BUDGET - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY**"

Page 3, line 18, after "biennium" insert "and the 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act"

Page 3, remove lines 21 through 31

Page 4, replace lines 1 through 7 with:

" Science experiments grant	$13,500,000	$0
Regional education association grants	250,000	0
State automated reporting system maintenance	200,000	0
Children's science center	5,900,000	0
State automated reporting system and statewide longitudinal data system upgrades	10,100,000	0
Elementary and secondary school emergency education relief	305,266,879	0
Emergency education relief homeless children and youth program	1,999,661	0
Assistance to nonpublic schools	4,151,371	0
Individuals with disabilities education act grant	8,632,569	0
Grow-your-own teacher program	0	3,000,000
School board training grants	0	2,000,000
Cybersecurity training for teachers	0	1,000,000
Total department of public instruction - all funds	$350,000,480	$6,000,000
Total department of public instruction - estimated income	349,800,480	6,000,000
Total department of public instruction - general fund"	$200,000	$0

Page 4, replace lines 9 through 12 with:

" COVID-19 salaries and wages	$86,669	$0
COVID-19 operating expenses	1,580,057	0
COVID-19 grants	500,000	0
Retirement leave payouts	0	40,000
Maintenance of effort	0	100,000
IT equipment	0	43,000
Building renovations	0	150,000
Total state library - all funds	$2,166,726	$333,000
Total state library - estimated income	2,166,726	0
Total state library - general fund	$0	$333,000"

Page 4, replace lines 14 through 18 with:

" Campus server upgrade	$7,500	$0
Operating expenses	21,500	0
Equipment	40,000	43,500
Boiler and resource center projects	650,000	0
Operating expense inflation	0	120,171
Boiler replacement	0	650,000
Fire alarm and controls	0	150,000
Total school for the deaf - all funds	$719,000	$963,671
Total school for the deaf - estimated income	719,000	873,586
Total school for the deaf - general fund	$0	$90,085"

Page 4, replace lines 20 through 28 with:

" Vision screening devices	$11,500	$0
Replace flooring	10,000	0
Replace south wing air conditioning	40,000	0
Repair sidewalk, roof, and parking lot	24,000	0
Replace doors and key system	45,000	0
Heating, ventilation, and air conditioning upgrades	86,000	0
Install LED lighting	33,000	0
South wing electrical service	165,000	0
Equipment	0	26,000
Repairs and maintenance	0	439,000
Total school for the blind - estimated income	$414,500	$465,000"

Page 4, replace lines 29 through 31 with:

"Grand total - all funds	$353,300,706	$7,761,671
Grand total - estimated income	353,100,706	7,338,586
Grand total - general fund	$200,000	$423,085

The 2023-25 biennium one-time funding amounts are not part of the entity's base budget for the 2025-27 biennium. The department of public instruction, state library, school for the deaf, and North Dakota vision services - school for the blind shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025."

Page 5, line 1, replace "$433,020,000" with "$510,860,000"

Page 6, line 7, replace "$500,000" with "$700,000"

Page 6, line 10, replace "$35,714" with "$50,000"

Page 6, after line 12, insert:

"**SECTION 9. PASSTHROUGH GRANTS - APPLICATION - DISTRIBUTION - REPORTING.** The grants - passthrough grants line item in subdivision 1 of section 1 of this Act includes $2,229,764 for passthrough grants. The superintendent of public instruction shall determine the manner in which each passthrough grant is distributed but no more than one-half of the funding may be provided each year of the biennium. Annually grantees, as a condition of receiving the grant, must establish performance measures to be reviewed by the superintendent of public instruction. Grantees shall report annually to the superintendent of public instruction regarding performance based on the measures. The superintendent may not distribute the grant payment for the second year of the biennium until the grantee submits the annual report for the first year of the biennium. The superintendent of public instruction shall report to the appropriations committees of the sixty-ninth legislative assembly regarding funds granted, performance measures established for each grantee, and whether grantees met performance expectations.

SECTION 10. USE OF NEW MONEY - NONADMINISTRATIVE PERSONNEL COMPENSATION INCREASES.

1. During the 2023-25 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new money received by the district, resulting from increases in the base integrated formula payment rate, to increase the compensation paid to nonadministrative personnel.

2. For purposes of this section, the superintendent of public instruction shall provide guidance to school districts regarding the calculation of the amount of new money resulting from increases in the base integrated formula payment rate during the 2023-25 biennium."

Page 6, line 13, after the boldfaced dash insert "**INDIRECT COST RECOVERIES,**"

Page 6, line 13, after "**FEES**" insert a boldfaced comma

Page 6, after line 19, insert:

"**SECTION 12. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND - TRANSFER - GENERAL FUND.** Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies with all statutory payment obligations imposed for the 2021-23 biennium, from any moneys remaining in the integrated formula payments line item in subdivision 1 of section 1 of chapter 13 of the 2021 Session Laws, the lesser of $16,009,764 or the remaining amount must be continued into the 2023-25 biennium and the office of management and budget shall transfer this amount into the public instruction fund for the purpose of providing program and passthrough grants as appropriated in subdivision 1 of section 1 of this Act. The superintendent of public instruction shall transfer any of these funds remaining unspent at the end of the 2023-25 biennium to the general fund.

SECTION 13. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2023, and ending June 30, 2025:

1. Any funds remaining from federal funds derived from the elementary and secondary school emergency education relief fund and any other federal funds appropriated in subdivision 2 of section 2 of chapter 28 of the 2021 Session Laws; and

2. Any funds remaining from federal funds appropriated in subsection 2 of section 6 of chapter 15 of the 2021 Session Laws, as amended in section 1 of chapter 548 of the 2021 Special Session Session Laws."

Page 6, after line 22, insert:

"**SECTION 15. AMENDMENT.** Section 15.1-02-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-02-02. Salary.

The annual salary of the superintendent of public instruction is one hundred ~~twenty-seven thousand seven hundred sixty-eight~~thirty-five thousand five hundred thirty-six dollars through June 30, ~~2022~~2024, and one hundred ~~thirty thousand three hundred twenty-three~~forty thousand nine hundred fifty-seven dollars thereafter.

SECTION 16. AMENDMENT. Section 54-24.3-01 of the North Dakota Century Code is amended and reenacted as follows:

54-24.3-01. Definitions.

In this chapter, unless the context otherwise requires:

1. "Academic library" means a library that is part of a college or university that is publicly or privately funded and whose primary role is to provide

resources to enrich and support the school's curricula and the research needs of students and faculty.

2. "Library resource center" means a central service unit, whose location is to be agreed upon by members of the regional library cooperative and which is responsible for extending special services to support members of the regional library cooperative, while meeting all cooperative standards.

3. "Multitype library authority" means a geographic subdivision within which multitype libraries are organized for the purpose of providing library and information services through cooperation and mutual support.

4. "Participant library" means any library agreeing to join a regional library cooperative.

5. "Public library" means a library that is supported with funds derived from taxation and which maintains a balanced collection of materials to serve the lifelong information, reading, and recreational needs of the general population. For purposes of this chapter, "public library" includes tribal libraries.

6. "Regional library cooperative" means an organization of one or more types of library organized under Article VI of section 54-24.1-01, or a multitype library authority.

7. "School library media center" means a learning center operated as part of a publicly or privately supported school or school district and whose role is to provide instruction, cooperatively design learning strategies, and provide resources that support and enrich the curriculum, following the North Dakota school library media guidelines.

8. "Special library" means a public or private sector library whose collection is specialized and limited in scope and size and whose role is to provide information to a limited clientele."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2013 - Summary of Senate Action

	Base Budget	Senate Changes	Senate Version
Department of Public Instruction			
Total all funds	$2,596,430,143	$394,628,183	$2,991,058,326
Less estimated income	938,233,270	154,404,811	1,092,638,081
General fund	$1,658,196,873	$240,223,372	$1,898,420,245
FTE	86.25	0.00	86.25
State Library			
Total all funds	$8,196,138	$811,376	$9,007,514
Less estimated income	2,364,417	(221,410)	2,143,007
General fund	$5,831,721	$1,032,786	$6,864,507
FTE	26.75	0.00	26.75
School for the Deaf			
Total all funds	$10,197,084	$1,819,103	$12,016,187
Less estimated income	2,790,528	887,693	3,678,221
General fund	$7,406,556	$931,410	$8,337,966
FTE	44.61	0.75	45.36
Vision Services - School for the Blind			
Total all funds	$5,824,057	$987,681	$6,811,738
Less estimated income	1,062,178	602,245	1,664,423
General fund	$4,761,879	$385,436	$5,147,315
FTE	27.75	0.00	27.75
Bill total			

Total all funds	$2,620,647,422	$398,246,343	$3,018,893,765
Less estimated income	944,450,393	155,673,339	1,100,123,732
General fund	$1,676,197,029	$242,573,004	$1,918,770,033
FTE	185.36	0.75	186.11

Senate Bill No. 2013 - Department of Public Instruction - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	$17,854,747	$1,459,112	$19,313,859
Operating expenses	33,098,149	195,171	33,293,320
Integrated formula payments	2,131,825,000	316,826,200	2,448,651,200
Grants - Special education contracts	27,000,000		27,000,000
Grants - Transportation	58,100,000		58,100,000
Grants - Other grants	312,738,893	70,000,000	382,738,893
Grants - Program and passthrough	10,387,064	(10,387,064)	
Grants - Program grants		13,780,000	13,780,000
Grants - Passthrough grants		2,229,764	2,229,764
PowerSchool	5,250,000	525,000	5,775,000
National board certification	176,290		176,290
Total all funds	$2,596,430,143	$394,628,183	$2,991,058,326
Less estimated income	938,233,270	154,404,811	1,092,638,081
General fund	$1,658,196,873	$240,223,372	$1,898,420,245
FTE	86.25	0.00	86.25

Department 201 - Department of Public Instruction - Detail of Senate Changes

	Adjusts Funding for Cost to Continue Salaries[1]	Adds Funding for Salary and Benefit Increases[2]	Increases Funding for Information Technology[3]	Adds Funding for Capitol Space Rent Model[4]	Adjusts Funding for Integrated Formula Payments[5]	Adjusts Funding Source of Integrated Formula Payment[6]
Salaries and wages	$123,661	$1,335,451				
Operating expenses			$54,272	$140,899		
Integrated formula payments					$316,626,200	
Grants - Special education contracts						
Grants - Transportation						
Grants - Other grants						
Grants - Program and passthrough						
Grants - Program grants						
Grants - Passthrough grants						
PowerSchool						
National board certification						
Total all funds	$123,661	$1,335,451	$54,272	$140,899	$316,626,200	$0
Less estimated income	81,573	828,410	32,128	0	0	77,840,000
General fund	$42,088	$507,041	$22,144	$140,899	$316,626,200	($77,840,000)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Increases Funding for Federal Grants[7]	Adjusts Funding for Program and Passthrough Grants[8]	Increases Funding for Leveraging the Senior Year Program[9]	Increases Funding for PowerSchool[10]	Adds One-Time Funding for School Board Training[11]	Adds One-Time Funding for Cybersecurity Training[12]
Salaries and wages						
Operating expenses						
Integrated formula payments						
Grants - Special education contracts						
Grants - Transportation						
Grants - Other grants	$70,000,000					
Grants - Program and passthrough		($10,387,064)				
Grants - Program grants		7,480,000	$300,000		$2,000,000	$1,000,000
Grants - Passthrough grants		2,229,764				
PowerSchool				$525,000		
National board certification						
Total all funds	$70,000,000	($677,300)	$300,000	$525,000	$2,000,000	$1,000,000
Less estimated income	70,000,000	(677,300)	300,000	0	2,000,000	1,000,000
General fund	$0	$0	$0	$525,000	$0	$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One-Time Funding for a Grow-Your-Own Teacher Program[13]	Increases Funding for Grants to Regional Education Associations[14]	Total Senate Changes
Salaries and wages			$1,459,112
Operating expenses			195,171
Integrated formula payments		$200,000	316,826,200
Grants - Special education contracts			
Grants - Transportation			
Grants - Other grants			70,000,000
Grants - Program and passthrough			(10,387,064)
Grants - Program grants	$3,000,000		13,780,000
Grants - Passthrough grants			2,229,764
PowerSchool			525,000
National board certification			
Total all funds	$3,000,000	$200,000	$394,628,183
Less estimated income	3,000,000	0	154,404,811
General fund	$0	$200,000	$240,223,372
FTE	0.00	0.00	0.00

[1] Funding is added for cost to continue salary increases.

[2] The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from $1,429 to $1,648 per month:

	General Fund	Other Funds	Total
Salary increase	$341,779	$570,572	$912,351
Health insurance increase	165,262	257,838	423,100
Total	$507,041	$828,410	$1,335,451

[3] Funding is increased for Information Technology Department rate increases.

[4] Funding is added for operating expenses related to a new Capitol space rent model.

[5] Funding for integrated formula payments is adjusted as follows:

	General Fund
Savings related to cost to continue integrated formula payments	($35,329,144)
Senate Bill No. 2284:	
Increases the integrated payment rate 3 percent in the 1st year and 3 percent in the 2nd year of biennium	119,907,953
Removes transition maximum payment adjustments	14,767,391
Implements on-time funding based on fall enrollment	5,300,000
Senate Bill No. 2328 - Increases school size weighting factors for school districts operating two plants at least 14 miles apart	8,880,000
Senate Bill No. 2066 - Increases the state's share of the state school aid formula by reducing local property tax deducted in the formula	203,100,000
Increase in integrated formula payments	$316,626,200

[6] The funding source for integrated formula payments is adjusted to increase funding from the state tuition fund and the common schools trust fund to provide a total of $510.86 million.

[7] Funding for other grants is increased for anticipated increases in United States Department of Agriculture food program funding ($50 million) and for anticipated increases in United States Department of Education programs ($20 million).

[8] Funding from special funds of $10,387,064 in the base budget is reduced for certain passthrough grants and $9,709,764 is transferred from the grants - program and passthrough line item to the grants - passthrough grants line item ($2,229,764) and the grants - program grants line item ($7,480,000). Funding is made available from carryover funds continued from the 2021-23 biennium and deposited in the department's operating fund for passthrough and program grants as follows:

	Special Funds from Carryover
Passthrough grants:	
Teacher mentoring program	$2,125,764
"We the People" program	70,000
Cultural heritage grants	34,000
Total passthrough grants	$2,229,764
Program grants:	
Adult education matching grants	$5,000,000
School food service matching grants	1,380,000
Free breakfast program	200,000
Program grant pool	900,000
Total program grants	$7,480,000

[9] Increases funding for the leveraging the senior year program in the program grant pool to provide a total of $1.2 million for the program grant pool. The program grant pool is used by the Superintendent of Public Instruction for the leveraging the senior year program, a leadership program, and family engagement initiatives.

[10] Funding for PowerSchool is increased to provide a total of $5,775,000 from the general fund.

[11] One-time funding from carryover deposited in the department's operating fund is added for program grants for school board training.

[12] One-time funding from carryover deposited in the department's operating fund is added for program grants for cybersecurity training for teachers.

[13] One-time funding from carryover deposited in the department's operating fund is added for program grants for a grow-your-own teacher program.

[14] Funding is added to increase grants to regional education associations to provide a total of $700,000. The section related to regional education grants is amended to provide annual grants of $50,000 to each regional education association.

This amendment also:

- Amends a section to increase regional education association grants to provide a total of $700,000 and to provide annual grants of $50,000 to each regional education association;
- Adds a section to require no more than one-half of the passthrough grants included in the grants - passthrough grants line item may be expended during the fiscal year ending June 30, 2024, and provides for reporting requirements;
- Adds a section to require school districts use 70 percent of increased funding related to any increases in the integrated formula payment rate for compensation increases for nonadministrative personnel and the Superintendent of Public Instruction to provide guidance to school districts regarding the calculation of the amount of new money resulting from increases in the base integrated formula payment rate during the 2023-25 biennium;
- Amends a section to allow, notwithstanding Section 54-44.1-15, the department may deposit indirect cost recoveries, any money collected by DPI for general educational development fees, and displaced homemakers deposits in its operating account;
- Adds a section to provide that if, after the Superintendent of Public Instruction complies with all statutory payment obligations imposed for the 2021-23 biennium, any money remains in the integrated formula payments line item, the lesser of $16,009,764 or the remaining amount must be continued into the 2023-25 biennium and the Office of Management and Budget must transfer this amount into the public instruction fund for the purpose of providing program and passthrough grants. This change will reduce the estimated July 1, 2023, general fund balance by $16,009,764;
- Adds a section to provide COVID-19-related funds appropriated to the department from the ESSER Fund and other federal funds during the 2021-23 biennium are not subject to Section 54-44.1-11 and any unexpended funds may be continued into the

2023-25 biennium; and

- Adds a section to provide the statutory changes to increase the Superintendent of Public Instruction's salary. The Superintendent's annual salary would increase from the current level of $130,323 to $135,536, effective July 1, 2023, and to $140,957, effective July 1, 2024, to reflect legislative salary increases of 4 percent each year of the biennium.

Senate Bill No. 2013 - State Library - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	$4,139,907	$345,606	$4,485,513
Operating expenses	1,822,703	415,770	2,238,473
Grants	2,233,528	50,000	2,283,528
Total all funds	$8,196,138	$811,376	$9,007,514
Less estimated income	2,364,417	(221,410)	2,143,007
General fund	$5,831,721	$1,032,786	$6,864,507
FTE	26.75	0.00	26.75

Department 250 - State Library - Detail of Senate Changes

	Adjusts Funding for Cost to Continue Salaries[1]	Adjust Base Budget Funding[2]	Adds Funding for Salary and Benefit Increases[3]	Increases Funding for Information Technology[4]	Increases Funding for Operating Expenses[5]	Adds Funding for Capitol Space Rent Model[6]
Salaries and wages	$28,233	($57,742)	$335,115			
Operating expenses		(214,864)		$7,440	$65,559	$264,635
Grants						
Total all funds	$28,233	($272,606)	$335,115	$7,440	$65,559	$264,635
Less estimated income	4,809	(272,606)	46,387	0	0	0
General fund	$23,424	$0	$288,728	$7,440	$65,559	$264,635
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Increases Funding for Library Visions Grants[7]	Adds One-Time Funding for Retirement Payouts[8]	Adds One-Time Funding for Maintenance of Effort[9]	Adds One-Time Funding for IT Equipment[10]	Adds One-Time Funding for Building Renovations[11]	Total Senate Changes
Salaries and wages		$40,000				$345,606
Operating expenses			$100,000	$43,000	$150,000	415,770
Grants	$50,000					50,000
Total all funds	$50,000	$40,000	$100,000	$43,000	$150,000	$811,376
Less estimated income	0	0	0	0	0	(221,410)
General fund	$50,000	$40,000	$100,000	$43,000	$150,000	$1,032,786
FTE	0.00	0.00	0.00	0.00	0.00	0.00

[1] Funding is adjusted for the cost to continue salary increases.

[2] Base level funding for salaries and wages and operating expenses is adjusted for estimated federal and other funds.

[3] The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from $1,429 to $1,648 per month:

	General Fund	Other Funds	Total
Salary increase	$162,432	$30,600	$193,032
Health insurance increase	126,296	15,787	142,083
Total	$288,728	$46,387	$335,115

[4] Funding is increased for Information Technology Department rate increases.

[5] Funding is increased for various operating expenses.

[6] Funding is added for operating expenses related to a new Capitol space rent model.

[7] Funding is added for Library Vision grants to tribal libraries.

[8] One-time funding is added for salaries and wages for accrued leave payments.

[9] One-time funding is added for operating expenses to replace funding lost due to not meeting federal maintenance of effort requirements in fiscal year 2020.

[10] One-time funding is added for information technology equipment.

[11] One-time funding is added for State Library building renovations.

This amendment also adds a section to provide statutory changes to allow the State Library to provide library vision grants to tribal libraries.

Senate Bill No. 2013 - School for the Deaf - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	$8,332,820	$855,432	$9,188,252
Operating expenses	1,705,586	120,171	1,825,757
Capital assets	158,678	843,500	1,002,178
Total all funds	$10,197,084	$1,819,103	$12,016,187
Less estimated income	2,790,528	887,693	3,678,221
General fund	$7,406,556	$931,410	$8,337,966
FTE	44.61	0.75	45.36

Department 252 - School for the Deaf - Detail of Senate Changes

	Adjusts Funding for Cost to Continue Salaries[1]	Adjusts Funding for Base Budget Changes[2]	Adds Funding for Salary and Benefit Increases[3]	Adds a 0.75 FTE Education Services Position[4]	Increases Funding for Teacher Salaries[5]	Adds One-Time Funding for Operating Expense Inflation[6]
Salaries and wages	$59,165	($935)	$510,018	$115,294	$171,890	
Operating expenses						$120,171
Capital assets						
Total all funds	$59,165	($935)	$510,018	$115,294	$171,890	$120,171
Less estimated income	824	(935)	14,218	0	0	30,086
General fund	$58,341	$0	$495,800	$115,294	$171,890	$90,085
FTE	0.00	0.00	0.00	0.75	0.00	0.00

	Adds One-Time Funding for Boiler Replacement[7]	Adds One-Time Funding for Fire Alarm and Controls[8]	Adds One-Time Funding for Equipment[9]	Total Senate Changes
Salaries and wages				$855,432
Operating expenses				120,171
Capital assets	$650,000	$150,000	$43,500	843,500
Total all funds	$650,000	$150,000	$43,500	$1,819,103
Less estimated income	650,000	150,000	43,500	887,693
General fund	$0	$0	$0	$931,410
FTE	0.00	0.00	0.00	0.75

[1] Funding is adjusted for the cost to continue salary increases.

[2] Base level funding for salaries and wages is adjusted for estimated federal funds.

[3] The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from $1,429 to $1,648 per month:

	General Fund	Other Funds	Total
Salary increase	$244,575	$7,589	$252,164
Health insurance increase	251,225	6,629	257,854
Total	$495,800	$14,218	$510,018

[4] A 0.75 FTE education services position is added.

[5] Funding for teacher salaries is increased.

[6] One-time funding, including funds from special funds available from trust fund distributions, rents, and service revenue, is added for inflationary increases to operating expenses.

[7] One-time funding from special funds, available from trust fund distributions, rents, and service revenue, is added for boiler replacement.

[8] One-time funding, from special funds available from trust fund distributions, rents, and service revenue, is added for pneumatic controls and fire alarm.

[9] One-time funding, from special funds available from trust fund distributions, rents, and service revenue, is added to replace equipment over $5,000.

Senate Bill No. 2013 - Vision Services - School for the Blind - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	$4,992,194	$445,666	$5,437,860
Operating expenses	792,671	103,015	895,686
Capital assets	39,192	439,000	478,192
Total all funds	$5,824,057	$987,681	$6,811,738
Less estimated income	1,062,178	602,245	1,664,423
General fund	$4,761,879	$385,436	$5,147,315
FTE	27.75	0.00	27.75

Department 253 - Vision Services - School for the Blind - Detail of Senate Changes

	Adjusts Funding for Cost to Continue Salaries[1]	Adds Funding for Salary and Benefit Increases[2]	Increases Funding for Teacher Salaries[3]	Increases Funding for Temporary Salaries[4]	Increases Funding for Information Technology[5]	Increases Funding for Operating Expenses[6]
Salaries and wages	$37,066	$284,762	$93,838	$30,000		
Operating expenses					$7,015	$60,000
Capital assets						
Total all funds	$37,066	$284,762	$93,838	$30,000	$7,015	$60,000
Less estimated income	921	29,309	0	30,000	7,015	60,000
General fund	$36,145	$255,453	$93,838	$0	$0	$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds Funding for a Database[7]	Adds One-Time Funding for Equipment[8]	Adds One-Time Funding for Roof Repair and Replacement[9]	Adds One-Time Funding for South Wing Gutters[10]	Adds One-Time Funding for Parking Lot Updates[11]	Adds One-Time Funding for Door and Air Conditioner Repair[12]
Salaries and wages						
Operating expenses	$10,000	$26,000				
Capital assets			$150,000	$50,000	$50,000	$29,000
Total all funds	$10,000	$26,000	$150,000	$50,000	$50,000	$29,000
Less estimated income	10,000	26,000	150,000	50,000	50,000	29,000
General fund	$0	$0	$0	$0	$0	$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One-Time Funding for Electrical Panel Replacement[13]	Adds One-Time Funding for East Wing Flooring and Cabinets[14]	Adds One-Time Funding for Front Entrance Updates[15]	Add One-Time Funding for Student Commons Area Updates[16]	Total Senate Changes
Salaries and wages					$445,666
Operating expenses					103,015
Capital assets	$10,000	$45,000	$55,000	$50,000	439,000
Total all funds	$10,000	$45,000	$55,000	$50,000	$987,681
Less estimated income	10,000	45,000	55,000	50,000	602,245
General fund	$0	$0	$0	$0	$385,436
FTE	0.00	0.00	0.00	0.00	0.00

[1] Funding is adjusted for the cost to continue salary increases.

[2] The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from $1,429 to $1,648 per month:

	General Fund	Other Funds	Total
Salary increase	$118,632	$13,522	$132,154
Health insurance increase	136,821	15,787	152,608
Total	$255,453	$29,309	$284,762

[3] Funding for teacher salaries is increased.

[4] Funding from special funds, available from trust fund distributions, rents, and service revenue, is increased for temporary salaries.

[5] Funding, from special funds, available from trust fund distributions, rents, and service revenue, is increased for Information Technology Department rate increases.

[6] Funding, from special funds, available from trust fund distributions, rents, and service revenue, is increased for operating expenses.

[7] Funding, from special funds, available from trust fund distributions, rents, and service revenue, is added for a database.

[8] One-time funding, from special funds available from trust fund distributions, rents, and service revenue, is added for equipment.

[9] One-time funding, from special funds available from trust fund distributions, rents, and service revenue, is added for roof repair and replacement.

[10] One-time funding, from special funds available from trust fund distributions, rents, and service revenue, is added for south wing gutters.

[11] One-time funding, from special funds available from trust fund distributions, rents, and service revenue, is added for parking lot updates.

[12] One-time funding, from special funds available from trust fund distributions, rents, and service revenue, is added for door and air conditioner repair.

[13] One-time funding, from special funds available from trust fund distributions, rents, and service revenue, is added for electrical panel replacement.

[14] One-time funding, from special funds available from trust fund distributions, rents, and service revenue, is added for east wing flooring and cabinets.

[15] One-time funding, from special funds available from trust fund distributions, rents, and service revenue, is added for front entrance updates.

[16] One-time funding, from special funds available from trust fund distributions, rents, and service revenue, is added for student commons area updates.

REPORT OF STANDING COMMITTEE

SB 2015: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2015 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, replace the second "and" with "to create and enact a new subsection to section 54-44-11 of the North Dakota Century Code, relating to a facility management operating fund; to amend and reenact sections 48-10-02, 54-21-19, and 57-40.3-10 of the North Dakota Century Code, relating to the capitol grounds planning commission spending limit, capitol grounds rent collections, and the allocation of motor vehicle excise tax collections; to provide for a transfer;"

Page 1, line 3, after "exemption" insert "; to provide a report; to provide an effective date; and to declare an emergency"

Page 1, remove lines 11 through 23

Page 2, replace lines 1 and 2 with:

"

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	$21,926,979	$2,932,075	$24,859,054
Operating expenses	15,663,214	3,598,079	19,261,293
Capital assets	764,515	14,768,640	15,533,155
Emergency commission contingency fund	400,000	0	400,000
Guardianship grants	2,450,000	3,650,000	6,100,000
Prairie public broadcasting	1,200,000	1,792,450	2,992,450
Community service supervision grants	350,000	0	350,000
Targeted market equity pool	0	75,000,000	75,000,000
State student internship program	0	700,000	700,000
Governor's emergency education relief	0	3,659,555	3,659,555
Deferred maintenance funding pool	0	20,000,000	20,000,000
Total all funds	$42,754,708	$126,100,799	$168,855,507
Less estimated income	8,828,309	68,082,864	76,911,173
Total all funds	$33,926,399	$58,017,935	$91,944,334
Full-time equivalent positions	108.00	3.00	111.00"

Page 2, line 3, after "**FUNDING**" insert "**- EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-NINTH LEGISLATIVE ASSEMBLY**"

Page 2, line 4, after "biennium" insert "and the 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act"

Page 2, replace lines 6 through 22 with:

"Griggs County medical center grant	$500,000	$0
Facility consolidation study	350,000	0
Special assessments on capitol grounds	300,000	0
Interior and exterior signage projects	500,000	0
Statewide budget software	1,230,100	0
Capitol accessibility improvements	750,000	0
Legislative wing ventilation improvements	7,000,000	0
Pierce County medical center grant	1,000,000	0
Accrued leave retirement payouts	0	100,369
Inflationary increases	0	358,500
Capitol accessibility consulting	25,000	100,000
Automatic doors in legislative rooms	0	150,000
Capitol tour digital enhancements	0	100,000
State employee leave management system	0	335,000
Procurement software	2,021,204	2,500,000
Building automation project	518,800	800,000
Extraordinary repairs	500,000	100,000
State office building demolition	0	451,000
Capitol space utilization improvements	0	5,500,000
Central services software and equipment	0	573,800
Governor's residence exterior repairs	0	300,000
Brynhild Haugland room remodeling project	0	500,000
Capitol window replacement project	0	4,000,000
Deferred maintenance projects	10,000,000	20,000,000
Prairie public broadcasting grants	0	1,792,450
State student internship program	100,000	700,000
Governor's emergency education relief	0	3,659,555
Total all funds	$24,795,104	$42,020,674
Less estimated income	24,695,104	29,184,355
Total general fund	$100,000	$12,836,319

The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The office of management and budget shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025."

Page 2, after line 27, insert:

"**SECTION 4. TRANSFER - TAX RELIEF FUND TO HUMAN SERVICE FINANCE FUND.** The office of management and budget shall transfer the sum of $200,000,000 from the tax relief fund to the human service finance fund during the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 5. TRANSFER - STATE STUDENT INTERNSHIP PROGRAM FUNDS TO STATE AGENCIES. The office of management and budget shall transfer funds from the state student internship program line item in section 1 of this Act to eligible state agencies for student internships during the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 6. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - DEFERRED MAINTENANCE FUNDING POOL - EXEMPTION - TRANSFER TO STATE AGENCIES. The sum of $20,000,000 included in the deferred maintenance funding pool line item in section 1 of this Act and identified as one-time funding in section 2 of this Act is from the strategic investment and improvements fund for a deferred maintenance funding pool. The office of management and budget may use up to $12,000,000 from the deferred maintenance funding pool for a boiler replacement project in the capitol. Notwithstanding any other provision of law, the office of management and budget shall transfer funds from the deferred maintenance funding pool line item in section 1 of this Act to other eligible state agencies for deferred maintenance.

SECTION 7. ESTIMATED INCOME - CAPITOL BUILDING FUND. The sum of $4,800,000 included in the capital assets line item in section 1 of this Act and identified as one-time funding in section 2 of this Act is from the capitol building fund for the following:

1. $300,000 for exterior repairs and improvements at the governor's residence;

2. $500,000 for a remodeling project in the Brynhild Haugland room in the capitol; and

3. $4,000,000 for a capitol window replacement project."

Page 3, replace lines 1 through 3 with:

"Unemployment insurance	$1,800,000
Capitol grounds planning commission	$25,000
Statewide memberships and related expenses	$685,657

SECTION 9. TARGETED MARKET EQUITY COMPENSATION ADJUSTMENTS - GUIDELINES - EXEMPTION - TRANSFER OF APPROPRIATION AUTHORITY - BUDGET SECTION REPORT.

1. The targeted market equity pool line item in section 1 of this Act includes $41,000,000 from the general fund and $34,000,000 from special funds derived from federal funds and other income for the purpose of providing compensation adjustments for executive branch state employees in accordance with provisions of this section for the period beginning with the effective date of this Act and ending June 30, 2025.

2. The targeted market equity compensation adjustments must be prioritized based on a statewide plan prepared by the office of management and budget based on the funding available in the pool. The plan must address occupational market disparities, recruitment and retention challenges, and external pay inequities for employees who are critical to the mission of the agency. Employees whose documented performance levels do not meet standards are not eligible for the market equity compensation adjustments.

3. All targeted market equity compensation adjustments must be provided by July 1, 2023.

4. The funding allocated to each agency must be used for the cost to continue the compensation adjustments for the 2023-25 biennium, including the effect of the market equity adjustments on funding needed for the salary increases authorized by the legislative assembly in section 10 of this Act.

5. Notwithstanding any other provision of law, the office of management and budget shall transfer appropriation authority from the targeted market equity funding pool to eligible executive branch state agencies for approved targeted market equity salary adjustments.

6. The office of management and budget shall provide a report to the budget section regarding the statewide plan, any changes to the plan presented to the sixty-eighth legislative assembly, and the appropriation authority transferred from the pool.

SECTION 10. STATE EMPLOYEE COMPENSATION ADJUSTMENTS - GUIDELINES.

1. The 2023-25 biennium compensation adjustments for permanent state employees are to average 4 percent per eligible employee for the first fiscal year of the biennium and are to average 4 percent per eligible employee for the second year of the biennium. The increases for the first year of the biennium are to be given beginning with the month of July 2023, to be paid in August 2023, and for the second year of the biennium are to be given beginning with the month of July 2024, to be paid in August 2024. Increases for eligible state employees are to be based on documented performance and are not to be the same percentage increase for each employee.

2. The office of management and budget shall develop guidelines for use by state agencies for providing compensation adjustments for classified state employees. The guidelines must follow the compensation philosophy statement under section 54-44.3-01.2.

3. Probationary employees are not entitled to the increases. However, at the discretion of the appointing authority, probationary employees may be given all or a portion of the increases effective in July, paid in August, or upon completion of probation. Employees whose overall documented performance level does not meet standards are not eligible for any salary increase.

SECTION 11. AMENDMENT. Section 48-10-02 of the North Dakota Century Code is amended and reenacted as follows:

48-10-02. Capitol building fund to be administered by the capitol grounds planning commission - Continuing appropriation - Procedure for expenditure of certain funds.

1. The capitol grounds planning commission shall have general powers to superintend the administration of the capitol building fund, its interest and income fund, and its investments and properties. It may cause any lands now held in such funds to be sold at market value, direct the conversion of any securities now held by such funds to cash, approve expenditures from such funds subject to law and legislative appropriations, and to do all other things necessary to carry out the intent and purposes of this section. The board of university and school lands or its designee, on the commission's behalf, shall see to the investment and management of the capitol building fund and its interest and income fund and shall account to the commission concerning these funds at the commission's request.

2. Provided further, all moneys and other property in the capitol building fund, except as otherwise appropriated, are hereby dedicated and reserved to the exclusive purpose of the construction of an addition to the legislative wing of the state capitol building, and the capitol grounds planning commission shall take necessary steps to accumulate and conserve the money and property in the capitol building fund for such purpose.

3. The commission may, during any biennium, expend from the interest and income fund of the capitol building fund a sum not to exceed fifty percent of the unencumbered balance on the first day of any biennium, and such amount is hereby appropriated to the capitol grounds planning commission. The expenditure may be made, after consideration of the capitol grounds master plan, for projects or planning but may not exceed ~~two~~seven hundred fifty thousand dollars per biennium. The expenditure may only be made upon approval by two-thirds of the total membership of the commission. The expenditure must be made upon a voucher, or vouchers, prepared by the office of management and budget at the direction of the commission.

SECTION 12. AMENDMENT. Section 54-21-19 of the North Dakota Century Code is amended and reenacted as follows:

54-21-19. Director to furnish supplies and maintain capitol, state offices, and executive mansion - Authority to charge for services.

The director of the office of management and budget shall provide all necessary fuel, electricity, insurance, janitorial, and other services necessary to maintain the state offices on the capitol grounds as well as all necessary furniture, fuel, electricity, express, freight, drayage, and all other necessary supplies for the executive mansion and the capitol grounds and shall make all necessary repairs. The purchases must be in accordance with chapter 54-44.4. The director shall charge an amount equal to the fair value of the office space and other services rendered to all ~~departments that receive and expend moneys from other than the general fund~~executive branch agencies, except that for good cause the amounts charged may be waived by the director for a one-year period of time with the waiver subject to further annual renewals after proper application has been filed with the director.

SECTION 13. A new subsection to section 54-44-11 of the North Dakota Century Code is created and enacted as follows:

The office of management and budget shall establish a facility management operating fund to be used for the salary and operating expenses of the division of facility management. Rental fees collected pursuant to section 54-21-19 must be deposited in the fund. The director of the office of management and budget shall transfer any unobligated balance in the fund to the general fund at the end of each fiscal year.

SECTION 14. AMENDMENT. Section 57-40.3-10 of the North Dakota Century Code is amended and reenacted as follows:

57-40.3-10. Transfer of revenue.

All moneys collected and received under this chapter must be transmitted monthly by the director of the department of transportation to the state treasurer ~~to be transferred and credited~~, and the state treasurer shall allocate fifty percent to the state highway fund and the remaining fifty percent to the general fund."

Page 3, after line 9, insert:

"**SECTION 16. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2023, and ending June 30, 2025:

1. The sum of $500,000 appropriated from the strategic investment and improvements fund in section 1 and identified in section 2 of chapter 40 of the 2019 Session Laws and continued into the 2021-23 biennium pursuant to section 42 of chapter 15 of the 2021 Session Laws for an assessment of state lands and facilities.

2. The sum of $350,000 appropriated from the capitol building fund in section 1 and identified in section 2 of chapter 15 of the 2021 Session Laws for a facility consolidation study.

SECTION 17. EFFECTIVE DATE. Section 14 of this Act is effective for motor vehicle excise tax collections transmitted to the state treasurer after July 31, 2023.

SECTION 18. EMERGENCY. The targeted market equity pool line item in section 1 of this Act and section 9 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2015 - Office of Management and Budget - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	$21,926,979	$2,932,075	$24,859,054
Operating expenses	15,663,214	3,598,079	19,261,293
Capital assets	764,515	14,768,640	15,533,155
Emergency commission contingency fund	400,000		400,000
Guardianship grants	2,450,000	3,650,000	6,100,000
Targeted market equity pool		75,000,000	75,000,000
Prairie Public Broadcasting	1,200,000	1,792,450	2,992,450
Community service supervision grants	350,000		350,000
State student internship		700,000	700,000
Governor's emergency education relief		3,659,555	3,659,555
Deferred maintenance funding pool		20,000,000	20,000,000
Total all funds	$42,754,708	$126,100,799	$168,855,507
Less estimated income	8,828,309	68,082,864	76,911,173
General fund	$33,926,399	$58,017,935	$91,944,334
FTE	108.00	3.00	111.00

Department 110 - Office of Management and Budget - Detail of Senate Changes

	Adds Funding for Cost to Continue Salaries[1]	Adds Funding for Salary and Benefit Increases[2]	Adds FTE Positions[3]	Adds Funding for Other Salary Adjustments[4]	Adds Funding for a Targeted Equity Pool[5]	Adds Funding for Operating Expenses[6]
Salaries and wages	$151,408	$1,618,624	$664,786	$497,257		
Operating expenses						$3,008,165
Capital assets						
Emergency commission contingency fund						
Guardianship grants						
Targeted market equity pool					$75,000,000	
Prairie Public Broadcasting						
Community service supervision grants						
State student internship						
Governor's emergency education relief						
Deferred maintenance funding pool						
Total all funds	$151,408	$1,618,624	$664,786	$497,257	$75,000,000	$3,008,165
Less estimated income	24,024	238,955	0	26,000	34,000,000	849,498
General fund	$127,384	$1,379,669	$664,786	$471,257	$41,000,000	$2,158,667
FTE	0.00	0.00	3.00	0.00	0.00	0.00

	Adjusts Funding for Rent Model[7]	Adjusts Funding for Capital Assets[8]	Adds Funding for a Deferred Maintenance Pool[9]	Adjusts Funding for Grants and Other Programs[10]	Total Senate Changes
Salaries and wages					$2,932,075
Operating expenses	$389,914	$200,000			3,598,079
Capital assets		14,768,640			14,768,640
Emergency commission contingency fund					
Guardianship grants				$3,650,000	3,650,000
Targeted market equity pool					75,000,000
Prairie Public Broadcasting				1,792,450	1,792,450
Community service supervision grants					
State student internship				700,000	700,000
Governor's emergency education relief				3,659,555	3,659,555
Deferred maintenance funding pool			$20,000,000		20,000,000
Total all funds	$389,914	$14,968,640	$20,000,000	$9,802,005	$126,100,799
Less estimated income	4,101,552	5,183,280	20,000,000	3,659,555	68,082,864
General fund	($3,711,638)	$9,785,360	$0	$6,142,450	$58,017,935
FTE	0.00	0.00	0.00	0.00	3.00

[1] Funding is added for cost to continue salary increases.

[2] The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from $1,429 to $1,648 per month:

	General Fund	Other Funds	Total
Salary increase	$931,273	$158,966	$1,090,239
Health insurance increase	448,396	79,989	528,385
Total	$1,379,669	$238,955	$1,618,624

[3] Funding of $664,786 from the general fund is added to the salaries and wages line item as follows:

- $190,862 for 1 FTE business development position;
- $255,452 for 1 FTE talent acquisition manager position; and
- $218,472 for 1 FTE total rewards specialist position.

[4] Funding of $497,257 is added to the salaries and wages line item as follows:

- $396,888 from the general fund to reclassify 2 existing FTE positions to 1 FTE public improvements manager position and 1 FTE lease administrator position.
- $100,369 of one-time funding, including $74,369 from the general fund and $26,000 from other funds, for accrued leave retirement payouts.

[5] Funding of $75 million, including $41 million from the general fund and $34 million from other funds, is added for a targeted market equity pool.

[6] Funding of $3,008,165 is added to the operating expenses line item as follows:

- $25,891, including $25,067 from the general fund and $824 from other funds, for Information Technology Department rate increases.
- $1 million from the general fund for new procurement software licensing and maintenance agreements.
- $831,774, including $323,100 from the general fund and $508,674 from other funds for inflationary increases.
- $12,000 from the general fund for classification system administration contracts.
- $95,000 from the general fund for LinkedIn recruitment tools.
- $358,500 of one-time funding, including $18,500 from the general fund and $340,000 from other funds, for inflationary increases.
- $100,000 of one-time funding from the general fund for an Americans with Disabilities Act compliance study.
- $150,000 of one-time funding from the general fund for automatic doors in legislative areas of the Capitol.
- $100,000 of one-time funding from the general fund for Capitol tour digital enhancements.

- $335,000 of one-time funding from the general fund for a state employee leave management system.

[7] Funding is decreased by $3,711,638 from the general fund and increased by $4,101,552 from other funds for a new Capitol space rent model resulting in an increase of $389,914 from other funds for operating expenses.

[8] Funding for capital assets is adjusted to provide the following:

- A transfer of $200,000 from the capital assets line item to the operating expenses line item related to base budget adjustments.
- A decrease of $280,640 from the general fund related to bond payments.
- $500,000 from the general fund for electrical and mechanical repairs.
- $24,480 from other funds for Central Services Division software and equipment.
- $2,500,000 of one-time funding from the general fund for new procurement software.
- $800,000 of one-time funding from the general fund for automation upgrades at the Capitol.
- $100,000 of one-time funding from the general fund for electrical and mechanical repairs.
- $451,000 of one-time funding from the general fund to demolish the State Office Building.
- $5,500,000 of one-time funding from the general fund for Capitol space utilization improvements.
- $573,800 of one-time funding, including $215,000 from the general fund and $358,800 from other funds, for Central Services Division software and equipment.
- $300,000 of one-time funding from the Capitol building fund for exterior repairs at the Governor's residence.
- $500,000 of one-time funding from the Capitol building fund for a remodeling project in the Brynhild Haugland Room in the Capitol;
- $4,000,000 of one-time funding from the Capitol building fund for a Capitol window replacement project.

[9] One-time funding of $20 million from the strategic investment and improvements fund is added for a deferred maintenance funding pool, including $12 million for a boiler replacement project at the Capitol.

[10] Funding of $9,802,005 is adjusted as follows:

- $3,650,000 from the general fund for guardianship grants is added to provide total funding of $6,100,000 for guardianship grants.
- $1,792,450 of one-time funding from the general fund is added for Prairie Public Broadcasting to provide total funding of $2,992,450, including $1,200,000 of ongoing base-level funding from the general fund.
- $700,000 of one-time funding from the general fund is added for the state student internship program.
- $3,659,555 of one-time funding from the federal Governor's Emergency Education Relief (GEER) fund is added for education grants.

This amendment also:

- Appropriates additional funding from the community service supervision fund for distributions.
- Transfers $200 million from the tax relief fund to the human service finance fund.
- Authorizes the Office of Management and Budget to transfer state student internship funding to other state agencies.
- Identifies $20 million from the strategic investment and improvements fund for a deferred maintenance funding pool, designates up to $12 million for a boiler replacement project, and authorizes the Office of Management and Budget to transfer funding to other state agencies.
- Identifies $4.8 million from the Capitol building fund for exterior repairs at the Governor's residence ($300,000), a remodeling project in the Brynhild Haugland Room ($500,000), and a Capitol window replacement project ($4 million).

- Identifies funding for statewide memberships and dues, unemployment insurance, and the Capitol Grounds Planning Commission.
- Provides guidelines for a targeted market equity funding pool, authorizes the Office of Management and Budget to transfer the funding to other state agencies, and requires a report to the Budget Section.
- Provides guidelines for state employee compensation increases.
- Increases the amount available each biennium from the Capitol building fund to the Capitol Grounds Planning Commission from $250,000 to $750,000.
- Authorizes agency rental payments for space used on the Capitol grounds by executive branch agencies receiving general fund appropriations and creates an operating fund for facility management operations related to the new rent model.
- Allocates 50 percent of the motor vehicle excise tax collections to the state highway fund decreasing the amount deposited in the general fund by $169,250,000 for the 2023-25 biennium.
- Provides an exemption allowing 2021-23 biennium appropriation authority for the Fiscal Management Division of the Office of Management and Budget to continue to be available in the 2023-25 biennium.
- Provides an exemption allowing unexpended appropriations for an assessment of state lands and facilities and a facility consolidation study to continue to be available in the 2023-25 biennium.

REPORT OF STANDING COMMITTEE

SB 2016: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2016 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, remove "and"

Page 1, line 2, after "exemption" insert "; to provide a statement of legislative intent; to provide for a transfer; and to declare an emergency"

Page 1, remove lines 12 through 24

Page 2, replace lines 1 and 2 with:

"

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	$7,150,489	$757,309	$7,907,798
Operating expenses	3,048,313	251,148	3,299,461
Capital assets	224,046	19,500,000	19,724,046
Grants	210,916	374,776	585,692
Civil air patrol	309,125	78,030	387,155
Tuition, recruiting, and retention	3,042,235	320,000	3,362,235
Air guard contract	8,490,161	531,148	9,021,309
Army guard contract	48,203,473	2,971,364	51,174,837
Veterans' cemetery	1,325,998	69,290	1,395,288
Reintegration program	925,524	(14,129)	911,395
Total all funds	$72,930,280	$24,838,936	$97,769,216
Less estimated income	56,326,564	21,716,184	78,042,748
Total general fund	$16,603,716	$3,122,752	$19,726,468"

Page 2, replace lines 5 through 14 with:

"

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	$12,232,240	$2,662,351	$14,894,591
Operating expenses	6,502,334	1,313,233	7,815,567
Capital assets	660,000	300,000	960,000
Grants	14,550,000	13,868,000	28,418,000
Disaster costs	51,485,736	165,448,359	216,934,095
Total all funds	$85,430,310	$183,591,943	$269,022,253

Less estimated income	79,151,794	180,105,176	259,256,970
Total general fund	$6,278,516	$3,486,767	$9,765,283"

Page 2, replace lines 17 through 22 with:

"

	Base Level	Adjustments or Enhancements	Appropriation
Grand total general fund	$22,882,232	$6,609,519	$29,491,751
Grand total special funds	135,478,358	201,821,360	337,299,718
Grand total all funds	$158,360,590	$208,430,879	$366,791,469
Full-time equivalent positions	222.00	11.00	233.00"

Page 2, line 23, after "**FUNDING**" insert "**- EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-NINTH LEGISLATIVE ASSEMBLY**"

Page 2, line 24, after "biennium" insert "and the 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act"

Page 2, remove lines 26 through 31

Page 3, replace lines 1 through 9 with:

"Emergency response equipment and supplies	$100,000	$660,000
Dickinson readiness center project	15,500,000	8,900,000
Military museum	10,000,000	0
Fraine Barracks automation system	320,000	0
Fargo readiness center equipment	100,000	0
Bridge training site	6,000,000	0
Camp Grafton expansion	3,500,000	0
Disaster response	887,873	0
Payroll expenses	1,000,000	0
State active-duty software	450,000	0
Camp Grafton housing	2,000,000	0
Deferred maintenance	1,000,000	0
Retirement payouts	0	275,000
Statewide interoperable radio network equipment	0	2,700,000
Camp Grafton billets	0	5,300,000
Minot airport hangar	0	60,000
State radio consoles	0	300,000
Williston readiness center project	0	2,600,000
Safeguarding Tomorrow through Ongoing Risk Mitigation Act	0	1,000,000
Disaster grants	0	142,652,500
Total all funds	$40,857,873	$164,447,500
Total other funds	38,877,873	163,987,500
Total general fund	$1,980,000	$460,000

The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The adjutant general shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025."

Page 3, after line 15, insert:

"**SECTION 4. 2021-23 BIENNIUM APPROPRIATION - TRANSFER - VETERANS' CEMETERY TRUST FUND.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $26,656, which the office of management and budget shall transfer to the veterans' cemetery trust fund for the payment of adjusted compensation to veterans in accordance with provisions of section 12 of chapter 41 of the 2019 Session Laws, during the period beginning with the effective date of this Act, and ending June 30, 2023.

SECTION 5. ESTIMATED INCOME - FEDERAL STATE FISCAL RECOVERY FUND - ADJUTANT GENERAL. The estimated income line item in subdivision 1 of section 1 of this Act includes $16,800,000 from the federal state fiscal recovery fund, of which $5,300,000 is for the construction of billets at Camp Grafton, $8,900,000 is for the completion of the Dickinson readiness center, and $2,600,000 is for the design and engineering of the Williston readiness center.

SECTION 6. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - ADJUTANT GENERAL. The estimated income line item in subdivision 1 of section 1 of this Act includes $2,700,000 from the strategic investment and improvements fund for statewide interoperable radio network equipment.

SECTION 7. CYBERSECURITY GRANT PROGRAM. The adjutant general may spend up to $628,000 from the general fund in the grants line item in subdivision 2 of section 1 of this Act providing grants to political subdivisions for all or a portion of the required ten percent local match for cybersecurity enforcement.

SECTION 8. EXEMPTION - MAINTENANCE AND REPAIRS - TRANSFERS. Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer up to $500,000 of appropriation authority to the operating expenses and capital assets line items contained in section 1 of this Act, as requested by the adjutant general to provide for the maintenance and repair of state-owned armories in this state during the biennium beginning July 1, 2023, and ending June 30, 2025. The adjutant general shall notify the legislative council of any transfers made pursuant to this section."

Page 3, replace lines 16 through 22 with:

"**SECTION 9. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2023, and ending June 30, 2025:

1. The sum of $450,000 appropriated from the strategic investment and improvements fund for computer-aided dispatch equipment in section 12 of chapter 16 of the 2021 Session Laws;

2. The sum of $3,042,235 appropriated from the general fund for tuition assistance, recruiting and retention incentives to eligible current and former members of the North Dakota national guard in subdivision 1 of section 1 of chapter 16 of the 2021 Session Laws;

3. The sum of $80,000 appropriated from the general fund and $240,000 of federal funds for the Fraine Barracks automation system in subdivision 1 of section 1 of chapter 16 of the 2021 Session Laws;

4. The sum of $15,500,000 appropriated from federal funds for the construction of the Dickinson readiness center in subdivision 1 of section 1 of chapter 16 of the 2021 Session Laws;

5. The sum of $6,000,000 appropriated from federal funds for the line of communication bridge training site in subdivision 1 of section 1 of chapter 16 of the 2021 Session Laws;

6. Any amounts remaining from the national guard training area and facility development trust fund and the strategic investment and improvements fund for the expansion of Camp Grafton in section 3 and section 14 of chapter 16 of the 2021 Session Laws;

7. Any amounts remaining for the purpose of defraying COVID-19 and other expenses in subdivision 7 of section 1 of chapter 27 and subdivision 7 of section 2 of chapter 28 of the 2021 Session Laws;

8. Any amounts remaining from the federal state fiscal recovery fund for replacing the state active duty software and maintenance in subsection 24 of section 1 of chapter 550 of the 2021 Special Session Session Laws; and

9. Any amounts remaining from the federal state fiscal recovery fund for enhancing housing at Camp Grafton in subsection 31 of section 1 of chapter 550 of the 2021 Special Session Session Laws.

SECTION 10. CAMP GRAFTON - LEGISLATIVE INTENT. It is the intent of the sixty-eighth legislative assembly that:

1. The adjutant general contract for the purchase or long-term lease of land for the Camp Grafton expansion, including the purchase of no more than one thousand six hundred acres and the long-term lease of the remainder, not to exceed six thousand acres in total.

2. The adjutant general not use eminent domain for the expansion of Camp Grafton.

SECTION 11. GIFTS, DONATIONS, AND BEQUESTS - NORTH DAKOTA MILITARY MUSEUM. The adjutant general may accept gifts, grants, and donations, including those from private and federal sources, and deposit the funds in the state treasury for the construction of a North Dakota military museum during the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 12. EMERGENCY. The sum of $628,000 in the grants line item of subdivision 2 of section 1 of this Act and sections 4 and 7 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2016 - Summary of Senate Action

	Base Budget	Senate Changes	Senate Version
Adjutant General			
Total all funds	$72,930,280	$24,838,936	$97,769,216
Less estimated income	56,326,564	21,716,184	78,042,748
General fund	$16,603,716	$3,122,752	$19,726,468
FTE	152.00	4.00	156.00
Department of Emergency Services			
Total all funds	$85,430,310	$183,591,943	$269,022,253
Less estimated income	79,151,794	180,105,176	259,256,970
General fund	$6,278,516	$3,486,767	$9,765,283
FTE	70.00	7.00	77.00
Bill total			
Total all funds	$158,360,590	$208,430,879	$366,791,469
Less estimated income	135,478,358	201,821,360	337,299,718
General fund	$22,882,232	$6,609,519	$29,491,751
FTE	222.00	11.00	233.00

Senate Bill No. 2016 - Adjutant General - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	$7,150,489	$757,309	$7,907,798
Operating expenses	3,048,313	251,148	3,299,461
Capital assets	224,046	19,500,000	19,724,046
Grants	210,916	374,776	585,692
Civil air patrol	309,125	78,030	387,155
Tuition, recruiting, and retention	3,042,235	320,000	3,362,235
Air guard contract	8,490,161	531,148	9,021,309
Army guard contract	48,203,473	2,971,364	51,174,837
Veterans' cemetery	1,325,998	69,290	1,395,288
Reintegration program	925,524	(14,129)	911,395
Total all funds	$72,930,280	$24,838,936	$97,769,216
Less estimated income	56,326,564	21,716,184	78,042,748
General fund	$16,603,716	$3,122,752	$19,726,468
FTE	152.00	4.00	156.00

Department 540 - Adjutant General - Detail of Senate Changes

	Adds Funding for the Cost to Continue Salaries[1]	Adds Funding for Salary and Benefit Increases[2]	Adds FTE Positions for Dickinson Readiness Center[3]	Adds FTE Position for Air National Guard Security Forces[4]	Adds Funding for ITD Increases[5]	Adjusts Funding Between Line Items[6]
Salaries and wages	$201,801	$472,422				($6,914)
Operating expenses			$183,500		$27,457	40,191
Capital assets						
Grants						
Civil air patrol		12,057				1,058
Tuition, recruiting, and retention						
Air guard contract		383,510		$142,638		
Army guard contract		1,123,941	153,088			9,335
Veterans' cemetery		69,290				
Reintegration program		53,519				(67,648)
Total all funds	$201,801	$2,114,739	$336,588	$142,638	$27,457	($23,978)
Less estimated income	313,326	1,453,734	161,794	142,638	18,670	(23,978)
General fund	($111,525)	$661,005	$174,794	$0	$8,787	$0
FTE	0.00	0.00	3.00	1.00	0.00	0.00

	Adds Funding for Armory Rent Increases[7]	Adds Funding for Civil Air Patrol Operating Costs Increase[8]	Adds Funding for ND1000 Recruiting Program[9]	Adds Funding for State Active Duty Training Funds[10]	Adds Funding for Maintenance and Repairs[11]	Adds One-Time Funding for Leave Payouts[12]
Salaries and wages						$90,000
Operating expenses						
Capital assets						
Grants	$374,776					
Civil air patrol		$4,915				
Tuition, recruiting, and retention			$320,000			
Air guard contract						5,000
Army guard contract				$40,000	$1,500,000	145,000
Veterans' cemetery						
Reintegration program						
Total all funds	$374,776	$4,915	$320,000	$40,000	$1,500,000	$240,000
Less estimated income	0	0	0	0	0	150,000
General fund	$374,776	$4,915	$320,000	$40,000	$1,500,000	$90,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One-Time Funding for National Guard Capital Assets[13]	Adds One-Time Funding for Hanger Purchase[14]	Total Senate Changes
Salaries and wages			$757,309
Operating expenses			251,148
Capital assets	$19,500,000		19,500,000
Grants			374,776
Civil air patrol		$60,000	78,030
Tuition, recruiting, and retention			320,000
Air guard contract			531,148
Army guard contract			2,971,364
Veterans' cemetery			69,290
Reintegration program			(14,129)
Total all funds	$19,500,000	$60,000	$24,838,936
Less estimated income	19,500,000	0	21,716,184
General fund	$0	$60,000	$3,122,752
FTE	0.00	0.00	4.00

[1] Funding is added for the cost to continue salary increases.

[2] The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from $1,429 to $1,648 per month:

	General Fund	Other Funds	Total
Salary increase	$444,962	$901,530	$1,346,492
Heath insurance increase	216,043	552,204	768,247
Total	$661,005	$1,453,734	$2,114,739

[3] Funding of $336,588, including $174,794 from the general fund and $161,794 from other funds, is added for 3 FTE positions ($153,088) and related operating expenses ($183,500). Funding for these positions begins in January 2025.

[4] Funding of $142,638 is added for 1 FTE Air National Guard security forces position from federal funds.

[5] Funding is added for Information Technology Department rate increases.

[6] Funding is adjusted between line items for base budget changes.

[7] Funding is added from the general fund for rent increases at the seven city-owned armories.

[8] Funding is added from the general fund for Civil Air Patrol fuel cost increases (3 percent).

[9] Funding of $320,000 is added from the general fund for the ND1000 recruiting program.

[10] Funding is added from the general fund for state active duty training related to wildland fire training.

[11] Funding is added from the general fund for necessary repairs and updates to National Guard facilities statewide.

[12] One-time funding is added for accrued leave payouts for retirements.

[13] Funding of $19.5 million is added for National Guard capital assets. Funding of $2.7 million is from the strategic investment and improvements fund for statewide interoperable radio network equipment. Funding of $16.8 million is from the federal State Fiscal Recovery Fund, of which $5.3 million is for the construction of billets at Camp Grafton, $8.9 million is for the completion of the Dickinson Readiness Center, and $2.6 million is for the design and engineering for the Williston Readiness Center.

[14] One-time funding is added from the general fund to purchase a hangar at the Minot airport for the Civil Air Patrol.

Senate Bill No. 2016 - Department of Emergency Services - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	$12,232,240	$2,662,351	$14,894,591
Operating expenses	6,502,334	1,313,233	7,815,567
Capital assets	660,000	300,000	960,000
Grants	14,550,000	13,868,000	28,418,000
Disaster costs	51,485,736	165,448,359	216,934,095
Total all funds	$85,430,310	$183,591,943	$269,022,253
Less estimated income	79,151,794	180,105,176	259,256,970
General fund	$6,278,516	$3,486,767	$9,765,283
FTE	70.00	7.00	77.00

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

	Adds Funding for the Cost to Continue Salaries[1]	Adds Funding for Salary and Benefit Increases[2]	Adds Funding for Watch Center[3]	Adds FTE Position for State Radio[4]	Adjusts Funding for State Radio FTE[5]	Adjusts Funding Between Line Items[6]
Salaries and wages	$84,442	$952,117	$1,233,992	$255,456		$101,344
Operating expenses			234,600			(77,367)
Capital assets						
Grants						
Disaster costs		63,448				
Total all funds	$84,442	$1,015,565	$1,468,592	$255,456	$0	$23,977
Less estimated income	(118,473)	615,865	0	102,182	(168,286)	23,977
General fund	$202,915	$399,700	$1,468,592	$153,274	$168,286	$0
FTE	0.00	0.00	6.00	1.00	0.00	0.00

	Adds Funding for ITD Increases[7]	Removes Funding for Federal Equipment[8]	Adds Funding for Homeland Security Grants[9]	Adds One-Time Funding for Leave Payouts[10]	Adds One-Time Funding for STORM Act[11]	Adds One-Time Funding for Capital Assets[12]
Salaries and wages				$35,000		
Operating expenses	$156,000				$1,000,000	
Capital assets		($660,000)				$960,000
Grants			$13,240,000			
Disaster costs						
Total all funds	$156,000	($660,000)	$13,240,000	$35,000	$1,000,000	$960,000
Less estimated income	0	(660,000)	13,240,000	25,000	1,000,000	660,000
General fund	$156,000	$0	$0	$10,000	$0	$300,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One-Time Funding for Disaster Grants[13]	Adds Funding for Cybersecurity Grant Program[14]	Adds Funding for Disaster Grants[15]	Total Senate Changes
Salaries and wages				$2,662,351
Operating expenses				1,313,233
Capital assets				300,000
Grants		$628,000		13,868,000
Disaster costs	$142,652,500		$22,732,411	165,448,359
Total all funds	$142,652,500	$628,000	$22,732,411	$183,591,943
Less estimated income	142,652,500	0	22,732,411	180,105,176
General fund	$0	$628,000	$0	$3,486,767
FTE	0.00	0.00	0.00	7.00

[1] Funding is added for cost to continue salary increases.

[2] The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from $1,429 to $1,648 per month:

	General Fund	Other Funds	Total
Salary increase	$275,621	$413,698	$689,319
Health insurance increase	124,079	202,167	326,246
Total	$399,700	$615,865	$1,015,565

[3] Funding of $1,468,592 is added from the general fund for 6 FTE positions ($1,233,992) and

operating costs ($234,600) for establishment of a State Watch Center.

[4] Funding of $255,456 is added for 1 FTE operations manager position for State Radio.

[5] Funding is adjusted for 2 FTE State Radio dispatch positions previously funded by local matching funds.

[6] Funding is adjusted between line items for base budget changes.

[7] Funding is added from the general fund for Information Technology Department administrative cost increases.

[8] Ongoing federal funding is removed for disaster response equipment (added as one-time funding in footnote 12 below).

[9] Funding of $13.24 million is added for increases in federal Emergency Management Performance, Homeland Security, and HazChem grants.

[10] One-time funding is added for accrued leave payouts for retirements.

[11] One-time funding from the state disaster relief fund is added for the Safeguarding Tomorrow through Ongoing Risk Mitigation (STORM) Act to provide the 10 percent required match for a loan program utilized through the Federal Emergency Management Agency.

[12] One-time funding from the general fund is added for the replacement of State Radio consoles ($300,000) and from federal funds for disaster response equipment ($660,000).

[13] One-time funding of $142,652,500 is added for disaster costs, of which $136,947,500 is from federal funds and $5,705,000 is from the state disaster relief fund. Funding from presidential disaster declarations include the 2022 spring storm ($47,600,000), COVID-19 hazard mitigation ($64,500,000), 2022 winter storm ($2,847,500), and 2022 Building Resilient Infrastructure and Communities ($22,000,000).

[14] Funding of $628,000 is added from the general fund for the cybersecurity grant program to provide a local 10 percent match.

[15] Funding is added from federal funds for disaster costs.

This amendment also:

- Allows 2021-23 biennium unexpended authority for the Fraine Barracks automation system, Dickinson Readiness Center construction, communication bridge training site, COVID-19 response line item, state active-duty software and maintenance, tuition assistance, computer-aided dispatch equipment, Camp Grafton housing enhancements, and the purchase of options to purchase or lease land for the expansion of Camp Grafton into the 2023-25 biennium.
- Adds a section to continue legislative intent for the Adjutant General to purchase options for the purchase or lease of land for the expansion of Camp Grafton.
- Identifies $16.8 million from the federal State Fiscal Recovery Fund, of which $5.3 million is for construction of billets at Camp Grafton, $8.9 million is for the completion of the Dickinson Readiness Center, and $2.6 million is for the design and engineering of a new Williston Readiness Center.
- Identifies $2.7 million from the strategic investment and improvements fund for statewide interoperable radio network equipment.
- Adds a section to provide a transfer of $26,656 of unexpended funding from the general fund for payment of adjusted compensation to veterans.
- Adds a section to provide an emergency clause related to $628,000 for the cybersecurity grant program.

REPORT OF STANDING COMMITTEE

SB 2020: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2020 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, after "resources" insert "; to amend and reenact section 61-02-79 of the North Dakota Century Code and section 4 of chapter 20 of the 2021 Session Laws, relating to a Bank of North Dakota line of credit and state water commission discretionary funding; to provide legislative intent; to provide an exemption; and to declare an emergency"

Page 1, line 7, remove "for the biennium beginning July 1, 2023, and ending June 30,"

Page 1, line 8, replace "2025" with "for the period beginning with the effective date of this Act, and ending June 30, 2025"

Page 1, replace lines 9 through 20 with:

"

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	$20,537,867	$2,927,459	$23,465,326
Operating expenses	43,366,550	16,112,518	59,479,068
Capital assets	98,467,437	201,916,513	300,383,950
Water supply - grants	125,000,000	158,000,000	283,000,000
Rural water supply - grants	59,600,000	(19,600,000)	40,000,000
Flood control projects	48,000,000	66,600,000	114,600,000
Discretionary funding	0	1,000,000	1,000,000
General water - grants	14,227,275	(2,227,275)	12,000,000
Basinwide plan implementation	0	1,000,000	1,000,000
Total special funds	$409,199,129	$425,729,215	$834,928,344
Full-time equivalent positions	90.00	3.00	93.00"

Page 1, line 21, after "**FUNDING**" insert "**- EFFECT ON BASE BUDGET - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY**"

Page 1, line 22, after "biennium" insert "and the 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act"

Page 1, remove line 24

Page 2, replace lines 1 through 5 with:

"Line of credit - Bank of North Dakota	$50,000,000	$100,000,000
Basinwide plan implementation	1,100,000	1,000,000
Discretionary funding	0	1,000,000
Equipment for new employees	0	19,320
Information technology unification	0	1,532,980
Increased motor pool rates	0	118,180
Drilling supplies inflation	0	180,000
Navigability study	0	180,000
Airborne electromagnetic survey data collection	0	750,000
Ground water modeling and hydrologic analysis software	0	72,665
Potential agency relocation	0	200,000
Radar system	0	1,800,000
Drilling rig replacement	0	1,800,000
Northwest area water supply	0	47,847,238
Discretionary water project funding	6,000,000	0
Mouse River flood control project	74,500,000	0
Water infrastructure projects	75,000,000	0
Total special funds	$206,600,000	$156,500,383

The 2023-25 one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The department of water resources shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the period beginning with the effective date of this Act, and ending June 30, 2025.

SECTION 3. ADDITIONAL INCOME - APPROPRIATION. In addition to the amounts included in the estimated income line item in section 1 of this Act, any additional amounts in the resources trust fund that become available are

appropriated to the department of water resources for the purpose of defraying the expenses of that agency, excluding operating expenses and salaries and wages, for the period beginning with the effective date of this Act, and ending June 30, 2025.

SECTION 4. APPROPRIATION - WATER PROJECTS STABILIZATION FUND - LOAN REPAYMENT - ONE-TIME FUNDING ITEM. There is appropriated out of any moneys in the water projects stabilization fund in the state treasury, not otherwise appropriated, the sum of $30,000,000, or so much of the sum as may be necessary, to the department of water resources for the purpose of repayment of loans issued by the Bank of North Dakota to the western area water supply authority for the period beginning with the effective date of this Act, and ending June 30, 2025. This funding is considered a one-time funding item.

SECTION 5. DEPARTMENT OF WATER RESOURCES DISCRETIONARY FUNDING. The discretionary funding appropriated to the department of water resources in section 1 of this Act may be used as necessary, except for salaries and wages, for the period beginning with the effective date of this Act, and ending June 30, 2025.

SECTION 6. PILOT PROJECT - BASINWIDE WATER PLAN IMPLEMENTATION - REPORT TO LEGISLATIVE MANAGEMENT. Of the $1,000,000 in the basinwide plan implementation line item in section 1 of this Act, up to $1,000,000 may be used to provide grants for the pilot project authorized in this section for the period beginning with the effective date of this Act, and ending June 30, 2025. These funds are not subject to state water commission cost-share policies. Water resource districts and joint water resource districts in a basin may develop a basinwide water plan identifying water conveyance, flood control, and other water projects to be undertaken in the basin, and may jointly apply to the state water commission for a grant of up to $1,000,000 for implementation of the plan. The state water commission may select a basinwide plan submitted under this section for funding and enter into one cooperative agreement with the water resource districts and joint water resource districts that submitted the plan. The cooperative agreement must include the amount of funding the state water commission will provide, a prohibition on using funds granted for implementation of the plan for planning or any purpose other than implementation of the basinwide plan, and the obligations of the state water commission and each water resource district and joint water resource district in implementing the basinwide plan. The agreement also must provide for monitoring and oversight of the basinwide plan's implementation. The department of water resources shall report to the legislative management on the results of this pilot project no later than August 1, 2024.

SECTION 7. ESTIMATED INCOME - WATER PROJECTS STABILIZATION FUND. The total special funds line item in section 1 of this Act includes $120,000,000 from the water projects stabilization fund for water supply grants for the period beginning with the effective date of this Act, and ending June 30, 2025.

SECTION 8. AMENDMENT. Section 61-02-79 of the North Dakota Century Code is amended and reenacted as follows:

61-02-79. Bank of North Dakota - Line of credit.

The Bank of North Dakota shall extend a line of credit not to exceed ~~fifty~~one hundred million dollars at ~~a rate of one and one-half percent over the three month London interbank offered rate, but may not exceed three percent to the state water commission~~the prevailing interest rate charged to North Dakota government entities. The ~~state water commission~~department of water resources shall repay the line of credit from funds available in the resources trust fund~~, water development trust fund,~~ or other funds, as appropriated by the legislative assembly. The ~~state water commission~~department of water resources may access the line of credit, as necessary, to provide ~~funding as authorized by the legislative assembly~~up to fifty million dollars for the northwest area water supply project and up to fifty million dollars for the southwest pipeline project during the biennium beginning July 1, ~~2021~~2023, and ending June 30, ~~2023~~2025.

SECTION 9. AMENDMENT. Section 4 of chapter 20 of the 2021 Session Laws is amended and reenacted as follows:

SECTION 4. APPROPRIATION - RESOURCES TRUST FUND - STATE WATER COMMISSION DISCRETIONARY FUNDING. There is appropriated out of any moneys in the resources trust 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 ~~state water commission for the purpose of providing discretionary funds for water project grants~~department of water resources to be used as necessary except for salaries and wages, for the biennium beginning July 1, 2021, and ending June 30, 2023. This funding is considered to be a one-time funding item.

SECTION 10. STATE WATER COMMISSION - RED RIVER WATER SUPPLY PROJECT FUNDING - LEGISLATIVE INTENT. Excluding the funding provided for Red River water supply projects prior to the 2023-25 biennium, the state water commission may not approve state funding for the Red River water supply project in excess of a total of $953,000,000 without legislative approval. It is the intent of the sixty-eighth legislative assembly that of the $953,000,000, $175,000,000 is provided from the resources trust fund for the period beginning with the effective date of this Act, and ending June 30, 2025.

SECTION 11. STATE WATER COMMISSION - MOUSE RIVER FLOOD CONTROL PROJECT FUNDING - LEGISLATIVE INTENT. Excluding the funding provided for Mouse River flood control projects prior to the 2023-25 biennium, the state water commission may not approve state funding for the Mouse River flood control project in excess of a total of $380,500,000 without legislative approval. It is the intent of the sixty-eighth legislative assembly that of the $380,500,000, $76,100,000 is provided from the resources trust fund for the period beginning with the effective date of this Act, and ending June 30, 2025.

SECTION 12. SOUTHWEST PIPELINE PROJECT FUNDING - LEGISLATIVE INTENT. It is the intent of the sixty-eighth legislative assembly that the sixty-ninth legislative assembly appropriate $40,000,000 from the resources trust fund for the southwest pipeline project for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 13. EXEMPTION - LINE ITEM TRANSFERS. The office of management and budget shall transfer up to $13,292,362 between the operating and capital assets line items in section 1 of this Act, during the period beginning with the effective date of this Act, and ending June 30, 2025, as requested by the director of the department of water resources. The director of the department of water resources shall notify the legislative council of any transfers made pursuant to this section.

SECTION 14. EXEMPTION - GRANTS - APPLICATION - WATER-RELATED PROJECTS - CARRYOVER AUTHORITY. Section 54-44.1-11 does not apply to $405,000,000 for grants or water-related projects included in the capital assets, water supply - grants, rural water supply - grants, flood control projects, and general water - grants line items in section 1 of chapter 20 of the 2021 Session Laws, sections 5 and 6 of chapter 20 of the 2021 Session Laws, section 9 of chapter 80 of the 2021 Session Laws, and subdivision 3 of section 1 of chapter 550 of the 2021 Special Session Session Laws. Any unexpended obligated and unobligated funds from these appropriations may be continued into the 2023-25 biennium. Any funds continued may be expended only for the purpose for which it was originally appropriated. The department of water resources may seek emergency commission and budget section approval under section 54-16-04.2 to increase carryover spending authority of funds appropriated in the 2021-23 biennium into the 2023-25 biennium.

SECTION 15. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2020 - State Water Commission - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	$20,537,867	$2,927,459	$23,465,326
Operating expenses	43,366,550	16,112,518	59,479,068
Capital assets	98,467,437	201,916,513	300,383,950
Water supply - Grants	125,000,000	158,000,000	283,000,000
Rural water supply - Grants	59,600,000	(19,600,000)	40,000,000
Flood control projects	48,000,000	66,600,000	114,600,000
General water - Grants	14,227,275	(2,227,275)	12,000,000
Basinwide plan implementation		1,000,000	1,000,000
Discretionary funding		1,000,000	1,000,000
Loan repayment		30,000,000	30,000,000
Total all funds	$409,199,129	$455,729,215	$864,928,344
Less estimated income	409,199,129	455,729,215	864,928,344
General fund	$0	$0	$0
FTE	90.00	3.00	93.00

Department 770 - State Water Commission - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes[1]	Adds Funding for Salary and Benefit Increases[2]	Adds FTE Positions[3]	Adds Funding for Other Operations and Compensation[4]	Makes Other Base Budget Adjustments[5]	Adds One-Time Funding[6]
Salaries and wages	$148,098	$1,509,354	$703,398	$576,609	($10,000)	
Operating expenses			2,000	5,512,584	7,744,789	$2,853,145
Capital assets					(7,740,789)	3,800,000
Water supply - Grants						
Rural water supply - Grants						
Flood control projects						
General water - Grants					6,000	
Basinwide plan implementation						
Discretionary funding						
Loan repayment						30,000,000
Total all funds	$148,098	$1,509,354	$705,398	$6,089,193	$0	$36,653,145
Less estimated income	148,098	1,509,354	705,398	6,089,193	0	36,653,145
General fund	$0	$0	$0	$0	$0	$0
FTE	0.00	0.00	3.00	0.00	0.00	0.00

	Adjusts Funding for Water Projects[7]	Total Senate Changes
Salaries and wages		$2,927,459
Operating expenses		16,112,518
Capital assets	$205,857,302	201,916,513
Water supply - Grants	158,000,000	158,000,000
Rural water supply - Grants	(19,600,000)	(19,600,000)
Flood control projects	66,600,000	66,600,000
General water - Grants	(2,233,275)	(2,227,275)
Basinwide plan implementation	1,000,000	1,000,000
Discretionary funding	1,000,000	1,000,000
Loan repayment		30,000,000
Total all funds	$410,624,027	$455,729,215
Less estimated income	410,624,027	455,729,215
General fund	$0	$0
FTE	0.00	3.00

[1] Funding is adjusted for base payroll changes, including the cost to continue 2021-23 biennium salary increases.

[2] The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from $1,429 to $1,648 per month:

	Federal Funds	Other Funds	Total
Salary increase	$23,689	$1,025,704	$1,049,393
Health insurance increase	12,102	447,859	459,961
Total	$35,791	$1,473,563	$1,509,354

[3] The following FTE positions and funding of $2,000 for related travel expenses are added:

	FTE Positions	Other Funds
Natural resources services	2.00	$505,772
Engineering and planning services	1.00	197,626
Total	3.00	$703,398

[4] Funding for operations and salaries and wages is adjusted as follows:

	Salaries and Wages	Operating Expenses	Total
Northwest area water supply temporary salaries	$170,000		$170,000
Temporary employee benefits	61,609		61,609
Staff training and development		$80,000	80,000
Information technology unification		4,082,784	4,082,784
Pushing remote sensors (PRESENS) installations	345,000	1,227,800	1,572,800
Groundwater modeling and hydrologic analysis software maintenance		22,000	22,000
RiskMAP (federal funds)		100,000	100,000
Total	$576,609	$5,512,584	$6,089,193

[5] Funding is adjusted for other changes as follows:

	Other Funds
Reduces funding for salaries and wages	($10,000)
Increases funding for operating expenses, including $5.9 million for professional fees and services	7,744,789
Reduces funding for capital assets	(7,740,789)
Increases funding for general water grants	6,000
Total	$0

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

	Other Funds
New FTE equipment	$19,320
Information technology unification	1,532,980
Increased motor pool rates	118,180
Drilling supplies inflation	180,000
Navigability study	180,000
Airborne electromagnetic survey data collection	750,000
Ground water modeling and hyrdological analysis software	72,665
Agency relocation	200,000
Drilling rig replacement	1,800,000
Bowman radar system	1,800,000
Total	$6,653,145

A section is also added to appropriate $30 million from the water projects stabilization fund to repay loans issued by the Bank of North Dakota for the Western Area Water Supply Authority.

[7] Funding for water projects is adjusted as follows:

	Total Funds
Increase funding for capital assets, including $47.8 million from federal funds for the Northwest Area Water Supply Project and $100 million from a line of credit	$205,857,302
Increase funding for water supply grants	158,000,000
Decrease funding for rural water supply grants	(19,600,000)
Increase funding for flood control projects	66,600,000
Decrease funding for general water grants	(2,233,275)
Add one-time funding for basinwide plan implementation	1,000,000
Add one-time funding for discretionary water projects	1,000,000
Total	$410,624,027

This amendment also adds sections to:

- Appropriate any additional funds in the resources trust fund to the Department of Water Resources for expenses of the department, excluding operating expenses and salaries and wages.
- Appropriate $30 million from the water projects stabilization fund to repay Bank of North Dakota loans for the Western Area Water Supply Authority.
- Provide that the discretionary funds line item may be used as necessary, except for salaries and wages.

- Provide that $1 million appropriated for basinwide plan implementation is for a pilot project to provide grants for water conveyance, flood control, and other water projects.
- Identify $120 million of the amount appropriated in Section 1 is from the water projects stabilization fund.
- Provide for the Bank to extend a $100 million line of credit to the Department of Water Resources, of which $50 million may be used for the Northwest Area Water Supply Project and $50 million may be used for the Southwest Pipeline Project.
- Amend 2021 Session Laws to allow the Department of Water Resources to use its discretionary funding as necessary, except for salaries and wages.
- Provide legislative intent for a total of $953 million for the Red River Water Supply Project, of which $175 million is provided during the 2023-25 biennium.
- Provide legislative intent for a total of $380.5 million for the Mouse River flood control project, of which $76.1 million is provided during the 2023-25 biennium.
- Provide legislative intent that the 69th Legislative Assembly appropriate $40 million for the Southwest Pipeline Project.
- Provide authority for the Department of Water Resources to transfer up to $13.3 million between the operating expenses and capital assets line items.
- Provide that any unexpended obligated and unobligated 2021-23 biennium appropriation authority for grants or water-related projects may be continued and expended during the 2023-25 biennium.
- Declare the bill to be an emergency measure.

REPORT OF STANDING COMMITTEE

SB 2037: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2037 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

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

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

Page 1, line 2, after "projects" insert "and public informational meetings"

Page 1, line 6, remove "and"

Page 1, line 7, after "penalty" insert "; and to provide an expiration date"

Page 2, line 17, after "10." insert ""Direct benefits" and "directly" in regard to benefits mean a measurable or quantifiable benefit to a piece or parcel of land that is attributable to the project.

11."

Page 2, line 18, replace "11." with "12."

Page 2, after line 19, insert:

"13. "Indirect benefits" and "indirectly" in regard to benefits mean a public good or shared benefit that is not directly attributable to an individual piece or parcel of land."

Page 2, line 20, replace "12." with "14."

Page 2, line 25, replace "13." with "15."

Page 3, line 3, replace "6" with "7"

Page 6, line 7, replace "6" with "7"

Page 7, line 15, overstrike "profiles," and insert immediately thereafter "a preliminary engineering report which must contain the preliminary"

Page 7, line 15, overstrike the second comma

Page 7, line 16, after "~~thereof~~" insert "including acquisition of right of way, project design, and project construction. The preliminary engineering report also must identify any locations where the proposed project crosses a railroad, public road, or highway"

Page 7, line 17, remove "include the cost to acquire"

Page 7, line 17, overstrike "~~right of way and~~"

Page 7, line 20, replace "6" with "7"

Page 7, after line 20, insert:

"**SECTION 6.** A new section to chapter 61-16.1 of the North Dakota Century Code is created and enacted as follows:

Public informational meeting and information presented - Procedure.

1. Upon the filing of the engineer's preliminary report as provided for in section 61-16.1-17, the board or the board's agents shall create and by resolution approve a preliminary analysis of the benefits and assessments to be made, setting forth each county, township, or city assessed in its corporate capacity as well as each lot, piece, or parcel of land assessed; the amount each would be benefited by the proposed project; and the amount assessed against each in accordance with section 61-16.1-21 and section 7 of this Act.

2. After satisfying the requirements in subsection 1, the board by resolution shall set a date and place for a public informational meeting on the proposed project. The place of the hearing must be in the vicinity of the proposed project and must be convenient and accessible for the majority of the landowners included in the project's benefited area.

3. At least thirty days before the public informational meeting, the board shall mail notice of the meeting to all parties in the benefited area, including:

   a. Each landowner affected by the assessments;

   b. The governing body of each county, township, city, or other political subdivision affected by the assessments; and

   c. An official from each railroad and road authority that may be crossed or impacted by the proposed project.

4. Each landowner must be notified at the landowner's address as shown by the tax rolls of the county or counties in which the affected property is located. The board shall send the notice by regular mail attested by an affidavit of mailing signed by the attorney or secretary of the board.

5. At the public informational meeting, the board or the board's agents shall present the proposed project and preliminary design, the board's methodology for determining benefits, and the approved preliminary cost-benefit analysis of the benefits and assessments to be made. The board also shall allow the parties to offer comments and recommendations. The board may alter the preliminary cost-benefit analysis as the board deems just and necessary to include alterations to the proposed project, the project's preliminary design, or assessments made under section 61-16.1-21.

6. The board's engineer shall file an updated engineer report which must include the preliminary project plans and an updated estimate of the total estimated costs of the project. The updated engineer's report also must

identify any locations where the project crosses a railroad, public road, or highway."

Page 8, line 2, after the second "the" insert "following criteria for determining the direct benefits of a project:

a. If the project will provide an increase in market value;

b. If the project will provide an increase or improvement in agricultural production;

c. If the project will provide demonstrable residential, commercial, or industrial development;

d. If the project will provide or furnish an outlet for tile or surface drainage;

e. If the project will provide flood damage reduction benefits; and

f. Present use of the property including existing public or private easements.

3. To prepare the cost-benefit analysis, the board shall use the following criteria for determining indirect benefits of a project:

a. Protection value of public or utility services including emergency, water, sewer, electric, telephone, internet, or other services or utilities;

b. Value provided to public safety;

c. Flood damage reduction benefits of public infrastructure;

d. Reduced costs of public services;

e. If the project will provide other consumptive or nonconsumptive value including recreational opportunities; and

f. Value to upstream landowners as beneficiaries of improvements to watershed management of surface waters.

4. In determining benefits, the board may use the"

Page 8, line 3, replace "and" with ". Upon analyzing the criteria for direct and indirect benefits, the board shall"

Page 8, line 7, replace "3." with "5."

Page 8, line 12, replace "4." with "6."

Page 8, line 28, overstrike "Upon" and insert immediately thereafter "Following the public informational meeting and upon"

Page 8, line 29, replace "6" with "7"

Page 8, line 30, after "board" insert ", by resolution"

Page 8, line 30, overstrike "fix" and insert immediately thereafter "set"

Page 9, line 11, replace "calculations required" with "assessments calculated"

Page 9, line 11, replace "6" with "7"

Page 9, line 11, remove "and the engineer's"

Page 9, line 12, replace "calculation of costs for the project" with "as well as the engineer's report, preliminary plans, estimate of total project costs, and any locations where the project crosses a railroad, public road, or highway"

Page 9, line 13, replace "calculations" with "assessments"

Page 9, line 14, after "benefits" insert "and costs"

Page 9, line 15, remove "and identifying the several costs for the project must be attached to the"

Page 9, line 16, remove "results"

Page 9, line 17, replace "The" with "At least thirty days before the hearing, the"

Page 9, line 28, after "e." insert "Include a copy of the assessment list showing the amount of assessments against each lot, piece, or parcel of land and against each county, township, city, or other political subdivision that benefits from the project.

f."

Page 9, line 28, after "Include" insert "a method to access the"

Page 9, line 28, replace "and benefit calculations" with "benefit analysis"

Page 9, line 30, replace "f." with "g."

Page 10, line 1, overstrike "the"

Page 10, line 1, remove "cost and benefit calculations"

Page 10, line 1, overstrike "and"

Page 10, line 4, replace "g." with "h."

Page 10, line 11, remove "Each affected landowner"

Page 10, line 11, overstrike "and the"

Page 10, line 12, overstrike "governing body of any county, township, or city to be assessed"

Page 10, line 12, overstrike "must be informed at"

Page 10, line 13, overstrike "the hearing of the"

Page 10, line 14, remove "cost and"

Page 10, line 15, remove "benefit calculations"

Page 10, line 15, overstrike the period and insert immediately thereafter:

"5. At the hearing, the board must inform those in attendance of:

a. The project assessments and district boundary including total costs of the project and each party's share;

b. A cost-benefit analysis summary;

c. The project necessity and design; and

d. The voting process under section 61-16.1-19."

Page 11, line 1, replace "6" with "7"

Page 13, line 4, after "~~a~~" insert "developed before the hearing on assessments under section 61-16.1-22"

Page 13, line 7, remove "project's"

Page 13, line 7, after "benefits" insert "and cost of the project"

Page 13, line 12, remove the overstrike over "**~~Assessment~~**"

Page 13, line 12, remove "**Cost and benefit calculations**"

Page 13, line 17, replace "6" with "7"

Page 14, line 15, replace "6" with "7"

Page 14, after line 26 insert:

"**SECTION 15. EXPIRATION DATE.** This Act is effective through July 31, 2027, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2165: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **DO NOT PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2165 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2190, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2190 was placed on the Sixth order on the calendar. This bill affects workforce development.

Page 2, line 26, replace "forty-one" with "thirty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2301, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2301 was placed on the Sixth order on the calendar. This bill affects workforce development.

Page 1, line 12, replace "infants" with "children from birth to less than three years of age"

Page 1, line 13, replace "toddlers" with "children from three years of age to less than six years of age"

Page 1, line 14, replace "over the age of five years" with "from six years of age to less than thirteen years of age"

Page 1, line 21, remove "correction"

Page 1, line 22, replace "order" with "provisional license"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2307: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **DO NOT PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2307 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2329, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2329 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 5, after "fund" insert "and the county highway aid fund"

Page 3, line 8, remove "eligible"

Page 3, line 11, remove the first "eligible"

Page 3, line 11, remove the second "eligible"

Page 3, line 13, remove "the eligible"

Page 3, line 14, remove "eligible"

Page 3, line 17, remove "eligible"

Page 3, line 20, remove "For"

Page 3, remove lines 21 through 23

Page 3, line 29, replace "twenty-five" with "twelve and one-half"

Page 3, line 30, replace "twenty-five" with "twelve and one-half"

Page 3, line 31, replace "fifty" with "seventy-five"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment:

- Removes an eligibility requirement for allocations to counties from a newly created county highway aid fund allowing all counties to receive an allocation.
- Decreases the motor vehicle excise tax revenue allocated to the township highway aid fund and a newly created county highway aid fund to provide 12.5 percent to each with the remaining 75 percent of the tax revenue allocated to the general fund.

REPORT OF STANDING COMMITTEE

HB 1090, as engrossed: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1090 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

CONSIDERATION OF AMENDMENTS

SB 2304: SEN. LARSON (Judiciary Committee) MOVED that the amendments on SJ page 746 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2304: A BILL for an Act to amend and reenact section 53-06.1-01 of the North Dakota Century Code, relating to gaming licenses for alcoholic beverage establishments.

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 35 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Burckhard; Cleary; Clemens; Davison;

Dwyer; Elkin; Erbele; Estenson; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Myrdal; Paulson; Roers, J.; Rust; Schaible; Sickler; Sorvaag; Wanzek; Weber; Weston; Wobbema

NAYS: Braunberger; Conley; Dever; Hogan; Magrum; Mathern; Meyer; Patten; Piepkorn; Roers, K.; Rummel; Vedaa

Engrossed SB 2304 passed.

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CONSIDERATION OF AMENDMENTS

SB 2296: SEN. SICKLER (Judiciary Committee) MOVED that the amendments on SJ pages 745-746 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2296: A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to limiting judicial deference to governmental entities; 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 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Braunberger; Piepkorn

Engrossed SB 2296 passed.

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CONSIDERATION OF AMENDMENTS

SCR 4013: SEN. BRAUNBERGER (State and Local Government Committee) MOVED that the amendments on SJ pages 730-733 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4013: A concurrent resolution to amend and reenact sections 2, 3, 4, and 9 of article III of the Constitution of North Dakota, relating to the process for approving initiated constitutional amendments, the requirement of a single subject for each petition and measure, the individuals able to circulate a petition, and the requirement that all ballot measures must be voted on at the primary and general election.

MOTION

SEN. MYRDAL MOVED that Engrossed SCR 4013 be amended as follows.

Page 1, line 1, remove "5, 6, 7,"

Page 1, line 2, remove "the required number of signatures needed to place a"

Page 1, line 3, remove "measure on the ballot,"

Page 1, line 3, replace "measures" with "constitutional amendments"

Page 1, line 5, after "the" insert "primary and"

Page 1, line 8, after the first "electors" insert "who have resided in the state for at least one hundred twenty days, prohibit petition circulators from receiving money or items of value for circulating a petition"

Page 1, line 8, remove "require signatures from qualified electors equal in number to five percent of"

Page 1, line 9, remove "the population of the state before a petition may be submitted to the secretary of state,"

Page 1, line 10, after the second "all" insert "constitutional"

Page 1, line 11, after "the" insert "primary and"

Page 1, line 14, remove "5, 6, 7,"

Page 2, remove lines 20 through 30

Page 3, remove lines 1 through 23

Page 3, line 26, after the period insert "The petition may be circulated only by qualified electors who have resided in the state for at least one hundred twenty days before the first signature is collected. An individual circulating a petition may not accept any money or an in-kind item of value for circulating a petition."

Page 4, line 1, replace "general" with "primary"

Page 4, line 1, after the underscored period insert "If the majority of the votes cast on the measure are affirmative in the primary election, the measure must be placed on the ballot at the next general election for final consideration. If a majority of votes cast for a proposed constitutional amendment are affirmative in the general election, the measure is deemed enacted."

Renumber accordingly

REQUEST

SEN. BRAUNBERGER REQUESTED a verification vote on the motion to adopt the proposed amendments to Engrossed SCR 4013, which request was granted on a verification vote.

The proposed amendments to Engrossed SCR 4013 were adopted on a verification vote.

SCR 4013: A concurrent resolution to amend and reenact sections 2, 3, 4, 5, 6, 7, and 9 of article III of the Constitution of North Dakota, relating to the required number of signatures needed to place a measure on the ballot, the process for approving initiated measures, the requirement of a single subject for each petition and measure, the individuals able to circulate a petition, and the requirement that all ballot measures must be voted on at the general election.

ROLL CALL

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

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Meyer; Myrdal; Patten; Paulson; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Magrum; Mathern; Piepkorn

Engrossed SCR 4013 was declared adopted on a recorded roll call vote.

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CONSIDERATION OF AMENDMENTS

SB 2345, as engrossed: SEN. DEVER (Appropriations Committee) MOVED that the amendments on SJ pages 746-747 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2345: A BILL for an Act to create and enact a new chapter to title 27 of the North Dakota Century Code, relating to the task force on guardianship monitoring to promote the accountability of all guardians; and to provide an appropriation.

ROLL CALL

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

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Hogan; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Estenson; Hogue; Sickler

Reengrossed SB 2345 passed.

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SECOND READING OF SENATE BILL

SB 2035: A BILL for an Act to provide appropriations to the office of management and budget and the department of health and human services for guardianship services.

ROLL CALL

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

NAYS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

SB 2035 failed.

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SECOND READING OF SENATE BILL

SB 2226: A BILL for an Act to amend and reenact section 16.1-06-09 of the North Dakota Century Code, relating to the required form for measures to amend the constitution and the manner of placing the measures on ballots.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 25 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Barta; Boehm; Clemens; Conley; Dever; Dwyer; Elkin; Erbele; Kannianen; Klein; Kreun; Larsen; Larson; Lemm; Luick; Meyer; Myrdal; Paulson; Roers, K.; Rust; Sickler; Vedaa; Wanzek; Weston; Wobbema

NAYS: Axtman; Beard; Bekkedahl; Braunberger; Burckhard; Cleary; Davison; Estenson; Hogan; Hogue; Kessel; Krebsbach; Lee; Magrum; Mathern; Patten; Piepkorn;

Roers, J.; Rummel; Schaible; Sorvaag; Weber

SB 2226 passed.

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SECOND READING OF SENATE BILL

SB 2098: A BILL for an Act to amend and reenact sections 43-17.3-01, 43-17.3-02, 43-17.3-03, and 43-17.3-04, subsection 1 of section 43-17.3-05, and section 43-17.3-07 of the North Dakota Century Code, relating to the physician health program.

ROLL CALL

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

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

SB 2098 passed.

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SECOND READING OF SENATE BILL

SB 2170: A BILL for an Act to provide for a legislative management study of construction labor laws for minors.

MOTION

SEN. MAGRUM MOVED that SB 2170 be amended as follows.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of construction labor laws for minors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CONSTRUCTION LABOR BY MINORS. During the 2023-24 interim, the legislative management shall consider studying whether federal labor laws provide any exceptions to the prohibition on minors working in the construction industry which would allow minors in this state to work in the construction industry. 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

REQUEST

SEN. MAGRUM REQUESTED a verification vote on the motion to adopt the proposed amendments to SB 2170, which request was granted.

The proposed amendments to SB 2170 were adopted on a verification vote.

SB 2170: A BILL for an Act to create and enact a new section to chapter 34-07 of the North Dakota Century Code, relating to minors working in construction.

ROLL CALL

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

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Burckhard; Cleary; Clemens; Conley;

Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Myrdal; Patten; Paulson; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Braunberger; Meyer; Piepkorn

SB 2170 passed.

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SECOND READING OF SENATE BILL

SB 2239: A BILL for an Act to amend and reenact subsection 4 of section 54-52-01, subsection 1 of section 54-52-02.9, subsection 2 of section 54-52-05, subsection 1 of section 54-52-06, sections 54-52.6-01 and 54-52.6-02, subsection 1 of section 54-52.6-09, and section 54-52.6-10 of the North Dakota Century Code, relating to public employees retirement system main system plan employer and employee contribution rates and participation in the public employees retirement system defined contribution plan; to provide an appropriation; to provide for application; 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 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Braunberger; Burckhard; Cleary; Clemens; Davison; Dever; Dwyer; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larson; Lee; Lemm; Luick; Magrum; Mathern; Patten; Piepkorn; Roers, J.; Sorvaag; Wanzek; Weber; Weston; Wobbema

NAYS: Boehm; Conley; Elkin; Larsen; Meyer; Myrdal; Paulson; Roers, K.; Rummel; Rust; Schaible; Sickler; Vedaa

Engrossed SB 2239 passed.

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MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

MOTION

SEN. KLEIN MOVED that a committee of two be appointed to escort Congressman Kelly Armstrong, to the podium, which motion prevailed.

PRESIDENT MILLER APPOINTED Senators Rummel and Sickler to the escort committee.

CONSIDERATION OF AMENDMENTS

SB 2037: SEN. LUICK (Agriculture and Veterans Affairs Committee) MOVED that the amendments on SJ pages 801-805 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2037: A BILL for an Act to create and enact two new sections to chapter 61-16.1 of the North Dakota Century Code, relating to calculations of costs and benefits for assessment projects and public informational meetings; to amend and reenact sections 61-16.1-02, 61-16.1-09.1, 61-16.1-12.1, 61-16.1-15, 61-16.1-17, 61-16.1-18, 61-16.1-19, 61-16.1-20, 61-16.1-21, 61-16.1-22, and 61-16.1-23 of the North Dakota Century Code, relating to costs, benefits, and special assessments for water projects; to repeal section 61-16.1-01 of the North Dakota Century Code, relating to legislative intent; to provide a penalty; and to provide an expiration 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 5 YEAS, 42 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bekkedahl; Hogue; Kannianen; Luick; Myrdal

NAYS: Axtman; Barta; Beard; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Magrum; Mathern; Meyer; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

Engrossed SB 2037 failed.

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CONSIDERATION OF AMENDMENTS

SB 2190, as engrossed: SEN. MATHERN (Appropriations Committee) MOVED that the amendments on SJ page 805 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2190: A BILL for an Act to amend and reenact sections 50-33-02 and 50-33-07 of the North Dakota Century Code, relating to the child care assistance program; and to provide a statement of legislative intent.

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 31 YEAS, 16 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Bekkedahl; Braunberger; Burckhard; Cleary; Clemens; Davison; Dever; Dwyer; Elkin; Erbele; Hogan; Kessel; Klein; Krebsbach; Kreun; Lee; Mathern; Meyer; Patten; Piepkorn; Roers, J.; Roers, K.; Rummel; Schaible; Sickler; Sorvaag; Wanzek; Weber; Weston

NAYS: Beard; Boehm; Conley; Estenson; Hogue; Kannianen; Larsen; Larson; Lemm; Luick; Magrum; Myrdal; Paulson; Rust; Vedaa; Wobbema

Reengrossed SB 2190 passed.

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CONSIDERATION OF AMENDMENTS

SB 2016: SEN. RUST (Appropriations Committee) MOVED that the amendments on SJ pages 788-795 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

SEN. LARSEN REQUESTED a verification vote, which request was granted on a verification vote.

The proposed amendments to SB 2016 were adopted on a verification vote.

SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the adjutant general; to provide an exemption; to provide a statement of legislative intent; to provide for a transfer; 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 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary;

Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larson; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Larsen; Magrum

Engrossed SB 2016 passed and the emergency clause was declared carried.

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CONSIDERATION OF AMENDMENTS

SB 2329, as engrossed: SEN. WANZEK (Appropriations Committee) MOVED that the amendments on SJ page 806 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2329: A BILL for an Act to create and enact a new section to chapter 54-27 of the North Dakota Century Code, relating to a county highway aid fund; to amend and reenact sections 54-27-19.1 and 57-40.3-10 of the North Dakota Century Code, relating to allocations to townships from the township highway aid fund and an allocation of motor vehicle excise tax collections to the township highway aid fund and the county highway aid fund; 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 24 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Beard; Conley; Elkin; Erbele; Kannianen; Kessel; Klein; Kreun; Lemm; Luick; Magrum; Meyer; Myrdal; Patten; Piepkorn; Rummel; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Axtman; Barta; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Davison; Dever; Dwyer; Estenson; Hogan; Hogue; Krebsbach; Larsen; Larson; Lee; Mathern; Paulson; Roers, J.; Roers, K.; Sickler

Reengrossed SB 2329 passed.

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CONSIDERATION OF AMENDMENTS

SB 2020: SEN. SORVAAG (Appropriations Committee) MOVED that the amendments on SJ pages 795-801 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2020: A BILL for an Act to provide an appropriation for defraying the expenses of the department of water resources; to amend and reenact section 61-02-79 of the North Dakota Century Code and section 4 of chapter 20 of the 2021 Session Laws, relating to a Bank of North Dakota line of credit and state water commission discretionary funding; to provide legislative intent; to provide an exemption; 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 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Magrum

Engrossed SB 2020 passed and the emergency clause was declared carried.

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MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 3:20 p.m., which motion prevailed.

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

CONSIDERATION OF AMENDMENTS

SB 2301, as engrossed: SEN. DAVISON (Appropriations Committee) MOVED that the amendments on SJ page 805 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2301: A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to the establishment of a child care stabilization program.

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 25 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Bekkedahl; Braunberger; Burckhard; Cleary; Davison; Dever; Erbele; Hogan; Kessel; Klein; Krebsbach; Kreun; Lee; Mathern; Meyer; Patten; Piepkorn; Roers, J.; Roers, K.; Rummel; Sorvaag; Weber; Wobbema

NAYS: Beard; Boehm; Clemens; Conley; Dwyer; Elkin; Estenson; Hogue; Kannianen; Larsen; Larson; Lemm; Luick; Magrum; Myrdal; Paulson; Rust; Schaible; Sickler; Vedaa; Wanzek; Weston

Reengrossed SB 2301 passed.

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CONSIDERATION OF AMENDMENTS

SB 2013: SEN. SCHAIBLE (Appropriations Committee) MOVED that the amendments on SJ pages 769-780 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

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 and 54-24.3-01 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction and regional library cooperative definitions; to provide for a transfer; to provide for reports; and to provide 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 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Beard; Larson; Magrum

ABSENT AND NOT VOTING: Roers, K.

Engrossed SB 2013 passed.

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CONSIDERATION OF AMENDMENTS

SB 2015: SEN. WANZEK (Appropriations Committee) MOVED that the amendments on SJ pages 780-788 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2015: A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to create and enact a new subsection to section 54-44-11 of the North Dakota Century Code, relating to a facility management operating fund; to amend and reenact sections 48-10-02, 54-21-19, and 57-40.3-10 of the North Dakota Century Code, relating to the capitol grounds planning commission spending limit, capitol grounds rent collections, and the allocation of motor vehicle excise tax collections; to provide for a transfer; to provide an exemption; to provide 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 40 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Bekkedahl; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larson; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston

NAYS: Beard; Boehm; Estenson; Larsen; Magrum; Wobbema

ABSENT AND NOT VOTING: Roers, K.

Engrossed SB 2015 passed and the emergency clause was declared carried.

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CONSIDERATION OF AMENDMENTS

SB 2012: SEN. DEVER (Appropriations Committee) MOVED that the amendments on SJ pages 755-769 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

SEN. LARSEN REQUESTED a verification vote, which request was granted on a verification vote.

REQUEST

SEN. DAVISON REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2012, the roll was called and there were 33 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Bekkedahl; Braunberger; Burckhard; Cleary; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Hogan; Hogue; Kessel; Klein; Krebsbach; Kreun; Lee; Lemm; Mathern; Meyer; Patten; Piepkorn; Roers, J.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber

NAYS: Beard; Boehm; Clemens; Estenson; Kannianen; Larsen; Larson; Luick; Magrum; Myrdal; Paulson; Weston; Wobbema

ABSENT AND NOT VOTING: Roers, K.

The proposed amendments to SB 2012 were adopted on a recorded roll call vote.

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 exemption; to amend and reenact sections 50-06-42, 50-24.1-26, and 50-29-04 of the North Dakota Century Code, relating to the substance use disorder treatment voucher system, Medicaid in-home services, 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 study; to provide for a report; and to provide an effective date.

ROLL CALL

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

YEAS: Axtman; Barta; Bekkedahl; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Hogan; Hogue; Kessel; Klein; Krebsbach; Kreun; Larson; Lee; Mathern; Meyer; Patten; Piepkorn; Roers, J.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston

NAYS: Beard; Boehm; Estenson; Kannianen; Larsen; Lemm; Luick; Magrum; Myrdal; Paulson; Wobbema

ABSENT AND NOT VOTING: Roers, K.

Engrossed SB 2012 passed.

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SECOND READING OF SENATE BILL

SB 2194: A BILL for an Act to create and enact a new section to chapter 4.1-01, and a new subsection to section 54-44.4-05 of the North Dakota Century Code, relating to a post-production royalty oversight program, and to procurement exemptions.

MOTION

SEN. PATTEN MOVED that Engrossed SB 2194 be amended as follows, which motion prevailed on a verification vote.

Page 1, line 3, remove "; and to provide an appropriation"

Page 2, remove lines 5 through 10

Renumber accordingly

SB 2194: A BILL for an Act to create and enact a new section to chapter 4.1-01, and a new subsection to section 54-44.4-05 of the North Dakota Century Code, relating to a post-production royalty oversight program, and to procurement exemptions; and to provide an appropriation.

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 35 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Boehm; Burckhard; Cleary; Conley; Davison; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Meyer; Patten; Paulson; Roers, J.; Rummel; Rust; Schaible; Sickler; Sorvaag; Wanzek; Weber; Weston

NAYS: Bekkedahl; Braunberger; Clemens; Dever; Luick; Magrum; Mathern; Myrdal; Piepkorn; Vedaa; Wobbema

ABSENT AND NOT VOTING: Roers, K.

Engrossed SB 2194 passed.

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SECOND READING OF SENATE BILL

SB 2283: A BILL for an Act to amend and reenact section 50-24.5-02.3 of the North Dakota Century Code, relating to basic care payment rates; to provide for a study; to provide an appropriation; 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 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Magrum

ABSENT AND NOT VOTING: Roers, K.

Engrossed SB 2283 passed and the emergency clause was declared carried.

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SECOND READING OF SENATE BILL

SB 2195: A BILL for an Act to provide an appropriation to the department of commerce for a grant for pregnancy resource services.

ROLL CALL

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

NAYS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

ABSENT AND NOT VOTING: Roers, K.

SB 2195 failed.

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SECOND READING OF SENATE BILL

SB 2165: A BILL for an Act to amend and reenact section 54-63.1-03 of the North Dakota Century Code, relating to membership of the clean sustainable energy authority.

MOTION

SEN. PATTEN MOVED that SB 2165 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-63.1-03 of the North Dakota Century Code, relating to membership of the clean sustainable energy authority.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-63.1-03 of the North Dakota Century Code is amended and reenacted as follows:

54-63.1-03. Clean sustainable energy authority - Membership - Meetings.

1. The clean sustainable energy authority consists of ~~sixteen~~seventeen members, including ~~eight~~nine voting members and eight nonvoting technical advisors.

2. The ~~eight~~nine voting members consist of:

   a. ~~One member~~Two members, one from the senate and one from the house of representatives, appointed by the legislative management to serve as ~~chairman~~co-chairmen;

   b. Two members appointed by the lignite research council;

   c. Two members appointed by the oil and gas research council;

   d. Two members appointed by the renewable energy council; and

   e. One member appointed by the western Dakota energy association.

3. The eight nonvoting technical advisors consist of:

   a. One member appointed by the North Dakota outdoor heritage fund advisory board;

   b. The commissioner of commerce or the commissioner's designee;

   c. The director of the department of environmental quality or the director's designee;

   d. The director of mineral resources or the director's designee;

   e. The director of the North Dakota pipeline authority or the director's designee;

   f. The director of the North Dakota transmission authority or the director's designee;

   g. The director of the state energy research center or the director's designee; and

   h. The president of the Bank of North Dakota or the president's designee.

4. The term of office for ~~the chairman~~each co-chairman is two years. The term of office for the other voting members is four years, and the other voting members may not serve more than two consecutive terms. The terms of office for the voting members commence on July first. The initial terms for the voting members of the authority must be staggered following a method determined by the authority.

5. The authority shall meet at least semiannually. The ~~chairman~~co-chairmen shall call a meeting upon written request from three voting members of the authority. Five voting members is a quorum at any meeting.

6. The authority may not forward a recommendation to the commission unless the recommendation fulfills the purposes of this chapter and is approved by a majority of the voting members of the authority."

Renumber accordingly

SB 2165: A BILL for an Act to amend and reenact subsection 5 of section 17-07-01 of the North Dakota Century Code, relating to duties of the energy policy commission; to provide an appropriation; and to provide for a transfer.

ROLL CALL

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

YEAS: Axtman; Barta; Beard; Boehm; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Kreun; Larsen; Larson; Lemm; Luick; Magrum; Meyer; Myrdal; Patten; Paulson; Roers, J.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Bekkedahl; Braunberger; Krebsbach; Lee; Mathern; Piepkorn

ABSENT AND NOT VOTING: Roers, K.

SB 2165 passed.

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SECOND READING OF SENATE BILL

SB 2307: A BILL for an Act to provide an appropriation to the judicial branch and adjutant general; and to provide a bond issue limit.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEAS, 45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Kreun

NAYS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

ABSENT AND NOT VOTING: Roers, K.

SB 2307 failed.

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SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4008: A concurrent resolution urging the Postmaster General of the United States Postal Service to issue a postage stamp commemorating Theodore Roosevelt and the opening of the Theodore Roosevelt Presidential Library.

MOTION

SEN. VEDAA MOVED that SCR 4008 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 19, replace "2025" with "2026"

Renumber accordingly

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4008 was declared adopted on a voice vote.

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SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4010: A concurrent resolution designating the Winchester Model 1876 as North Dakota's state firearm.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4010 was declared adopted on a voice vote.

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SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4012: A concurrent resolution to rescind all extant applications by the North Dakota Legislative Assembly to call a convention to propose amendments to the United States Constitution, under Article V of the United States Constitution.

REQUEST

SEN. CLEMENS REQUESTED a recorded roll call vote on the adoption of SCR 4012, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 15 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Beard; Boehm; Cleary; Clemens; Conley; Elkin; Estenson; Hogan; Klein; Kreun; Magrum; Myrdal; Paulson; Sickler; Weston

NAYS: Axtman; Barta; Bekkedahl; Braunberger; Burckhard; Davison; Dever; Dwyer; Erbele; Hogue; Kannianen; Kessel; Krebsbach; Larsen; Larson; Lee; Lemm; Luick; Mathern; Meyer; Patten; Piepkorn; Roers, J.; Rummel; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Weber; Wobbema

ABSENT AND NOT VOTING: Roers, K.

SCR 4012 was declared lost on a recorded roll call vote.

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SECOND READING OF HOUSE BILL

HB 1090: A BILL for an Act to amend and reenact section 23.1-08-04 and subsection 2 of section 23.1-08-08 of the North Dakota Century Code, relating to coal combustion residuals and disposal of wind turbine blades; and to declare an emergency.

ROLL CALL

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

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

ABSENT AND NOT VOTING: Roers, K.

HB 1090 passed and the emergency clause was declared carried.

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MOTION

SEN. KLEIN MOVED that Engrossed HB 1090 be messaged to the House immediately, which motion prevailed.

POINT OF PERSONAL PRIVILEGE

SEN. KLEIN rose on a point of personal privilege.

REMARKS OF SENATOR KLEIN

MADAM PRESIDENT: Monday, January 16, 2023 was Martin Luther King, Jr. Day and Monday, February 20, 2023, was George Washington's birthday, both official state holidays. Both days are paid holidays for most state employees. Legislative Assembly employees were required to work on Martin Luther King, Jr. Day and George Washington's birthday. The Legislative Assembly will be in recess on Monday and Tuesday, February 27-28, 2023. Legislative Assembly employees will be paid for those 2 days.

In addition: Employees of the Senate have worked many hours of uncompensated overtime since the session began. In recognition of the uncompensated overtime, employees will be paid for Wednesday, Thursday and Friday, February 22-24th, 2023, even though the Senate will be in recess on those days.

REQUEST

SEN. KLEIN REQUESTED that his remarks be printed in the Journal, which request was granted.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2003, SB 2009, SB 2017, SB 2018, SB 2019, SB 2022, SB 2107, SB 2115, SB 2116, SB 2129, SB 2184, SB 2221, SB 2243, SB 2249, SB 2253, SB 2284, SB 2291, SB 2367, SB 2372, SB 2374, SB 2389.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2118.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1090.

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

MADAM PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1016, HB 1024, HB 1135, HB 1153, HB 1167, HB 1278, HB 1306, HB 1339, HB 1340, HB 1341, HB 1345, HB 1350, HB 1368, HB 1423, HB 1429, HB 1441, HB 1455, HB 1515, HB 1529, HB 1530.

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

MADAM PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1186, HB 1239, HB 1446.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, March 3, 2023, which motion prevailed.

FIRST READING OF HOUSE BILLS

HB 1012: A BILL for an Act to provide an appropriation for defraying the expenses of the department of transportation; to amend and reenact section 57-40.3-10 of the North Dakota Century Code and section 13 of chapter 15 and section 10 of chapter 80 of the 2021 Session Laws, relating to motor vehicle excise tax allocations, an appropriation for township roadway funding, and the appropriation of bond proceeds for transportation projects; to provide an exemption; to provide a report; to provide an effective date; and to declare an emergency.

Was read the first time and referred to the **Appropriations Committee**.

HB 1176: A BILL for an Act to create and enact two new sections to chapter 57-38 and two new subdivisions to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an adoption tax credit and a tax credit for contributions to a maternity home, child placing agency, or pregnancy help center; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

HB 1254: A BILL for an Act to create and enact chapter 12.1-36.1 of the North Dakota Century Code, relating to the prohibition of certain practices against a minor; to

provide a penalty; and to declare an emergency.
Was read the first time and referred to the **Human Services Committee**.

HB 1297: A BILL for an Act to create and enact a new section to chapter 23-02.1 of the North Dakota Century Code, relating to correction or amendment of birth records.
Was read the first time and referred to the **Human Services Committee**.

HB 1362: A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to recognizing a parent's interest in their child's upbringing.
Was read the first time and referred to the **Human Services Committee**.

HB 1427: A BILL for an Act to create and enact a new subsection to section 57-51.1-03 of the North Dakota Century Code, relating to an oil extraction tax rate reduction on production from a restimulation well; to amend and reenact sections 57-51.1-01 and 57-51.1-03.1 of the North Dakota Century Code, relating to the definition and certification of a restimulation well; and to provide an effective date.
Was read the first time and referred to the **Finance and Taxation Committee**.

HB 1474: A BILL for an Act to create and enact a new section to chapter 23-02.1 of the North Dakota Century Code, relating to vital statistic collection; and to amend and reenact section 1-01-49 of the North Dakota Century Code, relating to the definition of father, female, male, mother, and sex.
Was read the first time and referred to the **Human Services Committee**.

HB 1491: A BILL for an Act to provide an appropriation to the superintendent of public instruction to provide grants to schools for meals for students.
Was read the first time and referred to the **Education Committee**.

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

Shanda Morgan, Secretary