JOURNAL OF THE SENATE

Sixty-eighth Legislative Assembly

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Bismarck, April 21, 2023

The Senate convened at 8:00 a.m., with President Pro Tempore Sorvaag presiding.

The prayer was offered by Reverend Deborah J. Blood, Fargo United Methodist Church, Fargo.

The roll was called and all members were present.

A quorum was declared by the President Pro Tempore.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Beard, Chairman)** has carefully examined the Journal of the Sixty-fifth, Sixty-sixth, and Sixty-seventh Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1671, line 44, replace "1231-1232" with "1072"

Page 1708, line 11, replace "1174-1345" with "1174"

Page 1742, remove lines “25-40”

Page 1743, remove lines “2-6”

SEN. BEARD MOVED that the report be adopted, which motion prevailed.

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

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

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2009

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

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

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

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

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

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

Page 1, line 8, remove "and"

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

Page 1, replace lines 18 and 19 with:

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

Page 1, replace line 21 with:

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

Page 2, after line 4 insert:

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

Page 2, replace lines 6 through 9 with:

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

Page 2, replace lines 17 and 18 with:

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

Page 2, replace lines 22 through 24 with:

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

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

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

Page 3, remove line 6

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

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

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

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

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

Page 4, after line 7, insert:

"**SECTION 11. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - GRASSLANDS GRAZING GRANTS - MATCHING FUNDS REQUIREMENT.** The estimated income line item in section 1 of this Act includes the sum of $1,000,000 from the strategic investment and improvements fund for the purpose of providing grasslands grazing grants to an organization representing cooperative grazing associations in the state. To be eligible for a grant under this program, an organization must provide one dollar of matching funds from nonstate sources for every four dollars of grant funding. An organization that receives a grant under this program may distribute the funding to cooperative grazing associations for eligible infrastructure projects, which must be located on national grasslands within the state. Eligible infrastructure projects include water development; fencing; conservation initiatives; compliance with federal permitting requirements, including fees for professional services; and other projects to enhance wildlife habitat or capture carbon, or to increase the health of grasslands. Program participants shall develop and implement a grazing land plan in compliance with local soil conservation district guidance and the plan must be approved by the local soil conservation district. The agriculture commissioner shall establish additional guidelines for the program."

Page 5, line 2, replace "thirty" with "thirty-one"

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

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

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

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

Page 5, remove lines 5 through 14

Page 5, line 22, overstrike "agriculture"

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

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

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

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

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

(1) The area immediately impacted by the development;

(2) The county impacted by the development;

(3) The region impacted by the development; and

(4) Other areas within the state"

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

Page 6, line 2, overstrike "disbursement of"

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

Page 6, line 2, overstrike "environmental impact"

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

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

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

Page 6, line 4, remove "mitigation fund"

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

Page 6, overstrike lines 5 through 10

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

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

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

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

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

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

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

Page 6, remove lines 17 through 31

Page 7, remove lines 1 through 16

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

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

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

Page 7, line 20, remove "shall"

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

Page 7, line 21, overstrike "direct"

Page 7, line 21, remove "or indirect"

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

Page 7, line 22, overstrike "The applicant"

Page 7, line 22, remove "shall"

Page 7, line 22, overstrike "provide"

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

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

Page 7, overstrike lines 23 and 24

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

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

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

Page 8, after line 8, insert:

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

SECTION 21. LEGISLATIVE MANAGEMENT STUDY - ENERGY CONVERSION OR TRANSMISSION FACILITY - ENVIRONMENTAL MITIGATION. During the 2023-24 interim, the legislative management shall consider studying plans for mitigation of adverse wildlife and environmental impacts and monetary payments made to state agencies, contractors, nongovernmental organizations, and others by applicants or other persons for mitigation during the siting and operation of energy conversion or transmission facilities. The study must include consideration of the provisions of law that affect the ability of developers to effectively mitigate adverse wildlife habitat and environmental impacts, applicant payments used for the purchase of perpetual or nonperpetual conservation easements, the distinction between an adverse direct environmental effect or an adverse indirect environmental effect, methods to monetarily quantify adverse direct or adverse indirect environmental effects, and alternative programs that may be used or developed for the mitigation of adverse wildlife and environmental effects. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly.

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

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

Department 602 - Department of Agriculture - Detail of House Changes

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

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

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

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

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

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

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

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

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

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

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

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

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

This amendment also:

- Amends a section providing for a transfer of $6.5 million to the bioscience innovation grant fund. The Senate provided the transfer from the legacy earnings fund. The House provided the transfer from the general fund.
- Amends a section identifying funding in Section 1 from the environment and rangeland protection fund.
- Adds a section identifying funding in Section 1 from SIIF. The House provided one-time funding of $1 million for grasslands grazing grants. The Senate did not provide funding for this program. To be eligible for a grant under this program, an organization must provide $1 of matching funds from nonstate sources for every $4 of grant funding. An organization that receives a grant under this program may distribute the funding to cooperative grazing associations for eligible infrastructure projects, which must be located on national grasslands within the state. Eligible infrastructure projects include water development; fencing; conservation initiatives; compliance with federal permitting requirements, including fees for professional services; and other projects to enhance wildlife habitat or capture carbon, or to increase the health of grasslands. Program participants shall develop and implement a grazing land plan in compliance with local soil conservation district guidance and the plan must be approved by the local soil conservation district. The Agriculture Commissioner shall establish additional guidelines for the program.
- Amends a section to provide the statutory changes necessary for the salary of the Agriculture Commissioner.
- Removes a section added by the Senate that established a post-production royalty oversight program. This program was created in Senate Bill No. 2194 (2023).
- Amends two sections related the environmental impact mitigation fund and mitigation of environmental impacts.
- Removes a section added by the Senate that amended Section 49-22-09 related to factors to be considered in evaluating applications and designations of sites, corridors, and routes.
- Adds a section to provide an exemption to authorize the Agriculture Commissioner to continue $5 million appropriated from SIIF for grasslands grazing grants for the 2021-23 biennium into the 2023-25 biennium.
- Adds a section to provide for a Legislative Management study of plans for mitigation of adverse wildlife and environmental impacts and monetary payments made to state agencies, contractors, nongovernmental organizations, and others by applicants or other persons for mitigation during the siting and operation of energy conversion or transmission facilities.
- Adds a section to provide for a Legislative Management study of the feasibility and desirability of transferring agriculture education programs in the Department of Career and Technical Education to the Agriculture Commissioner.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2019

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

Page 1, replace lines 14 through 19 with:

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

Page 2, replace lines 1 and 2 with:

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

Page 2, replace lines 7 through 9 with:

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

Page 2, replace lines 24 through 27 with:

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

Page 2, after line 31, insert:

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

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

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

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

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

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

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

Page 3, after line 26, insert:

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

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

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

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

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

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

Page 4, after line 29, insert:

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

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

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

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

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

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

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

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

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

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

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

This amendment also:

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

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

HOUSE AMENDMENTS TO SENATE BILL NO. 2206

That the amendments to Senate Bill No. 2206 as printed on pages 1923 -1925 of the House Journal be amended as follows:

Page 1924, replace lines 7 and 8 with:

Page 2, line 1, remove the overstrike over "~~The debtor's aggregate interest, not to exceed in value~~"

Page 2, line 1, after "~~eight~~" insert "one hundred"

Page 2, line 1, remove the overstrike over "~~thousand dollars less any~~"

Renumber accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2284

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

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

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

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

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

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

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

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

Page 1, line 6, remove the comma

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

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

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

Page 1, remove lines 10 through 23

Page 2, remove lines 1 through 31

Page 3, replace lines 1 through 5 with:

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

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

1. The state board of public school education shall:

   a. Assist county committees in carrying out their duties.

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

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

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

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

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

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

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

Purchase of gifts or gratuities - Gift fund.

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

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

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

   a. A beverage, food item, or refreshment;

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

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

   d. Pens, notepads, or other promotional materials;

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

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

g. Any other item of de minimis value.

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

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

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

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

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

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

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

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

   c. Co-curricular or extracurricular programs;

   d. Facility needs and utilization; and

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

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

Page 3, after line 9, insert:

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

2. The policy must ~~prohibit~~:

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

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

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

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

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

b."

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

Page 3, remove lines 18 through 31

Page 4, replace lines 1 through 3 with:

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

Private tutors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Page 6, remove the overstrike over line 24

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

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

Page 6, remove the overstrike over lines 26 through 30

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

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

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

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

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

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

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

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

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

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

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

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

Page 21, after line 3, insert:

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

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

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

Page 21, replace lines 4 through 10 with:

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

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

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

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

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

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

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

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

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

SECTION 15. LEGISLATIVE MANAGEMENT STUDY - SCHOOL CHOICE MODELS.

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

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

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

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

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

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

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

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

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

Page 21, after line 23, insert:

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

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

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

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

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

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

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2284 - Department of Public Instruction - House Action

Base Budget	Senate Version	House Changes	House Version

Science of reading		$1,000,000		$1,000,000
Grants - program grants			$6,837,000	6,837,000
Total all funds	$0	$1,000,000	$6,837,000	$7,837,000
Less estimated income	0	1,000,000	837,000	1,837,000
General fund	$0	$0	$6,000,000	$6,000,000
FTE	0.00	0.00	0.00	0.00

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

	Adds Funding for School Meal Grants[1]	Adds Funding for Training Programs[2]	Total House Changes
Science of reading			
Grants - program grants	$6,000,000	$837,000	$6,837,000
Total all funds	$6,000,000	$837,000	$6,837,000
Less estimated income	0	837,000	837,000
General fund	$6,000,000	$0	$6,000,000
FTE	0.00	0.00	0.00

[1] Ongoing funding of $6 million from the general fund is added for grants to school districts for school meal expenses related to free meals for all qualifying students at or below 200 percent of the federal poverty guideline.

[2] Funding of $837,000 of other funds, derived from 2021-23 biennium unspent general fund appropriation authority for state school aid transferred to the department's operating fund, is added for dyslexia identification training ($279,000) and for reading learning platform training ($558,000).

This amendment also:

- Decreases the transfer from the foundation aid stabilization fund to the school construction assistance revolving loan fund by $35 million, from $75 million to $40 million.
- Adjusts the K-12 education funding formula.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2360

In lieu of the amendments printed on pages 1414-1416 of the House Journal, Engrossed Senate Bill No. 2360 is amended as follows:

Page 1, line 6, replace "an effective date" with "for application"

Page 2, line 13, remove the overstrike over "~~is principally made up of~~"

Page 2, line 13, remove "contains"

Page 2, line 13, remove "or written descriptions"

Page 2, line 15, remove the overstrike over "~~for commercial gain~~"

Page 2, line 17, remove "written, pictorial, three-dimensional, or visual"

Page 2, remove line 18

Page 2, line 19, replace "computer-generated image, showing or describing" with "material which"

Page 2, line 20, replace "Human masturbation" with "Taken as a whole, appeals to the prurient interest of minors"

Page 2, line 21, replace "Deviant sexual intercourse" with "Is patently offensive under prevailing standards in the adult community in North Dakota as a whole with respect to what is suitable material for minors"

Page 2, line 21, after the underscored semicolon insert "and"

Page 2, line 22, remove "Sexual intercourse;"

Page 2, remove lines 23 through 27

Page 2, line 28, replace "(9) Sex-based classifications" with "Taken as a whole, lacks serious literary, artistic, political, or scientific value for minors"

Page 3, line 4, overstrike "or" and insert immediately thereafter an underscored comma

Page 3, line 4, after "walkway" insert ", public library, or public school library"

Page 3, line 12, remove "or"

Page 3, line 12, remove the overstrike over "~~, or public library for limited~~"

Page 3, line 13, remove the overstrike over "~~access for educational research purposes carried on at such an institution by adults only~~"

Page 3, line 19, after "**Report**" insert "**- Penalty**"

Page 3, line 27, remove "child sexual abuse material,"

Page 3, line 28, remove the underscored comma

Page 3, line 28, replace "pornography" with "explicit sexual material"

Page 3, line 29, replace "pornography and child" with "explicit"

Page 3, line 29, remove "abuse"

Page 4, line 8, replace "attorney general" with "legislative management"

Page 4, line 11, remove "is not exempt from"

Page 4, line 12, replace "prosecution for willful indecent exposure of child sexual abuse material or pornography" with "who willfully exposes explicit sexual material"

Page 4, line 13, after "minor" insert "in violation of this section is guilty of a class B misdemeanor.

7. As used in this section, the term "public library" or "state agency" does not include the state library"

Page 4, replace line 14 with:

"**SECTION 6. APPLICATION.** Sections 1, 3, and 4 of this Act do not apply to the state library."

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 2013.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2013

Page 1, line 3, after "15.1-02-02" insert ", 15.1-27-04.1, 15.1-32-01, 15.1-32-14, 15.1-32-18,"

Page 1, line 4, after "instruction" insert ", baseline funding, high-cost students,"

Page 1, line 5, after the second semicolon insert "to provide a statement of legislative intent;"

Page 1, line 5, remove "and"

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

Page 1, remove lines 19 through 24

Page 2, replace lines 1 through 9 with:

"Salaries and wages	$17,854,747	$702,569	$18,557,316
Operating expenses	33,098,149	(304,829)	32,793,320
Integrated formula payments	2,131,825,000	339,743,255	2,471,568,255
Grants - special education	27,000,000	0	27,000,000
Grants - transportation	58,100,000	0	58,100,000
Grants - other grants	312,738,893	70,000,000	382,738,893
Grants - program grants	0	15,550,000	15,550,000
Grants - passthrough grants	0	16,989,000	16,989,000
Grants - program and passthrough	10,387,064	(10,387,064)	0
PowerSchool	5,250,000	525,000	5,775,000
National board certification	176,290	0	176,290
Total all funds	$2,596,430,143	$432,817,931	$3,029,248,074
Less estimated income	938,233,270	180,436,476	1,118,669,746
Total general fund	$1,658,196,873	$252,381,455	$1,910,578,328
Full-time equivalent positions	86.25	0.00	86.25

Subdivision 2.

CENTER FOR DISTANCE EDUCATION

	Base Level	Adjustments or Enhancements	Appropriation
Center for distance education	$0	$11,183,325	$11,183,325
Total all funds	$0	$11,183,325	$11,183,325
Less estimated income	0	4,550,000	4,550,000
Total general fund	$0	$6,633,325	$6,633,325
Full-time equivalent positions	0.00	30.80	30.80"

Page 2, line 10, replace "2" with "3"

Page 2, replace lines 14 through 19 with:

"Salaries and wages	$4,139,907	$295,408	$4,435,315
Operating expenses	1,822,703	752,595	2,575,298
Grants	2,233,528	50,000	2,283,528
Total all funds	$8,196,138	$1,098,003	$9,294,141
Less estimated income	2,364,417	107,626	2,472,043
Total general fund	$5,831,721	$990,377	$6,822,098"

Page 2, line 21, replace "3" with "4"

Page 2, replace lines 25 through 30 with:

"Salaries and wages	$8,332,820	$604,780	$8,937,600
Operating expenses	1,705,586	120,171	1,825,757
Capital assets	158,678	843,500	1,002,178
Total all funds	$10,197,084	$1,568,451	$11,765,535
Less estimated income	2,790,528	875,163	3,665,691
Total general fund	$7,406,556	$693,288	$8,099,844"

Page 3, line 1, replace "4" with "5"

Page 3, replace lines 5 through 10 with:

"Salaries and wages	$4,992,194	$354,219	$5,346,413
Operating expenses	792,671	103,015	895,686

Capital assets	39,192	439,000	478,192
Total all funds	$5,824,057	$896,234	$6,720,291
Less estimated income	1,062,178	598,533	1,660,711
Total general fund	$4,761,879	$297,701	$5,059,580"

Page 3, line 12, replace "5" with "6"

Page 3, replace lines 16 through 18 with:

"Grand total general fund	$1,676,197,029	$260,996,146	$1,937,193,175
Grand total special funds	944,450,393	186,567,798	1,131,018,191
Grand total all funds	$2,620,647,422	$447,563,944	$3,068,211,366"

Page 3, remove lines 24 through 31

Page 4, replace lines 1 through 14 with:

"Department of public instruction		
Science experiments grants	$13,500,000	$9,900,000
Regional education association grants	250,000	70,000
State automated reporting system maintenance	200,000	0
Children's science center	5,900,000	0
Children's theatre and art park	0	2,500,000
State automated reporting system and statewide longitudinal data system upgrades	10,100,000	0
Elementary and secondary school emergency education relief	305,266,879	0
Emergency education relief homeless children and youth program	1,999,661	0
Assistance to nonpublic schools	4,151,371	0
Individuals with Disabilities Education Act grant	8,632,569	0
Grow-your-own teacher program	0	0
School board training grants	0	1,500,000
Cybersecurity training for teachers	0	0
Statewide reading tool	0	1,600,000
Statewide teacher retention program	0	4,300,000
Total department of public instruction - all funds	$350,000,480	$19,870,000
Total department of public instruction - estimated income	349,800,480	16,300,000
Total department of public instruction - general fund"	$200,000	$3,570,000

Page 5, replace lines 18 through 20 with:

"Grand total - all funds	$353,300,706	$21,631,671
Grand total - estimated income	353,100,706	17,638,586
Grand total - general fund	$200,000	$3,993,085"

Page 6, line 3, replace "$143,454,500" with "$157,000,000"

Page 6, after line 3, insert:

"**SECTION 5. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.** The estimated income line item in subdivision 1 of section 1 of this Act includes the sum of $8,900,000 from the strategic investment and improvements fund for certain passthrough grants."

Page 6, after line 30, insert:

"**SECTION 9. REGIONAL EDUCATION ASSOCIATION MERGER GRANTS - ONE-TIME FUNDING - DISTRIBUTION.** The grants - program grants line item included in subdivision 1 of section 1 of this Act includes $70,000 from the general fund for the purpose of providing a one-time $35,000 grant to each regional education association that merges with another regional education association to

form a single entity with a single governing board during the biennium beginning July 1, 2023, and ending June 30, 2025."

Page 7, line 2, replace "$700,000" with "$500,000"

Page 7, line 5, replace "$50,000" with "$35,714"

Page 7, remove lines 8 through 20

Page 7, line 26, after the period insert "Additional funding made available to school districts by reducing the local property tax contribution to the integrated formula is not considered new money."

Page 8, line 12, replace "$16,009,764" with "$20,069,000"

Page 8, after line 26, insert:

"**SECTION 15. EXEMPTION - UNEXPENDED STATE AUTOMATED REPORTING SYSTEM AND STATEWIDE LONGITUDINAL DATA SYSTEM UPGRADE APPROPRIATION.** The sum of $10,000,000 of special funds from the public instruction fund in the state treasury, derived from reimbursements withheld from school districts' integrated formula payments for the purpose of information technology project upgrades to the state automated reporting system and the statewide longitudinal data system, appropriated to the department of public instruction in section 17 of chapter 549 of the 2021 Special Session Session Laws, is not subject to the provisions of section 54-44.1-11 and any unexpended funds from this one-time appropriation may be continued and are available for information technology project upgrades to the state automated reporting system and the statewide longitudinal data system during the biennium beginning July 1, 2023, and ending June 30, 2025. The department of public instruction shall transfer any funds continued in excess of $5,000,000 to the information technology department for statewide longitudinal data system upgrades."

Page 8, line 27, replace "2" with "3"

Page 9, line 3, replace "thirty-five thousand five hundred thirty-six" with "thirty-eight thousand one hundred forty-two"

Page 9, line 4, remove "forty thousand"

Page 9, line 5, replace "nine hundred fifty-seven" with "forty-three thousand six hundred sixty-eight"

Page 9, after line 5, insert:

"**SECTION 18. AMENDMENT.** Section 15.1-27-04.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-04.1. Baseline funding - Establishment - Determination of state aid. (Effective through June 30, 2025)

1. To determine the amount of state aid payable to each district, the superintendent of public instruction shall establish each district's baseline funding. A district's baseline funding consists of:

   a. All state aid received by the district in accordance with chapter 15.1-27 during the 2018-19 school year;

   b. An amount equal to the property tax deducted by the superintendent of public instruction to determine the 2018-19 state aid payment;

   c. An amount equal to seventy-five percent of the revenue received by the school district during the 2017-18 school year for the following revenue types:

(1) Revenue reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;

(2) Mineral revenue received by the school district through direct allocation from the state treasurer and not reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;

(3) Tuition reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition received for the provision of an adult farm management program, and beginning in the 2021-22 school year, seventeen percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid, and an additional seventeen percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid each school year thereafter, until the 2024-25 school year when sixty-eight percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid must be excluded from the tuition calculation under this paragraph;

(4) Revenue from payments in lieu of taxes on the distribution and transmission of electric power;

(5) Revenue from payments in lieu of taxes on electricity generated from sources other than coal; and

(6) Revenue from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c)(3);

d. An amount equal to the total revenue received by the school district during the 2017-18 school year for the following revenue types:

(1) Mobile home tax revenue;

(2) Telecommunications tax revenue; and

(3) Revenue from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit; and

e. Beginning with the 2020-21 school year, the superintendent shall reduce the baseline funding for any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must be proportional to the number of weighted student units in the grades that are offered through another school district relative to the total number of weighted student units the school district offered in the year before the school district became an elementary district. The reduced baseline funding applies to the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter. For districts that become an elementary district prior to the 2020-21 school year, the superintendent shall use the reduced

baseline funding to calculate state aid for the 2020-21 school year and for each year thereafter.

2. a. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's 2017-18 weighted student units to determine the district's baseline funding per weighted student unit.

b. For any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the district's baseline funding per weighted student unit used to calculate state aid. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's weighted student units after the school district becomes an elementary district to determine the district's adjusted baseline funding per weighted student unit. The superintendent shall use the district's adjusted baseline funding per weighted student unit in the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter.

c. Beginning with the 2021-22 school year and for each school year thereafter, the superintendent shall reduce the district's baseline funding per weighted student unit. Each year the superintendent shall calculate the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit provided in subsection 3. The superintendent shall reduce the district's baseline funding per weighted student unit by fifteen percent of the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit for the 2021-22 school year. For each year thereafter, the reduction percentage is increased by an additional fifteen percent. However, the district's baseline funding per weighted student unit, after the reduction, may not be less than the payment per weighted student unit provided in subsection 3.

3. a. For the 2021-22 school year, the superintendent shall calculate state aid as the greater of:

(1) The district's weighted student units multiplied by ten thousand one hundred thirty-six dollars;

(2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand one hundred thirty-six dollars; or

(3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by fifteen percent and then the difference added to the amount determined in paragraph 1.

b. For the 2022-23 school year and each school year thereafter, the superintendent shall calculate state aid as the greater of:

(1) The district's weighted student units multiplied by ten thousand two hundred thirty-seven dollars;

(2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any

weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand two hundred thirty-seven dollars; or

(3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by thirty percent for the 2022-23 school year and the reduction percentage increasing by fifteen percent each school year thereafter until the difference is reduced to zero, and then the difference added to the amount determined in paragraph 1.

c. The superintendent also shall adjust state aid determined in this subsection to ensure the amount does not exceed the transition maximum as follows:

(1) For the 2021-22 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.

(2) For the 2022-23 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.

(3) For the 2023-24 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus twenty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.

(4) For the 2024-25 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus forty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.

(5) For the 2025-26 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus sixty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.

(6) For the 2026-27 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus eighty percent of the difference between the rate under

paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.

4. After determining the product in accordance with subsection 3, the superintendent of public instruction shall:

   a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district, except the amount in dollars subtracted for purposes of this subdivision may not exceed the previous year's amount in dollars subtracted for purposes of this subdivision by more than twelve percent, adjusted pursuant to section 15.1-27-04.3; and

   b. Subtract an amount equal to seventy-five percent of all revenue types listed in subdivisions c and d of subsection 1. Before determining the deduction for seventy-five percent of all revenue types, the superintendent of public instruction shall adjust revenues as follows:

      (1) Tuition revenue shall be adjusted as follows:

         (a) In addition to deducting tuition revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition revenue received for the provision of an adult farm management program, tuition received for the education of high-cost and special education students, and tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid as directed each school year in paragraph 3 of subdivision c of subsection 1, the superintendent of public instruction also shall reduce the total tuition reported by the school district by the amount of tuition revenue received for the education of students not residing in the state and for which the state has not entered a cross-border education contract; and

         (b) The superintendent of public instruction also shall reduce the total tuition reported by admitting school districts meeting the requirements of subdivision e of subsection 2 of section 15.1-29-12 by the amount of tuition revenue received for the education of students residing in an adjacent school district.

      (2) After adjusting tuition revenue as provided in paragraph 1, the superintendent shall reduce all remaining revenues from all revenue types by the percentage of mills levied in 2020 by the school district for sinking and interest relative to the total mills levied in 2020 by the school district for all purposes.

5. The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.

6. On or before June thirtieth of each year, the school board shall certify to the superintendent of public instruction the final average daily membership for the current school year.

7. For purposes of the calculation in subsection 4, each county auditor, in collaboration with the school districts, shall report the following to the superintendent of public instruction on an annual basis:

   a. The amount of revenue received by each school district in the county during the previous school year for each type of revenue identified in subdivisions c and d of subsection 1;

   b. The total number of mills levied in the previous calendar year by each school district for all purposes; and

   c. The number of mills levied in the previous calendar year by each school district for sinking and interest fund purposes.

Baseline funding - Establishment - Determination of state aid. (Effective after June 30, 2025)

1. To determine the amount of state aid payable to each district, the superintendent of public instruction shall establish each district's baseline funding. A district's baseline funding consists of:

   a. All state aid received by the district in accordance with chapter 15.1-27 during the 2018-19 school year;

   b. An amount equal to the property tax deducted by the superintendent of public instruction to determine the 2018-19 state aid payment;

   c. An amount equal to seventy-five percent of the revenue received by the school district during the 2017-18 school year for the following revenue types:

      (1) Revenue reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;

      (2) Mineral revenue received by the school district through direct allocation from the state treasurer and not reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;

      (3) Tuition reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition received for the provision of an adult farm management program, and beginning in the 2025-26 school year, eighty-five percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid, until the 2026-27 school year, and each school year thereafter, when all tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid must be excluded from the tuition calculation under this paragraph;

      (4) Revenue from payments in lieu of taxes on the distribution and transmission of electric power;

      (5) Revenue from payments in lieu of taxes on electricity generated from sources other than coal; and

(6) Revenue from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c)(3); and

d. An amount equal to the total revenue received by the school district during the 2017-18 school year for the following revenue types:

(1) Mobile home tax revenue;

(2) Telecommunications tax revenue; and

(3) Revenue from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit.

e. Beginning with the 2020-21 school year, the superintendent shall reduce the baseline funding for any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must be proportional to the number of weighted student units in the grades that are offered through another school district relative to the total number of weighted student units the school district offered in the year before the school district became an elementary district. The reduced baseline funding applies to the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter. For districts that become an elementary district prior to the 2020-21 school year, the superintendent shall use the reduced baseline funding to calculate state aid for the 2020-21 school year and for each year thereafter.

2. a. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's 2017-18 weighted student units to determine the district's baseline funding per weighted student unit.

b. For any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the district's baseline funding per weighted student unit used to calculate state aid. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's weighted student units after the school district becomes an elementary district to determine the district's adjusted baseline funding per weighted student unit. The superintendent shall use the district's adjusted baseline funding per weighted student unit in the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter.

c. Beginning with the 2021-22 school year and for each school year thereafter, the superintendent shall reduce the district's baseline funding per weighted student unit. Each year the superintendent shall calculate the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit provided in subsection 3. The superintendent shall reduce the district's baseline funding per weighted student unit by fifteen percent of the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit for the 2021-22 school year. For each year thereafter, the reduction percentage is increased by an additional fifteen percent. However, the district's baseline funding per weighted student unit, after the reduction, may not be less than the payment per weighted student unit provided in subsection 3.

3. a. For the 2021-22 school year, the superintendent shall calculate state aid as the greater of:

(1) The district's weighted student units multiplied by ten thousand one hundred thirty-six dollars;

(2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand one hundred thirty-six dollars; or

(3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by fifteen percent and then the difference added to the amount determined in paragraph 1.

b. For the 2022-23 school year and each school year thereafter, the superintendent shall calculate state aid as the greater of:

(1) The district's weighted student units multiplied by ten thousand two hundred thirty-seven dollars;

(2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand two hundred thirty-seven dollars; or

(3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by thirty percent for the 2022-23 school year and the reduction percentage increasing by fifteen percent each school year thereafter until the difference is reduced to zero, and then the difference added to the amount determined in paragraph 1.

c. The superintendent also shall adjust state aid determined in this subsection to ensure the amount does not exceed the transition maximum as follows:

(1) For the 2021-22 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.

(2) For the 2022-23 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year.

(3) For the 2023-24 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus twenty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.

(4) For the 2024-25 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus forty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.

(5) For the 2025-26 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus sixty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.

(6) For the 2026-27 school year, the transition maximum rate is one hundred ten percent of the district's baseline funding per weighted student unit, as established in subsection 2, plus eighty percent of the difference between the rate under paragraph 1 of subdivision b of this subsection and one hundred ten percent of the district's baseline funding per weighted student unit. The transition maximum is determined by multiplying the transition maximum rate, which may not exceed the rate under paragraph 1 of subdivision b of this subsection, by the district's weighted student units from the previous school year.

4. After determining the product in accordance with subsection 3, the superintendent of public instruction shall:

a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district; and

b. Subtract an amount equal to seventy-five percent of all revenue types listed in subdivisions c and d of subsection 1. Before determining the deduction for seventy-five percent of all revenue types, the superintendent of public instruction shall adjust revenues as follows:

(1) Tuition revenue shall be adjusted as follows:

(a) In addition to deducting tuition revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition revenue received for the provision of an adult farm management program, tuition received for the education of high-cost and special education students, and tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid as directed each school year in paragraph 3 of subdivision c of subsection 1, the superintendent of public instruction also shall reduce the total tuition reported by the school district by the amount of tuition revenue received for the education of students not residing in the state and for which the state has not entered a cross-border education contract; and

(b) The superintendent of public instruction also shall reduce the total tuition reported by admitting school districts meeting the requirements of subdivision e of subsection 2 of section 15.1-29-12 by the amount of tuition revenue received for the education of students residing in an adjacent school district.

(2) After adjusting tuition revenue as provided in paragraph 1, the superintendent shall reduce all remaining revenues from all revenue types by the percentage of mills levied in 2020 by the school district for sinking and interest relative to the total mills levied in 2020 by the school district for all purposes.

5. The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.

6. On or before June thirtieth of each year, the school board shall certify to the superintendent of public instruction the final average daily membership for the current school year.

7. For purposes of the calculation in subsection 4, each county auditor, in collaboration with the school districts, shall report the following to the superintendent of public instruction on an annual basis:

a. The amount of revenue received by each school district in the county during the previous school year for each type of revenue identified in subdivisions c and d of subsection 1;

b. The total number of mills levied in the previous calendar year by each school district for all purposes; and

c. The number of mills levied in the previous calendar year by each school district for sinking and interest fund purposes.

SECTION 19. AMENDMENT. Section 15.1-32-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-01. Definitions.

As used in this chapter:

1. "Major life activities" include learning, walking, talking, breathing, and caring for oneself.

2. "Related services" means transportation and developmental and corrective or supportive services required to assist a student with disabilities to benefit from special education.

~~2.~~3. "Special education" means instruction designed to meet the needs of a student with disabilities, transportation, and corrective and supporting services required to assist a student with disabilities in taking advantage of, or responding to, educational programs and opportunities.

~~3.~~4. "Student who is gifted" means an individual who is identified by qualified professionals as being capable of high performance and who needs educational programs and services beyond those normally provided in a regular education program.

~~4.~~5. a. "Student with a disability" means an individual who is at least three years of age but who has not reached the age of twenty-one before August first of the year in which the individual turns twenty-one and who requires special education and related services because of:

(1) An intellectual disability;

(2) A hearing impairment, including deafness;

(3) Deaf-blindness;

(4) A speech or language impairment;

(5) A visual impairment, including blindness;

(6) An emotional disturbance;

(7) An orthopedic impairment;

(8) Autism;

(9) A traumatic brain injury;

(10) Other health impairment; or

(11) A specific learning disability.

b. "Student with a disability" includes a student age eighteen through twenty-one who is incarcerated in an adult correctional facility and who, in the last educational placement prior to incarceration, was identified as being a student with a disability and did not have an individualized education program or was identified as being a student with a disability and had an individualized education program.

6. "Student with a significant medical condition" means a student with a physical or mental impairment, whether permanent or temporary, which substantially limits one or more major life activities and who is not entitled to special education and related services.

SECTION 20. AMENDMENT. Section 15.1-32-14 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-14. ~~Special education students - Contracts for placement~~High-cost students.

1. If in the opinion of an individualized education program team or a services plan team a student with a disability or a student with a significant medical condition is unable to attend a public school in ~~the special education unit to which~~ the student's school district of residence ~~belongs~~, the student's school district of residence shall ~~contract~~release the student at the time deemed necessary to begin attendance with another public school that:

   a. ~~Does not belong to the same special education unit;~~

   ~~b.~~ Is located in this state;

   ~~c.~~b. Is willing to admit the student; and

   ~~d.~~c. Is able to provide appropriate services to the student.

2. ~~The superintendent of public instruction shall approve in advance the terms of the contract and the services to be provided by the admitting school.~~

3. The contract must provide that the student's school district of residence is liable for the cost of educating the student.

~~4.~~3. Upon being notified by the district in which the student receives services that the student's school district of residence has not paid for services that were provided to the student, the superintendent of public

instruction, after verification, shall withhold all state aid payments to which the student's school district of residence is entitled, until the required payments have been made.

SECTION 21. AMENDMENT. Section 15.1-32-18 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-18. Cost - Liability of school district for special education and other high-cost services.

1. Each year the superintendent of public instruction shall identify the approximately one percent of ~~special education~~ students with a disability and students with a significant medical condition statewide who are not eligible for cost reimbursement under section 15.1-29-14 and who require the greatest school district expenditures ~~in order~~ to provide them with education and services, including special education and related services. This percentage represents the number of students that would qualify for excess cost reimbursement beyond the multiplier that is established in subsection 3.

2. The excess costs of providing ~~special education and related~~ services to these students are the responsibility of the state and the superintendent of public instruction shall reimburse the school districts for any excess costs incurred in the provision of ~~special education and related~~the services to the identified students.

3. "Excess costs" are those that exceed four times the state average cost of education per student and which are incurred by the ~~special education~~ students identified in subsection 1.

4. All costs of providing ~~special education and related~~ services to those students identified in subsection 1, other than excess costs reimbursed by the state, are the responsibility of the student's school district of residence.

5. In addition to any other reimbursements provided under this section, if a school district expends more than two percent of its annual budget for the provision of ~~special~~ education and ~~related~~ services to one student with a disability or significant medical condition, the district shall notify the superintendent of public instruction. Upon verification, the superintendent shall reimburse the district for the difference between:

   a. Two percent of the district's annual budget; and

   b. The lesser of:

      (1) The amount actually expended by the district for the provision of special education and related services to that student; or

      (2) The amount representing four times the state average cost of education per student."

Page 10, after line 3, insert:

"**SECTION 23. LEGISLATIVE INTENT - AMENDMENTS TO THE STATE SCHOOL AID INTEGRATED FUNDING FORMULA.** It is the intent of the sixty-eighth legislative assembly that the sixty-ninth legislative assembly consider amendments to the state school aid integrated funding formula only in the appropriation bill for the department of public instruction.

SECTION 24. EFFECTIVE DATE. Senate Bill No. 2269, as approved by the sixty-eighth legislative assembly, becomes effective July 1, 2023. Sections 3, 4, and 7 of Senate Bill No. 2050, as approved by the sixty-eighth legislative assembly, become effective May 15, 2023.

SECTION 25. EMERGENCY. Sections 3, 4, and 7, of Senate Bill No. 2050 and Senate Bill No. 2269, as approved by the sixty-eighth legislative assembly, are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2013 - Summary of House Action

	Base Budget	Senate Version	House Changes	House Version
Department of Public Instruction				
Total all funds	$2,596,430,143	$2,991,058,326	$38,189,748	$3,029,248,074
Less estimated income	938,233,270	1,092,638,081	26,031,665	1,118,669,746
General fund	$1,658,196,873	$1,898,420,245	$12,158,083	$1,910,578,328
FTE	86.25	86.25	0.00	86.25
Center for Distance Education				
Total all funds	$0	$0	$11,183,325	$11,183,325
Less estimated income	0	0	4,550,000	4,550,000
General fund	$0	$0	$6,633,325	$6,633,325
FTE	0.00	0.00	30.80	30.80
State Library				
Total all funds	$8,196,138	$9,007,514	$286,627	$9,294,141
Less estimated income	2,364,417	2,143,007	329,036	2,472,043
General fund	$5,831,721	$6,864,507	($42,409)	$6,822,098
FTE	26.75	26.75	0.00	26.75
School for the Deaf				
Total all funds	$10,197,084	$12,016,187	($250,652)	$11,765,535
Less estimated income	2,790,528	3,678,221	(12,530)	3,665,691
General fund	$7,406,556	$8,337,966	($238,122)	$8,099,844
FTE	44.61	45.36	0.00	45.36
Vision Services - School for the Blind				
Total all funds	$5,824,057	$6,811,738	($91,447)	$6,720,291
Less estimated income	1,062,178	1,664,423	(3,712)	1,660,711
General fund	$4,761,879	$5,147,315	($87,735)	$5,059,580
FTE	27.75	27.75	0.00	27.75
Bill total				
Total all funds	$2,620,647,422	$3,018,893,765	$49,317,601	$3,068,211,366
Less estimated income	944,450,393	1,100,123,732	30,894,459	1,131,018,191
General fund	$1,676,197,029	$1,918,770,033	$18,423,142	$1,937,193,175
FTE	185.36	186.11	30.80	216.91

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

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	$17,854,747	$19,313,859	($756,543)	$18,557,316
Operating expenses	33,098,149	33,293,320	(500,000)	32,793,320
Integrated formula payments	2,131,825,000	2,448,651,200	22,917,055	2,471,568,255
Grants - Special education contracts	27,000,000	27,000,000		27,000,000
Grants - Transportation	58,100,000	58,100,000		58,100,000
Grants - Other grants	312,738,893	382,738,893		382,738,893
Grants - Program and passthrough	10,387,064			
Grants - Program grants		13,780,000	1,770,000	15,550,000
Grants - Passthrough grants		2,229,764	14,759,236	16,989,000
PowerSchool	5,250,000	5,775,000		5,775,000
National board certification	176,290	176,290		176,290
Total all funds	$2,596,430,143	$2,991,058,326	$38,189,748	$3,029,248,074
Less estimated income	938,233,270	1,092,638,081	26,031,665	1,118,669,746
General fund	$1,658,196,873	$1,898,420,245	$12,158,083	$1,910,578,328
FTE	86.25	86.25	0.00	86.25

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

	Adds Funding for Salary and Benefit Increases[1]	Removes Salary Funding for Funding Pool[2]	Decreases Funding for Information Technology[3]	Adjusts Funding for Integrated Formula Payments[4]	Decreases Funding for Grants to Regional Education Associations[5]	Adjusts the Funding Source of Integrated Formula Payments[6]
Salaries and wages	$296,542	($1,053,085)				
Operating expenses			($500,000)			
Integrated formula payments				$23,117,055	($200,000)	
Grants - Special education contracts						
Grants - Transportation						
Grants - Other grants						
Grants - Program and passthrough						
Grants - Program grants						
Grants - Passthrough grants						
PowerSchool						
National board certification						
Total all funds	$296,542	($1,053,085)	($500,000)	$23,117,055	($200,000)	$0
Less estimated income	185,588	(658,659)	0	0	0	13,545,500
General fund	$110,954	($394,426)	($500,000)	$23,117,055	($200,000)	($13,545,500)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Increases Funding for Adult Education[7]	Removes Funding for Free Breakfast Program[8]	Increases Funding for Teacher Mentoring[9]	Adds Funding for Passthrough Grants[10]	Decreases One-Time Funding for School Board Training[11]	Removes One-Time Funding for Cybersecurity Training[12]
Salaries and wages						
Operating expenses						
Integrated formula payments						
Grants - Special education contracts						
Grants - Transportation						
Grants - Other grants						
Grants - Program and passthrough						
Grants - Program grants	$500,000	($200,000)			($500,000)	($1,000,000)
Grants - Passthrough grants			$1,874,236	$485,000		
PowerSchool						
National board certification						
Total all funds	$500,000	($200,000)	$1,874,236	$485,000	($500,000)	($1,000,000)
Less estimated income	500,000	(200,000)	1,874,236	485,000	(500,000)	(1,000,000)
General fund	$0	$0	$0	$0	$0	$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Removes One-Time Funding for a Grow-Your-Own Teacher Program[13]	Adds One-Time Funding for Regional Education Association Merger Incentive Grants[14]	Adds One-Time Funding for a Statewide Reading Tool[15]	Adds One-Time Funding for a Teacher Retention Program[16]	Adds One-Time Funding for Passthrough Grants[17]	Total House Changes
Salaries and wages						($756,543)
Operating expenses						(500,000)
Integrated formula payments						22,917,055
Grants - Special education contracts						
Grants - Transportation						
Grants - Other grants						
Grants - Program and passthrough						
Grants - Program grants	($3,000,000)	$70,000	$1,600,000	$4,300,000		1,770,000
Grants - Passthrough grants					$12,400,000	14,759,236
PowerSchool						
National board certification						
Total all funds	($3,000,000)	$70,000	$1,600,000	$4,300,000	$12,400,000	$38,189,748
Less estimated income	(3,000,000)	0	1,600,000	4,300,000	8,900,000	26,031,665
General fund	$0	$70,000	$0	$0	$3,500,000	$12,158,083
FTE	0.00	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 for the Department of Public Instruction as follows:

	General Fund	Other Funds	Total
Salary increase	$114,670	$191,386	$306,056
Health insurance adjustment	(3,716)	(5,798)	(9,514)
Total	$110,954	$185,588	$296,542

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	Other Funds	Total
New FTE positions	($0)	($0)	($0)
Vacant FTE positions	(394,426)	(658,659)	(1,053,085)
Total	($394,426)	($658,659)	($1,053,085)

[3] Funding for information technology charges based on total agency appropriation is decreased. Charges assessed by the Information Technology Department based on agency funding must not include funding provided to the Department of Public Instruction for integrated formula payments, transportation grants, and special education contract grants.

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

	General Fund
Adjusts savings related to cost to continue integrated formula payments for a total of $46,367,895 in savings	($11,038,751)
Senate Bill No. 2284:	
Adjusts funding to increase the integrated payment rate by 3.5 percent in the 1st year and 3 percent in the 2nd year of the biennium	
The Senate provided 3 percent increases each year of the biennium	13,375,834
Adjusts the funding to remove transition maximum payment adjustments	12,020
Adjusts the funding to implement on-time funding based on fall enrollment	(5,334)
Adds funding to increase the special education weighting factor from .082 to .088	15,660,200
Adjusts funding to increase the school size weighting factor for school districts operating two plants at least 14 miles apart	93,086
Senate Bill No. 2013	
Adds funding to exempt tuition for high-cost students from deduction in the state aid formula	5,020,000
Increase in integrated formula payments	$23,117,055

[5] Funding in the integrated formula payments line item is decreased to reduce grants to regional education associations to provide a total of $500,000, the same as the 2021-23 biennium.

[6] The funding source for integrated formula payments is adjusted to increase funding from the foundation aid stabilization fund to provide a total of $157 million.

[7] Funding from special funds derived from carryover funds deposited in the department's operating fund is increased for adult education matching grants to provide a total of $5.5 million.

[8] Funding from special funds derived from carryover funds deposited in the department's operating fund for a free breakfast program is removed because qualifying students are included in funding for meals in Senate Bill No. 2284.

[9] Funding from special funds derived from carryover funds deposited in the department's operating fund is increased for the teacher mentoring passthrough grant to provide a total of $4 million from carryover funds.

[10] Funding from special funds derived from carryover funds deposited in the department's

operating fund is added for passthrough grants as follows:

- $20,000 for TeenPact;
- $40,000 for national writing projects; and
- $425,000 for rural art outreach.

[11] One-time funding from special funds derived from carryover funds deposited in the department's operating fund for program grants related to school board training is reduced to provide a total of $1.5 million.

[12] One-time funding from special funds derived from carryover funds deposited in the department's operating fund for program grants related to cybersecurity training is removed.

[13] One-time funding from special funds derived from carryover funds deposited in the department's operating fund for the grow-your-own teacher/paraprofessional-to-teacher program is removed. Funding for the program was approved in Senate Bill No. 2032.

[14] One-time funding is added for regional education association merger incentive grants.

[15] One-time funding is added from special funds derived from carryover funds deposited in the department's operating fund to make available the Amira reading tool for all students in grades 1 through 3 and for certain students in grades 4 through 12.

[16] One-time funding is added from special funds derived from carryover funds deposited in the department's operating fund to make a teacher retention program available statewide.

[17] One-time funding is added from the general fund and from the strategic investment and improvements fund for passthrough grants as follows:

	General Fund	Strategic Investment and Improvements Fund	Total
North Dakota's Gateway to Science	$3,500,000	$0	$3,500,000
Grand Forks Science Center	0	5,900,000	5,900,000
Sleepy Hollow Children's Theatre and Art Park (renovation and construction only)	0	2,500,000	2,500,000
Fargo Science Center	0	500,000	500,000
Total	$3,500,000	$8,900,000	$12,400,000

In addition this amendment:

- Amends the section related to funding from the foundation aid stabilization fund to provide a total of $157 million;
- Adds a section identifying funding from the strategic investment and improvements fund;
- Adds a section related to the distribution of regional education association merger incentive grants;
- Amends the section related to regional education association grants to provide $500,000 for annual grants, the same as the 2021-23 biennium;
- Removes the section related to the application, distribution, and reporting for passthrough grants;
- Amends the section related to new money to provide additional funding made available to school districts by reducing the local property tax contribution to the state school aid formula is not considered new money;
- Amends the section related to general fund carryover to be deposited in the department's operating fund to provide a total of $20,069,000;
- Adds a section to allow carryover for the state automated reporting system and statewide longitudinal data system upgrades and provides the amount continued over $5 million will be transferred to the Information Technology Department;
- Amends the section related to the salary of the Superintendent of Public Instruction to provide salary increases of 6 percent in the 1st year of the biennium and 4 percent in the 2nd year of the biennium;
- Adds a section to amend the state school aid funding formula to exempt tuition received for the education of high-cost and special education students from deduction in the formula;

- Adds three sections to provide for various definitions relating to high-cost students, services to high-cost students, and school district liability related to special education and other high-cost services; and
- Adds a section of legislative intent to provide it is the intent of the 68th Legislative Assembly that the 69th Legislative Assembly consider amendments to the state school aid integrated funding formula only in the appropriation bill for the Department of Public Instruction.
- Adds a section to provide effective dates for Sections 3, 4, and 7 of Senate Bill No. 2050 and for Senate Bill No. 2069.
- Adds a section to provide Sections 3, 4, and 7 of Senate Bill No. 2050 and Senate Bill No. 2069 are an emergency measure.

Senate Bill No. 2013 - Center for Distance Education - House Action

	Base Budget	Senate Version	House Changes	House Version
Center for Distance Education			$11,183,325	$11,183,325
Total all funds	$0	$0	$11,183,325	$11,183,325
Less estimated income	0	0	4,550,000	4,550,000
General fund	$0	$0	$6,633,325	$6,633,325
FTE	0.00	0.00	30.80	30.80

Department 204 - Center for Distance Education - Detail of House Changes

	Adds Funding to Transfer the Center for Distance Education[1]	Adds Funding for Salary and Benefit Increases[2]	Removes Salary Funding for Funding Pool[3]	Adds 1 FTE Elementary Teacher Position[4]	Adds 1 FTE Information Technology Position[5]	Increases Funding for Center for Distance Education[6]
Center for Distance Education	$9,474,354	$538,281	($650,310)	$165,000	$156,000	$1,500,000
Total all funds	$9,474,354	$538,281	($650,310)	$165,000	$156,000	$1,500,000
Less estimated income	3,050,000	0	0	0	0	1,500,000
General fund	$6,424,354	$538,281	($650,310)	$165,000	$156,000	$0
FTE	28.80	0.00	0.00	1.00	1.00	0.00

	Total House Changes
Center for Distance Education	$11,183,325
Total all funds	$11,183,325
Less estimated income	4,550,000
General fund	$6,633,325
FTE	30.80

[1] Funding is added to transfer the base budget for the Center for Distance Education to the control of the Department of Public Instruction, including 28.80 FTE positions and the cost to continue 2021-23 salary increases, pursuant to Senate Bill No. 2269.

[2] 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 for the Center for Distance Education as follows:

	General Fund	Other Funds	Total
Salary increase	$378,835	$0	$378,835
Health insurance increase	159,446	0	159,446
Total	$538,281	$0	$538,281

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

[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.

	General Fund	Other Funds	Total
New FTE positions	($321,000)	$0	($321,000)
Vacant FTE positions	(329,310)	0	(329,310)
Total	($650,310)	$0	($650,310)

[4] One FTE elementary teacher position and related funding for salaries and wages is added for the Center for Distance Education.

[5] One FTE information technology position and related funding for salaries and wages is added for the Center for Distance Education.

[6] Funding from special funds derived from tuition is added for Center for Distance Education teacher salaries and wages and operating expenses.

Senate Bill No. 2013 - State Library - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	$4,139,907	$4,485,513	($50,198)	$4,435,315
Operating expenses	1,822,703	2,238,473	336,825	2,575,298
Grants	2,233,528	2,283,528		2,283,528
Total all funds	$8,196,138	$9,007,514	$286,627	$9,294,141
Less estimated income	2,364,417	2,143,007	329,036	2,472,043
General fund	$5,831,721	$6,864,507	($42,409)	$6,822,098
FTE	26.75	26.75	0.00	26.75

Department 250 - State Library - Detail of House Changes

	Adds Funding for Salary and Benefit Increases[1]	Removes Salary Funding for Funding Pool[2]	Adds Funding for Increased Federal Funds[3]	Total House Changes
Salaries and wages	$61,354	($111,552)		($50,198)
Operating expenses			$336,825	336,825
Grants				
Total all funds	$61,354	($111,552)	$336,825	$286,627
Less estimated income	9,908	(17,697)	336,825	329,036
General fund	$51,446	($93,855)	$0	($42,409)
FTE	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	Other Funds	Total
Salary increase	$54,286	$10,263	$64,549
Health insurance adjustment	(2,840)	(355)	(3,195)
Total	$51,446	$9,908	$61,354

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	Other Funds	Total
New FTE positions	$0	$0	$0
Vacant FTE positions	(93,855)	(17,697)	(111,552)
Total	($93,855)	($17,697)	($111,552)

[3] Funding for operating expenses is added for anticipated increases in federal funds. The Senate did not include this increase.

This amendment also adds a section to provide an effective date for Sections 3, 4, and 7 of Senate Bill No. 2050 and to declare an emergency measure.

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

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	$8,332,820	$9,188,252	($250,652)	$8,937,600
Operating expenses	1,705,586	1,825,757		1,825,757
Capital assets	158,678	1,002,178		1,002,178
Total all funds	$10,197,084	$12,016,187	($250,652)	$11,765,535
Less estimated income	2,790,528	3,678,221	(12,530)	3,665,691
General fund	$7,406,556	$8,337,966	($238,122)	$8,099,844
FTE	44.61	45.36	0.00	45.36

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

	Adds Funding for Salary and Benefit Increases[1]	Removes Salary Funding for Funding Pool[2]	Total House Changes
Salaries and wages	$78,185	($328,837)	($250,652)
Operating expenses			
Capital assets			
Total all funds	$78,185	($328,837)	($250,652)
Less estimated income	2,329	(14,859)	(12,530)
General fund	$75,856	($313,978)	($238,122)
FTE	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	Other Funds	Total
Salary increase	$81,505	$2,478	$83,983
Health insurance adjustment	(5,649)	(149)	(5,798)
Total	$75,856	$2,329	$78,185

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	Other Funds	Total
New FTE positions	($115,294)	$0	($115,294)
Vacant FTE positions	(198,684)	(14,859)	(213,543)
Total	($313,978)	($14,859)	($328,837)

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

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	$4,992,194	$5,437,860	($91,447)	$5,346,413
Operating expenses	792,671	895,686		895,686
Capital assets	39,192	478,192		478,192
Total all funds	$5,824,057	$6,811,738	($91,447)	$6,720,291
Less estimated income	1,062,178	1,664,423	(3,712)	1,660,711
General fund	$4,761,879	$5,147,315	($87,735)	$5,059,580
FTE	27.75	27.75	0.00	27.75

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

	Adds Funding for Salary and Benefit Increases[1]	Removes Salary Funding for Funding Pool[2]	Total House Changes
Salaries and wages	$40,640	($132,087)	($91,447)
Operating expenses			
Capital assets			
Total all funds	$40,640	($132,087)	($91,447)
Less estimated income	4,053	(7,765)	(3,712)
General fund	$36,587	($124,322)	($87,735)
FTE	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	Other Funds	Total
Salary increase	$39,664	$4,408	$44,072
Health insurance adjustment	(3,077)	(355)	(3,432)
Total	$36,587	$4,053	$40,640

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	Other Funds	Total
New FTE positions	$0	$0	$0
Vacant FTE positions	(124,322)	(7,765)	(132,087)
Total	($124,322)	($7,765)	($132,087)

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause failed: SB 2012.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

Page 1, line 2, after "services" insert "; to provide an appropriation to the university of North Dakota school of medicine and health sciences"

Page 1, line 2, after "exemption" insert "; to create and enact a new section to chapter 50-06 and a new subsection to section 50-24.1-07 of the North Dakota Century Code, relating to a North Dakota legislative health care task force, and Medicaid claims"

Page 1, line 3, after "sections" insert "50-01.2-01,"

Page 1, line 3, after "50-06-42" insert ", 50-11.1-02, 50-11.1-22, 50-11.1-23, 50-11.1-24"

Page 1, line 3, after the second comma insert "subsection 5 of section 50-24.1-37 and sections 50-24.5-02.3"

Page 1, line 3, after "to" insert "human service zone board membership,"

Page 1, line 4, after "services" insert ", the best in class program, basic care payment rates, the Medicaid expansion program"

Page 1, line 6, after the second "a" insert "legislative management"

Page 1, line 7, remove "and"

Page 1, line 7, after "date" insert "; and to declare an emergency"

Page 1, remove lines 19 through 24

Page 2, remove lines 1 through 31

Page 3, replace lines 1 through 7 with:

"Salaries and wages	$21,363,556	($21,363,556)	$0
Salaries and wages block grant	0	456,750,493	456,750,493
Operating expenses	151,161,924	94,904,000	246,065,924
Capital assets	75,000	0	75,000
Total all funds	$172,600,480	$530,290,937	$702,891,417
Less estimated income	92,905,426	293,046,361	385,951,787
Total general fund	$79,695,054	$237,244,576	$316,939,630

Subdivision 2.

PROGRAM AND POLICY

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	$122,081,310	($122,081,310)	$0
Operating expenses	176,078,719	52,389,611	228,468,330
Capital assets	10,000	0	10,000
Grants	467,144,387	166,930,099	634,074,486
Grants - medical assistance	3,028,666,463	207,208,461	3,235,874,924
Opioid prevention	0	2,000,000	2,000,000
Total all funds	$3,793,980,879	$306,446,861	$4,100,427,740
Less estimated income	2,499,452,627	114,043,110	2,613,495,737
Total general fund	$1,294,528,252	$192,403,751	$1,486,932,003

Subdivision 3.

FIELD SERVICES

	Base Level	Adjustments or Enhancements	Appropriation
Human service centers	$163,213,829	($116,168,572)	$47,045,257
Institutions	130,383,428	(69,570,994)	60,812,434
Total all funds	$293,597,257	($185,739,566)	$107,857,691
Less estimated income	114,273,300	(84,296,246)	29,977,054
Total general fund	$179,323,957	($101,443,320)	$77,880,637

Subdivision 4.

COUNTY SOCIAL SERVICE FINANCING

	Base Level	Adjustments or Enhancements	Appropriation
County social services	$189,917,386	$3,996,275	$193,913,661
Total all funds	$189,917,386	$3,996,275	$193,913,661
Less estimated income	188,676,995	5,219,793	193,896,788
Total general fund	$1,240,391	($1,223,518)	$16,873

Subdivision 5.

TOTAL - SECTION 1

	Base Level	Adjustments or Enhancements	Appropriation
Grand total general fund	$1,554,787,654	$326,981,489	$1,881,769,143
Grant total special funds	2,895,308,348	328,013,018	3,223,321,366
Grant total all funds	$4,450,096,002	$654,994,507	$5,105,090,509
Full-time equivalent positions	2,265.33	0.00	2,265.33"

Page 3, replace line 11 with:

"Technology projects	$67,596,372	$71,000,000"

Page 3, replace line 18 with:

"State hospital design	0	12,500,000
Service grants	0	585,000
Cross-disability advisory council	0	700,000
Behavioral health facility grants	0	1,950,000"

Page 3, remove lines 20 and 21

Page 3, replace lines 23 through 26 with:

"Law enforcement telehealth	0	2,650,000
Total all funds	$216,080,305	$111,684,498
Less estimated income	191,847,089	99,452,326
Total general fund	$24,233,216	$12,232,172

SECTION 3. APPROPRIATION - UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES - CLINICAL INTEGRATED NETWORK GRANT.

1. There is appropriated out of any moneys in the community health trust fund in the state treasury, not otherwise appropriated, the sum of $3,500,000, or so much of the sum as may be necessary, to the university of North Dakota school of medicine and health sciences for the purpose of the center for rural health awarding a grant to a clinical integrated network, for the biennium beginning July 1, 2023, and ending June 30, 2025.

2. To qualify for a grant under this section, an applicant:

   a. Must be a statewide value-based clinical integrated network that supports a majority of the independent critical access hospitals in the state.

   b. Must certify one dollar of matching funds for every five dollars of grant funds awarded.

   c. Shall demonstrate a strategic plan to accomplish the following goals:

      (1) Implementation of a data-sharing platform;

      (2) Utilization of value-based care contract modeling;

      (3) Utilization of data analytics software to provide for risk stratification and referral management capabilities;

      (4) Development of unified care management practices; and

      (5) Staffing of the clinical integrated network.

   d. Shall agree during the 2023-25 and 2025-27 bienniums to make annual reports to the department of health and human services and the center for rural health on the use of the grant funds and the status of accomplishing the clinical integrated network strategic plan goals.

SECTION 4. APPROPRIATION - 2021-23 BIENNIUM - CHILD SUPPORT. There is appropriated out of any moneys in the department of health and human services operating fund in the state treasury, not otherwise appropriated, the sum of $4,000, or so much of the sum as may be necessary, to the the department of health and human services for the purpose of repayment of moneys, including interest, not withheld by the state in accordance with section 14-09-09.16 from an obligor's unemployment benefits from June 1, 2021, through September 30, 2021, for the period beginning with the effective date of this section and ending June 30, 2023."

Page 3, line 29, remove "and"

Page 3, line 29, after "3" insert ", and 4"

Page 4, remove lines 3 through 8

Page 4, line 9, replace "health and human services." with "The department of health and human services may use the transfer authority in this section to transfer or expend funds for the continuation of the community behavioral health program pursuant to section 54-23.3-10."

Page 4, after line 22, insert:

"**SECTION 7. FULL-TIME EQUIVALENT POSITION BLOCK GRANT PROGRAM - REPORT.** Subdivision 1 of this Act includes funding for a full-time equivalent position block grant program. This funding, along with salaries and wages funding appropriated in House Bill No. 1004, as approved by the sixty-eighth legislative assembly, is available to fund full-time equivalent positions as determined by the department of health and human services. Notwithstanding any other provision of law, the department is authorized to increase or decrease authorized full-time equivalent positions subject to the availability of funds and the provisions of this section. The department may not increase full-time equivalent positions for the purpose of transferring human service zone employees to state employment. Pursuant to section 5 of this Act, the department is authorized to transfer funding to and from the salaries and wages block grant line item. The department shall report to the office of management and budget and legislative council any adjustments to full-time equivalent positions. The department shall provide reports to the legislative management regarding the use of funding for the program."

Page 4, line 25, replace "$21,600,000" with "$23,200,000"

Page 4, line 28, replace "item" with "items"

Page 4, line 28, replace "subdivision" with "subdivisions 1 and"

Page 4, line 28, replace "$221,600,000" with "$223,200,000"

Page 5, line 2, replace "item" with "items"

Page 5, line 2, replace "subdivision" with "subdivisions 1 and"

Page 5, line 2, replace "$20,400,000" with "$22,967,500"

Page 5, line 3, remove "defraying expenses of the child support computer"

Page 5, line 4, replace "replacement project" with "the following purposes:

1. The sum of $20,400,000 for the child support computer replacement project;

2. The sum of $1,867,500 for the 988 crisis hotline program; and

3. The sum of $700,000 for costs to implement the cross-disability advisory council"

Page 5, replace lines 5 through 7 with:

"**SECTION 11. ESTIMATED INCOME - HEALTH CARE TRUST FUND.** The estimated income line item in subdivision 2 of section 1 of this Act includes the sum of $500,000 from the health care trust fund for basic care facility bad debt expense.

SECTION 12. ESTIMATED INCOME - FEDERAL STATE FISCAL RECOVERY FUND. The estimated income line items in subdivisions 2 and 3 of section 1 of this Act includes the sum of $3,235,000 from the federal state fiscal recovery fund for the following purposes:

1. The sum of $2,650,000 to implement a virtual behavioral health crisis care program for rural law enforcement;

2. The sum of $300,000 for crisis organizations that provide crisis services to young adults who are at risk of being homeless or experiencing other serious adverse life events. After July 1, 2024, this funding may be provided only to organizations that are certified in services provided by the organization; and

3. The sum of $285,000 for grants to volunteer-based ecumenical ministry organizations."

Page 5, line 10, replace "$17,735,154" with "$25,235,154"

Page 5, line 13, replace "$5,000,000" with "$12,500,000"

Page 5, after line 15, insert:

"**SECTION 14. BEHAVIORAL HEALTH FACILITY GRANTS.** Section 1 of this Act includes the sum of $1,950,000 from the general fund for the purpose of providing a one-time behavioral health facility grant to establish a behavioral health facility in the northwest human service center region, for the period beginning with the effective date of this Act and ending June 30, 2025. The department of health and human services shall provide a grant as follows:

1. The grant recipient must provide matching funds of $1,750,000 to establish the facility.

2. The grant term must be for five years.

3. The requirements of chapter 54-44.4 do not apply to the selection of a grant recipient, the grant award, or payments made under this section.

4. To receive the grant, the behavioral health facility shall:

   a. Submit an application in the form and manner prescribed by the department;

   b. Enter into a grant agreement with the department;

   c. Use grant funds to support the provision of behavioral health in the grant award service areas;

   d. Provide and disclose information needed to comply with the department's data collection requirements; and

   e. Operate in compliance with grant requirements.

5. The department may recapture grant funds distributed to a grant recipient found by the department to be out of compliance with the requirements established by the grant program, including ending or reducing the operation of the behavioral health facility in the service area.

6. The department may not collect property, equipment, or supplies purchased with grant funds from the grant recipient after successful completion of the terms of the grant."

Page 5, line 18, after "hospital" insert ", southeast human service center,"

Page 5, line 19, replace "3" with "5"

Page 5, line 24, after "hospital" insert ", southeast human service center,"

Page 5, line 30, replace "3" with "5"

Page 6, line 23, replace "$5,000,000" with "$12,500,000"

Page 6, line 24, after "fund" insert "as identified in section 13 of this Act"

Page 7, line 3, replace "$942,550,279" with "$660,648,280"

Page 7, line 4, replace "$94,225,028" with "$66,064,828"

Page 7, line 21, remove "Critical access hospitals may not be paid less than one"

Page 7, remove line 22

Page 7, line 26, after "reimbursement" insert ". Critical access hospitals may not be paid less than one hundred percent of Medicare allowable costs and human service centers may not be paid less than one hundred percent of the current traditional Medicaid rate"

Page 8, after line 2, insert:

"6. Except for the provisions in subsection 4, provider reimbursement rates under the medical assistance expansion program may not exceed one hundred twenty-five percent of traditional Medicaid reimbursement. Payment rate adjustments shall include alternative payment arrangements aimed at cost-effective, quality improvement strategies. This subsection applies to any medical assistance expansion program provider fee schedule which becomes effective on or after January 1, 2024.

SECTION 21. DEPARTMENT OF HEALTH AND HUMAN SERVICES - PUBLIC AND PARENTING RESOURCE WEBSITE. The department of health and human services shall develop and maintain a state internet website that provides information and links to social services, financial assistance, parenting information, maternal and childbirth life services, planning guidance, care centers and agencies, and other available public and private resources for expectant families and new parents. The department may contract with a third party for the development of the website. The website must be operational by August 1, 2023, and have a domain name life.nd.gov or a similar domain name. The website must be distinct from the department's website and the department shall place a clear and conspicuous link to the website on the department website."

Page 9, after line 11, insert:

"**SECTION 23. AMENDMENT.** Section 50-01.2-01 of the North Dakota Century Code is amended and reenacted as follows:

50-01.2-01. Human service zone board - Members - Qualifications.

The board of county commissioners of each county within the human service zone shall appoint the appointed members of the human service zone board based upon fitness to serve as members by reason of character, experience, and training without regard to political affiliation. Appointed members of the human service zone board must consist of local elected officials and other key community partners, including at least one member of the legislative assembly. If a human service zone consists of two or more counties, each county must be represented on the human service zone board by only one county commissioner of that county. If a human service zone consists of a single county, the county must be represented on the human service zone board by no more than two county commissioners of that county and the human service zone board must have at least five appointed members. Appointed members shall elect a vice presiding officer and appoint a secretary, and other officers as the human service zone board determines necessary. The human service zone director shall serve as presiding officer of the human service zone board as a nonappointed member.

SECTION 24. A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

North Dakota legislative health care task force - Duties - Membership - Legislative management report.

There is created a North Dakota legislative health care task force. The task force shall meet at least once each quarter and may request, obtain, review, and analyze information relating to North Dakota health care, including data, reports, audits, and other information as requested by the task force. The task force shall submit a report of its activities and any recommendations to improve health care in the state to the legislative management by October first of each year. The chairman of the task force must be a member of the legislative assembly as selected by the task force. The task force consists of the following members:

1. The chairman of the house appropriations committee human resources division, or the chairman's designee;

2. The chairman of the senate appropriations committee human resources division, or the chairman's designee;

3. The chairman of the house human services committee, or the chairman's designee;

4. The chairman of the senate human services committee, or the chairman's designee;

5. One member of the house of representatives as appointed by the house minority leader;

6. One member of the senate as appointed by the senate minority leader;

7. The commissioner of the department of health and human services, or the commissioner's designee;

8. Two members of the department of health and human services as appointed by the commissioner of the department of health and human services;

9. One member from the governor's office appointed by the governor;

10. The insurance commissioner or the insurance commissioner's designee;

11. Two members to represent the North Dakota health insurance industry;

12. One member of the public appointed by an organization that represents North Dakota businesses;

13. One member appointed by the Indian affairs commissioner to represent tribal health care;

14. One member from a North Dakota association that represents physicians; and

15. Five members from a North Dakota association that represents hospitals, of which:

    a. Two members must represent rural hospitals, including one representative of a hospital in a city with a population of ten thousand or more and one representative of a hospital in a city with a population under ten thousand;

    b. Two members must represent urban hospitals, including one representative of an independent hospital and one representative of an integrated health care system; and

    c. One member must represent a psychiatric hospital.

SECTION 25. AMENDMENT. Section 50-11.1-02 of the North Dakota Century Code is amended and reenacted as follows:

50-11.1-02. Definitions. ~~(Effective through June 30, 2025)~~

As used in this chapter, unless the context or subject matter otherwise requires:

1. "Authorized agent" means the human service zone, unless another entity is designated by the department.

2. "Child care center" means an early childhood program licensed to provide early childhood services to nineteen or more children.

3. "Department" means the department of health and human services.

4. "Drop-in care" means the care of children on a one-time, occasional, or unscheduled basis to meet the short-term needs of families.

5. "Early childhood program" means any program licensed under this chapter where early childhood services are provided for at least two hours a day for three or more days a week.

6. "Early childhood services" means the care, supervision, education, or guidance of a child or children, which is provided in exchange for money, goods, or other services. Early childhood services does not include:

   a. Substitute parental child care provided pursuant to chapter 50-11.

   b. Child care provided in any educational facility, whether public or private, in grade one or above.

   c. Child care provided in a kindergarten which has been established pursuant to chapter 15.1-22 or a nonpublic elementary school program approved pursuant to section 15.1-06-06.1.

   d. Child care, preschool, and prekindergarten services provided to children under six years of age in any educational facility through a program approved by the department.

   e. Child care provided in facilities operated in connection with a church, business, or organization where children are cared for during periods of time not exceeding four continuous hours while the child's parent is attending church services or is engaged in other activities, on the premises.

   f. Schools or classes for religious instruction conducted by religious orders during the summer months for not more than two weeks, Sunday schools, weekly catechism, or other classes for religious instruction.

   g. Summer resident or day camps for children which serve no children under six years of age for more than two weeks.

   h. Sporting events, practices for sporting events, or sporting or physical activities conducted under the supervision of an adult.

   i. Head start and early head start programs that are federally funded and meet federal head start performance standards.

   j. Child care provided in a medical facility by medical personnel to children who are ill.

7. "Family child care" means a private residence licensed to provide early childhood services for no more than seven children at any one time,

except that the term includes a residence licensed to provide early childhood services to two additional school-age children.

8. "Four-year old program" means an approved child care program operated by a public or private educational entity or an early childhood program designed to serve four-year olds.

9. "Group child care" means a child care program licensed to provide early childhood services for thirty or fewer children.

10. "Household member" means an adult living in the private residence out of which a program is operated, regardless of whether the adult is living there permanently or temporarily.

11. "Human service zone" means a county or consolidated group of counties administering human services within a designated area in accordance with an agreement or plan approved by the department.

12. "In-home provider" means any person who provides early childhood services to children in the children's home.

13. "Licensed" means an early childhood program has the rights, authority, or permission granted by the department to operate and provide early childhood services.

14. "Multiple licensed program" means an early childhood program licensed to provide more than one type of early childhood services.

15. "Owner" or "operator" means the person who has legal responsibility for the early childhood program and premises.

16. "Parent" means an individual with the legal relationship of father or mother to a child or an individual who legally stands in place of a father or mother, including a legal guardian or custodian.

17. "Premises" means the indoor and outdoor areas approved for providing early childhood services.

18. "Preschool" means a program licensed to offer early childhood services, which follows a preschool curriculum and course of study designed primarily to enhance the educational development of the children enrolled and which serves no child for more than three hours per day.

19. "Public approval" means a nonlicensed early childhood program operated by a government entity that has self-certified that the program complies with this chapter.

20. "Registrant" means the holder of an in-home provider registration document issued by the department in accordance with this chapter.

21. "Registration" means the process whereby the department maintains a record of all in-home providers who have stated that they have complied or will comply with the prescribed standards and adopted rules.

22. "Registration document" means a written instrument issued by the department to publicly document that the registrant has complied with this chapter and the applicable rules and standards as prescribed by the department.

23. "School-age child care" means a child care program licensed to provide early childhood services on a regular basis for nineteen or more children aged five years through eleven years.

24. "School-age children" means children served under this chapter who are at least five years but less than twelve years of age.

25. "Self-declaration" means voluntary documentation of an individual providing early childhood services in a private residence for up to five children through the age of eleven, of which no more than three may be under the age of twenty-four months.

26. "Staff member" means an individual:

    a. Who is an employee of an early childhood program or of an early childhood services provider under a self-declaration;

    b. Whose activities involve the care, supervision, or guidance of children of an early childhood program; or

    c. Who may have unsupervised access to children under the care, supervision, or guidance of an early childhood program or early childhood services provider under a self-declaration.

~~**Definitions. (Effective after June 30, 2025)**~~

~~As used in this chapter, unless the context or subject matter otherwise requires:~~

~~1. "Authorized agent" means the human service zone, unless another entity is designated by the department.~~

~~2. "Child care center" means an early childhood program licensed to provide early childhood services to nineteen or more children.~~

~~3. "Department" means the department of health and human services.~~

~~4. "Drop-in care" means the care of children on a one-time, occasional, or unscheduled basis to meet the short-term needs of families.~~

~~5. "Early childhood program" means any program licensed under this chapter where early childhood services are provided for at least two hours a day for three or more days a week.~~

~~6. "Early childhood services" means the care, supervision, education, or guidance of a child or children, which is provided in exchange for money, goods, or other services. Early childhood services does not include:~~

~~a. Substitute parental child care provided pursuant to chapter 50-11.~~

~~b. Child care provided in any educational facility, whether public or private, in grade one or above.~~

~~c. Child care provided in a kindergarten which has been established pursuant to chapter 15.1-22 or a nonpublic elementary school program approved pursuant to section 15.1-06-06.1.~~

~~d. Child care, preschool, and prekindergarten services provided to children under six years of age in any educational facility through a program approved by the department.~~

~~e. Child care provided in facilities operated in connection with a church, business, or organization where children are cared for during periods of time not exceeding four continuous hours while the child's parent is attending church services or is engaged in other activities, on the premises.~~

~~f. Schools or classes for religious instruction conducted by religious orders during the summer months for not more than two weeks, Sunday schools, weekly catechism, or other classes for religious instruction.~~

g. Summer resident or day camps for children which serve no children under six years of age for more than two weeks.

h. Sporting events, practices for sporting events, or sporting or physical activities conducted under the supervision of an adult.

i. Head start and early head start programs that are federally funded and meet federal head start performance standards.

j. Child care provided in a medical facility by medical personnel to children who are ill.

7. "Family child care" means a private residence licensed to provide early childhood services for no more than seven children at any one time, except that the term includes a residence licensed to provide early childhood services to two additional school-age children.

8. "Group child care" means a child care program licensed to provide early childhood services for thirty or fewer children.

9. "Household member" means an adult living in the private residence out of which a program is operated, regardless of whether the adult is living there permanently or temporarily.

10. "Human service zone" means a county or consolidated group of counties administering human services within a designated area in accordance with an agreement or plan approved by the department.

11. "In-home provider" means any person who provides early childhood services to children in the children's home.

12. "Licensed" means an early childhood program has the rights, authority, or permission granted by the department to operate and provide early childhood services.

13. "Multiple licensed program" means an early childhood program licensed to provide more than one type of early childhood services.

14. "Owner" or "operator" means the person who has legal responsibility for the early childhood program and premises.

15. "Parent" means an individual with the legal relationship of father or mother to a child or an individual who legally stands in place of a father or mother, including a legal guardian or custodian.

16. "Premises" means the indoor and outdoor areas approved for providing early childhood services.

17. "Preschool" means a program licensed to offer early childhood services, which follows a preschool curriculum and course of study designed primarily to enhance the educational development of the children enrolled and which serves no child for more than three hours per day.

18. "Public approval" means a nonlicensed early childhood program operated by a government entity that has self-certified that the program complies with this chapter.

19. "Registrant" means the holder of an in-home provider registration document issued by the department in accordance with this chapter.

20. "Registration" means the process whereby the department maintains a record of all in-home providers who have stated that they have complied or will comply with the prescribed standards and adopted rules.

~~21. "Registration document" means a written instrument issued by the department to publicly document that the registrant has complied with this chapter and the applicable rules and standards as prescribed by the department.~~

~~22. "School-age child care" means a child care program licensed to provide early childhood services on a regular basis for nineteen or more children aged five years through eleven years.~~

~~23. "School-age children" means children served under this chapter who are at least five years but less than twelve years of age.~~

~~24. "Self-declaration" means voluntary documentation of an individual providing early childhood services in a private residence for up to five children through the age of eleven, of which no more than three may be under the age of twenty-four months.~~

~~25. "Staff member" means an individual:~~

~~a. Who is an employee of an early childhood program or of an early childhood services provider under a self-declaration;~~

~~b. Whose activities involve the care, supervision, or guidance of children of an early childhood program; or~~

~~c. Who may have unsupervised access to children under the care, supervision, or guidance of an early childhood program or early childhood services provider under a self-declaration.~~

SECTION 26. AMENDMENT. Section 50-11.1-22 of the North Dakota Century Code is amended and reenacted as follows:

50-11.1-22. Early childhood grant for best in class four-year old experiences. ~~(Expired effective July 1, 2025)~~

1. A four-year old program deemed eligible under section 50-11.1-23 may submit an application for the best in class four-year old experiences grant. An approved program is eligible for an annual award of one hundred twenty thousand dollars per approved group size. The grant award must be matched with no less than twenty thousand dollars in other funds. The department shall assign a program support coach to each approved program. An approved program:

   a. Shall utilize the assigned support coach and utilize the sliding fee scale for parent fees, as established by the department.

   b. May use grant funds to support the provision of quality early childhood experiences, including expenditures related to staffing, training, equipment, and supplies.

   c. May not use grant funds for construction or rehabilitation. An approved program must enter a grant agreement with the department.

2. The department may not collect equipment or supplies purchased with grant funds from the approved program after successful completion of the term of the grant.

SECTION 27. AMENDMENT. Section 50-11.1-23 of the North Dakota Century Code is amended and reenacted as follows:

50-11.1-23. Eligibility for best in class four-year old experiences grant. ~~(Expired effective July 1, 2025)~~

1. A four-year old program may submit, in the form and manner prescribed by the department, an application to the department for a grant under section 50-11.1-22, if the provider certifies to the department the provider:

   a. Operates a four-year old program in this state;

   b. Operates a four-year old program for children who have reached four years of age before August first in the year of enrollment;

   c. Operates a four-year old program that has a duration of at least four hundred hours over a period of at least thirty-two consecutive weeks;

   d. Incorporates within the four-year old program at least ten hours of research-based family engagement;

   e. Has been determined to meet the standards and expectations of no less than step three in the North Dakota early childhood quality improvement system;

   f. Is willing to admit children of all learning abilities into the four-year old program;

   g. Is willing to admit children who receive assistance from the child care assistance program into the four-year old program; and

   h. Is willing to operate in compliance with the grant requirements, including:

      (1) Maintaining the recommended group size for number of children served in the four-year old program;

      (2) Complying with requirements related to qualifications, training, and professional development of staff delivering services in the four-year old program; and

      (3) Adhering to expectations established by the department related to four-year old program monitoring and oversight.

2. The department may distribute grants under this section to approved four-year old programs, including four-year old programs operated as early childhood programs by educational facilities or federally funded head start programs or in connection with a church, business, or organization that operates a four-year old program.

3. The department may recapture grant funds distributed to an approved four-year old program found by the department to be out of compliance with requirements established for the best in class four-year old experiences grant program.

SECTION 28. AMENDMENT. Section 50-11.1-24 of the North Dakota Century Code is amended and reenacted as follows:

50-11.1-24. Grant program data collection - Requirements. ~~(Expired effective July 1, 2025)~~

The state agency with approval authority over four-year old programs, with the advice and consent of the department, shall implement a uniform system for the accounting, budgeting, and reporting of data by any four-year old program provider to whom or to which grants are distributed under section 50-11.1-23. Grants may be withheld or forfeited, in whole or in part, if information required in accordance with this section is not submitted at the time or in the manner requested by the state

agency with approval authority over four-year old programs. A grant recipient shall consent to provide information needed to comply with data collection requirements. The state agency with approval authority over four-year old programs shall disclose the requested information to the department.

SECTION 29. A new subsection to section 50-24.1-07 of the North Dakota Century Code is created and enacted as follows:

In any probate proceedings in which the department has filed a claim under this section, no additional evidence of foundation may be required for the admission of the department's payment record supporting the department's claim if the payment record is certified as a true copy and bears the signature of a representative of the department. There is a rebuttable presumption that the amount of medical assistance on the claim was incurred and paid on behalf of the recipient of medical assistance and is an allowable claim."

Page 9, after line 19, insert:

"**SECTION 31. AMENDMENT.** Subsection 5 of section 50-24.1-37 of the North Dakota Century Code is amended and reenacted as follows:

5. Provider and managed care organization reimbursement rate information received or held by the department under this section is an open record.

SECTION 32. AMENDMENT. Section 50-24.5-02.3 of the North Dakota Century Code is amended and reenacted as follows:

50-24.5-02.3. Basic care payment rates.

1. The department shall ~~establish, by rule, procedures for determining rates~~determine limits for the care of residents of basic care facilities that qualify as vendors of an aged, blind, and disabled persons program and for implementing provisions of this chapter~~. The procedures must be based on methods and standards that the department finds are adequate to recognize the~~data demonstrating the most recent costs that must be incurred for the care of residents in efficiently and economically operated basic care facilities. The department shall determine the limits every four years by July first, beginning with July 1, 2023.

2. The department shall ~~identify costs that are recognized for establishing payment rates~~establish the limits by using the median rates from the most recent data available. The direct care limit must be the median plus eighteen percent. The indirect care limit must be the median plus twelve percent.

3. For the rate year beginning July 1, ~~2016~~2023, the department shall ~~establish the limits by using the average of the highest and lowest rates from the 2014 rate year. The direct care limit must be ninety-five percent of the average and the indirect care limit must be ninety percent of the average. Beginning with the July 1, 2017, rate year, the department shall adjust the limits by using the cost percentage change from the prior two rate years, within the limits of legislative appropriations~~increase rates and limits two percent for inflation. For the rate year beginning July 1, 2024, the department shall increase rates and limits two percent for inflation.

4. The department shall provide, by rule, within the limits of legislative appropriations, for payment of rates paid by the aged, blind, and disabled persons program for a maximum of thirty days per occurrence for leave days for a resident who is in a licensed health care facility when the resident is expected to return to the facility.

5. Within the limits of legislative appropriations, the department shall establish an uncompensated care expense of ~~one hundred eighty~~three hundred sixty-five days."

Page 10, line 19, remove "**- CONTINGENT FULL-TIME EQUIVALENT POSITIONS - REPORT**"

Page 10, line 21, replace "three" with "one"

Page 10, line 21, replace "centers" with "center"

Page 10, replace lines 24 through 27 with "The department may consider the inclusion of providers of integrated, wraparound crisis services to young adults, who are at risk of being homeless or experiencing serious adverse life events, into the creation of any certified community behavioral health clinic."

Page 11, line 15, remove "of which the amount"

Page 11, remove line 16

Page 11, line 17, remove "home- and community-based services 10 percent enhancement plan"

Page 11, line 25, remove the second "and"

Page 11, line 28, after "50-06-42.1" insert "; and

10. The sum of $15,000,000 appropriated from the general fund and the sum of $15,000,000 appropriated from federal funds for the child welfare technology project in chapter 12 of the 2021 Session Laws"

Page 12, line 10, after the first "of" insert "underfunding,"

Page 12, line 11, remove "and"

Page 12, line 12, after "percentage" insert ", and unexpected contract cost increases that exceed ten percent"

Page 12, line 16, replace "four" with "two"

Page 12, line 18, replace "seven" with "three"

Page 12, line 18, replace "the first" with "each"

Page 12, line 18, remove "of the biennium and four percent the"

Page 12, line 19, remove "second year"

Page 12, line 20, remove "and basic care"

Page 12, line 20, after "facilities" insert "or prospective payment system hospitals"

Page 13, after line 2, insert:

"**SECTION 46. LEGISLATIVE MANAGEMENT STUDY - SOCIAL WORK LICENSURE COMPACT.** During the 2023-24 interim, the legislative management shall consider studying the feasibility and desirability of the legislative assembly enacting the social work licensure compact. The study may include consideration of whether the public and the social work community support enactment and whether the North Dakota board of social work examiners has the capacity to participate in the compact. 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 47. LEGISLATIVE MANAGEMENT STUDY - MEDICAID PROVIDER REIMBURSEMENT ARRANGEMENTS. During the 2023-24 interim, the legislative management shall study the benefits of basing provider reimbursement rates for the Medicaid program in accordance with a provider's performance under established and accepted value-based care metrics. The legislative management

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

Page 13, line 7, replace "19" with "34"

Page 13, after line 8, insert:

"**SECTION 50. EMERGENCY.** Section 4 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2012 - Summary of House Action

	Base Budget	Senate Version	House Changes	House Version
UND Medical Center				
Total all funds	$0	$0	$3,500,000	$3,500,000
Less estimated income	0	0	3,500,000	3,500,000
General fund	$0	$0	$0	$0
FTE	0.00	0.00	0.00	0.00
DHHS - Management				
Total all funds	$172,600,480	$265,550,380	$437,341,037	$702,891,417
Less estimated income	92,905,426	186,160,843	199,790,944	385,951,787
General fund	$79,695,054	$79,389,537	$237,550,093	$316,939,630
FTE	97.85	113.90	2,151.43	2,265.33
DHHS - Program/Policy				
Total all funds	$3,793,980,879	$4,617,924,174	($517,496,434)	$4,100,427,740
Less estimated income	2,499,452,627	2,988,736,618	(375,240,881)	2,613,495,737
General fund	$1,294,528,252	$1,629,187,556	($142,255,553)	$1,486,932,003
FTE	666.17	687.32	(687.32)	0.00
DHHS - County Social Services Financing				
Total all funds	$189,917,386	$225,361,586	($31,447,925)	$193,913,661
Less estimated income	188,676,995	224,010,514	(30,113,726)	193,896,788
General fund	$1,240,391	$1,351,072	($1,334,199)	$16,873
FTE	159.00	164.00	(164.00)	0.00
DHHS - Field Services				
Total all funds	$293,597,257	$352,897,223	($245,039,532)	$107,857,691
Less estimated income	114,273,300	95,698,581	(65,721,527)	29,977,054
General fund	$179,323,957	$257,198,642	($179,318,005)	$77,880,637
FTE	1,342.31	1,394.11	(1,394.11)	0.00
Bill total				
Total all funds	$4,450,096,002	$5,461,733,363	($353,142,854)	$5,108,590,509
Less estimated income	2,895,308,348	3,494,606,556	(267,785,190)	3,226,821,366
General fund	$1,554,787,654	$1,967,126,807	($85,357,664)	$1,881,769,143
FTE	2,265.33	2,359.33	(94.00)	2,265.33

Senate Bill No. 2012 - UND Medical Center - House Action

	Base Budget	Senate Version	House Changes	House Version
Clinical integrated network grant			$3,500,000	$3,500,000
Total all funds	$0	$0	$3,500,000	$3,500,000
Less estimated income	0	0	3,500,000	3,500,000
General fund	$0	$0	$0	$0
FTE	0.00	0.00	0.00	0.00

Department 232 - UND Medical Center - Detail of House Changes

	Adds Funding for Clinical Integrated Network Grant[1]	Total House Changes
Clinical integrated network grant	$3,500,000	$3,500,000
Total all funds	$3,500,000	$3,500,000
Less estimated income	3,500,000	3,500,000
General fund	$0	$0
FTE	0.00	0.00

[1] Funding is added from the community health trust fund to allow the Center for Rural Health to award a grant to a clinical integrated network.

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

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	$21,363,556	$24,409,456	($24,409,456)	
Operating expenses	151,161,924	241,065,924	5,000,000	$246,065,924
Capital assets	75,000	75,000		75,000
Salary block grant program			456,750,493	456,750,493
Total all funds	$172,600,480	$265,550,380	$437,341,037	$702,891,417
Less estimated income	92,905,426	186,160,843	199,790,944	385,951,787
General fund	$79,695,054	$79,389,537	$237,550,093	$316,939,630
FTE	97.85	113.90	2,151.43	2,265.33

Department 326 - DHHS - Management - Detail of House Changes

	Adjusts Funding for Management[1]	Total House Changes
Salaries and wages	($24,409,456)	($24,409,456)
Operating expenses	5,000,000	5,000,000
Capital assets		
Salary block grant program	456,750,493	456,750,493
Total all funds	$437,341,037	$437,341,037
Less estimated income	199,790,944	199,790,944
General fund	$237,550,093	$237,550,093
FTE	2,151.43	2,151.43

[1] Funding is adjusted for management as follows:

2023-25 Ongoing Funding Changes	FTE Positions	General Fund	Other Funds	Total
Transfers salary increase funding to a new FTE position block grant program.		($862,063)	($283,496)	($1,145,559)
Transfers health insurance funding to a new FTE position block grant program.		(436,667)	(139,099)	(575,766)
Transfers funding for salaries and wages to a new salary block grant program.	(112.40)	(16,918,521)	(5,622,318)	(22,540,839)
Creates a new departmentwide FTE block grant program.	2,265.33	247,896,527	190,940,966	438,837,493
Provides a salary increase for the FTE block grant program of 6 percent the 1st year and 4 percent the 2nd year of the 2023-25 biennium.		16,629,803	10,869,007	27,498,810
Provides funding for increases in health insurance premiums from $1,429 to $1,648 per month.		5,861,794	4,052,396	9,914,190
Underfunds salaries and wages in anticipation of vacant positions.		(19,500,000)		(19,500,000)
Removes new criminal background check positions added by the Senate.	(1.50)	(120,780)	(26,512)	(147,292)
Reduces operating reductions made by the Senate from $19.9 million to $13.9 million.		6,000,000		6,000,000
Total ongoing funding changes	2,151.43	$238,550,093	$199,790,944	$438,341,037
One-time Funding Items				
Removes one-time funding added by the Senate to automate the criminal background check process.		($1,000,000)		($1,000,000)
Total one-time funding changes	0.00	($1,000,000)	0	($1,000,000)
Total changes to base level funding	2,151.43	$237,550,093	$199,790,944	$437,341,037

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

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	$122,081,310	$141,618,507	($141,618,507)	
Operating expenses	176,078,719	231,801,268	(3,332,938)	$228,468,330
Capital assets	10,000	10,000		10,000
Grants	467,144,387	657,651,069	(23,576,583)	634,074,486
Grants - Medical assistance	3,028,666,463	3,584,843,330	(348,968,406)	3,235,874,924
Opioid prevention		2,000,000		2,000,000
Total all funds	$3,793,980,879	$4,617,924,174	($517,496,434)	$4,100,427,740
Less estimated income	2,499,452,627	2,988,736,618	(375,240,881)	2,613,495,737
General fund	$1,294,528,252	$1,629,187,556	($142,255,553)	$1,486,932,003
FTE	666.17	687.32	(687.32)	0.00

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

	Adjusts Funding for Program and Policy[1]	Total House Changes
Salaries and wages	($141,618,507)	($141,618,507)
Operating expenses	(3,332,938)	(3,332,938)
Capital assets		
Grants	(23,576,583)	(23,576,583)
Grants - Medical assistance	(348,968,406)	(348,968,406)
Opioid prevention		
Total all funds	($517,496,434)	($517,496,434)
Less estimated income	(375,240,881)	(375,240,881)
General fund	($142,255,553)	($142,255,553)
FTE	(687.32)	(687.32)

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

2023-25 Ongoing Funding Changes	FTE Positions	General Fund	Other Funds	Total
Transfers salary increase funding to a new FTE position block grant program.		($2,661,463)	($3,528,496)	($6,189,959)
Transfers health insurance funding to a new FTE position block grant program.		(1,338,470)	(1,865,110)	(3,203,580)
Transfers salaries and wages funding to a new FTE block grant program.	(675.32)	(52,606,648)	(77,965,332)	(130,571,980)
Reduces funding for provider inflation from 4 percent per year to 2 percent per year except as noted in medical services and developmental disabilities.		(22,687,172)	(24,677,641)	(47,364,813)
Economic Assistance				
Removes funding added by the Senate to increase the utilization of the child care assistance program for children ages 0 to 3.		(22,000,000)		(22,000,000)
Removes funding added by the Senate to improve the ability of low-income parents to obtain child care.		(12,900,000)		(12,900,000)
Medical Services				
Removes new Medicaid provider strike team positions added by the Senate.	(2.00)	(48,642)	(266,995)	(315,637)
Removes provider inflation for prospective payment system hospitals.		(4,063,720)	(4,148,691)	(8,212,411)
Reduces estimated utilization rates for Medicaid Expansion ($110,753,873) and provides for a realigned rate structure to pay 125 percent of traditional Medicaid costs ($171,148,131).		(28,190,200)	(253,711,804)	(281,902,004)
Long-Term Care				
Reduces funding added by the Senate for enhancements to home- and community-based services.		(1,288,319)		(1,288,319)
Adds funding for a long-term care value based payment program.		6,000,000	6,000,000	12,000,000
Reduces estimated long-term care utilization rates.		(9,949,900)	(11,220,100)	(21,170,000)
Adds funding to rebase basic care rates.		3,229,408	1,847,152	5,076,560
Adds funding from the health care trust fund for basic care facility bad debt expense.			500,000	500,000
Aging Services				
Removes new home- and community-based services positions added by the Senate.	(3.00)	(143,912)	(143,912)	(287,824)
Removes a new aging services compliance	(1.00)	(103,868)	(103,868)	(207,736)

position added by the Senate.				
Removes a new aging services lawsuit coordinator position added by the Senate.	(1.00)			0
Children and Family Services				
Adds funding for kinship childcare.		460,000		460,000
Behavioral Health				
Removes new community behavioral health positions added by the Senate.	(2.00)	(223,946)		(223,946)
Adjusts funding for the free through recovery program to provide funding directly to DHHS for the program rather than using passthrough funds.		15,500,000	(15,500,000)	0
Increases school behavioral health grants to provide a total of $9.5 million.		3,000,000		3,000,000
Adds funding from the community health trust fund for the 988 crisis hotline program.			1,867,500	1,867,500
Developmental Disabilities				
Removes a new quality assurance position added by the Senate.	(1.00)	(103,868)	(103,868)	(207,736)
Removes a new early intervention position added by the Senate.	(1.00)	(86,602)	(86,602)	(173,204)
Reduces enhanced payment rates for developmental disabilities providers to provide for annual inflation rate adjustments of 3 percent.		(5,102,578)	(5,682,141)	(10,784,719)
Removes funding added by the Senate to increase the number of corporate guardianship slots and increase funding rates.		(808,748)		(808,748)
Early Childhood				
Combines the best in class program and the kindergarten readiness program into the research-based 0-4 program.		2,400,000		2,400,000
Removes funding added by the Senate for early childhood career grants.		(2,000,000)		(2,000,000)
Removes a new program administrator position added by the Senate.	(1.00)	(236,905)		(236,905)
Adds federal funds spending authority for the child care development fund and the preschool development grant.			21,514,027	21,514,027
Total ongoing funding changes	(687.32)	($135,955,553)	($367,275,881)	($503,231,434)
One-time Funding Items				
Removes one-time funding added by the Senate for program integrity audits.		($2,250,000)	($2,250,000)	($4,500,000)
Adds funding for a behavioral health facility grant in the Northwest human service region.		1,950,000		1,950,000
Adds funding from the federal state fiscal recovery fund for grants to organizations that provide youth crisis services.			300,000	300,000
Adds funding from the federal State Fiscal Recovery Fund for grants to volunteer-based ecumenical ministry organizations.			285,000	285,000
Adds one-time funding from the community health trust fund for consultant and other costs to implement the cross-disability advisory council.			700,000	700,000
Workforce Initiative One-time Funding				
Removes funding added by the Senate for early childhood rating infrastructure.		(3,000,000)		(3,000,000)
Removes funding added by the Senate for quality tiers in the child care reimbursement program.		(3,000,000)		(3,000,000)
Removes funding added from legacy fund earnings to expand public-private child care benefits.			(1,000,000)	(1,000,000)
Removes funding added from legacy fund earnings for child care business operating grants.			(5,000,000)	(5,000,000)
Removes funding added from legacy fund earnings for a pilot program for child care during nontraditional hours.			(1,000,000)	(1,000,000)
Total one-time funding changes	0.00	($6,300,000)	($7,965,000)	($14,265,000)
Total changes to base level funding	(687.32)	($142,255,553)	($375,240,881)	($517,496,434)

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

	Base Budget	Senate Version	House Changes	House Version
County social services	$189,917,386	$225,361,586	($31,447,925)	$193,913,661
Total all funds	$189,917,386	$225,361,586	($31,447,925)	$193,913,661
Less estimated income	188,676,995	224,010,514	(30,113,726)	193,896,788
General fund	$1,240,391	$1,351,072	($1,334,199)	$16,873
FTE	159.00	164.00	(164.00)	0.00

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

	Adjusts Funding for County Social Services[1]	Total House Changes
County social services	($31,447,925)	($31,447,925)
Total all funds	($31,447,925)	($31,447,925)
Less estimated income	(30,113,726)	(30,113,726)
General fund	($1,334,199)	($1,334,199)
FTE	(164.00)	(164.00)

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

2023-25 Ongoing Funding Changes	FTE Positions	General Fund	Other Funds	Total
Transfers salary increase funding to a new FTE position block grant program.		($61,440)	($1,486,858)	($1,548,298)
Transfers health insurance funding to a new FTE position block grant program.		(30,807)	(721,687)	(752,494)
Transfers salaries and wages to a new FTE position block grant program.	(157.00)	(1,241,952)	(27,900,463)	(29,142,415)
Adds funding to provide for 2023-25 biennium human service zone salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024. The Senate provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.			2,097,313	2,097,313
Removes funding added by the Senate for human service zone employee salary equity adjustments.			(1,000,000)	(1,000,000)
Removes new FTE positions added by the Senate for home- and community-based services.	(7.00)		(1,102,031)	(1,102,031)
Total ongoing funding changes	(164.00)	($1,334,199)	($30,113,726)	($31,447,925)

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

	Base Budget	Senate Version	House Changes	House Version
Human service centers	$163,213,829	$189,374,455	($142,329,198)	$47,045,257
Institutions	130,383,428	163,522,768	(102,710,334)	60,812,434
Total all funds	$293,597,257	$352,897,223	($245,039,532)	$107,857,691
Less estimated income	114,273,300	95,698,581	(65,721,527)	29,977,054
General fund	$179,323,957	$257,198,642	($179,318,005)	$77,880,637
FTE	1,342.31	1,394.11	(1,394.11)	0.00

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

	Adjust Funding for Field Services[1]	Total House Changes
Human service centers	($142,329,198)	($142,329,198)
Institutions	(102,710,334)	(102,710,334)
Total all funds	($245,039,532)	($245,039,532)
Less estimated income	(65,721,527)	(65,721,527)
General fund	($179,318,005)	($179,318,005)
FTE	(1,394.11)	(1,394.11)

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

2023-25 Ongoing Funding Changes	FTE Positions	General Fund	Other Funds	Total
Transfers salary increase funding to a new FTE position block grant program.		($8,926,423)	($2,830,652)	($11,757,075)
Transfers health insurance increase funding to a new FTE position block grant program.		(4,161,185)	(1,449,231)	(5,610,416)
Transfers salaries and wages to an FTE block grant funding pool.	(1,320.61)	(172,296,141)	(77,619,785)	(249,915,926)
Removes FTE positions added by the Senate for community-based behavioral health.	(28.50)	(950,906)		(950,906)
Removes FTE positions added by the Senate for crisis support services.	(21.00)	(2,813,836)		(2,813,836)
Adjusts provider inflation to provide 2 percent annual adjustments. The Senate provided 4 percent annual adjustments.		(715,695)		(715,695)
Reduces the number of certified community behavioral health clinics from 3 to 1 and removes new FTE positions added for the clinics.	(24.00)	(5,711,959)		(5,711,959)
Restores operating reductions made in the executive budget for human service centers ($13,200,000) and the State Hospital ($7,586,281).		20,786,281		20,786,281
Adds funding to provide telehealth psychiatric services in correctional facilities.		1,500,000		1,500,000
Adds ongoing general fund support to replace funding at facilities due to a revenue shortfall.		30,000,000	(30,000,000)	0
Total ongoing funding changes	(1,394.11)	($143,289,864)	($111,899,668)	($255,189,532)
One-time Funding Items				
Increases funding from the strategic investment and improvements fund for State Hospital design and early construction costs from $5 to $12.5 million.			7,500,000	7,500,000
Removes one-time general fund support to replace funding at facilities due to a revenue shortfall.		(36,028,141)	36,028,141	0
Adds funding from the state fiscal recovery fund for a rural law enforcement telehealth program.			2,650,000	2,650,000
Total one-time funding changes	0.00	($36,028,141)	$46,178,141	$10,150,000
Total changes to base level funding	(1,394.11)	($179,318,005)	($65,721,527)	($245,039,532)

Senate Bill No. 2012 - Other Changes - House Action

This amendment also:

- Provides a 2021-23 biennium appropriation from the DHHS operating fund for the repayment of funds withheld from unemployment benefits.
- Authorizes DHHS to adjust the number of authorized full-time equivalent positions subject to the availability of funds.
- Adjusts the amount of the transfer from the strategic investment and improvements fund to the human service finance fund from $21.6 million to $23.2 million.
- Identifies appropriations from the strategic investment and improvements fund, human service finance fund, community health trust fund, health care trust fund, and the federal State Fiscal Recovery Fund.
- Directs the department to create a parenting resource website.
- Creates a North Dakota legislative health care task force.
- Removes the sunset clause on the best in class program.
- Adjusts Medicaid language relating to probate proceedings and reimbursement rate information.
- Provides for the rebasement of basic care payment rates.
- Adjusts guidelines for the development of certified community behavioral health clinics.
- Adjusts the amount of funding allowed to be continued from the 2021-23 biennium into the 2023-25 biennium.
- Provides for a Legislative Management study of the social work licensure compact.
- Provides for a Legislative Management study of Medicaid provider reimbursement

arrangements.

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

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

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

HB 1297: Reps. Fegley; Kiefert; Beltz

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has dissolved the House conference committee on: HB 1438.

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

REPORT OF CONFERENCE COMMITTEE
SB 2107, as reengrossed: Your conference committee (Sens. Larson, Myrdal, Paulson and Reps. Klemin, Karls, Cory) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1472-1473, adopt amendments as follows, and place SB 2107 on the Seventh order:

That the House recede from its amendments as printed on pages 1472 and 1473 of the Senate Journal and pages 1412 and 1413 of the House Journal and that Reengrossed Senate Bill No. 2107 be amended as follows:

Page 1, line 3, after "12.1-17-01" insert ", 12.1-17-03"

Page 1, line 3, after the fourth comma insert "12.1-32-09.1, and"

Page 1, line 3, remove ", and 62.1-02-01"

Page 1, line 5, after "enforcement" insert ", reckless endangerment, simple assault, and presumptive probation; to provide for a legislative management study"

Page 2, line 1, remove "jail"

Page 2, line 1, after "sentence" insert "of incarceration"

Page 2, line 2, remove "jail"

Page 2, line 2, after "sentence" insert "of incarceration"

Page 2, line 3, remove "jail"

Page 2, line 3, after "sentence" insert "of incarceration"

Page 2, line 4, after "court" insert ", in the exercise of the court's discretion"

Page 2, line 5, replace "imprisonment" with "incarceration"

Page 2, line 6, remove "jail"

Page 2, line 25, remove "of this section"

Page 2, line 26, remove "jail"

Page 2, line 26, after "sentence" insert "of incarceration"

Page 2, line 27, remove "jail"

Page 2, line 27, after "sentence" insert "of incarceration"

Page 2, line 28, after "court" insert ", in the exercise of the court's discretion,"

Page 2, line 29, replace "imprisonment" with "incarceration"

Page 2, line 30, remove "jail"

Page 3, line 6, replace "a class B felony" with "reckless endangerment as provided in section 12.1-17-03"

Page 3, after line 8, insert:

"**SECTION 4. AMENDMENT.** Section 12.1-17-03 of the North Dakota Century Code is amended and reenacted as follows:

12.1-17-03. Reckless endangerment.

A person is guilty of an offense if ~~he~~the person creates a substantial risk of serious bodily injury or death to another. The offense is a class B felony if the offense is committed by intentionally or knowingly discharging a firearm. The offense is a class C felony if the circumstances manifest ~~his~~the person's extreme indifference to the value of human life. Otherwise it is a class A misdemeanor. There is risk within the meaning of this section if the potential for harm exists, whether or not a particular person's safety is actually jeopardized."

Page 3, line 16, remove "or"

Page 3, line 16, remove the overstrike over "~~, or firearm~~"

Page 3, line 18, remove "or"

Page 3, line 18, remove the overstrike over "~~, or firearm~~"

Page 3, line 20, remove "or"

Page 3, line 21, remove the overstrike over "~~, or firearm~~"

Page 3, after line 31, insert:

"5. This section does not apply to an offender convicted under section 62.1-02-15."

Page 4, line 9, after the second underscored comma insert "section 12.1-17-03,"

Page 4, after line 24, insert:

"**SECTION 7. AMENDMENT.** Section 12.1-32-09.1 of the North Dakota Century Code is amended and reenacted as follows:

12.1-32-09.1. Sentencing of violent offenders.

1. Except as provided under section 12-48.1-02 and pursuant to rules adopted by the department of corrections and rehabilitation, an offender who is convicted of a crime in violation of section 12.1-16-01, 12.1-16-02, subsection 2 of section 12.1-17-02, section 12.1-17-14, section 12.1-18-01, subdivision a of subsection 1 or subdivision b of subsection 2 of section 12.1-20-03, section 12.1-22-01, subdivision b of subsection 2 of section 12.1-22-02, or an attempt to commit the offenses, and who

receives a sentence of ~~imprisonment~~incarceration is not eligible for release from ~~confinement~~incarceration on any basis until eighty-five percent of the sentence imposed by the court has been served or the sentence is commuted.

2. In the case of an offender who is sentenced to a term of life imprisonment with opportunity for parole under subsection 1 of section 12.1-32-01, the term "sentence imposed" means the remaining life expectancy of the offender on the date of sentencing. The remaining life expectancy of the offender must be calculated on the date of sentencing, computed by reference to a recognized mortality table as established by rule by the supreme court.

3. Notwithstanding this section, an offender sentenced under subsection 1 of section 12.1-32-01 may not be eligible for parole until the requirements of that subsection have been met.

4. An offender who is convicted of a class C felony in violation of section 12.1-17-02, or an attempt to commit the offense, and who has received a sentence of imprisonment or a sentence of imprisonment upon revocation of probation before August 1, 2015, is eligible to have the offender's sentence considered by the parole board.

5. Notwithstanding subsection 4, this section does not apply to a sentence imposed upon revocation of probation."

Page 5, line 15, remove "jail"

Page 5, line 15, after "sentence" insert "of incarceration"

Page 5, line 16, remove "jail"

Page 5, line 16, after "sentence" insert "of incarceration"

Page 5, line 17, remove "jail"

Page 5, line 17, after "sentence" insert "of incarceration"

Page 5, line 18, after "court" insert ", in the exercise of the court's discretion,"

Page 5, line 18, replace "imprisonment" with "incarceration"

Page 5, line 19, remove "jail"

Page 5, remove lines 21 through 31

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 9

Page 9, line 14, after the underscored comma insert "knowingly possesses, within the person's proximity, or uses a firearm"

Page 9, line 14, replace "and" with "or"

Page 9, line 15, remove ", uses or carries a firearm, or who, in furtherance of any such crime,"

Page 9, line 16, remove "possesses a firearm"

Page 9, line 17, replace "imprisonment" with "incarceration"

Page 9, line 18, after the second "the" insert "underlying"

Page 9, line 19, replace "imprisonment" with "incarceration"

Page 9, line 20, after "years" insert "if the firearm is possessed within the person's proximity"

Page 9, line 25, replace "imprisonment" with "incarceration"

Page 9, line 29, replace "imprisonment" with "incarceration"

Page 10, line 1, remove "A term of imprisonment imposed on a person under this section may not run"

Page 10, remove lines 2 through 4

Page 10, line 5, remove "b."

Page 10, line 6, replace "confinement" with "incarceration"

Page 10, line 7, remove "For"

Page 10, line 8, replace "purposes of this subsection, confinement" with "Incarceration"

Page 10, line 10, replace "c." with "b."

Page 10, line 10, after "court" insert ", in the exercise of the court's discretion,"

Page 10, line 11, replace "imprisonment" with "incarceration"

Page 10, after line 24, insert:

"**SECTION 10. LEGISLATIVE MANAGEMENT STUDY - FIREARM POSSESSION.** During the 2023-24 interim, the legislative management shall consider studying those provisions of the North Dakota Century Code which prohibit certain individuals from possessing a firearm. The study may include an examination of the state's firearm and weapon possession prohibitions as compared to the federal regulations. The study must include an examination of whether the category of individuals prohibited from possessing a firearm by statute should be maintained in its current form, narrowed, or expanded. The study must include input from the attorney general, the supreme court, the North Dakota association of counties, the North Dakota league of cities, the North Dakota state's attorneys' association, the North Dakota association of criminal defense lawyers, the North Dakota peace officers association, and the national rifle association. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

Reengrossed SB 2107 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2149, as engrossed: Your conference committee (Sens. Lee, Cleary, Hogan and Reps. J. Olson, Weisz, Mitskog) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1579-1580 and place SB 2149 on the Seventh order.

Engrossed SB 2149 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2265, as engrossed: Your conference committee (Sens. Lee, Cleary, Hogan and Reps. McLeod, Fegley, Davis) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1462 and place SB 2265 on the Seventh order.

Engrossed SB 2265 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2326: Your conference committee (Sens. Kessel, Kannianen, Patten and Reps. D. Anderson, Hagert, Novak) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1541 and place SB 2326 on the Seventh order.

SB 2326 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2328, as engrossed: Your conference committee (Sens. Axtman, Conley, Lemm and Reps. Heinert, Hauck, Richter) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1660-1661, adopt amendments as follows, and place SB 2328 on the Seventh order:

That the House recede from its amendments as printed on pages 1660 and 1661 of the Senate Journal and pages 1925 and 1926 of the House Journal and that Engrossed Senate Bill No. 2328 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create a school funding task force; and to provide for a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. SCHOOL FUNDING TASK FORCE - REPORT TO LEGISLATIVE MANAGEMENT.

1. During the 2023-24 interim, the legislative management shall establish and provide staffing and administrative services to a school funding task force facilitated by a nonpartisan leadership organization. The chair of legislative management may add additional, temporary nonvoting members to the task force, as deemed necessary by the task force chair, to serve without compensation. The task force may include public school administrators or business managers, public school teachers, five members of the legislative assembly appointed by the legislative management, parents of public school students, representatives from the department of public instruction, a representative from the governor's office, and a representative from a regional education association.

2. During the 2023-24 interim, the school funding task force shall:

   a. Review litigation the state was a party to relating to school funding and the resulting implications for school funding models;

   b. Analyze higher education funding sources to determine whether the sources may be used in whole or in part for the kindergarten through grade twelve system;

   c. Review school payment formulas to determine whether education costs can be equalized across the state;

   d. Study the size, student population, and economics of school districts and the number of facilities within the district per square mile compared with student population;

   e. Develop and study sliding-scale models within school districts based on size, student populations, and economics;

   f. Assess the negative impacts of the current funding formula;

   g. Study school funding formulas used by other states;

   h. Determine the benefits of and incentives to promote school district consolidation;

   i. Review school transportation costs considering location, size, and student enrollment;

j. Study high-cost student and special education student costs as those costs relate to the formula weighting factors; and

k. Analyze the cost of distance education, comparing the costs of different methods of instruction delivery, including synchronous as compared to asynchronous instruction.

3. The task force may:

a. Study the funding of school building maintenance and repairs considering location and whether buildings are located in a rural or urban area; and

b. Review ending fund balances and analyze how the current funding formula impacts ending fund balances.

4. The task force shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

Engrossed SB 2328 was placed on the Seventh order of business on the calendar.

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 1474, which motion prevailed.

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

Engrossed HB 1474: Sens. K. Roers, Cleary, Hogan

REQUEST

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

MOTION

SEN. KLEIN MOVED that SB 2024 be moved to the bottom of the Seventh order, which motion prevailed.

REQUEST

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LEE MOVED that the conference committee report on Engrossed SB 2341 as printed on SJ page 1760 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2341 was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2341: A BILL for an Act to provide for a study of youth services for children impacted or potentially impacted by human trafficking; and to provide for a legislative management report.

ROLL CALL

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

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

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

Reengrossed SB 2341, as amended, passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LEE MOVED that the conference committee report on Engrossed SB 2276 as printed on SJ pages 1757-1760 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2276 was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2276: A BILL for an Act to create and enact a new section to chapter 50-06 and a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the establishment of a cross-disability advisory council and a family caregiver service pilot project; to provide an appropriation; to provide an effective date; and to provide an expiration date.

ROLL CALL

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

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

Reengrossed SB 2276, as amended, passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BEKKEDAHL MOVED that the conference committee report on Reengrossed HB 1011 as printed on SJ pages 1760-1763 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1011, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

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

ROLL CALL

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

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

Reengrossed HB 1011, as amended, passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LARSEN MOVED that the conference committee report on Reengrossed HB 1052 as printed on SJ pages 1763-1764 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1052, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

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

ROLL CALL

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

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

NAYS: Braunberger; Mathern

Reengrossed HB 1052, as amended, passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LARSEN MOVED that the conference committee report on Reengrossed HB 1429 as printed on SJ pages 1764-1765 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1429, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

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

ROLL CALL

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

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

NAYS: Braunberger; Mathern; Piepkorn

Reengrossed HB 1429, as amended, passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KANNIANEN MOVED that the conference committee report on Reengrossed HB 1455 as printed on SJ pages 1765-1768 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1455, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Bekkedahl; Boehm; 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; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Beard; Braunberger; Larsen; Magrum; Piepkorn

Reengrossed HB 1455, as amended, passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. K. ROERS MOVED that the conference committee report on Reengrossed HCR 3035 as printed on SJ page 1768 be adopted, which motion prevailed on a voice vote.

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 Pro Tempore Sorvaag presiding.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2283.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2360.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2012, SB 2013, SB 2019, SB 2284, and SB 2304, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2012: Sens. Dever; Davison; Mathern
SB 2013: Sens. Schaible; Rust; Sorvaag
SB 2019: Sens. Sorvaag; Rust; Bekkedahl
SB 2284: Sens. Schaible; Elkin; Axtman
SB 2304: Sens. Luick; Paulson; Sickler

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 1297: Sens. Lee; Cleary; Hogan

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 1474: Sens. K. Roers; Cleary; Hogan

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report on: HCR 3035.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2276, SB 2341.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1011, HB 1052, HB 1429, HB 1455.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2092, SB 2094.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2092, SB 2094.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS
The following bills were delivered to the Governor for approval on April 21, 2023: SB 2026, SB 2063.

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 1297, which motion prevailed.

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

Engrossed HB 1297: Sens. Lee, Cleary, Hogan

CONSIDERATION OF MESSAGES FROM THE HOUSE
SEN. KLEIN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2012 as printed on SJ pages 1772-1792, in the House amendments to Engrossed SB 2013 as printed on SJ pages 1792-1813, in the House amendments to Engrossed SB 2019 as printed on SJ pages 1820-1823, in the House amendments to Reengrossed SB 2284 as printed on SJ pages 1823-1831, and in the House amendments to Engrossed SB 2304 as printed on SJ pages 1733-1738 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 2012: Sens. Dever, Davison, Mathern.
Engrossed SB 2013: Sens. Schaible, Rust, Sorvaag.
Engrossed SB 2019: Sens. Sorvaag, Rust, Bekkedahl.
Reengrossed SB 2284: Sens. Schaible, Elkin, Axtman.
Engrossed SB 2304: Sens. Luick, Paulson, Sickler.

REQUEST

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

CONSIDERATION OF AMENDMENTS

HB 1040, as reengrossed: SEN. K. ROERS (Appropriations Committee) MOVED that the amendments on SJ pages 1681-1683 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1040: A BILL for an Act to create and enact sections 54-52-02.15, 54-52.2-09, 54-52.6-02.1, 54-52.6-02.2, 54-52.6-05.1, 54-52.6-09.5, 54-52.6-09.6, 54-52.6-22, and 54-52.6-23 of the North Dakota Century Code, relating to the closure of the public employees retirement system main plan, the deferred compensation program, and expansion of the defined contribution retirement plan; to amend and reenact paragraph 1 of subdivision a of subsection 1 of section 15-39.1-10.3, sections 54-52-01, 54-52-02.5, 54-52-02.9, 54-52-02.11, and 54-52-02.12, subsection 2 of section 54-52-05, sections 54-52-06 and 54-52-14.3, subdivision b of subsection 1 of section 54-52-17.2, and sections 54-52.6-01, 54-52.6-02, 54-52.6-03, 54-52.6-05, 54-52.6-08, 54-52.6-09, 54-52.6-10, 54-52.6-13, 54-52.6-15, 54-52.6-19, and 57-51.1-07.5 of the North Dakota Century Code, relating to the public employees retirement system defined benefit and defined contribution retirement plans and the state share of oil and gas taxes; to repeal sections 54-52-06.5 and 54-52.6-03 of the North Dakota Century Code, relating to public employees retirement system retirement plan contribution rates upon reaching full funding and balance transfer when opting to participate in the defined contribution plan; to provide for a legislative management study; to provide for a transfer; to provide for application; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 28 YEAS, 19 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Boehm; Burckhard; Conley; Davison; Dwyer; Elkin; Estenson; Hogue; Kessel; Klein; Larsen; Meyer; Myrdal; Patten; Paulson; Roers, J.; Roers, K.; Rummel; Schaible; Sickler; Sorvaag; Vedaa; Weber; Weston; Wobbema

NAYS: Bekkedahl; Braunberger; Cleary; Clemens; Dever; Erbele; Hogan; Kannianen; Krebsbach; Kreun; Larson; Lee; Lemm; Luick; Magrum; Mathern; Piepkorn; Rust; Wanzek

Reengrossed HB 1040, as amended, passed.

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REQUEST

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

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LARSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2360 as printed on SJ pages 1830-1831, which motion prevailed on a voice vote.

Engrossed SB 2360, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 33 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Axtman; Braunberger; Cleary; Davison; Hogan; Krebsbach; Lee; Mathern; Patten; Piepkorn; Roers, K.; Rummel; Rust; Weber

Reengrossed SB 2360, as amended, passed.

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MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 4:30 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tempore Sorvaag presiding.

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

MADAM PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1540.

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 2020.

AMENDMENTS TO ENGROSSED SENATE BILL NO. 2020

In lieu of the amendments adopted as printed on pages 2080-2085 of the House Journal, Engrossed Senate Bill No. 2020 is amended as follows:

Page 1, line 2, after the semicolon insert "to provide an appropriation to the parks and recreation department;"

Page 1, line 2, replace "section" with "sections 61-02-01.3,"

Page 1, line 2, after "61-02-79" insert ", and 61-03-21.4"

Page 1, line 4, after "credit" insert ", water project economic analyses requirements,"

Page 1, line 4, after the first semicolon insert "to provide for a transfer; to provide for a report;"

Page 1, replace lines 14 through 24 with:

"Salaries and wages	$20,537,867	$1,656,382	$22,194,249
Operating expenses	43,366,550	16,112,518	59,479,068
Capital assets	98,467,437	177,316,513	275,783,950
Water supply - grants	125,000,000	191,200,000	316,200,000
Rural water supply - grants	59,600,000	(7,600,000)	52,000,000
Flood control projects	48,000,000	67,700,000	115,700,000
Discretionary funding	0	9,000,000	9,000,000
General water - grants	14,227,275	(2,227,275)	12,000,000
Total special funds	$409,199,129	$453,158,138	$862,357,267
Full-time equivalent positions	90.00	3.00	93.00"

Page 2, replace lines 7 and 8 with:

"Basinwide plan implementation	1,100,000	0
Discretionary funding	0	9,000,000"

Page 2, replace line 23 with:

"Total special funds	$206,600,000	$163,500,383"

Page 2, line 31, remove "defraying the expenses of that agency, excluding operating"

Page 3, line 1, replace "expenses and salaries and wages" with "providing water supply grants and rural water supply grants"

Page 3, line 2 after the period insert: "Any additional amounts must be allocated equally between water supply grants and rural water supply grants."

Page 3, replace lines 3 through 9 with:

"**SECTION 4. TRANSFER - WATER PROJECT STABILIZATION FUND TO WATER INFRASTRUCTURE REVOLVING LOAN FUND.** The office of management and budget shall transfer $30,000,000 from the water project stabilization fund to the water infrastructure revolving loan fund established under section 6-09-49.2, during the period beginning with the effective date of this Act, and ending June 30, 2025.

SECTION 5. TRANSFER - BANK OF NORTH DAKOTA PROFITS - WATER INFRASTRUCTURE REVOLVING LOAN FUND. The Bank of North Dakota shall transfer $100,000,000, or so much of the sum as may be necessary, from its current earnings and accumulated profits to the water infrastructure revolving loan fund during the biennium beginning July 1, 2023, and ending June 30, 2025. The moneys must be transferred as requested by the director of the department of water resources, after consultation with the Bank of North Dakota, to provide local cost-share loans for projects approved by the state water commission pursuant to section 6-09-49.2.

SECTION 6. APPROPRIATION - PARKS AND RECREATION DEPARTMENT - SOVEREIGN LANDS RECREATION USE GRANTS - ONE-TIME FUNDING. There is appropriated from special funds derived from a grant from the state water commission, not otherwise appropriated, the sum of $3,000,000, or so much of the sum as may be necessary, to the parks and recreation department for the purpose of providing grants for developing recreation opportunities on sovereign lands in the state, for the period beginning with the effective date of this Act, and ending June 30, 2025. An eligible grant recipient must identify $1 of matching funds for each $1 awarded pursuant to this section. This funding is considered to be a one-time funding item.

SECTION 7. SOVEREIGN LANDS RECREATION USE GRANT. The water supply - grants line item in section 1 of this Act includes $3,000,000 from the resources trust fund which the state water commission shall provide as a grant to the parks and recreation department for developing recreation opportunities on sovereign lands in the state, for the period beginning with the effective date of this Act, and ending June 30, 2025."

Page 3, remove lines 14 through 30

Page 4, remove lines 1 and 2

Page 4, line 4, replace "$120,000,000" with "$123,380,315"

Page 4, after line 6, insert:

"**SECTION 10. AMENDMENT.** Section 61-02-01.3 of the North Dakota Century Code is amended and reenacted as follows:

61-02-01.3. Comprehensive water development plan.

1. Biennially, the commission shall develop and maintain a comprehensive water development plan organized on a river basin perspective, including an inventory of future water projects for budgeting and planning purposes.

2. As part of the commission's planning process, to facilitate local project sponsor participation and project prioritization and to assist in education regarding life cycle analyses for municipal water supply projects, and economic analyses for flood control and water conveyance projects only for those expected to cost more than ~~one million~~five hundred thousand dollars, the commission shall develop ~~a policy that outlines~~policies and procedures for commissioner-hosted meetings within the upper Missouri River, lower Missouri River, James River, upper Red River, lower Red River, Mouse River, Devils Lake, Little Missouri River, upper Heart River, and upper Cannonball River drainage basins."

Page 4, after line 19, insert:

"**SECTION 12. AMENDMENT.** Section 61-03-21.4 of the North Dakota Century Code is amended and reenacted as follows:

61-03-21.4. Economic analysis process required for certain projects.

The department of water resources shall develop an economic analysis process for water conveyance projects and flood-related projects expected to cost more than ~~one million~~five hundred thousand dollars, and a life cycle analysis process for municipal water supply projects. When the state water commission is considering whether to fund a water conveyance project, flood-related project, or water supply project, the department of water resources shall review the economic analysis or life cycle analysis, and inform the state water commission of the findings from the analysis and review."

Page 5, line 4, replace "$175,000,000" with "$180,000,000"

Page 5, line 15, after "project" insert "water treatment plant"

Page 5, after line 16, insert:

"**SECTION 17. LEGISLATIVE INTENT - STATE WATER COMMISSION - CITY OF BISMARCK WATER TREATMENT PLANT.** Excluding the funding provided for the city of Bismarck water treatment plant prior to the 2023-25 biennium, it is the intent of the sixty-eighth legislative assembly that up to $50,000,000 of funding appropriated in the water supply - grants line item in section 1 of this Act be made available during the 2023-25 biennium for the city of Bismarck water treatment plant.

SECTION 18. LEGISLATIVE INTENT - CITY OF MEDORA WATER SUPPLY PROJECT. It is the intent of the sixty-eighth legislative assembly that the city of Medora request funding from the state water commission for water storage, water main replacement, and water supply expansion projects after all agreements for the construction of the Theodore Roosevelt presidential library have been finalized between the library, the library foundation, the city of Medora, and Billings County.

SECTION 19. MISSOURI RIVER EDUCATE, ADVOCATE, AND ENGAGE PROGRAM - LEGISLATIVE INTENT. It is the intent of the sixty-eighth legislative assembly that:

1. Support be provided for the Missouri River educate, advocate, and engage effort conducted by the Missouri River joint water resource board;

2. The effort is needed to secure the state's rights to Missouri River water; and

3. The state water commission and the department of water resources work in cooperation with the Missouri River joint water resource board to provide financial and technical assistance as the commission deems appropriate.

SECTION 20. DEPARTMENT OF WATER RESOURCES - GARRISON DIVERSION CONSERVANCY DISTRICT - LEGISLATIVE INTENT - REPORT. It is the intent of the sixty-eighth legislative assembly that the department of water resources, in coordination with the Garrison Diversion Conservancy District, research and identify options for the use of the Missouri River intake constructed near Washburn. The department of water resources shall report its findings and recommendations to the legislative management by October 1, 2024."

Page 5, line 18, after "operating" insert "expenses"

Page 5, line 24, replace "$405,000,000" with "$367,000,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2020 - Summary of House Action

	Base Budget	Senate Version	House Changes	House Version
Parks and Recreation Department				
Total all funds	$0	$0	$3,000,000	$3,000,000
Less estimated income	0	0	3,000,000	3,000,000
General fund	$0	$0	$0	$0
FTE	0.00	0.00	0.00	0.00
State Water Commission				
Total all funds	$409,199,129	$864,928,344	($2,571,077)	$862,357,267
Less estimated income	409,199,129	864,928,344	(2,571,077)	862,357,267
General fund	$0	$0	$0	$0
FTE	90.00	93.00	0.00	93.00
Bill total				
Total all funds	$409,199,129	$864,928,344	$428,923	$865,357,267
Less estimated income	409,199,129	864,928,344	428,923	865,357,267
General fund	$0	$0	$0	$0
FTE	90.00	93.00	0.00	93.00

Senate Bill No. 2020 - Parks and Recreation Department - House Action

	Base Budget	Senate Version	House Changes	House Version
Sovereign lands recreation use grants			$3,000,000	$3,000,000
Total all funds	$0	$0	$3,000,000	$3,000,000
Less estimated income	0	0	3,000,000	3,000,000
General fund	$0	$0	$0	$0
FTE	0.00	0.00	0.00	0.00

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

	Adds Funding for Recreation Use Grants[1]	Total House Changes
Sovereign lands recreation use grants	$3,000,000	$3,000,000
Total all funds	$3,000,000	$3,000,000
Less estimated income	3,000,000	3,000,000
General fund	$0	$0
FTE	0.00	0.00

[1] One-time funding of $3 million from a grant received from the State Water Commission is added for the Parks and Recreation Department to provide grants for developing recreation opportunities on sovereign lands in the state. The appropriated amount includes $800,000 for the Mandan parks and recreation department and $750,000 for the Northern Plains

Heritage Foundation for the port of Bismarck. Grant recipients must provide $1 of matching funds for each $1 of grant funds received under this program.

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

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	$20,537,867	$23,465,326	($1,271,077)	$22,194,249
Operating expenses	43,366,550	59,479,068		59,479,068
Capital assets	98,467,437	300,383,950	(24,600,000)	275,783,950
Water supply - Grants	125,000,000	283,000,000	33,200,000	316,200,000
Rural water supply - Grants	59,600,000	40,000,000	12,000,000	52,000,000
Flood control projects	48,000,000	114,600,000	1,100,000	115,700,000
General water - Grants	14,227,275	12,000,000		12,000,000
Basinwide plan implementation		1,000,000	(1,000,000)	
Discretionary funding		1,000,000	8,000,000	9,000,000
Loan repayment		30,000,000	(30,000,000)	
Total all funds	$409,199,129	$864,928,344	($2,571,077)	$862,357,267
Less estimated income	409,199,129	864,928,344	(2,571,077)	862,357,267
General fund	$0	$0	$0	$0
FTE	90.00	93.00	0.00	93.00

Department 770 - State Water Commission - Detail of House Changes

	Adjusts Funding for Salary and Benefit Increases[1]	Removes Salary Funding for Funding Pool[2]	Adjusts Funding for Water Projects[3]	Total House Changes
Salaries and wages	$344,552	($1,615,629)		($1,271,077)
Operating expenses				
Capital assets			($24,600,000)	(24,600,000)
Water supply - Grants			33,200,000	33,200,000
Rural water supply - Grants			12,000,000	12,000,000
Flood control projects			1,100,000	1,100,000
General water - Grants				
Basinwide plan implementation			(1,000,000)	(1,000,000)
Discretionary funding			8,000,000	8,000,000
Loan repayment			(30,000,000)	(30,000,000)
Total all funds	$344,552	($1,615,629)	($1,300,000)	($2,571,077)
Less estimated income	344,552	(1,615,629)	(1,300,000)	(2,571,077)
General fund	$0	$0	$0	$0
FTE	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:

	Other Funds
Salary increase	$354,895
Health insurance adjustment	(10,343)
Total	$344,552

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.

	Other Funds
New FTE positions	($703,398)
Vacant FTE positions	(912,231)
Total	($1,615,629)

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

	Total Funds
Reduce funding for capital assets	($24,600,000)
Increase funding for water supply grants	33,200,000
Increase funding for rural water supply grants	12,000,000
Increase funding for flood control projects	1,100,000
Remove one-time funding for basinwide plan implementation	(1,000,000)
Remove one-time funding for Western Area Water Supply Authority loan repayment	(30,000,000)
Increase one-time funding for discretionary water projects	8,000,000
Total	($1,300,000)

This amendment also:

- Removes a section added by the Senate identifying $30 million from the water projects stabilization fund to repay loans issued to the Western Area Water Supply Authority.
- Transfers $30 million from the water projects stabilization fund to the water infrastructure revolving loan fund.
- Transfers $100 million from Bank of North Dakota profits to the water infrastructure revolving loan fund.
- Designates $3 million for a grant to the Parks and Recreation Department for developing recreation opportunities on sovereign lands in the state.
- Removes a section providing for a basinwide plan implementation pilot project.
- Increases funding appropriated for water supply grants from the water projects stabilization fund from $120 million to $123.4 million.
- Amends North Dakota Century Code Sections 61-02-01.3 and 61-03-21.4 to require economic analyses for water projects in excess of $500,000.
- Provides legislative intent for $50 million to be granted for a City of Bismarck water treatment plant project.
- Provides legislative intent for the City of Medora to request funding from the State Water Commission after all agreements for the construction of the Theodore Roosevelt Presidential Library have been finalized between the library, library foundation, City of Medora, and Billings County.
- Provides legislative intent expressing support for the Missouri River educate, advocate, and engage program.
- Provides legislative intent for the Department of Water Resources to research and identify options for the use of the Missouri River intake constructed near Washburn.
- Reduces the amount of appropriation authority the Department of Water Resources may continue into the next biennium by $38 million, to provide total carryover authority of $367 million.
- Designates the use of excess revenue in the resources trust fund.

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 2164: Reps. Kasper; Steiner; Schauer

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1205, HB 1438, and HB 1473.

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 1539, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1539: Reps. Louser; Warrey; Boschee

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has adopted the conference committee report on: SB 2126, SB 2139, SB 2344.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2161, SB 2187, SB 2227, SB 2391.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: SB 2241.

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 1539, which motion prevailed.

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

Engrossed HB 1539: Sens. K. Roers, Cleary, Estenson

CONSIDERATION OF CONFERENCE COMMITTEE REPORT
SEN. PATTEN MOVED that the conference committee report on SB 2326 as printed on SJ page 1835 be adopted, which motion prevailed on a voice vote.

SB 2326, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL
SB 2326: A BILL for an Act to amend and reenact sections 61-02-01.3, 61-02-02, and 61-03-21.4 of the North Dakota Century Code, relating to the use of economic analysis for flood control and water conveyance projects and works.

ROLL CALL
The question being on the final passage of the amended bill, which has been read, the roll was called and there were 8 YEAS, 39 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bekkedahl; Kannianen; Kessel; Luick; Myrdal; Patten; Schaible; Sickler

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

Engrossed SB 2326, as amended, failed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT
SEN. LEE MOVED that the conference committee report on Engrossed SB 2149 as printed on SJ page 1835 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2149 was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL
SB 2149: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the creation of the 988 crisis hotline program.

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

YEAS: Mathern

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

Engrossed SB 2149, as amended, failed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ELKIN MOVED that the conference committee report on Engrossed SB 2328 as printed on SJ pages 1835-1836 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2328 was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2328: A BILL for an Act to create a school funding task force; and to provide for a legislative management report.

ROLL CALL

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

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

Engrossed SB 2328, as amended, passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LARSON MOVED that the conference committee report on Reengrossed SB 2107 as printed on SJ pages 1832-1835 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2107, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2107: A BILL for an Act to create and enact sections 12.1-17-14 and 62.1-02-15 of the North Dakota Century Code, relating to shooting offenses and drug trafficking; to amend and reenact sections 12.1-08-02, 12.1-17-01, 12.1-17-03, 12.1-32-02.1, 12.1-32-07.4, 12.1-32-09.1, and 39-10-71 of the North Dakota Century Code, relating to sentences for crimes committed with firearms and for fleeing law enforcement, reckless endangerment, simple assault, and presumptive probation; to provide for a legislative management study; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Boehm; Braunberger; Davison; Estenson; Hogan; Hogue; Larsen; Magrum; Mathern; Piepkorn; Roers, K.

Reengrossed SB 2107, as amended, passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LEE MOVED that the conference committee report on Engrossed SB 2265 as printed on SJ page 1835 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2265, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2265: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to a dual special needs plan for Medicaid; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Beard; Boehm; Estenson; Magrum; Myrdal

Reengrossed SB 2265, as amended, passed.

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2015.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2015

Page 1, line 2, after "budget" insert "; to provide appropriations to the legislative council and office of the governor"

Page 1, line 5, replace "57-40.3-10" with "54-52-03"

Page 1, line 6, after "collections" insert ", the retirement board"

Page 1, line 6, remove "allocation of motor vehicle"

Page 1, line 7, replace "excise tax collections" with "public employees retirement system retirement plan"

Page 1, line 7, after "exemption" insert "; to provide for a legislative management study"

Page 1, remove lines 18 through 24

Page 2, replace lines 1 through 8 with:

"Salaries and wages	$21,926,979	$1,231,851	$23,158,830
Operating expenses	15,663,214	3,729,579	19,392,793
Capital assets	764,515	8,417,640	9,182,155
Emergency commission contingency fund	400,000	0	400,000
Targeted market equity pool	0	75,000,000	75,000,000
Guardianship grants	2,450,000	3,650,000	6,100,000
Prairie public broadcasting	1,200,000	1,792,450	2,992,450
Community service supervision grants	350,000	0	350,000
State student internship program	0	500,000	500,000
Governor's emergency education relief	0	3,659,555	3,659,555

Deferred maintenance funding pool	0	20,000,000	20,000,000
New and vacant FTE funding pool	0	130,000,000	130,000,000
Total all funds	$42,754,708	$247,981,075	$290,735,783
Less estimated income	8,828,309	138,550,645	147,378,954
Total general fund	$33,926,399	$109,430,430	$143,356,829
Full-time equivalent positions	108.00	0.00	108.00"

Page 2, remove lines 22 through 31

Page 3, replace lines 1 through 12 with:

"Accrued leave retirement payouts	0	100,369
Inflationary increases	0	340,000
Capitol accessibility consulting	25,000	50,000
Accessibility improvements - legislative areas	0	150,000
State employee leave management system	0	335,000
Cash management study	0	450,000
Procurement software	2,021,204	400,000
Building automation project	518,800	800,000
Extraordinary repairs	500,000	100,000
Capitol space utilization improvements	0	2,500,000
Central services software and equipment	0	573,800
Governor's residence exterior repairs	0	100,000
Brynhild Haugland room remodeling project	0	250,000
Capitol window replacement project	0	4,000,000
Deferred maintenance projects	10,000,000	20,000,000
Prairie public broadcasting grants	0	1,792,450
State student internship program	100,000	500,000
Governor's emergency education relief	0	3,659,555
Total all funds	$24,795,104	$36,101,174
Less estimated income	24,695,104	29,784,355
Total general fund	$100,000	$6,316,819"

Page 3, line 17, replace "**SERVICES**" with "**SERVICE**"

Page 3, after line 21, insert:

"**SECTION 4. 2021-23 BIENNIUM - APPROPRIATION - OFFICE OF THE GOVERNOR.** There is appropriated from special funds derived from federal funds or other income, not otherwise appropriated, the sum of $6,500, or so much of the sum as may be necessary, to the office of the governor for the salaries and wages line item for the period beginning with the effective date of this Act and ending June 30, 2023.

SECTION 5. APPROPRIATION - LEGISLATIVE COUNCIL - FORENSIC AUDIT OF THE STATE AUDITOR - LEGISLATIVE AUDIT AND FISCAL REVIEW COMMITTEE - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $500,000, or so much of the sum as may be necessary, to the legislative council for the purpose of contracting for a forensic audit of the state auditor, for the biennium beginning July 1, 2023, and ending June 30, 2025. The legislative audit and fiscal review committee shall arrange for the audit and receive the audit report. The funding provided in this section is considered a one-time funding item."

Page 3, line 22, after the first "**FUND**" insert "**OR SOCIAL SERVICES FUND**"

Page 3, line 24, after the first "fund" insert "or the social services fund under section 57-51.1-07.5"

Page 4, line 4, replace "$12,000,000" with "$12,700,000"

Page 4, line 5, after "pool" insert ", including up to $12,000,000"

Page 4, line 5, after "capitol" insert "and up to $700,000 for a water mitigation project at the liberty memorial building"

Page 4, line 9, replace "$4,800,000" with "$5,400,000"

Page 4, line 12, replace "$300,000" with "$150,000 for accessibility improvements in legislative areas of the capitol;

2. $800,000 for a building automation project;

3. $100,000 for electrical and mechanical repairs;

4. $100,000"

Page 4, line 12, replace "exterior repairs and" with "security"

Page 4, line 13, replace "2." with "5."

Page 4, line 13, replace "$500,000" with "$250,000"

Page 4, line 14, replace "3." with "6."

Page 4, after line 14, insert:

"**SECTION 10. OPERATING EXPENSES LINE ITEM - CASH MANAGEMENT STUDY - REPORT TO LEGISLATIVE MANAGEMENT.** The operating expenses line item in section 1 of this Act includes the sum of $450,000 from the general fund for the purpose of procuring consulting services to conduct a study and develop recommendations for improvement of the cash management practices of the state, for the biennium beginning July 1, 2023, and ending June 30, 2025. The study must include cash management practices employed by the Bank of North Dakota, state treasurer, retirement and investment office, board of university and school lands, and other agencies as determined by the office of management and budget. The office of management and budget shall report to the legislative management before September 30, 2024, regarding the findings and recommendations resulting from its study."

Page 5, line 9, replace "10" with "13"

Page 5, line 19, replace "4" with "6"

Page 6, after line 3, insert:

"**SECTION 14. NEW AND VACANT FTE FUNDING POOL - GUIDELINES - EXEMPTION - TRANSFER OF APPROPRIATION AUTHORITY - BUDGET SECTION REPORT.**

1. The new and vacant FTE funding pool line item in section 1 of this Act includes $60,000,000 from the general fund and $70,000,000 from special funds derived from federal funds and other income for the purpose of providing funding for hiring new full-time equivalent positions and for agencies that do not realize sufficient savings from vacant full-time equivalent positions in accordance with provisions of this section for the biennium beginning July 1, 2023, and ending June 30, 2025.

2. An executive branch state agency that had funding removed by the sixty-eighth legislative assembly for purposes of the new and vacant full-time equivalent funding pool may submit a request to the office of management and budget for an allocation of funding from the pool:

   a. To provide funding for the salaries and wages necessary for the 2023-25 biennium for a new full-time equivalent position authorized by the 2023 legislative assembly from the date of hiring through the end of the biennium;

b. To provide funding for the salaries and wages necessary for the 2023-25 biennium for filling a full-time equivalent position that was vacant on July 1, 2023, from the date of hiring through the end of the biennium; or

c. After March 1, 2025, for salaries and wages funding necessary for the 2023-25 biennium if actual salaries and wages savings from vacant positions adjusted for other salaries and wages uses are less than the estimate used by the sixty-eighth legislative assembly in the development of the agency's appropriation.

3. The office of management and budget may transfer general fund appropriation authority from the pool to an agency only upon the agency certifying to the office of management and budget that special funds from federal or other sources are not available for the salaries and wages of the full-time equivalent position.

4. An agency may not receive more funding from the pool than the amount that was removed from the agency budget for new and vacant full-time equivalent positions as contained in the statement of purpose of amendment of bills approved by the sixty-eighth legislative assembly as printed in the house and senate journals.

5. Notwithstanding any other provision of law, the office of management and budget shall transfer appropriation authority from the new and vacant full-time equivalent funding pool to eligible executive branch state agencies:

a. Within fifteen days of receiving an agency request for the hiring of a new full-time equivalent position authorized by the sixty-eighth legislative assembly, along with documentation of the salaries and wages necessary for the position for the remainder of the biennium, limited to the amount identified for the position in the statement of purpose of amendment;

b. Within fifteen days of receiving an agency request for filling a full-time equivalent position that was vacant on July 1, 2023, along with documentation verifying that funding available for salaries and wages within the agency's budget is insufficient to provide funding for the position for the remainder of the biennium; or

c. Within thirty days of receiving an agency request, along with documentation verifying that actual salaries and wages savings from vacant positions through February 2025 and estimates for the remainder of the biennium adjusted for other salaries and wages uses are less than the estimate used by the sixty-eighth legislative assembly in the development of the agency's appropriation.

6. For the purpose of determining salaries and wages amounts under section 54-27-10, the office of management and budget shall consider the amounts removed from the agency budget for new and vacant full-time equivalent positions as contained in the statement of purpose of amendment of bills approved by the sixty-eighth legislative assembly as part of the appropriation for salaries and wages.

7. If funding in the new and vacant full-time equivalent funding pool is insufficient to provide the necessary salaries and wages funding for the biennium, the office of management and budget shall request a deficiency appropriation from the sixty-ninth legislative assembly. Any funding remaining in the funding pool at the end of the biennium must be canceled in accordance with the provisions of section 54-44.1-11.

8. The office of management of budget shall report to each meeting of the budget section regarding salaries and wages and vacant position information and use of funding in the pool including:

a. The number of agency requests submitted, amounts transferred from the pool, and information on:

(1) New full-time equivalent positions, including the date hired; and

(2) Vacant full-time equivalent positions, including dates the positions were vacated and filled;

b. Salaries and wages savings to date resulting from vacant positions by agency; and

c. Each agency's use of salaries and wages funding, including amounts spent for accrued leave payouts, salary increases in addition to general salary increases provided by the sixty-eighth legislative assembly, bonuses, incentive or location pay adjustments, reclassifications, funding used for temporary salaries or overtime in excess of amounts provided by the sixty-eighth legislative assembly, or other purposes."

Page 6, line 28, after "planning" insert "related to remodeling expenses"

Page 6, line 29, remove the overstrike over "~~two~~"

Page 6, line 29, remove "seven"

Page 7, replace lines 24 through 30 with:

"**SECTION 18. 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 19. PUBLIC EMPLOYEES RETIREMENT SYSTEM - MAIN SYSTEM DEFINED BENEFIT PLAN INVESTMENTS. During the biennium beginning July 1, 2023, and ending June 30, 2025, the retirement board and the state investment board shall continue to invest the public employees retirement system main system defined benefit plan based on an actuarial rate of return assumption of at least six and one-half percent, and the retirement board and the state investment board may not make any investment decision with the goal of derisking the investments for this plan during the biennium.

SECTION 20. EXEMPTION - INFRASTRUCTURE REVOLVING LOAN FUND. Notwithstanding any other provision of law, a park district may apply for a loan from the infrastructure revolving loan fund under section 6-09-49, during the biennium beginning July 1, 2023, and ending June 30, 2025, to refinance an outstanding loan for a project completed after March 31, 2022, and to pay the outstanding balance of any special assessments associated with the project."

Page 8, after line 16, insert:

"**SECTION 23. LEGISLATIVE MANAGEMENT STUDY - STATE FIRE AND TORNADO FUND AND STATE BONDING FUND ADMINISTRATION.** During the 2023-24 interim, the legislative management shall consider studying, in collaboration with the insurance commissioner and the director of the office of management and budget, the feasibility and desirability of changing administration of the state fire and tornado fund and state bonding fund from the insurance commissioner to the director of the office of management and budget. The study must include an analysis of the

statutory changes necessary to accomplish the change in administration and other statutory changes necessary to facilitate the office of management and budget's administration of these funds. 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 24. LEGISLATIVE MANAGEMENT STUDY - MANAGEMENT AND MAINTENANCE OF STATE FACILITIES.

1. During the 2023-24 interim, the legislative management shall consider studying the policies and procedures of state agencies, excluding institutions under the control of the state board of higher education, for managing, maintaining, and leasing state facilities.

2. The study must include consideration of:

   a. The most efficient and cost-effective organizational structure for managing, maintaining, and leasing state facilities, including a comparison of allocating funding and full-time equivalent positions to various agencies and centralizing funding and full-time equivalent positions under one agency.

   b. The costs and benefits of leasing or owning state facilities.

   c. The appropriate use of contracts for service and full-time equivalent positions for custodial services, mechanical services, snow removal, lawn care, and maintenance.

3. 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 25. LEGISLATIVE MANAGEMENT STUDY - GUARDIANSHIP PROGRAMS. During the 2023-24 interim, the legislative management shall study the state's guardianship programs. The study must include consideration of the existing structure for the programs under the office of management and budget, judicial branch, and department of health and human services; the feasibility of consolidating the programs under one agency; and an appropriate level of funding for the programs. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Page 8, line 17, replace "14" with "18"

Page 8, line 17, remove "is effective for motor vehicle excise"

Page 8, line 18, replace "tax collections transmitted to the state treasurer after July 31, 2023" with "becomes effective June 1, 2023"

Page 8, line 19, remove "targeted market equity pool line item in section 1 of this"

Page 8, line 20, replace "Act and section 9 of this Act" with "following"

Page 8, line 20, after "measure" insert ":

1. The targeted market equity pool line item in section 1 of this Act and identified in section 12 of this Act;

2. The deferred maintenance funding pool line item in section 1 of this Act and identified in section 8 of this Act; and

3. Sections 4 and 18 of this Act"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2015 - Summary of House Action

	Base Budget	Senate Version	House Changes	House Version
Office of Management and Budget				
Total all funds	$42,754,708	$168,855,507	$121,880,276	$290,735,783
Less estimated income	8,828,309	76,911,173	70,467,781	147,378,954
General fund	$33,926,399	$91,944,334	$51,412,495	$143,356,829
FTE	108.00	111.00	(3.00)	108.00
Legislative Council				
Total all funds	$0	$0	$500,000	$500,000
Less estimated income	0	0	0	0
General fund	$0	$0	$500,000	$500,000
FTE	0.00	0.00	0.00	0.00
Bill total				
Total all funds	$42,754,708	$168,855,507	$122,380,276	$291,235,783
Less estimated income	8,828,309	76,911,173	70,467,781	147,378,954
General fund	$33,926,399	$91,944,334	$51,912,495	$143,856,829
FTE	108.00	111.00	(3.00)	108.00

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

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	$21,926,979	$24,859,054	($1,700,224)	$23,158,830
Operating expenses	15,663,214	19,261,293	131,500	19,392,793
Capital assets	764,515	15,533,155	(6,351,000)	9,182,155
Emergency commission contingency fund	400,000	400,000		400,000
Guardianship grants	2,450,000	6,100,000		6,100,000
Targeted market equity pool		75,000,000		75,000,000
Prairie Public Broadcasting	1,200,000	2,992,450		2,992,450
Community service supervision grants	350,000	350,000		350,000
State student internship		700,000	(200,000)	500,000
Governor's emergency education relief		3,659,555		3,659,555
Deferred maintenance funding pool		20,000,000		20,000,000
New and vacant FTE funding pool			130,000,000	130,000,000
Total all funds	$42,754,708	$168,855,507	$121,880,276	$290,735,783
Less estimated income	8,828,309	76,911,173	70,467,781	147,378,954
General fund	$33,926,399	$91,944,334	$51,412,495	$143,356,829
FTE	108.00	111.00	(3.00)	108.00

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

	Adjusts Funding for Salary and Benefit Increases[1]	Removes FTE positions[2]	Removes Salary Funding for a Funding Pool[3]	Adds Funding for Funding Pool[4]	Adjusts Funding for Operating Expenses[5]	Adjusts Funding for Capital Assets[6]
Salaries and wages	$226,001	($664,786)	($1,261,439)			
Operating expenses					$131,500	
Capital assets						($6,351,000)
Emergency commission contingency fund						
Guardianship grants						
Targeted market equity pool						
Prairie Public Broadcasting						
Community service supervision grants						
State student internship						
Governor's emergency education relief						
Deferred maintenance funding pool						
New and vacant FTE funding pool				$130,000,000		
Total all funds	$226,001	($664,786)	($1,261,439)	$130,000,000	$131,500	($6,351,000)
Less estimated income	52,451	0	(184,670)	70,000,000	0	600,000
General fund	$173,550	($664,786)	($1,076,769)	$60,000,000	$131,500	($6,951,000)
FTE	0.00	(3.00)	0.00	0.00	0.00	0.00

	Decreases Funding for Internships[7]	Total House Changes
Salaries and wages		($1,700,224)
Operating expenses		131,500
Capital assets		(6,351,000)
Emergency commission contingency fund		
Guardianship grants		
Targeted market equity pool		
Prairie Public Broadcasting		
Community service supervision grants		
State student internship	($200,000)	(200,000)
Governor's emergency education relief		
Deferred maintenance funding pool		
New and vacant FTE funding pool		130,000,000
Total all funds	($200,000)	$121,880,276
Less estimated income	0	70,467,781
General fund	($200,000)	$51,412,495
FTE	0.00	(3.00)

[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	$183,634	$54,250	$237,884
Health insurance adjustment	(10,084)	(1,799)	(11,883)
Total	$173,550	$52,451	$226,001

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

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

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

[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.

	General Fund	Other Funds	Total
New FTE positions	$0	$0	$0
Vacant FTE positions	(1,076,769)	(184,670)	(1,261,439)
Total	($1,076,769)	($184,670)	($1,261,439)

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

[4] Funding of $130 million is added for a new and vacant FTE funding pool, including $60 million from the general fund and $70 million from other funds. A section is added providing guidelines for use of funding in the pool. The Senate did not include a new and vacant FTE funding pool.

[5] Funding for operating expenses is adjusted as follows:

- Removes $18,500 of one-time funding from the general fund, which was added by the Senate, for inflationary increases.
- Decreases one-time funding from the general fund by $50,000 for an Americans with Disabilities Act compliance study to provide total funding of $50,000. The Senate provided $100,000 for the study.
- Removes $150,000 of one-time funding from the general fund, which was added by the Senate, for automatic doors in legislative areas of the Capitol and adds similar funding for accessibility improvements to the capital assets line item.
- Removes $100,000 of one-time funding from the general fund for Capitol tour digital enhancements. The Senate added this funding.
- Adds $450,000 of one-time funding from the general fund for a cash management

study with the criteria for the study identified in a new section of the bill. The Senate did not include funding for a cash management study.

[6] Funding for capital assets is adjusted as follows:

- Removes $500,000 of ongoing funding from the general fund for electrical and mechanical repairs, which was added by the Senate.
- Adds $150,000 of one-time funding from the Capitol building fund for accessibility improvements in legislative areas of the Capitol. The Senate provided $150,000 of one-time funding from the general fund for automatic doors under the operating expenses line item.
- Decreases one-time funding from the general fund by $2.1 million for new procurement software to provide $400,000. The Senate provided $2.5 million of one-time funding for new procurement software.
- Changes $800,000 of one-time funding from the general fund, which was added by the Senate, to $800,000 of one-time funding from the Capitol building fund for automation upgrades at the Capitol.
- Changes $100,000 of one-time funding from the general fund, which was added by the Senate, to $100,000 of one-time funding from the Capitol building fund for electrical and mechanical repairs.
- Removes $451,000 of one-time funding from the general fund added by the Senate to demolish the State Office Building.
- Decreases one-time funding from the general fund by $3 million for Capitol space utilization improvements to provide total funding of $2.5 million. The Senate provided $5.5 million of one-time funding for the improvements.
- Decreases one-time funding from the Capitol building fund by $200,000 for improvements at the Governor's residence to provide total funding of $100,000 for security improvements. The Senate provided $300,000 for exterior repairs.
- Decreases one-time funding from the Capitol building fund by $250,000 for a remodeling project in the Brynhild Haugland Room in the Capitol to provide total funding of $250,000. The Senate provided $500,000 for the remodeling project.

[7] One-time funding from the general fund for the state student internship program is decreased by $200,000 to provide total funding of $500,000. The Senate provided $700,000 for the program.

This amendment also:

- Provides a deficiency appropriation of $6,500 from other funds to the Office of the Governor for the salaries and wages line item and includes an emergency clause for the funding. The Senate did not provide a deficiency appropriation for the Office of the Governor.
- Clarifies the deferred maintenance funding pool includes $700,000 for water mitigation at the Liberty Memorial Building and adds an emergency clause for the deferred maintenance funding pool. The Senate did not identify funding for the Liberty Memorial Building and did not include an emergency clause for the funding pool.
- Adjusts the amount designated from the Capitol building fund to reflect $5.25 million for various capital projects. The Senate identified $4.8 million from the fund for projects.
- Adds a section to provide guidelines for a new and vacant FTE funding pool. The Senate did not include this funding pool.
- Clarifies the continuing appropriation authority of $250,000 from the Capitol building fund may be used only for remodeling projects. The Senate increased the continuing appropriation authority by $500,000, from $250,000 to $750,000.
- Removes a section, which was added by the Senate, related to the allocation of motor vehicle excise tax collections to the state highway fund. House Bill No. 1012 changes the allocation of motor vehicle excise tax collections.
- Adds a section to increase the size of the Retirement Board from 9 to 11 members and adds an effective date and emergency clause related to the change. The Senate did not include these changes.

- Adds a section directing the State Investment Board and Retirement Board to continue to invest the main system retirement plan based on an actuarial rate of return without consideration of derisking the plan. The Senate did not include this section.
- Adds an exemption allowing a park district to refinance a loan through the infrastructure revolving loan fund if the project was completed after March 31, 2022, and to pay the outstanding balance of any special assessments associated with the project. The Senate did not provide this exemption.
- Adds Legislative Management studies related to the state fire and tornado fund and state bonding fund administration, the management and maintenance of state facilities, and the state's guardianship programs. The Senate did not include these studies.

Senate Bill No. 2015 - Legislative Council - House Action

	Base Budget	Senate Version	House Changes	House Version
Operating expenses			$500,000	$500,000
Total all funds	$0	$0	$500,000	$500,000
Less estimated income	0	0	0	0
General fund	$0	$0	$500,000	$500,000
FTE	0.00	0.00	0.00	0.00

Department 160 - Legislative Council - Detail of House Changes

	Adds Funding for an Audit[1]	Total House Changes
Operating expenses	$500,000	$500,000
Total all funds	$500,000	$500,000
Less estimated income	0	0
General fund	$500,000	$500,000
FTE	0.00	0.00

[1] One-time funding of $500,000 is added from the general fund for the Legislative Council to contract for a forensic audit of the State Auditor. The Senate did not include this funding.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2020, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2020: Sens. Sorvaag; Schaible; Bekkedahl

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 2012: Reps. Nelson; O'Brien; Mitskog
SB 2013: Reps. Richter; Sanford; Nathe
SB 2019: Reps. Sanford; Martinson; Hanson
SB 2284: Reps. Heinert; Richter; Hanson
SB 2304: Reps. Koppelman; Thomas; Warrey
SB 2335: Reps. M. Ruby; Frelich; Dobervich

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 1539: Sens. K. Roers; Cleary; Estenson

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2107, SB 2265, SB 2328.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently failed to pass: SB 2149, SB 2326.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2360.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: Your signature is respectfully requested on: HB 1011, HB 1052, HB 1429, HB 1455, HCR 3035.

COMMUNICATION FROM GOVERNOR DOUG BURGUM
This is to inform you that on April 20, 2023, I have signed the following: SB 2001, SB 2002, SB 2005, SB 2006, SB 2021, SB 2242, SB 2281, SB 2372, and SB 2392.

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., Monday, April 24, 2023, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE
SB 2017, as engrossed: Your conference committee (Sens. Meyer, Schaible, Rust and Reps. Kempenich, Brandenburg, Monson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1569-1571, adopt amendments as follows, and place SB 2017 on the Seventh order:

That the House recede from its amendments as printed on pages 1569-1571 on the Senate Journal and pages 1773-1775 of the House Journal and that Engrossed Senate Bill No. 2017 be amended as follows:

Page 1, remove lines 13 through 24

Page 2, replace lines 1 through 3 with:

"Salaries and wages	$33,741,592	$2,746,155	$36,487,747
Operating expenses	16,276,782	1,543,716	17,820,498
Capital assets	6,774,770	1,773,891	8,548,661
Grants - game and fish	8,923,343	1,166,633	10,089,976
Land habitat and deer depredation	17,995,597	9,212,172	27,207,769
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	$18,029,832	$107,611,466
Full-time equivalent positions	164.00	6.00	170.00"

Page 2, replace lines 18 and 19 with:

"Uniforms and supplies for new FTE positions	0	89,090
Total special funds	$2,786,500	$3,424,090"

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

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"

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 national fish and wildlife foundation midterm conservation agreements with private landowners. The department shall limit the term of these agreements to a maximum of thirty years. The department shall provide buyback provisions after the fifteenth, twentieth, and twenty-fifth years of the agreement if the property owner desires to withdraw all or a portion of acreage from the lease."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2017 - Game and Fish Department - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	$33,741,592	$38,428,184	($1,940,437)	$36,487,747	$36,471,962	$15,785
Operating expenses	16,276,782	17,820,498		17,820,498	17,713,364	107,134
Capital assets	6,774,770	8,548,661		8,548,661	8,530,661	18,000
Grants - Game and fish	8,923,343	10,089,976		10,089,976	10,089,976	
Land habitat and deer depredation	17,995,597	26,922,303	285,466	27,207,769	25,482,021	1,725,748
Noxious weed control	725,000	725,000		725,000	725,000	
Missouri River enforcement	296,999	317,587	(4,246)	313,341	313,341	
Grants - Gifts - Donations	670,133	684,957	(7,971)	676,986	676,986	
Nongame wildlife conservation	100,000	100,000		100,000	100,000	
Lonetree reservoir	1,818,409	2,185,614	(32,970)	2,152,644	2,152,644	
Wildlife services	500,000	500,000		500,000	500,000	
Shooting sports grant program	250,000	250,000		250,000	250,000	
Aquatic nuisance species program	1,509,009	2,959,664	(220,820)	2,738,844	2,738,844	
Contingent Funding		27,150,000		27,150,000	27,150,000	
Total all funds	$89,581,634	$136,682,444	($1,920,978)	$134,761,466	$132,894,799	$1,866,667
Less estimated income	89,581,634	136,682,444	(1,920,978)	134,761,466	132,894,799	1,866,667
General fund	$0	$0	$0	$0	$0	$0
FTE	164.00	177.00	(3.00)	174.00	170.00	4.00

Department 720 - Game and Fish Department - Detail of Conference Committee Changes

	Adds Funding for Salary and Benefit Increases[1]	Adjusts Funding for FTE Positions[2]	Removes Salary Funding for Funding Pool[3]	Adds Funding for PLOTS Program[4]	Total Conference Committee Changes
Salaries and wages	$536,429		($2,476,866)		($1,940,437)
Operating expenses					
Capital assets					
Grants - Game and fish					
Land habitat and deer depredation	35,652	($98,823)	(651,363)	$1,000,000	285,466
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	$598,600	($98,823)	($3,420,755)	$1,000,000	($1,920,978)
Less estimated income	598,600	(98,823)	(3,420,755)	1,000,000	(1,920,978)
General fund	$0	$0	$0	$0	$0
FTE	0.00	(3.00)	0.00	0.00	(3.00)

[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	$619,050
Health insurance adjustment	(20,450)
Total	$598,600

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

[2] Funding of $98,823 from other funds is removed for a biologist I position for the 1st year of the biennium by the Conference Committee. The position may be hired for the 2nd year of the biennium.

The Conference Committee removed 3 of the 7 contingent FTE positions related to the Recovering America's Wildlife Act. The House removed 4 of the 7 contingent FTE positions.

[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	($1,179,021)
Vacant FTE positions	(2,241,734)
Total	($3,420,755)

The House also removed funding for the new and vacant FTE funding pool.

[4] Funding of $1 million from other funds is added to the $4 million increase included in the Senate and House version for the private land open to sportsmen (PLOTS) program by the Conference Committee.

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, the same as the House version.
- Changes the section relating to funding for midterm conservation agreements and limiting the agreements with private landowners to a maximum of 30 years with buyout options at 15, 20, and 25 years. The House had limited the agreements to a maximum of 15 years.

Engrossed SB 2017 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2023, as engrossed: Your conference committee (Sens. Dever, Davison, Mathern and Reps. Meier, Pyle, Mock) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1529-1531, adopt amendments as follows, and place SB 2023 on the Seventh order:

That the House recede from its amendments as printed on pages 1529-1531 of the Senate Journal and pages 1739-1741 of the House Journal and that Engrossed Senate Bill No. 2023 be amended as follows:

Page 1, line 2, after the first semicolon insert "and"

Page 1, line 2, remove "; and to provide for a report"

Page 1, replace lines 11 through 16 with:

"Salaries and wages	$7,209,060	$529,419	$7,738,479
Operating expenses	2,396,236	146,476	2,542,712
Contingencies	250,000	0	250,000

Defined benefit plan closure	0	372,027	372,027
Total special funds	$9,855,296	$1,047,922	$10,903,218
Full-time equivalent positions	35.50	5.00	40.50"

Page 2, replace lines 2 and 3 with:

"Staff operating expenses	0	5,000
Total special funds	$362,100	$455,000

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

Page 2, line 5, remove "**- ONE-TIME FUNDING**"

Page 2, line 6, replace "$1,006,839" with "$372,027"

Page 2, line 6, replace "$681,839" with "$47,027"

Page 2, line 7, after the first "for" insert "a portion of"

Page 2, line 7, replace "three" with "two"

Page 2, line 11, replace "$328,000" with "$327,000"

Page 2, line 11, replace "considered" with "identified as"

Page 2, line 11, after the second "item" insert "in section 2 of this Act. In addition, the public employees retirement system may request the office of management and budget to transfer up to $479,660 of additional funding from the new and vacant FTE funding pool to this line item for salaries and wages of the full-time equivalent positions identified in this section"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2023 - Public Employees Retirement System - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	$7,209,060	$8,471,928	($733,449)	$7,738,479	$7,718,847	$19,632
Operating expenses	2,396,236	2,543,712	(1,000)	2,542,712	2,540,987	1,725
Contingencies	250,000	250,000		250,000	250,000	
Defined benefit plan closure		1,006,839	(634,812)	372,027	372,027	
Total all funds	$9,855,296	$12,272,479	($1,369,261)	$10,903,218	$10,881,861	$21,357
Less estimated income	9,855,296	12,272,479	(1,369,261)	10,903,218	10,881,861	21,357
General fund	$0	$0	$0	$0	$0	$0
FTE	35.50	41.50	(1.00)	40.50	39.50	1.00

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

	Adjusts Funding for Salary and Benefit Increases[1]	Reduces Funding for Salary Equity Increases[2]	Removes Contingent FTE Position[3]	Removes Salary Funding for Funding Pool[4]	Reduces Funding for Temporary Salaries[5]	Removes One-Time Funding for New Position Operating Expenses[6]
Salaries and wages	$116,138	($78,000)		($721,587)	($50,000)	
Operating expenses						($1,000)
Contingencies						
Defined benefit plan closure	8,165		($162,317)	(479,660)		(1,000)
Total all funds	$124,303	($78,000)	($162,317)	($1,201,247)	($50,000)	($2,000)
Less estimated income	124,303	(78,000)	(162,317)	(1,201,247)	(50,000)	(2,000)
General fund	$0	$0	$0	$0	$0	$0
FTE	0.00	0.00	(1.00)	0.00	0.00	0.00

	Total Conference Committee Changes
Salaries and wages	($733,449)
Operating expenses	(1,000)
Contingencies	
Defined benefit plan closure	(634,812)
Total all funds	($1,369,261)
Less estimated income	(1,369,261)
General fund	$0
FTE	(1.00)

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

	Special Funds
Salary increase	$129,155
Health insurance adjustment	(4,852)
Total	$124,303

The funding adjusted by the conference committee is the same as adjusted by House. The Senate provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

[2] Funding for salary equity increases is reduced by $78,000 to provide a total of $180,000 from special funds. The Senate provided $258,000. The House did not provide funding for salary equity increases.

[3] One contingent FTE member services representative position and funding of $162,317 from special funds, of which $161,592 is for salaries and wages and $725 is for operating expenses, is removed. The House also removed this position. The Senate added 3 contingent FTE positions, including the FTE member services representative position, an FTE benefit manager position, and an FTE counselor position. The contingent FTE positions are available to the Public Employees Retirement System only if the 2023 Legislative Assembly closes the main system defined benefit retirement plan to new hires.

[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.

	Special Funds
New FTE positions	($980,870)
Vacant FTE positions	(220,377)
Total	($1,201,247)

[5] Funding from special funds for temporary salaries is reduced from the Senate version by $50,000 to provide a total of $100,000. The Senate reduced the base level of $260,368 by $110,368 to provide a total of $150,000. The House restored the $110,368 to the base level of $260,368.

[6] One-time funding of $2,000 from special funds for chairs for new FTE positions is removed to provide a total of $5,000. The Senate added $7,000 from special funds for this purpose. The House removed $3,000 to provide a total of $4,000 from special funds.

The Conference Committee version:

- Restores 1 FTE member services representative position and funding of $162,317 from special funds, of which $161,592 is for salaries and wages and $725 is for operating expenses, which was added by the Senate but removed by the House. The Senate, House, and Conference Committee also added an FTE retirement processing lead position and an FTE receptionist position.
- Amends a section identifying the amount of funding that is appropriated in Section 1 that is available to the Public Employees Retirement System only if the 2023 Legislative Assembly closes the main system defined benefit retirement plan to new hires, the same as amended by the House.

Engrossed SB 2023 was placed on the Seventh order of business on the calendar.

FIRST READING OF HOUSE BILL

HB 1540: A BILL for an Act to amend and reenact sections 50-33-02 and 50-33-07 of the North Dakota Century Code, relating to early childhood services and child care assistance; to provide for a legislative management report; to provide an appropriation; and to provide an effective date.

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

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

Shanda Morgan, Secretary