JOURNAL OF THE SENATE

Sixty-eighth Legislative Assembly

* * * * *

Bismarck, April 11, 2023

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

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

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

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

HB 1532, as reengrossed and amended: SEN. SCHAIBLE (Appropriations Committee) MOVED that the amendments on SJ pages 1556-1557 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

MOTION

SEN. HOGUE MOVED the previous question, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1532: A BILL for an Act to create and enact chapter 15.1-39 of the North Dakota Century Code, relating to the establishment of an educational reimbursement program; to provide for a legislative management study; to provide for a legislative management report; to provide an appropriation; 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 27 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Boehm; Burckhard; Cleary; Clemens; Conley; Dever; Dwyer; Estenson; Hogue; Kessel; Larsen; Larson; Magrum; Meyer; Myrdal; Patten; Paulson; Roers, J.; Roers, K.; Schaible; Sickler; Wanzek; Weston; Wobbema

NAYS: Bekkedahl; Braunberger; Davison; Elkin; Erbele; Hogan; Kannianen; Klein; Krebsbach; Kreun; Lee; Lemm; Luick; Mathern; Piepkorn; Rummel; Rust; Sorvaag; Weber

ABSENT AND NOT VOTING: Vedaa

Reengrossed HB 1532, as amended, passed.

****

MOTION

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

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

MOTION

SEN. KLEIN MOVED the final passage of Enrolled HB 1463 for the purpose of overriding the Governor’s veto pursuant to Article V, Section 9 of the constitution of North Dakota, which motion prevailed.

CONSIDERATION OF VETOED MEASURE

HB 1463: AN ACT to amend and reenact section 44-04-21 of the North Dakota Century Code, relating to legislative voting requirements.

ROLL CALL

The question being on the final passage of the enrolled bill, over the Governor's veto, which has been read, 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; Magrum; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Wanzek; Weber; Weston; Wobbema

NAYS: Mathern

ABSENT AND NOT VOTING: Vedaa

The Senate overrode the Governor's veto of HB 1463, as enrolled.

****

REQUEST

SEN. KLEIN REQUESTED that the Senate be on the Sixth Order, which request was granted.

CONSIDERATION OF AMENDMENTS

HB 1019, as engrossed: SEN. DAVISON (Appropriations Committee) MOVED that the amendments on SJ pages 1497-1501 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1019: A BILL for an Act to provide an appropriation for defraying the expenses of the department of career and technical education; to provide an exemption; and to provide for a report.

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, 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.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Wanzek; Weber; Weston; Wobbema

ABSENT AND NOT VOTING: Vedaa

Engrossed HB 1019, as amended, passed.

****

THE SENATE RECOGNIZED THE PRESENCE OF:

former Senator Joan Heckaman.

CONSIDERATION OF AMENDMENTS

HB 1012, as engrossed: SEN. WANZEK (Appropriations Committee) MOVED that the amendments on SJ pages 1489-1494 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1012: A BILL for an Act to provide an appropriation for defraying the expenses of the department of transportation; to create and enact sections 54-27-19.3 and 54-27-19.4 of the North Dakota Century Code, relating to the legacy earnings highway distribution fund and legacy earnings township highway aid fund; to amend and reenact section 24-02-37.3 as created by section 1 of Senate Bill No. 2113, as

approved by the sixty-eighth legislative assembly, and 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 the flexible transportation fund, 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 for a legislative management study; 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 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.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Wanzek; Weber; Weston; Wobbema

ABSENT AND NOT VOTING: Vedaa

Engrossed HB 1012, as amended, passed and the emergency clause was declared carried.

****

CONSIDERATION OF AMENDMENTS

HB 1021, as engrossed: SEN. DAVISON (Appropriations Committee) MOVED that the amendments on SJ pages 1552-1555 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1021: A BILL for an Act to provide an appropriation for defraying the expenses of the information technology department; to provide a transfer; 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 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.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Wanzek; Weber; Weston; Wobbema

NAYS: Magrum

ABSENT AND NOT VOTING: Vedaa

Engrossed HB 1021, as amended, passed.

****

REQUEST

SEN. KLEIN REQUESTED that the Senate be on the Twelfth Order, which request was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KLEIN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1002, Engrossed HB 1007, Engrossed HB 1008, Engrossed HB 1013, and Engrossed HB 1024, which motion prevailed.

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on:

Engrossed HB 1002: Sens. Dwyer, J. Roers, Vedaa
Engrossed HB 1007: Sens. Dever, Kreun, Mathern
Engrossed HB 1008: Sens. J. Roers, Erbele, Vedaa
Engrossed HB 1013: Sens. J. Roers, Vedaa, Wanzek
Engrossed HB 1024: Sens. Davison, Burckhard, Mathern

CONSIDERATION OF MESSAGES FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2023 as printed on SJ pages 1529-1531, in the House amendments to SB 2080 as printed on SJ page 1541, and in the House amendments to Reengrossed SB 2248 as printed on SJ page 1536 and that a conference committee be appointed to meet with a like committee from the House on each of these measures, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEES

THE PRESIDENT APPOINTED as a Conference Committee on:
Engrossed SB 2023: Sens. Dever, Davison, Mathern.
SB 2080: Sens. Lee, Hogan, K. Roers.
Reengrossed SB 2248: Sens. Sickler, Larson, Myrdal.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. CLEMENS MOVED that the Senate do concur in the House amendments to Engrossed SB 2274 as printed on SJ page 1543, which motion prevailed on a voice vote.

Engrossed SB 2274, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2274: A BILL for an Act to amend and reenact section 23-12-20 of the North Dakota Century Code, relating to vaccination and infection information.

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 29 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Beard; Boehm; Burckhard; Cleary; Clemens; Conley; Davison; Dwyer; Elkin; Estenson; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lemm; Luick; Magrum; Meyer; Myrdal; Paulson; Rust; Sorvaag; Wanzek; Weston; Wobbema

NAYS: Axtman; Barta; Bekkedahl; Braunberger; Dever; Erbele; Hogan; Lee; Mathern; Patten; Piepkorn; Roers, J.; Roers, K.; Rummel; Schaible; Sickler; Weber

ABSENT AND NOT VOTING: Vedaa

Reengrossed SB 2274, as amended, passed.

****

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do concur in the House amendments to SB 2295 as printed on SJ page 1473, which motion prevailed on a voice vote.

SB 2295, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2295: A BILL for an Act to amend and reenact subsection 2 of section 24-02-01.1 and section 26.1-25-15 of the North Dakota Century Code, relating to the unsatisfied judgment fund and the assigned risk plan; to repeal chapter 26.1-23 of the North Dakota Century Code, relating to the unsatisfied judgment fund; 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 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.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Wanzek; Weber; Weston; Wobbema

ABSENT AND NOT VOTING: Vedaa

Engrossed SB 2295, as amended, passed.

****

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to Engrossed SB 2007 as printed on SJ pages 1523-1524, which motion prevailed on a voice vote.

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

SECOND READING OF SENATE BILL

SB 2007: A BILL for an Act to provide an appropriation for defraying the expenses of the department of labor and human rights.

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 44 YEAS, 2 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; Larson; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Wanzek; Weber; Weston; Wobbema

NAYS: Larsen; Magrum

ABSENT AND NOT VOTING: Vedaa

Reengrossed SB 2007, as amended, passed.

****

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. BEARD MOVED that the Senate do concur in the House amendments to Engrossed SB 2311 as printed on SJ pages 1539-1541, which motion prevailed on a voice vote.

Engrossed SB 2311, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2311: A BILL for an Act to amend and reenact subsection 11 of section 35-24-01 and sections 35-24-03, 35-24-11, and 35-27-02 of the North Dakota Century Code, relating to well or pipeline construction liens and construction liens.

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 40 YEAS, 6 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; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larson; Lee; Lemm; Luick; Magrum; Meyer; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag;

Wanzek; Weber; Weston; Wobbema

NAYS: Hogan; Larsen; Mathern; Myrdal; Rummel; Sickler

ABSENT AND NOT VOTING: Vedaa

Reengrossed SB 2311, as amended, passed.

****

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. BURCKHARD MOVED that the Senate do concur in the House amendments to Engrossed SB 2014 as printed on SJ pages 1527-1528, which motion prevailed on a voice vote.

Engrossed SB 2014, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2014: A BILL for an Act to provide an appropriation for defraying the expenses of the protection and advocacy project.

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.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Wanzek; Weber; Weston; Wobbema

ABSENT AND NOT VOTING: Vedaa

Reengrossed SB 2014, as amended, passed.

****

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SICKLER MOVED that the conference committee report on Engrossed SB 2061 as printed on SJ pages 1481-1482 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2061, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2061: A BILL for an Act to create and enact a new subsection to section 43-02.2-09 of the North Dakota Century Code, relating to administrative hearings; and to amend and reenact subsection 11 of section 43-02.2-02, paragraph 2 of subdivision f of subsection 5 of section 43-02.2-03, and sections 43-02.2-04 and 43-02.2-10, of the North Dakota Century Code, relating to the practice and licensure of public accountancy.

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, 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.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Wanzek; Weber; Weston; Wobbema

ABSENT AND NOT VOTING: Vedaa

Reengrossed SB 2061, as amended, passed.

****

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BEKKEDAHL MOVED that the conference committee report on Engrossed SCR 4014 as printed on SJ page 1482 be adopted, which motion prevailed on a voice vote.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1019, HB 1021, HB 1532.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1012.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2017, SB 2018, SB 2022, SB 2024, SB 2096, SB 2149, SB 2169, SB 2200, SB 2219, SB 2281, SB 2372.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2017

Page 1, remove lines 13 through 24

Page 2, replace lines 1 through 3 with:

"Salaries and wages	$33,741,592	$2,730,370	$36,471,962
Operating expenses	16,276,782	1,436,582	17,713,364
Capital assets	6,774,770	1,755,891	8,530,661
Grants - game and fish	8,923,343	1,166,633	10,089,976
Land habitat and deer depredation	17,995,597	7,486,424	25,482,021
Noxious weed control	725,000	0	725,000
Missouri River enforcement	296,999	16,342	313,341
Grants, gifts, and donations	670,133	6,853	676,986
Nongame wildlife conservation	100,000	0	100,000
Lonetree reservoir	1,818,409	334,235	2,152,644
Wildlife services	500,000	0	500,000
Shooting sports grant program	250,000	0	250,000
Aquatic nuisance species program	1,509,009	1,229,835	2,738,844
Total special funds	$89,581,634	$16,163,165	$105,744,799
Full-time equivalent positions	164.00	3.00	167.00"

Page 2, replace lines 18 and 19 with:

"Uniforms and supplies for new FTE positions	0	9,700
Total special funds	$2,786,500	$3,344,700"

Page 3, line 2, replace "seven" with "three"

Page 3, line 4, replace "passage" with "enactment"

Page 3, line 4, after "Act" insert "and after corresponding federal funds have been made available to the state. The department shall regularly coordinate with and consider input from the federal environmental law impact review committee in the expenditure of funds for conservation or research under this section. If the contingent funding in this section becomes effective, the department may request the office of management and budget to transfer up to $641,480 from the new and vacant FTE funding pool for salaries and wages of the full-time equivalent positions identified in this section"

Page 3, after line 4, insert:

"**SECTION 5. MIDTERM CONSERVATION AGREEMENTS.** The game and fish department may spend up to $2,777,778 from other funds in the land habitat and

deer depredation line item in section 1 of this Act for midterm conservation agreements with private landowners. The department shall limit the term of these agreements to a maximum of fifteen years."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2017 - Game and Fish Department - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	$33,741,592	$38,428,184	($1,956,222)	$36,471,962
Operating expenses	16,276,782	17,820,498	(107,134)	17,713,364
Capital assets	6,774,770	8,548,661	(18,000)	8,530,661
Grants - Game and fish	8,923,343	10,089,976		10,089,976
Land habitat and deer depredation	17,995,597	26,922,303	(1,440,282)	25,482,021
Noxious weed control	725,000	725,000		725,000
Missouri River enforcement	296,999	317,587	(4,246)	313,341
Grants - Gifts - Donations	670,133	684,957	(7,971)	676,986
Nongame wildlife conservation	100,000	100,000		100,000
Lonetree reservoir	1,818,409	2,185,614	(32,970)	2,152,644
Wildlife services	500,000	500,000		500,000
Shooting sports grant program	250,000	250,000		250,000
Aquatic nuisance species program	1,509,009	2,959,664	(220,820)	2,738,844
Contingent Funding		27,150,000		27,150,000
Total all funds	$89,581,634	$136,682,444	($3,787,645)	$132,894,799
Less estimated income	89,581,634	136,682,444	(3,787,645)	132,894,799
General fund	$0	$0	$0	$0
FTE	164.00	177.00	(7.00)	170.00

Department 720 - Game and Fish Department - Detail of House Changes

	Adds Funding for Salary and Benefit Increases[1]	Removes Funding for Multiple FTE Positions[2]	Remove Salary Funding for Funding Pool[3]	Removes Funding for One-Time Items[4]	Total House Changes
Salaries and wages	$520,644	($228,634)	($2,248,232)		($1,956,222)
Operating expenses		(78,144)		($28,990)	(107,134)
Capital assets				(18,000)	(18,000)
Grants - Game and fish					
Land habitat and deer depredation	9,364	(420,872)	(996,374)	(32,400)	(1,440,282)
Noxious weed control					
Missouri River enforcement	1,682		(5,928)		(4,246)
Grants - Gifts - Donations	3,088		(11,059)		(7,971)
Nongame wildlife conservation					
Lonetree reservoir	12,800		(45,770)		(32,970)
Wildlife services					
Shooting sports grant program					
Aquatic nuisance species program	8,949		(229,769)		(220,820)
Contingent Funding					
Total all funds	$556,527	($727,650)	($3,537,132)	($79,390)	($3,787,645)
Less estimated income	556,527	(727,650)	(3,537,132)	(79,390)	(3,787,645)
General fund	$0	$0	$0	$0	$0
FTE	0.00	(7.00)	0.00	0.00	(7.00)

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

	Other Funds
Salary increase	$577,222
Health insurance adjustment	(20,695)
Total	$556,527

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

[2] Funding of $727,650 from other funds is removed for the following 7 FTE positions:

- 1 FTE warden investigator - Total funding of $306,778, of which $228,634 is for salaries and wages and $78,144 is for related operating expenses;
- 2 FTE biologist I - Total funding of $420,872, of which $395,292 is for salaries and wages and $25,580 is for related operating expenses; and

- 4 FTE contingent positions related to federal Recovering America's Wildlife Act.

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

	Other Funds
New FTE positions	($1,295,398)
Vacant FTE positions	(2,241,734)
Total	($3,537,132)

[4] One-time funding of $79,390 from other funds is removed for the following:

	Other Funds
Uniforms and equipment for warden investigator position	$46,990
Equipment for biologist I positions	32,400
Total	$79,390

This amendment also:

- Changes provisions of the contingent appropriation section for the federal Recovering America's Wildlife Act funding to provide that the department coordinate with and consider input from the Federal Environmental Law Impact Review Committee for any expenditure of funds for conservation or research under this section.
- Adds a section relating to funding for midterm conservation agreements and limiting the agreements with private landowners to a term of up to 15 years.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2018

Page 1, replace lines 14 through 24 with:

"Salaries and wages	$15,791,624	$682,870	$16,474,494
Operating expenses	4,473,663	122,168	4,595,831
Capital assets	1,251,015	3,413,413	4,664,428
Grants	600,000	1,203,340	1,803,340
Cultural heritage grants	500,000	0	500,000
America's 250th celebration	0	250,000	250,000
Exhibits	0	300,000	300,000
Total all funds	$22,616,302	$5,971,791	$28,588,093
Less estimated income	3,229,952	3,359,231	6,589,183
Total general fund	$19,386,350	$2,612,560	$21,998,910
Full-time equivalent positions	78.75	4.75	83.50"

Page 2, replace lines 6 through 20 with:

"Historical site and extraordinary repairs	$4,200,000	$2,500,000
Essential infrastructure at historic sites	950,000	0
State archives digital repository upgrade	25,000	0
Inflationary costs	0	120,795
Digital interactive initiative	0	425,000
Geographic information system remote access and upgrade	0	250,000
Medora site planning	0	150,000
Army corps of engineering grant	0	400,000
Opera house restoration	0	250,000
Whitestone Hill monument	0	250,000
Digital humanities advancement grant	0	30,000
Scanner and microfilm plotter	0	236,044
Exhibit engagement	0	375,000
Paul Bruhn historical revitalization grant	0	750,000
Underrepresented community grant	0	125,000
America's 250th celebration	0	250,000
Total all funds	$5,175,000	$6,111,839

Total special funds	5,150,000	4,205,000
Total general fund	$25,000	$1,906,839"

Page 3, line 5, replace "$5,095,500" with "$2,800,000"

Page 3, line 5, replace "$4,500,000" with "$2,500,000"

Page 3, line 6, replace "$595,000" with "$300,000"

Page 3, line 20, remove the overstrike over "~~36 CFR 800~~"

Page 3, line 20, remove the overstrike over "~~or~~"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2018 - State Historical Society - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	$15,791,624	$17,548,818	($1,074,324)	$16,474,494
Operating expenses	4,473,663	3,960,831	635,000	4,595,831
Capital assets	1,251,015	6,134,428	(1,470,000)	4,664,428
Grants	600,000	1,803,340		1,803,340
Cultural heritage grants	500,000	500,000		500,000
America's 250th		750,000	(500,000)	250,000
Exhibits		595,000	(295,000)	300,000
Total all funds	$22,616,302	$31,292,417	($2,704,324)	$28,588,093
Less estimated income	3,229,952	9,303,341	(2,714,158)	6,589,183
General fund	$19,386,350	$21,989,076	$9,834	$21,998,910
FTE	78.75	82.00	1.50	83.50

Department 701 - State Historical Society - Detail of House Changes

	Adds Funding for Salary and Benefit Increases[1]	Adds Funding for FTE Positions[2]	Adjusts Funding for One-Time Items[3]	Removes Salary Funding for Funding Pool[4]	Total House Changes
Salaries and wages	$237,904	$296,164	$200,000	($1,808,392)	($1,074,324)
Operating expenses		40,000	595,000		635,000
Capital assets			(1,470,000)		(1,470,000)
Grants					
Cultural heritage grants					
America's 250th			(500,000)		(500,000)
Exhibits			(295,000)		(295,000)
Total all funds	$237,904	$336,164	($1,470,000)	($1,808,392)	($2,704,324)
Less estimated income	30,031	0	(1,895,000)	(849,189)	(2,714,158)
General fund	$207,873	$336,164	$425,000	($959,203)	$9,834
FTE	0.00	1.50	0.00	0.00	1.50

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

	General Fund	Other Funds	Total
Salary increase	$215,795	$30,599	$246,394
Health insurance adjustment	(7,922)	(568)	(8,490)
Total	$207,873	$30,031	$237,904

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

[2] Funding of $336,164 from the general fund is added for 1.5 FTE positions and related operating expenses:

	FTE	Salaries and Wages	Operating Expenses	Total
Digital specialist	1.00	$187,590	$0	$187,590
Brand marketing assistant	0.50	108,574	40,000	148,574
Total	1.50	$296,164	$40,000	$336,164

[3] One-time funding is adjusted as follows:

- Added $425,000 from the general fund for a digital interactive initiative project.
- Reduced funding by $2 million from the strategic investment and improvements fund for historic building improvements to provide a total of $2.5 million.
- Added $400,000 from federal funds for an Army Corps of Engineers grant, of which $200,000 is for salaries and wages, $170,000 is for operating expenses, and $30,000 is for capital assets.
- Added $250,000 from the general fund for an opera house restoration project.
- Added $250,000 from the general fund for conducting a study and designing a monument at Whitestone Hill State Historic Site.
- Reduced funding by $500,000 from the general fund to provide a total of $250,000 for the America's 250th celebration project.
- Reduced funding by $295,000 from the strategic investment and improvements fund to provide a total of $375,000 for improving exhibits including $300,000 from the strategic investment and improvements fund and $75,000 from donations.

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

	General Fund	Other Funds	Total
New FTE positions	($400,978)	($770,038)	($1,171,016)
Vacant FTE positions	(558,225)	(79,151)	(637,376)
Total	($959,203)	($849,189)	($1,808,392)

This amendment changes a section to identify $2,800,000 from the strategic investment and improvements fund, of which $2,500,000 is for critical repairs to historic site structures and $300,000 is for creating new and repairing existing exhibits. The Senate provided $5,095,000 from the strategic investment and improvements fund for the sites and exhibits.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2022

Page 1, line 6, remove the second "and"

Page 1, line 6, after "exemption" insert "; to provide a report; and to declare an emergency"

Page 1, replace lines 15 through 19 with:

"Salaries and wages	$6,785,839	$2,124,208	$8,910,047
Operating expenses	1,323,528	1,546,409	2,869,937
Contingencies	100,000	100,000	200,000
Total special funds	$8,209,367	$3,770,617	$11,979,984
Full-time equivalent positions	25.00	9.00	34.00"

Page 2, line 11, after "Investment" insert "and fiscal operations"

Page 2, line 11, after "office" insert "necessary for the management of the investment of funds under the control of the state investment board"

Page 2, line 27, after "**program**" insert "**- Report to legislative management**"

Page 2, line 29, after "investment" insert "and fiscal operations"

Page 2, line 29, replace "related to the internal" with "necessary for the"

Page 3, line 3, after "benchmarks" insert ". Any amounts paid under this program must be considered compensation and not personal profit on behalf of the employee. Each interim, the state retirement and investment office shall provide at least one report to the legislative management regarding the status of the program, including the provisions of the program; the total amount of incentives paid out to employees each

year; and the minimum, maximum, and average payout per eligible full-time equivalent position"

Page 3, after line 9, insert:

"**SECTION 7. REPORT TO BUDGET SECTION.** Prior to the implementation of the incentive compensation program under section 5 of this Act and after approval of the program by the state investment board, the state retirement and investment office shall provide a report to the budget section regarding the provisions of the program, during the period beginning with the effective date of this Act and ending June 30, 2025.

SECTION 8. EMERGENCY. Section 7 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2022 - Retirement and Investment Office - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	$6,785,839	$10,550,226	($1,640,179)	$8,910,047
Operating expenses	1,323,528	2,869,937		2,869,937
Contingencies	100,000	200,000		200,000
Total all funds	$8,209,367	$13,620,163	($1,640,179)	$11,979,984
Less estimated income	8,209,367	13,620,163	(1,640,179)	11,979,984
General fund	$0	$0	$0	$0
FTE	25.00	34.00	0.00	34.00

Department 190 - Retirement and Investment Office - Detail of House Changes

	Adjusts Funding for Salary and Benefit Increases[1]	Removes Salary Funding for Funding Pool[2]	Total House Changes
Salaries and wages	$145,897	($1,786,076)	($1,640,179)
Operating expenses			
Contingencies			
Total all funds	$145,897	($1,786,076)	($1,640,179)
Less estimated income	145,897	(1,786,076)	(1,640,179)
General fund	$0	$0	$0
FTE	0.00	0.00	0.00

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

	General Fund	Other Funds	Total
Salary increase	$0	$148,855	$148,855
Health insurance adjustment	0	(2,958)	(2,958)
Total	$0	$145,897	$145,897

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

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

	General Fund	Other Funds	Total
New FTE positions	$0	($1,547,947)	($1,547,947)
Vacant FTE positions	0	(238,129)	(238,129)
Total	$0	($1,786,076)	($1,786,076)

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

This amendment also:

- Amends two sections allowing fiscal operations positions, along with investment positions, to be exempt from the state employee classification system and to be eligible for a newly created incentive compensation program. The Senate exempted investment positions from the classification system and authorized investment positions to be eligible for a newly created incentive compensation program.

- Adds sections to require the Retirement and Investment Office to provide a report to the Budget Section prior to the implementation of the incentive compensation program and to include an emergency clause related to the report. The Senate did not include any reporting requirements for the program.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2024

Page 1, replace lines 11 through 13 with:

"Ethics commission	$623,984	$392,115	$1,016,099
Total general fund	$623,984	$392,115	$1,016,099
Full-time equivalent positions	1.00	1.00	2.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act:

One-Time Funding Description	2021-23	2023-25
Attorney fees	$0	$72,000
Office relocation	0	25,000
Total general fund	$0	$97,000

The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The ethics commission 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.

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2024 - Ethics Commission - House Action

	Base Budget	Senate Version	House Changes	House Version
Ethics commission	$623,984	$1,051,976	($35,877)	$1,016,099
Total all funds	$623,984	$1,051,976	($35,877)	$1,016,099
Less estimated income	0	0	0	0
General fund	$623,984	$1,051,976	($35,877)	$1,016,099
FTE	1.00	2.00	0.00	2.00

Department 195 - Ethics Commission - Detail of House Changes

	Adjusts Funding for Salary and Benefit Increases[1]	Removes Salary Funding for Funding Pool[2]	Reduces Temporary Salaries Funding Increase[3]	Adds One-Time Funding[4]	Total House Changes
Ethics commission	$9,030	($71,907)	($70,000)	$97,000	($35,877)
Total all funds	$9,030	($71,907)	($70,000)	$97,000	($35,877)
Less estimated income	0	0	0	0	0
General fund	$9,030	($71,907)	($70,000)	$97,000	($35,877)
FTE	0.00	0.00	0.00	0.00	0.00

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

	General Fund
Salary increase	$9,148
Health insurance adjustment	(118)
Total	$9,030

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

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

	General Fund
New FTE positions	($60,798)
Vacant FTE positions	(11,109)
Total	($71,907)

[3] Funding of $100,000 added by the Senate to increase temporary salaries funding is reduced to $30,000.

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

	General Fund
Attorney fees	$72,000
Office relocation costs	25,000
Total	$97,000

HOUSE AMENDMENTS TO SENATE BILL NO. 2096

Page 1, line 4, after the comma insert "section 4.1-59-09 of the North Dakota Century Code, as created by section 2 of House Bill No. 1393, as approved by the sixty-eighth legislative assembly, and"

Page 1, line 7, after "tetrahydrocannabinols" insert ", and bonding requirements for grain buyers"

Page 1, line 12, after "1." insert ""Broad spectrum" means hemp extract or hemp commodity or product containing naturally occurring hemp-derived cannabinoids, terpenes, and other naturally occurring compounds, but where tetrahydrocannabinol has been removed to nondetectable levels using a fit-for-purpose method, with a total tetrahydrocannabinol level not to exceed an amount determined by the commissioner.

2. "Chemically derived cannabinoid" means a chemical substance created by a chemical reaction that changes the molecular structure of any chemical substance derived from the plant cannabis. The term does not include cannabinoids produced by decarboxylation from a naturally occurring cannabinoid acid without the use of a chemical catalyst.

3. "Full spectrum" means hemp extract or hemp commodity or product containing naturally occurring hemp-derived cannabinoids, terpenes, and other naturally occurring compounds, processed without intentional complete removal of any compound and without the addition of isolated cannabinoids, with a total tetrahydrocannabinol level not to exceed an amount determined by the commissioner.

4."

Page 1, line 19, overstrike "2." and insert immediately thereafter "5."

Page 1, line 19, after "hemp" insert "or hemp extract"

Page 2, line 6, remove "and"

Page 2, line 7, after "(4)" insert "Cannabidiol, also known as CBD, products and cannabigerol, also known as CBG, including broad spectrum, full spectrum, and isolate products, with a total tetrahydrocannabinol level not to exceed an amount determined by the commissioner; and

(5)"

Page 2, line 12, remove "Hemp extract;"

Page 2, line 13, remove "(3)"

Page 2, line 14, remove ", edible, or combustible"

Page 2, line 15, replace "(4)" with "(3)"

Page 2, line 15, after "containing" insert "delta-8 tetrahydrocannabinol, also known as delta-8 THC;

(4) A product containing"

Page 2, line 16, remove "Delta-8 tetrahydrocannabinol, also known as delta-8 THC;"

Page 2, line 17, remove "(b)"

Page 2, line 19, replace "(c)" with "(b)"

Page 2, line 20, replace "(d)" with "(c)"

Page 2, line 23, replace "3." with "4."

Page 2, line 26, replace "4." with:

"5. "Hemp tincture" means a solution that may not exceed thirty milliliters consisting of:

a. At least twenty-five percent of non-denatured alcohol, in addition to a hemp extract, and other ingredients intended for human consumption or ingestion; or

b. Glycerin or plant-based oil and hemp extract, and is intended for human consumption or ingestion.

6."

Page 2, line 29, replace "5." with:

"7. "Isolate" means hemp extract or hemp commodity or product comprised of a single cannabinoid compound.

8."

Page 3, remove lines 3 through 6.

Page 3, line 7, replace "7." with "9."

Page 4, line 8, after "cannabinoids" insert "or delta-8 tetrahydrocannabinol"

Page 8, line 11, replace "commissioner's" with "attorney general's"

Page 8, line 11, remove "for use in regulating compliance with this"

Page 8, line 12, remove "chapter"

Page 8, after line 20, insert:

"**SECTION 13. AMENDMENT.** Section 4.1-59-09 of the North Dakota Century Code, as created by section 2 of House Bill No. 1393, as approved by the sixty-eighth legislative assembly, is amended and reenacted as follows:

4.1-59-09. Bond filed by grain buyer.

1. Before a license is effective for a grain buyer under this chapter, the applicant for the license shall file a bond with the commissioner which must:

   a. Be in a sum not less than one hundred thousand dollars.

   b. Be continuous, unless the corporate surety by certified mail notifies the licensee and the commissioner the surety bond will be canceled ninety days after receipt of the notice of cancellation.

   c. Run to this state for the benefit of all persons selling grain to or through the grain buyer.

   d. Be conditioned:

      (1) For the faithful performance of the licensee's duties as a grain buyer.

      (2) For compliance with the provisions of law and the rules of the commissioner relating to the purchase of grain by the commissioner monthly.

   e. Be for the specific purpose of:

      (1) Protecting the sellers of grain.

      (2) Covering the costs incurred by the commissioner in the administration of the licensee's insolvency.

   f. Not accrue to the benefit of any person entering a credit-sale contract with a grain buyer.

2. The aggregate liability of the surety under a bond does not accumulate for each successive annual license renewal period during which the bond is in force but, for losses during any annual license renewal period, is limited in the aggregate to the bond amount stated or changed by appropriate endorsement or rider.

3. The commissioner shall set the amount of the bond and may require an increase in the amount of a bond as the commissioner deems necessary to accomplish the purposes of this section.

4. The amount of the bond for a grain buyer must be based on the dollar value of the grain purchased, solicited, or merchandised.

5. A grain buyer shall report purchases, solicitations, and merchandising agreements to the commissioner monthly.

6. The surety on the bond must be a corporate surety company, approved by the commissioner and authorized to do business within the state. The commissioner may accept cash, a negotiable instrument, or a bond executed by personal sureties in lieu of a surety bond when, in the commissioner's judgment, cash, a negotiable instrument, or a personal surety bond properly will protect the holders of outstanding receipts."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2149

In lieu of the amendments adopted by the House as printed on pages 1228 and 1229 of the House Journal, Engrossed Senate Bill No. 2149 is amended as follows:

Page 1, line 1, remove "and chapter 57-40.7"

Page 1, line 2, remove "and the"

Page 1, remove lines 3 through 4

Page 1, line 5, remove "to provide an effective date"

Page 1, line 9, remove "**988 crisis stabilization fund -**"

Page 1, line 9, remove "**- Continuing**"

Page 1, line 10, remove "**appropriation**"

Page 1, line 11, remove "There is created in the state treasury a special fund known as the 988 crisis"

Page 1, remove lines 12 through 17

Page 1, line 18, remove "2."

Page 1, line 22, replace "3." with "2."

Page 1, line 23, remove "Determine the rate of a 988 surcharge to be collected by providers of assessed"

Page 1, remove line 24

Page 2, remove lines 1 through 8

Page 2, line 9, remove "b."

Page 2, line 11, replace "c." with "b."

Page 2, line 13, replace "d." with "c."

Page 2, line 22, replace "e." with "d."

Page 2, line 25, replace "4." with "3."

Page 2, line 29, remove ""Communication connection" means a telephone access line, wireless access"

Page 2, remove lines 30 and 31

Page 3, remove lines 1 and 2

Page 3, line 3, remove "c."

Page 3, remove lines 8 and 9

Page 3, line 10, replace "e." with "c."

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

Page 3, remove lines 18 through 31

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 30

Page 6, remove lines 1 through 14

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2149 - DHHS - Other - House Action

	Base Budget	Senate Version	House Changes	House Version
Crisis hotline		$50,000	($50,000)	
Total all funds	$0	$50,000	($50,000)	$0
Less estimated income	0	0	0	0
General fund	$0	$50,000	($50,000)	$0
FTE	0.00	0.00	0.00	0.00

Department 325 - DHHS - Other - Detail of House Changes

	Removes Funding for Crisis Hotline[1]	Total House Changes
Crisis hotline	($50,000)	($50,000)
Total all funds	($50,000)	($50,000)
Less estimated income	0	0
General fund	($50,000)	($50,000)
FTE	0.00	0.00

[1] Funding of $50,000 from the general fund, included by the Senate, for a 988 crisis hotline is removed.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2169

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-09 of the North Dakota Century Code, relating to temporary alteration of the maximum speed limit; to amend and reenact sections 39-08-01.2 and 39-08-01.4 of the North Dakota Century Code, and section 39-10-21.1 of the North Dakota Century Code, as amended by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, relating to the special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances, driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor, and entering a closed road; to provide for a legislative management study; to provide for a legislative management report; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-08-01.2 of the North Dakota Century Code is amended and reenacted as follows:

39-08-01.2. Special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances.

1. An individual is guilty of criminal vehicular homicide if the individual commits an offense under section 39-08-01 or equivalent ordinance and as a result the individual causes a death of another individual to occur, including the death of an unborn child, unless the individual who causes the death of the unborn child is the mother. A violation of this subsection is a class A felony. If an individual commits a violation under this subsection, the court shall impose at least three years' imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least ten years' imprisonment. An individual may not be prosecuted and found guilty of this and an offense under chapter 12.1-16 if the conduct arises out of the same incident.

2. An individual is guilty of criminal vehicular injury if the individual violates section 39-08-01 or equivalent ordinance and as a result that individual causes substantial bodily or serious bodily injury to another individual. Violation of this subsection is a class C felony. If an individual violates this subsection, the court shall impose at least one year's imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03 or equivalent ordinance, the court shall impose at least two years' imprisonment.

3. The sentence under this section may not be suspended unless the court finds that manifest injustice would result from the imposition of the sentence. Before a sentence under this section applies, a defendant must be notified of the minimum mandatory sentence. The elements of an offense under this section are the elements of an offense for a violation of section 39-08-01 and the additional elements that create an offense in each subsection of this section. Whether an individual caused death or substantial or serious bodily injury must be determined in accordance with section 12.1-02-05.

SECTION 2. AMENDMENT. Section 39-08-01.4 of the North Dakota Century Code is amended and reenacted as follows:

39-08-01.4. Driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor - Penalty.

1. It is a class A misdemeanor for an individual who is at least twenty-one years of age to violate section 39-08-01 if the violation occurred while a minor was accompanying the individual in a motor vehicle. If an individual has a previous conviction for a violation of section 39-08-01.4, a violation of this section is a class C felony. ~~An individual convicted under this section must be sentenced in accordance with subsection 5 of section 39-08-01.~~

2. The minimum sentence for an individual convicted of violating this section must include:

   a. For a first offense, a fine of seven hundred fifty dollars, at least two days' imprisonment, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least three hundred sixty days of unsupervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.

   b. For a second or subsequent offense within fifteen years, at least one year and one day's imprisonment, a fine of two thousand dollars, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least two years' supervised

probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.

SECTION 3. A new section to chapter 39-09 of the North Dakota Century Code is created and enacted as follows:

Temporary alteration of maximum speed limit on state highway due to hazardous road conditions.

The maximum speed limit as provided under section 39-09-02 may be altered temporarily on all or any part of the state highway system by the director and the superintendent of the highway patrol when jointly determined that road conditions are too hazardous for the posted speed limit. The duration of any maximum speed limit altered under this section may not exceed five days. A maximum speed limit altered under this section is effective when posted on an appropriately fixed or variable sign.

SECTION 4. AMENDMENT. Section 39-10-21.1 of the North Dakota Century Code, as amended by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, is amended and reenacted as follows:

39-10-21.1. Closing road because of hazardous road conditions - Road closure notice - Entering closed road prohibited.

1. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily due to hazardous conditions for the protection and safety of the public. If a closing is made, the authority ordering the closing shall make every reasonable attempt to notify the public and, when practical, may post appropriate official traffic-control devices to advise motorists of the closing.

2. If a road closure under subsection 1 has been announced to the public and the road has been closed at the point of entry with an appropriate traffic control device in use at major points of entry, an individual may not drive on the road.

3. If an individual is operating a vehicle on a road before the road has been closed under subsection 1, the individual is allowed to drive to the nearest safe location to leave the closed road to seek shelter.

4. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily from use by commercial motor vehicles due to hazardous conditions for the protection and safety of the public.

SECTION 5. LEGISLATIVE MANAGEMENT STUDY - TRAFFIC FEES. During the 2023-24 interim, the legislative management shall consider studying the traffic fines imposed by state and local governments and conduct an analysis of the fee structure provided under title 39. The study must include a comprehensive assessment and review of North Dakota's traffic fines, fees, and penalty statutes in comparison to the fines, fees, and penalties of other states. 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 6. STUDY OF SEAT BELTS - DEPARTMENT OF TRANSPORTATION - REPORT TO THE LEGISLATIVE MANAGEMENT. During the 2023-24 interim, the department of transportation shall study seat belt usage in the state. The study must include an evaluation of the effects of seat belt use on driving behavior and traffic fatalities and injuries and a statistical examination of the effects of seat belt usage in various speed zones and while on different highways. The department shall report its findings to the legislative management by June 1, 2024.

SECTION 7. STUDY ON HIGHWAY SAFETY - DEPARTMENT OF TRANSPORTATION - REPORT TO THE LEGISLATIVE MANAGEMENT. During the 2023-24 interim, the department of transportation, in consultation with the highway patrol, shall study highway safety. The study must include an assessment of crash data, speed differentials on the interstate, the use of variable speed limits and the ability to close roads to commercial vehicle traffic. The department shall report its findings to the legislative management by June 1, 2024."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2200

Page 1, line 6, replace "$1,000,000" with "$500,000"

Page 1, line 10, after "1." insert "The department shall conduct North Dakota governor's schools once a summer alternating annually between North Dakota state university and university of North Dakota.

2."

Page 1, line 13, replace "2." with "3."

Page 1, line 16, replace "3." with "4."

Page 1, line 18, replace "4." with "5."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2219

Page 1, line 1, after "to" insert "create and enact a new section to chapter 39-06.1 of the North Dakota Century Code, relating to civil judgment for nonpayment of statutory fees; to"

Page 4, after line 24, insert:

"**SECTION 7.** A new section to chapter 39-06.1 of the North Dakota Century Code is created and enacted as follows:

Failure to pay statutory fees - Civil judgment.

1. In addition to the penalty provided under section 39-06.1-04 for failure to pay a statutory fee, the court may enter a civil traffic judgment against the individual for the nonpayment.

2. The judgment must be docketed by the clerk of court in the judgment docket maintained pursuant to section 28-20-13 in the same manner in which a civil judgment for money is docketed. The docketing of the judgment has the same effect as the docketing of a civil judgment. The docketed judgment may be docketed in any other county in the same manner, it imposes a lien upon the real property owned by the defendant to the same extent, it is subject to the same statute of limitations, and it is enforceable by execution in the same manner as provided for a civil judgment for money.

3. The civil traffic judgment may not exceed the amount of the statutory fee owed, plus interest and any applicable penalty amounts, giving credit for any amount paid.

4. The department or the applicable city or county may seek execution and enforcement of the civil traffic judgment."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2281

Page 2, line 25, overstrike "electronic pull tab"

Page 2, line 25, remove "systems and"

Page 2, line 25, overstrike "devices,"

Page 2, line 27, after the period insert "A manufacturer of electronic pull tab systems and devices shall apply annually for a license and pay a license fee of ten thousand dollars."

Page 2, line 27, remove "this"

Page 2, line 28, replace "fee" with "these fees"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2372

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

Page 1, line 4, remove "and 61-16.1-15"

Page 3, remove lines 14 through 31

Page 4, remove lines 1 through 3

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2008, SB 2164.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2008

Page 1, line 2, replace "sections 57-43.2-19 and" with "section"

Page 1, line 2, after "49-01-05" insert ", subsection 4 of section 49-22-22, and sections 49-22.1-21 and 57-43.2-19"

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

Page 1, line 4, after "fund" insert ", and siting process administrative fees"

Page 1, line 4, replace "and to provide for a report" with "to provide a transfer; and to declare an emergency"

Page 1, remove lines 14 through 24

Page 2, replace lines 1 and 2 with:

"Salaries and wages	$9,991,488	$930,538	$10,922,026
Operating expenses	1,801,570	403,917	2,205,487
Capital assets	25,000	100,000	125,000
Grants	20,000	0	20,000
Abandoned mined lands contractual services	6,000,000	0	6,000,000
Rail rate complaint case	900,000	0	900,000
Railroad safety program	614,724	54,594	669,318
Specialized legal services	420,000	0	420,000
Total all funds	$19,772,782	$1,489,049	$21,261,831
Less estimated income	13,347,095	377,026	13,724,121
Total general fund	$6,425,687	$1,112,023	$7,537,710
Full-time equivalent positions	43.00	2.00	45.00"

Page 2, after line 19, insert:

"**SECTION 3. 2021-23 BIENNIUM APPROPRIATION - TRANSFER - PUBLIC SERVICE COMMISSION PROGRAM FUND.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $60,000, which the office of management and budget shall transfer to the public service commission program fund for the purpose of establishing a balance in the public service commission program fund, during the period beginning with the effective date of this Act, and ending June 30, 2023."

Page 2, remove lines 29 and 30

Page 3, remove lines 1 through 13

Page 3, line 17, replace "twenty-four" with "thirty"

Page 3, line 17, remove "eight"

Page 3, line 18, overstrike the first "hundred"

Page 3, line 18, replace "twenty-nine" with "thirty-five"

Page 3, line 19, replace "seven" with "two"

Page 3, line 19, remove "ninety-two"

Page 3, after line 22, insert:

"**SECTION 6. AMENDMENT.** Subsection 4 of section 49-22-22 of the North Dakota Century Code is amended and reenacted as follows:

4. Every applicant under this chapter shall pay to the commission an administrative fee equal to ~~one~~two hundred dollars for each one million dollars of original investment, not to exceed ~~twenty-five~~fifty thousand dollars. The administrative fee must be deposited in the public service commission program fund.

SECTION 7. AMENDMENT. Section 49-22.1-21 of the North Dakota Century Code is amended and reenacted as follows:

49-22.1-21. Siting process expense recovery - Deposit in special fund - Continuing appropriation.

1. Every applicant under this chapter shall pay to the commission an application fee:

   a. An applicant for a certificate of site compatibility shall pay an amount equal to five hundred dollars for each one million dollars of investment in the facility.

   b. An applicant for a certificate of corridor compatibility shall pay an amount equal to five thousand dollars for each one million dollars of investment in the facility.

   c. An applicant for a waiver shall pay the amount that would be required for an application for a certificate of site or corridor compatibility for the proposed facility. If a waiver is not granted for a proposed facility, the application fee paid must be allowed as a credit against fees payable under this section in connection with an application under this chapter for a certificate or permit for the proposed facility.

   d. An applicant for a transfer of a certificate or permit shall pay an amount to be determined by the commission to cover anticipated expenses of processing the application.

e. An applicant requesting an amendment to a certificate or permit, or certifying to the commission under subsection 3 of section 49-22.1-01 or obtaining siting authority under subdivision b of subsection 2 or subdivision c of subsection 4 of section 49-22.1-15, shall pay an amount to be determined by the commission to cover anticipated expenses of processing the application.

f. The application fee under subdivision a, b, or c may not be less than ten thousand dollars nor more than one hundred thousand dollars.

g. ~~If an application fee is less than twenty-five thousand dollars, an~~An applicant may agree to pay additional fees that are reasonably necessary for completion of the site, corridor, or route evaluation and designation process.

2. ~~At~~If an applicant does not agree to pay additional fees reasonably necessary for completion of the site, corridor, or route evaluation and designation process, at the request of the commission and with the approval of the emergency commission, the applicant shall pay any additional fees as are reasonably necessary for completion of the gas or liquid energy conversion facility site, gas or liquid transmission facility corridor, or gas or liquid transmission facility route evaluation and designation process by the commission. The application fee under subsection 1 and any additional fees required of the applicant under this subsection may not exceed an amount equal to one thousand dollars for each one million dollars of investment in a proposed energy conversion facility or ten thousand dollars for each one million dollars of investment in a proposed gas or liquid transmission facility.

3. A siting process expense recovery fund is established in the state treasury. The commission shall deposit payments received under subsections 1 and 2 in the siting process expense recovery fund. All moneys deposited in the fund are appropriated on a continuing basis to the commission to pay expenses incurred in the siting process. The commission shall specify the time and method of payment of any fees and shall refund the portion of fees collected under subsections 1 and 2 which exceeds the expenses incurred for the evaluation and designation process.

4. Every applicant for a certificate of site compatibility, certificate of corridor compatibility and route permit, and transfer of a certificate or permit under this chapter shall pay to the commission an administrative fee equal to ~~one~~two hundred dollars for each one million dollars of original investment, not to exceed ~~twenty-five~~fifty thousand dollars. The administrative fee must be deposited into the public service commission program fund.

SECTION 8. AMENDMENT. Section 57-43.2-19 of the North Dakota Century Code is amended and reenacted as follows:

57-43.2-19. Transfer, deposit, and distribution of funds. ~~(Effective through June 30, 2025)~~

All taxes, license fees, penalties, and interest collected under this chapter must be transferred to the state treasurer who shall deposit moneys in a highway tax distribution fund, except all special fuels excise taxes collected on sales of diesel fuel to a railroad under section 57-43.2-03 of up to ~~two~~three hundred ~~ninety-seven~~thirty-two thousand three hundred ~~sixty-two~~twenty-seven dollars per year must be transferred to the state treasurer who shall deposit the moneys in the rail safety fund. The highway tax distribution fund must be distributed in the manner as prescribed by section 54-27-19.

~~**Transfer, deposit, and distribution of funds. (Effective after June 30, 2025)** All taxes, license fees, penalties, and interest collected under this chapter must be transferred to the state treasurer who shall deposit moneys in the highway~~

~~tax distribution fund. The highway tax distribution fund must be distributed in the manner as prescribed by section 54-27-19.~~

SECTION 9. EMERGENCY. Sections 3, 6, and 7 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2008 - Public Service Commission - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	$9,991,488	$11,948,043	($1,026,017)	$10,922,026
Operating expenses	1,801,570	2,097,737	107,750	2,205,487
Capital assets	25,000	125,000		125,000
Grants	20,000	20,000		20,000
Abandoned mined lands contractual	6,000,000	6,000,000		6,000,000
Rail rate complaint case	900,000	900,000		900,000
Railroad safety program	614,724	675,998	(6,680)	669,318
Specialized legal services	420,000	420,000		420,000
Total all funds	$19,772,782	$22,186,778	($924,947)	$21,261,831
Less estimated income	13,347,095	13,988,401	(264,280)	13,724,121
General fund	$6,425,687	$8,198,377	($660,667)	$7,537,710
FTE	43.00	47.00	(2.00)	45.00

Department 408 - Public Service Commission - Detail of House Changes

	Adds Funding for Salary and Benefit Increases[1]	Adds Salary Equity Funding for Elected Officials[2]	Remove Funding for FTE positions[3]	Removes Salary Funding for Funding Pool[4]	Adds Funding for FERC Contractor[5]	Total House Changes
Salaries and wages	$164,835	$20,520	($415,386)	($795,986)		($1,026,017)
Operating expenses			(12,250)		$120,000	107,750
Capital assets						
Grants						
Abandoned mined lands contractual						
Rail rate complaint case						
Railroad safety program	8,656			(15,336)		(6,680)
Specialized legal services						
Total all funds	$173,491	$20,520	($427,636)	($811,322)	$120,000	($924,947)
Less estimated income	70,952	0	(70,728)	(264,504)	0	(264,280)
General fund	$102,539	$20,520	($356,908)	($546,818)	$120,000	($660,667)
FTE	0.00	0.00	(2.00)	0.00	0.00	(2.00)

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

	General Fund	Other Funds	Total
Salary increase	$105,444	$73,017	$178,461
Health insurance adjustment	(2,905)	(2,065)	(4,970)
Total	$102,539	$70,952	$173,491

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

[2] Funding is added for providing a salary equity increase for the Public Service Commissioners. The Public Service Commissioners' annual salaries are increased from the current level of $117,610 to $130,000 (10.5 percent) effective July 1, 2023. This funding is in addition to the funding of 6 percent added by the Senate.

[3] Funding of $427,636, including $356,908 from the general fund and $70,728 from other funds, is removed for 2 FTE positions and related operating expenses:

	FTE	Salaries and Wages	Operating Expenses	Total
Legal assistant	(1.00)	($164,482)	($3,000)	($167,482)
Public utility analyst	(1.00)	(250,904)	(9,250)	(260,154)
Total	(2.00)	($415,386)	($12,250)	($427,636)

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

	General Fund	Other Funds	Total
New FTE positions	($365,030)	($138,602)	($503,632)
Vacant FTE positions	(181,788)	(125,902)	(307,690)
Total	($546,818)	($264,504)	($811,322)

[5] Funding of $120,000 is added from the general fund for a Federal Energy Regulatory Commission (FERC) contractor to ensure reliable, safe, secure, and economically efficient energy for consumers at a reasonable cost.

This amendment also:

- Adds sections to change Sections 49-22-22(4) and 49-22.1-21 to increase the administrative siting fee from $100 to $200 for each $1 million of original investment and increase the maximum from $25,000 to $50,000.
- Adds a section to transfer $60,000 from the general fund to the Public Service Commission program fund during the 2021-23 biennium.
- Adds a section to provide an emergency clause related to the $60,000 transfer to the Public Service Commission program fund.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2164

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-52-03 of the North Dakota Century Code, relating to retirement board membership; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-52-03 of the North Dakota Century Code is amended and reenacted as follows:

54-52-03. Governing authority.

1. A state agency is hereby created to constitute the governing authority of the system to consist of a board of ~~nine~~eleven individuals known as the retirement board. No more than one elected member of the board may be in the employ of a single department, institution, or agency of the state or in the employ of a political subdivision. An employee of the public employees retirement system or the state retirement and investment office may not serve on the board.

~~1. Two~~

2. Four members of the legislative assembly must be appointed ~~by the chairman of the legislative management~~ to serve on the board.

~~a. If the same political party has the greatest number of members in both the house and senate, one member must be from that majority party and one member from the political party with the next greatest number of members in the house and senate.~~

~~b. If the same political party does not have the greatest number of members in both the house and senate, one member must be from the majority party in the house and one member must be from the majority party in the senate.~~

2. ~~One member~~The majority leader of the house of representatives shall appoint two members of the house of representatives and the majority leader of the senate shall appoint two members of the senate. The members appointed under this subsection shall serve a term of two years.

3. Four members of the board must be appointed by the governor to serve a term of five years. ~~The~~Each appointee under this subsection must be a North Dakota citizen who is not a state or political subdivision employee and who ~~by experience~~ is familiar with ~~money management~~retirement and employee benefit plans. The governor shall appoint one citizen member ~~is~~to serve as chairman of the board.

~~3. One member of the board must be appointed by the attorney general from the attorney general's legal staff and shall serve a term of five years.~~

~~4. The state health officer appointed under section 23-01-05 or the state health officer's designee is a member of the board.~~

~~5.~~4. Three board members must be elected by and from among the active participating members, members of the retirement plan established under chapter 54-52.6, members of the retirement plan established under chapter 39-03.1, and members of the job service North Dakota retirement plan. Employees who have terminated their employment for whatever reason are not eligible to serve as elected members of the board under this subsection. Board members must be elected to a five-year term pursuant to an election called by the board. Notice of board elections must be given to all active participating members. The time spent in performing duties as a board member may not be charged against any employee's accumulated annual or any other type of leave.

~~6. One board member must be elected by and from among those individuals who are receiving retirement benefits under this chapter. The board shall call the election and must give prior notice of the election to the individuals eligible to participate in the election pursuant to this subsection. The board member shall serve a term of five years.~~

~~7.~~5. The members of the board are entitled to receive one hundred forty-eight dollars per day compensation and necessary mileage and travel expenses as provided in sections 44-08-04 and 54-06-09. This is in addition to any other pay or allowance due the chairman or a member, plus an allowance for expenses they may incur through service on the board.

~~8.~~6. A board member shall serve ~~a five-year term and~~ until the board member's successor qualifies. Each board member is entitled to one vote, and ~~five~~six of the ~~nine~~eleven board members constitute a quorum. ~~Five~~Six votes are necessary for resolution or action by the board at any meeting.

SECTION 2. EFFECTIVE DATE. This Act becomes effective June 1, 2023.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2007, SB 2014, SB 2054, SB 2274, SB 2295, and SB 2311.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2023, SB 2080, and SB 2248, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2023: Sens. Dever; Davison; Mathern
SB 2080: Sens. Lee; Hogan; K. Roers
SB 2248: Sens. Sickler; Larson; Myrdal

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

SB 2026: Reps. Beltz; Fegley; Brandenburg
SB 2139: Reps. Frelich; M. Ruby; Holle
SB 2161: Reps. Bosch; D. Anderson; B. Anderson
SB 2201: Reps. Beltz; M. Ruby; Dobervich
SB 2227: Reps. Prichard; McLeod; Rohr
SB 2276: Reps. McLeod; M. Ruby; Frelich

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1028, HB 1239, HB 1447, HB 1477, HB 1480, HB 1487, HB 1519, HB 1536, and HCR 3035, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1028: Reps. Rohr; Beltz; Dobervich
HB 1239: Reps. Beltz; Schreiber-Beck; VanWinkle
HB 1447: Reps. Beltz; Weisz; Dobervich
HB 1477: Reps. K. Anderson; Weisz; Davis
HB 1480: Reps. M. Ruby; Holle; Davis
HB 1487: Reps. Koppelman; J. Johnson; Dakane
HB 1519: Reps. O'Brien; Nathe; Mitskog
HB 1536: Reps. Fegley; McLeod; Davis
HCR 3035: Reps. Jonas; Heilman; Hagert

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has appointed as a conference committee to act with a like committee from the House on:

HB 1002: Sens. Dwyer; J. Roers; Vedaa
HB 1007: Sens. Dever; Kreun; Mathern
HB 1008: Sens. J. Roers; Erbele; Vedaa
HB 1013: Sens. J. Roers; Vedaa; Wanzek
HB 1024: Sens. Davison; Burckhard; Mathern

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report on: SCR 4014.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2061.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2032, SB 2140, SB 2194, SB 2211, SB 2243, SB 2299, SB 2349, SB 2367.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SCR 4013.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: Your signature is respectfully requested on: HB 1177, HCR 3036.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2025, SB 2034, SB 2036, SB 2046, SB

2051, SB 2053, SB 2093, SB 2104, SB 2110, SB 2118, SB 2124, SB 2132, SB 2147, SB 2155, SB 2205, SB 2208, SB 2249, SB 2263, SB 2364, SB 2379.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SCR 4017.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1177.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HCR 3036.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS
The following bills were delivered to the Governor for approval on April 11, 2023: SB 2025, SB 2034, SB 2036, SB 2046, SB 2051, SB 2053, SB 2093, SB 2104, SB 2110, SB 2118, SB 2124, SB 2132, SB 2147, SB 2155, SB 2205, SB 2208, SB 2249, SB 2263, SB 2364, SB 2379.

COMMUNICATION FROM GOVERNOR DOUG BURGUM
This is to inform you that on April 10, 2023, I have signed the following: SB 2047 and SB 2145.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has overridden the Governor's veto on HB 1463. The vote was 45 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS
The following resolution was delivered to the Secretary of State for filing on April 11, 2023: SCR 4017.

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

MOTION
SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Wednesday, April 12, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE
HB 1379, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1379 was placed on the Sixth order on the calendar. This bill affects workforce development.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 6-09.4-10.1 and 21-10-13 of the North Dakota Century Code, relating to the legacy sinking and interest fund and the legacy earnings fund; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 6-09.4-10.1 of the North Dakota Century Code is amended and reenacted as follows:

6-09.4-10.1. Legacy sinking and interest fund - Debt service requirements - Public finance authority.

There is created in the state treasury the legacy sinking and interest fund. The fund consists of all moneys deposited in the fund under section 21-10-13. Moneys in the fund may be spent by the public finance authority pursuant to legislative appropriations to meet the debt service requirements for evidences of indebtedness issued by the authority for transfer to the Bank of North Dakota for allocations to infrastructure projects and programs. ~~Any moneys in the fund in excess of the amounts appropriated from the fund to meet the debt service requirements for~~

~~a biennium must be transferred by the state treasurer to the public employees retirement system main system plan under chapter 54-52, but only if the public employees retirement system main system plan's actuarial funded ratio as reported for the most recently completed even-numbered fiscal year is less than ninety percent. If the public employees retirement system main system plan's actuarial funded ratio is ninety percent or more and then subsequently decreases below ninety percent, the state treasurer may not resume the transfers under this subdivision unless the main system plan's actuarial funded ratio is less than seventy percent.~~

SECTION 2. AMENDMENT. Section 21-10-13 of the North Dakota Century Code is amended and reenacted as follows:

21-10-13. Legacy earnings fund - State treasurer - Transfers.

1. There is created in the state treasury the legacy earnings fund. The fund consists of all moneys transferred to the fund under subsection 2 and all interest and earnings upon moneys in the fund.

2. Any legacy fund earnings transferred to the general fund at the end of each biennium in accordance with section 26 of article X of the Constitution of North Dakota must be immediately transferred by the state treasurer to the legacy earnings fund.

3. For each biennium subsequent to the biennium in which the legacy fund earnings are transferred under subsection 2, the amount available for appropriation from the legacy earnings fund is seven percent of the five-year average value of the legacy fund assets as reported by the state investment board. The average value of the legacy fund assets must be calculated using the value of the assets at the end of each fiscal year for the five-year period ending with the most recently completed even-numbered fiscal year.

4. On July first of each odd-numbered year, from the amount available for appropriation or transfer from the legacy earnings fund for the biennium, the state treasurer shall transfer funding in the following order:

   a. The first one hundred ~~fifty~~two million six hundred twenty thousand four hundred sixty-one dollars to the legacy sinking and interest fund under section 6-09.4-10.1.

   b. The next two hundred twenty-five million dollars to the general fund to provide support for tax relief initiatives approved by the legislative assembly.

   c. The next ~~sixty~~one hundred million dollars to the legacy earnings highway ~~tax~~ distribution fund for allocations under section ~~54-27-19~~54-27-19.3.

   ~~c.~~d. Any remaining ~~funds for other purposes as designated by the legislative assembly, including~~amounts under this subsection as follows:

      (1) ~~Up to fifty million dollars for tax relief pursuant to appropriations or transfers authorized by the legislative assembly;~~Fifty percent to the general fund.

      (2) ~~Up to thirty million dollars to the clean sustainable energy fund pursuant to appropriations or transfers authorized by the legislative assembly; and~~

      ~~(3)~~ ~~Up to thirty million dollars for university research programs, the innovation loan fund to support technology advancement, and workforce enrichment initiatives pursuant to appropriations or transfers authorized by the legislative assembly~~The remaining

fifty percent to the strategic investment and improvements fund to be used in accordance with the provisions of section 15-08.1-08.

5. If the amounts transferred under subsection 2 exceed the amount available for appropriation under subsection 3, ~~an amount equal to any appropriations from the legacy sinking and interest fund for bond payments under section 6-09.4-10.1 must be retained in the legacy earnings fund through June 30, 2025, after which an amount equal to twice any appropriations from the legacy sinking and interest fund under section 6-09.4-10.1 for bond payments, but not more than one hundred fifty million dollars, must be retained in the legacy earnings fund. After deducting any amounts to be retained in the legacy earnings fund, the state treasurer shall transfer, within thirty days, any remaining amounts under this subsection in the following order~~the state treasurer shall transfer the excess and any remaining amounts after the transfers and appropriations under subsection 4, as follows:

   a. ~~The first one hundred million dollars to the legacy fund to become part of the principal~~Fifty percent to the general fund.

   b. ~~Any remaining amount to the~~The remaining fifty percent to the strategic investment and improvements fund to be used in accordance with the provisions of section 15-08.1-08.

SECTION 3. EFFECTIVE DATE. This Act becomes effective July 1, 2023.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1379 - Summary of Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
State Treasurer				
Total all funds	$0	$100,000,000	($100,000,000)	$0
Less estimated income	0	100,000,000	(100,000,000)	0
General fund	$0	$0	$0	$0
FTE	0.00	0.00	0.00	0.00
Bank of North Dakota				
Total all funds	$0	$10,000,000	($10,000,000)	$0
Less estimated income	0	10,000,000	(10,000,000)	0
General fund	$0	$0	$0	$0
FTE	0.00	0.00	0.00	0.00
Department of Commerce				
Total all funds	$0	$10,000,000	($10,000,000)	$0
Less estimated income	0	10,000,000	(10,000,000)	0
General fund	$0	$0	$0	$0
FTE	0.00	0.00	0.00	0.00
Bill total				
Total all funds	$0	$120,000,000	($120,000,000)	$0
Less estimated income	0	120,000,000	(120,000,000)	0
General fund	$0	$0	$0	$0
FTE	0.00	0.00	0.00	0.00

House Bill No. 1379 - State Treasurer - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
County and township bridge repairs		$100,000,000	($100,000,000)	
Total all funds	$0	$100,000,000	($100,000,000)	$0
Less estimated income	0	100,000,000	(100,000,000)	0
General fund	$0	$0	$0	$0
FTE	0.00	0.00	0.00	0.00

Department 120 - State Treasurer - Detail of Senate Changes

	Removes Funding for Bridge Allocations[1]	Total Senate Changes
County and township bridge repairs	($100,000,000)	($100,000,000)
Total all funds	($100,000,000)	($100,000,000)
Less estimated income	(100,000,000)	(100,000,000)
General fund	$0	$0
FTE	0.00	0.00

[1] Funding of $100 million from the county and township bridge fund, which was included by the House for allocations to counties for county and township bridge repairs, is removed.

The schedule below provides information on the 2023-25 biennium allocations from the legacy earnings fund under current law, the House version, and this amendment.

Current Law	Engrossed House Bill No. 1379 - House Version	Engrossed House Bill No. 1379 With Proposed Amendments [23.0695.02007]

Allocations from the legacy earnings fund based on the percent of market value using 7 percent of the 5-year average balance of the legacy fund
• First $150 million to the legacy sinking and interest fund.
• Next $60 million to the highway tax distribution fund.
• Any remaining amounts for other legislative purposes including:
  • Up to $50 million for tax relief pursuant to appropriations or transfers.
  • Up to $30 million to the clean sustainable energy fund pursuant to appropriations or transfers.
  • Up to $30 million for university research programs, the innovation loan fund to support technology advancement, and workforce enrichment initiatives pursuant to appropriations or transfers.
	Allocations from the legacy earnings fund based on the percent of market value using 7 percent of the 5-year average balance of the legacy fund
	• First $150 million to the legacy sinking and interest fund.
	• Next $60 million to the highway tax distribution fund.
	• Next $200 million for tax relief pursuant to appropriation or transfer.
	• Next $30 million to the clean sustainable energy fund.
	• Next $10 million to a newly created economic diversification research fund.
	• Next $10 million to the innovation loan fund to support technology advancement.
	• Next $10 million to a newly created workforce development and enrichment fund.
	• Next $16.6 million to a newly created legacy projects fund.
		Allocations from the legacy earnings fund based on the percent of market value using 7 percent of the 5-year average balance of the legacy fund
		• First $102.6 million to the legacy sinking and interest fund.
		• Next $225 million to the general fund for tax relief.
		• Next $100 million to a newly created legacy earnings highway distribution fund.
		• Any remaining amounts transferred 50 percent to the general fund and 50 percent to the strategic investment and improvements fund.

Allocations from the legacy earnings fund exceeding the percent of market value • An amount equal to any appropriations from the legacy sinking and interest fund for bond	**Allocations from the legacy earnings fund exceeding the percent of market value** • First $73.4 million to a newly created legacy projects fund.	**Allocations from the legacy earnings fund exceeding the percent of market value** • Any excess and any other remaining amounts transferred 50 percent to the general fund and

payments to be retained in the legacy earnings fund. • First $100 million to the legacy fund to become part of the principal. • Any remaining amounts to the strategic investment and improvements fund.	• Next $100 million to a newly created county and township bridge fund. • Next $15 million to the agriculture diversification and development fund. • Next $15 million to the bioscience innovation grant program. • An amount equal to 1 percent of the 5-year average balance of the legacy fund to the legacy fund to become part of the principal. • Any remaining amounts to the strategic investment and improvements fund.	50 percent to the strategic investment and improvements fund.

	Other sections in bill, excluding appropriations • Creates an economic diversification fund to provide grants to institutions of higher education for research projects. • Amends the legacy sinking and interest fund to remove a transfer to the Public Employees Retirement System main system plan effective July 1, 2025. • Creates a workforce development and enrichment fund to provide grants to support workforce development through one-time projects and initiatives. • Provides a separate allocation of $70 million from the legacy earnings fund to the Public Employees Retirement System main system plan effective July 1, 2025. • Creates a legacy projects fund and a legacy projects advisory board to recommend funding for projects and infrastructure with a statewide benefit. • Creates a county and township bridge fund to provide grants to counties for the repair or replacement of county and township bridges.	**Other sections in bill, excluding appropriations** • Amends the legacy sinking and interest fund to remove a transfer to the Public Employees Retirement System main system plan. • Provides an effective date of July 1, 2023, and an emergency clause for the bill.

House Bill No. 1379 - Bank of North Dakota - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Economic diversification research		$10,000,000	($10,000,000)	
Total all funds	$0	$10,000,000	($10,000,000)	$0
Less estimated income	0	10,000,000	(10,000,000)	0
General fund	$0	$0	$0	$0
FTE	0.00	0.00	0.00	0.00

Department 471 - Bank of North Dakota - Detail of Senate Changes

	Removes Funding for Economic Research[1]	Total Senate Changes
Economic diversification research	($10,000,000)	($10,000,000)
Total all funds	($10,000,000)	($10,000,000)
Less estimated income	(10,000,000)	(10,000,000)
General fund	$0	$0
FTE	0.00	0.00

[1] Funding of $10 million from the economic diversification research fund, which was included by the House for grants to institutions of higher education for research, is removed.

House Bill No. 1379 - Department of Commerce - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Strategic workforce initiatives		$10,000,000	($10,000,000)	
Total all funds	$0	$10,000,000	($10,000,000)	$0
Less estimated income	0	10,000,000	(10,000,000)	0
General fund	$0	$0	$0	$0
FTE	0.00	0.00	0.00	0.00

Department 601 - Department of Commerce - Detail of Senate Changes

	Removes Funding for Workforce Enrichment[1]	Total Senate Changes
Strategic workforce initiatives	($10,000,000)	($10,000,000)
Total all funds	($10,000,000)	($10,000,000)
Less estimated income	(10,000,000)	(10,000,000)
General fund	$0	$0
FTE	0.00	0.00

[1] Funding of $10 million from the workforce enrichment and development fund, which was included by the House for grants to support workforce initiatives, is removed.

REPORT OF CONFERENCE COMMITTEE

SB 2048, as engrossed: Your conference committee (Sens. K. Roers, Barta, Braunberger and Reps. Louser, Steiner, Karls) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1127-1128, adopt further amendments as follows, and place SB 2048 on the Seventh order:

That the Senate accede to the House amendments as printed on page 1127 and 1128 of the Senate Journal and page 1305 and 1306 of the House Journal and that Senate Bill No. 2048 be further amended as follows:

Page 1, line 15, remove "or regulation"

Renumber accordingly

Engrossed SB 2048 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2254, as engrossed: Your conference committee (Sens. Elkin, Beard, Conley and Reps. Hauck, Hager, Timmons) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1335 and place SB 2254 on the Seventh order.

Engrossed SB 2254 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2273: Your conference committee (Sens. Myrdal, Weston, Hogan and Reps. Beltz, S. Olson, Monson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1071-1072, adopt amendments as follows, and place SB 2273 on the Seventh order:

That the House recede from its amendments as printed on pages 1071 and 1072 of the Senate Journal and page 1268 of the House Journal and that Senate Bill No. 2273 be amended as follows:

Page 1, line 7, replace "$2,000,000" with "$1,000,000"

Renumber accordingly

SB 2273 was placed on the Seventh order of business on the calendar.

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

Shanda Morgan, Secretary