JOURNAL OF THE SENATE

Sixty-eighth Legislative Assembly

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Bismarck, April 25, 2023

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

The prayer was offered by Pastor Randy Upgren, Inspire Family Fellowship, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

REPORT OF CONFERENCE COMMITTEE

SB 2016, as engrossed: Your conference committee (Sens. Rust, Krebsbach, Sorvaag and Reps. Brandenburg, Pyle, Monson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1661-1667, adopt amendments as follows, and place SB 2016 on the Seventh order:

That the House recede from its amendments as printed on pages 1661-1667 of the Senate Journal and pages 1847-1853 of the House Journal and that Engrossed Senate Bill No. 2016 be amended as follows:

Page 1, line 2, after the third semicolon insert "to provide for a legislative management study;"

Page 1, remove lines 15 through 24

Page 2, replace lines 1 through 3 with:

"Salaries and wages	$7,150,489	$411,321	$7,561,810
Operating expenses	3,048,313	165,898	3,214,211
Capital assets	224,046	20,300,000	20,524,046
Grants	210,916	259,776	470,692
Civil air patrol	309,125	72,331	381,456
Tuition, recruiting, and retention	3,042,235	320,000	3,362,235
Air guard contract	8,490,161	196,901	8,687,062
Army guard contract	48,203,473	2,143,626	50,347,099
Veterans' cemetery	1,325,998	33,397	1,359,395
Reintegration program	925,524	(45,471)	880,053
Total all funds	$72,930,280	$23,857,779	$96,788,059
Less estimated income	56,326,564	21,842,012	78,168,576
Total general fund	$16,603,716	$2,015,767	$18,619,483"

Page 2, replace lines 8 through 15 with:

"Salaries and wages	$12,232,240	$620,257	$12,852,497
Operating expenses	6,502,334	313,233	6,815,567
Capital assets	660,000	150,000	810,000
Grants	14,550,000	13,554,000	28,104,000
Disaster costs	51,485,736	168,633,862	220,119,598
Total all funds	$85,430,310	$183,271,352	$268,701,662
Less estimated income	79,151,794	181,883,703	261,035,497
Total general fund	$6,278,516	$1,387,649	$7,666,165"

Page 2, replace lines 20 through 23 with:

"Grand total general fund	$22,882,232	$3,403,416	$26,285,648
Grand total special funds	135,478,358	203,725,715	339,204,073
Grand total all funds	$158,360,590	$207,129,131	$365,489,721
Full-time equivalent positions	222.00	11.00	233.00"

Page 2, remove lines 29 through 31

Page 3, replace lines 1 through 20 with:

"Emergency response equipment and supplies	$100,000	$660,000
Dickinson readiness center project	15,500,000	8,900,000
Military museum	10,000,000	0
Fraine Barracks automation system	320,000	0
Fargo readiness center equipment	100,000	0
Bridge training site	6,000,000	0
Camp Grafton expansion	3,500,000	0
Disaster response	887,873	0
Payroll expenses	1,000,000	0
State active-duty software	450,000	0
Camp Grafton housing	2,000,000	0
Deferred maintenance	1,000,000	1,000,000
Retirement payouts	0	275,000
Statewide interoperable radio network equipment	0	2,700,000
Camp Grafton fitness facility	0	9,000,000
Minot airport hangar	0	60,000
State radio consoles	0	150,000
Cybersecurity grant	0	314,000
Safeguarding Tomorrow through Ongoing Risk Mitigation Act	0	1,000,000
Flood mitigation grants	0	225,000
Natural disaster response and recovery grants	0	2,000,000
Disaster grants	0	142,652,500
Total all funds	$40,857,873	$168,936,500
Total other funds	38,877,873	167,312,500
Total general fund	$1,980,000	$1,624,000"

Page 3, line 29, replace "39-04-10" with "39-04-10.10"

Page 3, after line 30, insert:

"**SECTION 4. ESTIMATED INCOME - FEDERAL STATE FISCAL RECOVERY FUND - ADJUTANT GENERAL.** The estimated income line item in subdivision 1 of section 1 of this Act includes $20,600,000 from the federal state fiscal recovery fund, of which up to $8,900,000 is for the completion of the Dickinson readiness center in accordance with section 5 of this Act, $2,700,000 is for statewide interoperable radio network equipment, and $9,000,000 is for the construction of the Camp Grafton fitness facility.

SECTION 5. CONTINGENT APPROPRIATION - FEDERAL STATE FISCAL RECOVERY FUND - OTHER FEDERAL FUNDS - ADJUTANT GENERAL.

1. Subject to the provisions of this section, there is appropriated from federal funds derived from the federal state fiscal recovery fund, not otherwise appropriated, the sum of $5,300,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of constructing Camp Grafton training billets, for the biennium beginning July 1, 2023, and ending June 30, 2025.

2. The funding appropriated under this section is contingent upon the adjutant general certifying to the office of management and budget that at least $5,300,000 of federal funding sources other than from the federal state fiscal recovery fund is available and will be used for the Dickinson readiness center project. Upon receiving certification, the director of the office of management and budget shall adjust the appropriate amount of federal funding authority for the Dickinson readiness center project from the federal state fiscal recovery fund to the new federal funding source."

Page 4, replace lines 8 through 17 with:

"**SECTION 7. ESTIMATED INCOME - STATE DISASTER RELIEF FUND - ADJUTANT GENERAL.** The estimated income line item in subdivision 2 of section 1

of this Act includes $14,918,245 from the state disaster relief fund, of which $11,693,245 is for costs related to previous state disasters, $2,000,000 is for natural disaster response and recovery grants, $1,000,000 is for the ten percent state match for the federal safeguarding tomorrow through ongoing risk mitigation program, and $225,000 is for flood mitigation grants.

SECTION 8. NATURAL DISASTER RESPONSE AND RECOVERY GRANTS. The disaster costs line item in subdivision 2 of section 1 of this Act includes $2,000,000 from the state disaster relief fund for preparing for, responding to, and recovering from natural disasters."

Page 4, line 19, replace "$628,000" with "$314,000"

Page 4, line 20, replace "ten" with "five"

Page 4, after line 28, insert:

"**SECTION 11. EXEMPTION - WATCH CENTER POSITIONS - TRANSFERS.** Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer up to $409,260 of appropriation authority to the salaries and wages line item from cost-savings in the operating expenses line item contained in section 1 of this Act, as requested by the adjutant general to provide funding for two watch center positions during the biennium beginning July 1, 2023, and ending June 30, 2025. The adjutant general shall notify the legislative council of any transfers made pursuant to this section."

Page 6, line 7, replace "gifts, grants, and donations" with "funds"

Page 6, line 8, replace "and deposit the funds in the state treasury" with "to match state funds"

Page 6, after line 10 insert:

"**SECTION 15. LEGISLATIVE MANAGEMENT STUDY - COLD WAR TRAIL PROJECT.** During the 2023-24 interim, the legislative management shall consider studying the feasibility and desirability of a cold war trail project. The study must consider potential sites to include on the trail and options and costs of:

1. The construction, addition, maintenance, and equipment for new and existing North Dakota cold war historic sites;

2. Providing educational resources regarding North Dakota's role in the cold war; and

3. Promoting tourism for North Dakota cold war historic sites.

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 6, line 11, replace "$628,000" with "$314,000"

Page 6, line 12, after the first "Act" insert ", the sum of $2,000,000 in the disaster costs line item in subdivision 2 of section 1 of this Act, the sum of $60,000 in the civil air patrol line item of subdivision 1 of section 1 of this Act,"

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

Page 6, line 12, replace "7" with "9"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2016 - Summary of Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Adjutant General						
Total all funds	$72,930,280	$97,769,216	$4,318,843	$102,088,059	$122,237,915	($20,149,856)
Less estimated income	56,326,564	78,042,748	5,425,828	83,468,576	103,466,004	(19,997,428)
General fund	$16,603,716	$19,726,468	($1,106,985)	$18,619,483	$18,771,911	($152,428)
FTE	152.00	156.00	0.00	156.00	156.00	0.00
Department of Emergency Services						
Total all funds	$85,430,310	$269,022,253	($320,591)	$268,701,662	$269,225,376	($523,714)
Less estimated income	79,151,794	259,256,970	1,778,527	261,035,497	261,035,497	0
General fund	$6,278,516	$9,765,283	($2,099,118)	$7,666,165	$8,189,879	($523,714)
FTE	70.00	77.00	0.00	77.00	75.00	2.00
Bill total						
Total all funds	$158,360,590	$366,791,469	$3,998,252	$370,789,721	$391,463,291	($20,673,570)
Less estimated income	135,478,358	337,299,718	7,204,355	344,504,073	364,501,501	(19,997,428)
General fund	$22,882,232	$29,491,751	($3,206,103)	$26,285,648	$26,961,790	($676,142)
FTE	222.00	233.00	0.00	233.00	231.00	2.00

Senate Bill No. 2016 - Adjutant General - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	$7,150,489	$7,907,798	($345,988)	$7,561,810	$7,635,782	($73,972)
Operating expenses	3,048,313	3,299,461	(85,250)	3,214,211	3,214,211	
Capital assets	224,046	19,724,046	800,000	20,524,046	40,524,046	(20,000,000)
Grants	210,916	585,692	(115,000)	470,692	585,692	(115,000)
Civil air patrol	309,125	387,155	(5,699)	381,456	381,456	
Tuition, recruiting, and retention	3,042,235	3,362,235		3,362,235	3,362,235	
Air guard contract	8,490,161	9,021,309	(334,247)	8,687,062	8,987,062	(300,000)
Army guard contract	48,203,473	51,174,837	(827,738)	50,347,099	50,007,983	339,116
Veterans' cemetery	1,325,998	1,395,288	(35,893)	1,359,395	1,359,395	
Reintegration program	925,524	911,395	(31,342)	880,053	880,053	
Contingent funding			5,300,000	5,300,000	5,300,000	
Total all funds	$72,930,280	$97,769,216	$4,318,843	$102,088,059	$122,237,915	($20,149,856)
Less estimated income	56,326,564	78,042,748	5,425,828	83,468,576	103,466,004	(19,997,428)
General fund	$16,603,716	$19,726,468	($1,106,985)	$18,619,483	$18,771,911	($152,428)
FTE	152.00	156.00	0.00	156.00	156.00	0.00

Department 540 - Adjutant General - 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]	Reduces Funding for Armory Rent and Training[4]	Adjusts Funding from Ongoing to One-Time[5]	Adjusts Funding for One-Time Items[6]
Salaries and wages	$24,778	$55,747	($426,513)			
Operating expenses		(85,250)				
Capital assets						$800,000
Grants				($115,000)		
Civil air patrol	2,158		(7,857)			
Tuition, recruiting, and retention						
Air guard contract	73,880		(408,127)	(300,000)		300,000
Army guard contract	299,375	(27)	(887,086)	260,000	($500,000)	
Veterans' cemetery	13,829		(49,722)			
Reintegration program	12,299		(43,641)			
Contingent funding						
Total all funds	$426,319	($29,530)	($1,822,946)	($155,000)	($500,000)	$1,100,000
Less estimated income	283,936	(14,765)	(1,243,343)	0	0	1,100,000
General fund	$142,383	($14,765)	($579,603)	($155,000)	($500,000)	$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds Contingent Funding for Camp Grafton Billets[7]	Total Conference Committee Changes
Salaries and wages		($345,988)
Operating expenses		(85,250)
Capital assets		800,000
Grants		(115,000)
Civil air patrol		(5,699)
Tuition, recruiting, and retention		
Air guard contract		(334,247)
Army guard contract		(827,738)
Veterans' cemetery		(35,893)
Reintegration program		(31,342)
Contingent funding	$5,300,000	5,300,000
Total all funds	$5,300,000	$4,318,843
Less estimated income	5,300,000	5,425,828
General fund	$0	($1,106,985)
FTE	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, the same as the House version, as follows:

	General Fund	Other Funds	Total
Salary increase	$147,237	$296,353	$443,590
Health insurance adjustment	(4,854)	(12,417)	(17,271)
Total	$142,383	$283,936	$426,319

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

[2] Funding of $29,530 is adjusted for the following FTE position changes, the same as the House version:

- Removes $41,594 for 1 FTE custodial supervisor position for the Dickinson Readiness Center, of which $20,797 is from the general fund and $20,797 is from federal funds.
- Adds $12,064 for 1 FTE trades maintenance worker position for the Camp Grafton fitness facility, of which $6,032 is from the general fund and $6,032 is from federal funds. The funding is for 2 months of salary.

[3] 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 funding pool.

	General Fund	Other Funds	Total
New FTE positions	($61,780)	($204,418)	($266,198)
Vacant FTE positions	(517,823)	(1,038,925)	(1,556,748)
Total	($579,603)	($1,243,343)	($1,822,946)

The House also removed funding for the new and vacant FTE funding pool.

[4] Funding from the general fund is removed for the following:

- $115,000 is reduced for armory rent to provide a total of $259,776. The Senate and House had provided for $374,776.
- $40,000 is removed for state active duty training related to wildland fire training. The Senate and House had included this funding.

[5] Funding of $1.5 million from the general fund for maintenance and repairs of National Guard facilities was changed from ongoing to one-time funding and reduced by $500,000 to provide a total of $1 million, the same as the House version.

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

- Funding of $9 million from the federal State Fiscal Recovery Fund is added for the construction of a Camp Grafton fitness facility, the same as the House version;
- Funding of $5.3 million from the federal State Fiscal Recovery Fund is removed for the construction of Camp Grafton training center billets (see footnote 7 below), the same as the House version;
- Funding of $2.6 million from the federal State Fiscal Recovery Fund is removed for

design and engineering of a new Williston Readiness Center, the same as the House version; and

- Funding of $2.7 million was changed from the strategic investment and improvements fund to the federal State Fiscal Recovery Fund for statewide interoperable radio network equipment, the same as the House version.

The House had also added $20 million from a Bank of North Dakota line of credit for the construction of a North Dakota military museum.

[7] A section is added providing a contingent appropriation from federal funds for the construction of Camp Grafton training center billets. If other federal funds become available for the completion of the Dickinson Readiness Center, funding from the federal State Fiscal Recovery Fund of up to $5.3 million may be used to construct the billets. The House also made these changes.

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

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	$12,232,240	$14,894,591	($2,042,094)	$12,852,497	$12,842,211	$10,286
Operating expenses	6,502,334	7,815,567	(1,000,000)	6,815,567	6,815,567	
Capital assets	660,000	960,000	(150,000)	810,000	810,000	
Grants	14,550,000	28,418,000	(314,000)	28,104,000	28,418,000	(314,000)
Disaster costs	51,485,736	216,934,095	3,185,503	220,119,598	220,339,598	(220,000)
Total all funds	$85,430,310	$269,022,253	($320,591)	$268,701,662	$269,225,376	($523,714)
Less estimated income	79,151,794	259,256,970	1,778,527	261,035,497	261,035,497	0
General fund	$6,278,516	$9,765,283	($2,099,118)	$7,666,165	$8,189,879	($523,714)
FTE	70.00	77.00	0.00	77.00	75.00	2.00

Department 542 - Department of Emergency Services - Detail of Conference Committee Changes

	Adds Funding for Salary and Benefit Increases[1]	Removes Funding for Watch Center Positions[2]	Removes Salary Funding for Funding Pool[3]	Adjusts Funding from Ongoing to One-Time[4]	Adjusts Funding for One-Time Items[5]	Total Conference Committee Changes
Salaries and wages	$183,324	($409,260)	($1,816,158)			($2,042,094)
Operating expenses					($1,000,000)	(1,000,000)
Capital assets					(150,000)	(150,000)
Grants				($314,000)		(314,000)
Disaster costs	15,629		(55,126)		3,225,000	3,185,503
Total all funds	$198,953	($409,260)	($1,871,284)	($314,000)	$2,075,000	($320,591)
Less estimated income	134,159	0	(580,632)	0	2,225,000	1,778,527
General fund	$64,794	($409,260)	($1,290,652)	($314,000)	($150,000)	($2,099,118)
FTE	0.00	0.00	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, the same as the House version, as follows:

	General Fund	Other Funds	Total
Salary increase	$77,874	$138,705	$216,579
Health insurance adjustment	(13,080)	(4,546)	(17,626)
Total	$64,794	$134,159	$198,953

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

[2] Funding of $409,260 from the general fund is removed for 2 FTE watch center analysts for the Department of Emergency Services, the same as the House version. The Conference Committee added the 2 FTE positions but did not include funding for the positions.

[3] 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 funding pool.

	General Fund	Other Funds	Total
New FTE positions	($978,006)	($102,182)	($1,080,188)
Vacant FTE positions	(312,646)	(478,450)	(791,096)
Total	($1,290,652)	($580,632)	($1,871,284)

The House also removed funding for the new and vacant FTE funding pool.

[4] Funding of $628,000 from the general fund for the cybersecurity grant was changed from ongoing to one-time funding, the same as the House; however, the Conference Committee reduced the funding by $314,000 to provide a total of $314,000.

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

- Funding of $150,000 from the general fund is reduced for State Radio console replacement to provide a total of $150,000, the same as the House version;
- Funding of $225,000 from the state disaster relief fund is added for flood mitigation grants to the City of Marion, the same as the House version; and
- Funding of $2 million from the state disaster relief fund is added for natural disaster response and recovery grants, the same as the House version.

The House had added $220,000 from the general fund for disaster mortuary response team training which the Conference Committee did not include.

This amendment also:

- Identifies $20.6 million from the federal State Fiscal Recovery Fund, the same as the House version, of which $8.9 million is for the completion of the Dickinson Readiness Center, $2.7 million is for statewide interoperable radio network equipment, and $9 million is for the construction of the Camp Grafton fitness facility. If other federal funds become available for the completion of the Dickinson Readiness Center, then federal state fiscal recovery funds of up to $5.3 million may instead be used for the construction of Camp Grafton training center billets.
- Identifies $14,918,245 from the state disaster relief fund, the same as the House version, of which $11,693,245 is for costs relating to previous state disasters, $1,000,000 is for the 10 percent state match for the federal Safeguarding Tomorrow through Ongoing Risk Mitigation (STORM) program, $2,000,000 is for natural disaster response and recovery grants, and $225,000 is for a flood mitigation grant to the City of Marion.
- Removes a section identifying $2.7 million from the strategic investment and improvements fund for statewide interoperable radio network equipment, the same as the House version. The funding source is changed to the federal State Fiscal Recovery Fund.
- Provides that the $60,000 for the purchase of a Minot hangar and the $2 million for natural disaster response and recovery grants are an emergency, the same as the House version.
- Adds a section to allow the Adjutant General to transfer up to $409,260 from the operating expenses line item to the salaries and wages line item for 2 FTE watch center analyst positions. The adjutant general shall notify the legislative council of any transfers made pursuant to this section.
- Changes the section to allow the Adjutant General to accept other funds to match state funds to construct a North Dakota military museum. The Senate version only allowed the Adjutant General to accept donations for the project. The House included this language in a line of credit section.
- Adds a section to provide for a Legislative Management study of a Cold War trail project, the same as the House version.

The House had added a section providing a line of credit from the Bank of North Dakota to the Adjutant General for $20 million for the construction of a North Dakota military museum.

Engrossed SB 2016 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2018, as engrossed: Your conference committee (Sens. Meyer, Sorvaag, Krebsbach

and Reps. Richter, Martinson, Hanson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1571-1573, adopt amendments as follows, and place SB 2018 on the Seventh order:

That the House recede from its amendments as printed on pages 1571-1573 of the Senate Journal and pages 1775-1777 of the House Journal and that Engrossed Senate Bill No. 2018 be amended as follows:

Page 1, line 3, after the second semicolon, insert "to provide a statement of legislative intent;"

Page 1, replace lines 14 through 24 with:

"Salaries and wages	$15,791,624	$722,870	$16,514,494
Operating expenses	4,473,663	122,168	4,595,831
Capital assets	1,251,015	24,163,413	25,414,428
Grants	600,000	1,203,340	1,803,340
Cultural heritage grants	500,000	0	500,000
America's 250th celebration	0	250,000	250,000
Exhibits	0	300,000	300,000
Total all funds	$22,616,302	$26,761,791	$49,378,093
Less estimated income	3,229,952	24,109,231	27,339,183
Total general fund	$19,386,350	$2,652,560	$22,038,910
Full-time equivalent positions	78.75	4.75	83.50"

Page 2, replace lines 6 through 20 with:

"Historical site and extraordinary repairs	$4,200,000	$3,250,000
Essential infrastructure at historic sites	950,000	0
State archives digital repository upgrade	25,000	0
Inflationary costs	0	120,795
Digital interactive initiative	0	425,000
Geographic information system remote access and upgrade	0	250,000
Medora site planning	0	150,000
Army corps of engineers grant	0	400,000
Opera house restoration	0	250,000
Whitestone Hill monument	0	250,000
Digital humanities advancement grant	0	30,000
Scanner and microfilm plotter	0	236,044
Exhibit engagement	0	375,000
Paul Bruhn historical revitalization grant	0	750,000
Underrepresented community grant	0	125,000
America's 250th celebration	0	250,000
Military museum	0	20,000,000
Total all funds	$5,175,000	$26,861,839
Total special funds	5,150,000	24,955,000
Total general fund	$25,000	$1,906,839"

Page 3, after line 2, insert:

"**SECTION 5. BANK OF NORTH DAKOTA - LINE OF CREDIT - MILITARY MUSEUM - LEGISLATIVE INTENT.** The Bank of North Dakota shall extend a line of credit to the state historical society to provide funding to pay costs associated with the construction of a North Dakota military museum and related expansion projects for the state historical society. The line of credit may not exceed $20,000,000, and the interest rate associated with the line of credit must be the prevailing rate charged to North Dakota government entities. It is the intent of the sixty-eighth legislative assembly that the state historical society request funding from the sixty-ninth legislative assembly from the legacy earnings fund to repay the line of credit."

Page 3, line 5, replace "$5,095,500" with "$3,550,000"

Page 3, line 5, replace "$4,500,000" with "$3,250,000"

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

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

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2018 - State Historical Society - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	$15,791,624	$17,548,818	($1,034,324)	$16,514,494	$16,474,494	$40,000
Operating expenses	4,473,663	3,960,831	635,000	4,595,831	4,595,831	
Capital assets	1,251,015	6,134,428	19,280,000	25,414,428	4,664,428	20,750,000
Grants	600,000	1,803,340		1,803,340	1,803,340	
Cultural heritage grants	500,000	500,000		500,000	500,000	
America's 250th		750,000	(500,000)	250,000	250,000	
Exhibits		595,000	(295,000)	300,000	300,000	
Total all funds	$22,616,302	$31,292,417	$18,085,676	$49,378,093	$28,588,093	$20,790,000
Less estimated income	3,229,952	9,303,341	18,035,842	27,339,183	6,589,183	20,750,000
General fund	$19,386,350	$21,989,076	$49,834	$22,038,910	$21,998,910	$40,000
FTE	78.75	82.00	1.50	83.50	83.50	0.00

Department 701 - State Historical Society - Detail of Conference Committee Changes

	Adds Funding for Salary and Benefit Increases[1]	Adds Funding for FTE Positions[2]	Removes Salary Funding for Funding Pool[3]	Adjusts Funding for One-Time Items[4]	Total Conference Committee Changes
Salaries and wages	$237,904	$296,164	($1,768,392)	$200,000	($1,034,324)
Operating expenses		40,000		595,000	635,000
Capital assets				19,280,000	19,280,000
Grants					
Cultural heritage grants					
America's 250th				(500,000)	(500,000)
Exhibits				(295,000)	(295,000)
Total all funds	$237,904	$336,164	($1,768,392)	$19,280,000	$18,085,676
Less estimated income	30,031	0	(849,189)	18,855,000	18,035,842
General fund	$207,873	$336,164	($919,203)	$425,000	$49,834
FTE	0.00	1.50	0.00	0.00	1.50

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

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

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

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

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

The House also added the funding for the 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.

	General Fund	Other Funds	Total
New FTE positions	($360,978)	($770,038)	($1,131,016)
Vacant FTE positions	(558,225)	(79,151)	(637,376)
Total	($919,203)	($849,189)	($1,768,392)

The House also removed funding for the new and vacant FTE funding pool.

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

- Adds $425,000 from the general fund for a digital interactive initiative project, the same as the House.
- Reduces funding by $1.25 million from the strategic investment and improvements fund for historic building improvements to provide a total of $3.25 million. The House had reduced the funding by $2 million to provide a total of $2.5 million.
- Adds $400,000 from federal funds for an Army Corps of Engineers grant, of which $200,000 is for salaries and wages, $170,000 is for operating expenses, and $30,000 is for capital assets, the same as the House.
- Adds $250,000 from the general fund for an opera house restoration project, the same as the House.
- Adds $250,000 from the general fund for conducting a study and designing a monument at Whitestone Hill State Historic Site, the same as the House.
- Reduces funding by $500,000 from the general fund to provide a total of $250,000 for the America's 250th celebration project, the same as the House.
- Reduces funding by $295,000 from the strategic investment and improvements fund to provide a total of $375,000 for improving exhibits including $300,000 from the strategic investment and improvements fund and $75,000 from donations, the same as the House.
- Adds $20 million from a Bank of North Dakota line of credit for the construction of a North Dakota military museum. The Senate and House did not include the line of credit.

This amendment:

- Changes a section to identify $3,550,000 from the strategic investment and improvements fund, of which $3,250,000 is for critical repairs to historic site structures and $300,000 is for creating new and repairing existing exhibits. The Senate provided $5,095,000 and the House $2,500,000 from the strategic investment and improvements fund for the sites and exhibits.
- Adds a section to provide a line of credit from the Bank of North Dakota to the State Historical Society for $20 million for the construction of a North Dakota military museum.

Engrossed SB 2018 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2240: Your conference committee (Sens. Burckhard, Meyer, J. Roers and Reps. Nelson, B. Anderson, Mitskog) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1535, adopt amendments as follows, and place SB 2240 on the Seventh order:

That the House recede from its amendments as printed on page 1535 of the Senate Journal and pages 1748 and 1749 of the House Journal and that Senate Bill No. 2240 be amended as follows:

Page 1, line 6, replace "$1,900,000" with "$1,000,000"

Page 1, line 10, replace "$900,000" with "$500,000"

Page 1, line 11, replace "$1,000,000" with "$250,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2240 - Department of Commerce - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Base retention grants		$1,900,000	($900,000)	$1,000,000	$800,000	$200,000
Total all funds	$0	$1,900,000	($900,000)	$1,000,000	$800,000	$200,000
Less estimated income	0	0	0	0	0	0
General fund	$0	$1,900,000	($900,000)	$1,000,000	$800,000	$200,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Department 601 - Department of Commerce - Detail of Conference Committee Changes

	Adjusts Grant Funding[1]	Total Conference Committee Changes
Base retention grants	($900,000)	($900,000)
Total all funds	($900,000)	($900,000)
Less estimated income	0	0
General fund	($900,000)	($900,000)
FTE	0.00	0.00

[1] Funding for base retention grants is reduced by $900,000 to provide a total of $1 million from the general fund to be provided to eligible organizations in Minot ($500,000), Fargo ($250,000), and Grand Forks ($250,000). The Senate provided $1.9 million from the general fund, of which $900,000 was for Minot, $500,000 was for Fargo, and $500,000 was for Grand Forks. The House provided $800,000 from the general fund, of which $400,000 was for Minot, $200,000 for Fargo, and $200,000 for Grand Forks.

SB 2240 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2196: Your conference committee (Sens. Patten, Kannianen, Sorvaag and Reps. Bosch, Dockter, J. Olson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1173, adopt amendments as follows, and place SB 2196 on the Seventh order:

That the House recede from its amendments as printed on page 1173 of the Senate Journal and page 1356 of the House Journal and that Senate Bill No. 2196 be amended as follows:

Page 1, line 3, remove "section 61-02-79,"

Page 1, line 6, replace "the authorized line of credit" with "infrastructure revolving loan fund payments; and to provide an appropriation"

Page 1, remove lines 8 through 19

Page 2, line 17, replace "6" with "5"

Page 3, line 26, remove "principal"

Page 3, line 27, replace "6" with "5"

Page 3, line 28, remove "Any amount in excess of one and"

Page 3, remove line 29

Page 3, line 30, remove "revolving fund loan."

Page 4, line 29, replace "forgiven" with "transferred to the general fund"

Page 4, after line 31, insert:

"**SECTION 7. APPROPRIATION - DEPARTMENT OF WATER RESOURCES - RESOURCES TRUST FUND.** There is appropriated out of any moneys in the resources trust fund in the state treasury, not otherwise appropriated, the sum of $2,000,000, or so much of the sum as may be necessary, to the department of water resources for the purpose of paying accrued and unpaid interest on the $25,000,000 loan from the general fund to the western area water supply authority authorized in section 3 of chapter 500 of the 2011 Session Laws, for the biennium beginning July 1, 2023, and ending June 30, 2025."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2196 - State Water Commission - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Accrued interest payment			$2,000,000	$2,000,000		$2,000,000
Total all funds	$0	$0	$2,000,000	$2,000,000	$0	$2,000,000
Less estimated income	0	0	2,000,000	2,000,000	0	2,000,000
General fund	$0	$0	$0	$0	$0	$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Department 770 - State Water Commission - Detail of Conference Committee Changes

	Adds Funding for Accrued Interest Payment[1]	Total Conference Committee Changes
Accrued interest payment	$2,000,000	$2,000,000
Total all funds	$2,000,000	$2,000,000
Less estimated income	2,000,000	2,000,000
General fund	$0	$0
FTE	0.00	0.00

[1] Funding of $2 million from the resources trust fund is appropriated to the Department of Water Resources for the purpose of paying accrued and unpaid interest on the $25 million loan from the general fund to the Western Area Water Supply Authority authorized in Section 3 of Chapter 500 of the 2011 Session Laws.

SB 2196 was placed on the Seventh order of business on the calendar.

REQUEST

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

MOTION

SEN. KLEIN MOVED that SB 2330 be moved to the bottom of the calendar, 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. KANNIANEN MOVED that the conference committee report on SB 2334 as printed on SJ pages 1920-1921 be adopted, which motion prevailed on a voice vote.

SB 2334 was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2334: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a large facility development fund; to amend and reenact subsection 2 of section 57-39.2-04.15 and section 57-39.2-26 of the North Dakota Century Code, relating to a sales tax exemption for a fertilizer plant and allocation of sales tax revenue; to provide a continuing appropriation; to provide for a

legislative management report; 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

Engrossed SB 2334, as amended, passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. CLEMENS MOVED that the conference committee report on Engrossed SB 2219 as printed on SJ page 1918 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2219, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2219: A BILL for an Act to create and enact a new section to chapter 39-06.1 of the North Dakota Century Code, relating to civil judgment for nonpayment of statutory fees; to amend and reenact section 14-08.1-07, subsection 6 of section 39-06-19, section 39-06-32, subsection 4 of section 39-06-33, subdivision i of subsection 2 of section 39-06-49, subsection 5 of section 39-06.1-11, and subsection 2 of section 39-16-03.1 of the North Dakota Century Code, relating to suspension of an operator's license for nonpayment of child support, the issuance of a temporary permit, authority to suspend an operator's license for failure to pay a fine, hearings on suspension or revocation of license, license reinstatement fees, temporary restricted licenses, and entries on driver's record abstract; 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 0 YEAS, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2219, as amended, failed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LEE MOVED that the conference committee report on Engrossed SB 2335 as printed on SJ page 1921 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2335, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2335: A BILL for an Act to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to establishing an annual day of awareness for fetal alcohol spectrum disorder; to amend and reenact subsection 3 of section 25-01.2-01 of the North Dakota Century Code, relating to fetal alcohol spectrum disorder; and to repeal section 50-06-32 of the North Dakota Century Code, relating to the autism spectrum disorder task force.

ROLL CALL

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

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

NAYS: Magrum

Reengrossed SB 2335, as amended, passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KANNIANEN MOVED that the conference committee report on Reengrossed SB 2089 as printed on SJ pages 1914-1915 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2089, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2089: A BILL for an Act to create and enact section 54-17.6-06.1 of the North Dakota Century Code, relating to clean natural gas capture and emissions reduction; and to designate funding from the oil and gas research fund.

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; Mathern; Meyer; Myrdal; Patten; Paulson; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Braunberger; Piepkorn

Reengrossed SB 2089, as amended, passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. CLEMENS MOVED that the conference committee report on SB 2168 as printed on SJ pages 1874-1878 be adopted, which motion prevailed on a voice vote.

SB 2168 was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2168: A BILL for an Act to amend and reenact section 39-06.1-06, subdivision i of subsection 1 of section 39-09-02, section 39-21-41.4, and subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to speeding violations, use of safety belts, and city fines and penalties; 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 8 YEAS, 39 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Clemens; Conley; Kannianen; Meyer; Roers, K.; Rummel; Sickler

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

Wobbema

Engrossed SB 2168, as amended, failed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. CLEMENS MOVED that the conference committee report on Engrossed SB 2169 as printed on SJ pages 1915-1918 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2169, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2169: A BILL for an Act to create and enact a new section to chapter 39-09 of the North Dakota Century Code, relating to temporary alteration of the maximum speed limit; to amend and reenact sections 39-08-01.2 and 39-08-01.4 of the North Dakota Century Code, section 39-10-21.1 of the North Dakota Century Code, as amended by Senate Bill No. 2189, as approved by the sixty-eighth legislative assembly, and section 39-21-13 of the North Dakota Century Code, relating to the special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances, driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor, entering a closed road, and a lamp or flag on a projecting load; to provide for a legislative management study; to provide for a legislative management report; 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 6 YEAS, 41 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Clemens; Conley; Larsen; Meyer; Paulson; Rummel

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

Reengrossed SB 2169, as amended, failed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LUICK MOVED that the conference committee report on Engrossed HB 1391 as printed on SJ page 1922 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1391, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1391: A BILL for an Act to amend and reenact section 61-16.1-04 of the North Dakota Century Code, relating to the publication and distribution of water resource board meeting minutes.

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 1391, as amended, passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LARSON MOVED that the conference committee report on Reengrossed HB 1487 as printed on SJ page 1922 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1487, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1487: A BILL for an Act to create and enact a new chapter to title 6 of the North Dakota Century Code, relating to financial entities use of merchant codes to track firearm and ammunition-related purchases; to provide a penalty; to provide a continuing appropriation; and to provide for a legislative management study.

ROLL CALL

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

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; 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: Mathern; Piepkorn

Reengrossed HB 1487, as amended, passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LUICK MOVED that the conference committee report on Engrossed HB 1501 as printed on SJ pages 1923-1925 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1501, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1501: A BILL for an Act to amend and reenact subsection 1 of section 4.1-11-01, sections 4.1-11-08, 4.1-11-10, 4.1-11-11, 4.1-11-12, 4.1-11-13, 4.1-11-14, and 4.1-11-15, and subsection 1 of section 4.1-44-03 of the North Dakota Century Code, relating to the North Dakota soybean council and the North Dakota soybean fund; and to provide an effective 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 HB 1501, as amended, passed.

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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 2020: Reps. Swiontek; Martinson; Richter

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 1040.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2089, SB 2334, SB 2335.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1391, HB 1487, HB 1501.

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 2164, SB 2168, SB 2169, SB 2219.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has adopted the conference committee report on: SB 2265.

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 2198, SB 2328, SB 2345.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause failed to pass: SB 2024.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2017, SB 2023, SB 2085, SB 2206.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: Your signature is respectfully requested on: HB 1002, HB 1239, HB 1310, HB 1371, HB 1477.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: SB 2017, SB 2023, SB 2085, SB 2206.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: SB 2029, SB 2201, SB 2261, SB 2276, SB 2341, SB 2343.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2029, SB 2126, SB 2139, SB 2161, SB 2187, SB 2201, SB 2227, SB 2261, SB 2276, SB 2341, SB 2343, SB 2344, SB 2391.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: HB 1205, HB 1438, HB 1473.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS
The following bills were delivered to the Governor for approval on April 25, 2023: SB 2029, SB 2126, SB 2139, SB 2161, SB 2187, SB 2201, SB 2227, SB 2261, SB 2276, SB 2341, SB 2343, SB 2344, SB 2391.

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

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

CORRECTION AND REVISION OF THE JOURNAL
MADAM PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Beard, Chairman)** has carefully examined the Journal of the Fifty-sixth Day and recommends that it be corrected as follows and when so corrected, recommends that it be

approved:

Page 1266, remove lines 5-10

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

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Tom Campbell.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BEKKEDAHL MOVED that the conference committee report on Engrossed SB 2018 as printed on SJ pages 1937-1940 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2018, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society; to amend and reenact sections 55-03-01 and 55-03-01.1 of the North Dakota Century Code, relating to permit fees; to provide an exemption; to provide a statement of legislative intent; and to provide for a legislative management study.

ROLL CALL

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

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

NAYS: Lee; Magrum

Reengrossed SB 2018, as amended, passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BEKKEDAHL MOVED that the conference committee report on Engrossed SB 2016 as printed on SJ pages 1931-1937 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2016, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the adjutant general; to provide an exemption; to provide a statement of legislative intent; to provide for a legislative management study; to provide for a transfer; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 2016, as amended, passed and the emergency clause was declared carried.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BEKKEDAHL MOVED that the conference committee report on SB 2240 as printed on SJ pages 1940-1941 be adopted, which motion prevailed on a voice vote.

SB 2240, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2240: A BILL for an Act to provide an appropriation to the department of commerce for the base retention grant 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 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 2240, as amended, passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. PATTEN MOVED that the conference committee report on SB 2196 as printed on SJ pages 1941-1942 be adopted, which motion prevailed on a voice vote.

SB 2196, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2196: A BILL for an Act to create and enact two new sections to chapter 61-40 of the North Dakota Century Code, relating to the infrastructure revolving loan fund and accrued and unpaid interest in western area water supply authority loans; to amend and reenact subsection 13 of section 61-40-05, and sections 61-40-09, 61-40-10, and 61-40-11 of the North Dakota Century Code, relating to the oversight of the western area water supply authority and infrastructure revolving loan fund payments; 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 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Magrum

Engrossed SB 2196, as amended, passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LARSEN MOVED that the conference committee report on SB 2330 as printed on SJ pages 1918-1920 be adopted, which motion prevailed on a voice vote.

SB 2330 was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2330: A BILL for an Act to amend and reenact subsection 3 of section 6-09-49 and sections 21-10-11 and 21-10-12 of the North Dakota Century Code, relating to the infrastructure revolving loan fund, the legacy and budget stabilization fund advisory board, and legacy fund definitions; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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 2330, as amended, passed and the emergency clause was declared carried.

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MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has failed to pass, unchanged: SB 2239.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has appointed Rep. Louser to replace Rep. Wagner on the Conference Committee on HB 1413.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2018, SB 2196.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2016, SB 2330.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has adopted the conference committee report on: SB 2129, SB 2170, SB 2181.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1007, HB 1013, HB 1024, HB 1225, HB 1231, HB 1341, HB 1480, HB 1508, HB 1536.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HCR 3033.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1028, HB 1447.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2198, SB 2265, SB 2328, SB 2345.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: SB 2198, SB 2265, SB 2328, SB 2345.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2017, SB 2023, SB 2085, SB 2206.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1002, HB 1239, HB 1310, HB 1371, HB

1477.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: HB 1002, HB 1239, HB 1310, HB 1371, HB 1477.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS
The following bills were delivered to the Governor for approval on April 25, 2023: SB 2017, SB 2023, SB 2085, SB 2206.

MOTION
SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Wednesday, April 26, 2023, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE
SB 2010, as engrossed: Your conference committee (Sens. Vedaa, J. Roers, Wanzek and Reps. Meier, Pyle, Mock) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1524-1527, adopt amendments as follows, and place SB 2010 on the Seventh order:

That the House recede from is amendments as printed on pages 1524-1527 of the Senate Journal and pages 1732-1734 of the House Journal and that Engrossed Senate Bill No. 2010 be amended as follows:

Page 1, line 2, replace "section" with "sections"

Page 1, line 2, after "26.1-01-09" insert ", 26.1-23.1-02, and 26.1-23.1-06"

Page 1, line 3, replace "; and to provide a transfer" with "and government self-insurance pools"

Page 1, replace lines 12 through 17 with:

"Salaries and wages	$8,076,281	$2,591,891	$10,668,172
Operating expenses	1,507,359	1,130,308	2,637,667
Capital assets	0	147,540	147,540
Grants	0	2,400,000	2,400,000
Total special funds	$9,583,640	$6,269,739	$15,853,379
Full-time equivalent positions	38.00	9.00	47.00"

Page 1, after line 23, insert:

"State fire marshal equipment	0	72,540"

Page 2, replace line 4 with:

"Total special funds	$1,162,000	$245,840"

Page 2, replace lines 20 through 25 with:

"**SECTION 5. AMENDMENT.** Section 26.1-23.1-02 of the North Dakota Century Code is amended and reenacted as follows:

26.1-23.1-02. Government self-insurance pools not insurers.

Any government self-insurance pool organized under chapter 32-12.1 is not an insurance company or insurer. The coverages provided by ~~such~~the pools and the administration of ~~such~~the pools do not constitute the transaction of insurance business. Participation in a government self-insurance pool under this chapter does not constitute a waiver of any existing immunities otherwise provided by the constitution or laws of this state. In all respects not specifically provided for under this chapter, a government self-insurance pool is subject to chapters 26.1-01,

26.1-02, 26.1-04, 26.1-25, and 26.1-26 with the exception of sections 26.1-26-06, 26.1-26-07, and 26.1-26-13.1 relating to insurance companies generally.

SECTION 6. AMENDMENT. Section 26.1-23.1-06 of the North Dakota Century Code is amended and reenacted as follows:

26.1-23.1-06. Pool reserve records confidential - Open records.

1. Information regarding that portion of the funds or liability reserves of a government self-insured ~~government~~ pool established for purposes of satisfying a specific claim or cause of action is confidential. A person is not entitled to discover that portion of the funds or liability reserves established for purposes of satisfying a claim or cause of action, except that the reserve is discoverable in any supplementary or ancillary proceeding to enforce a judgment against the pool or a governmental entity participating in the pool.

2. Unless otherwise provided by law, a government self-insurance pool record, as defined under section 44-04-17.1, is subject to chapter 44-04."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2010 - Insurance Department - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	$8,076,281	$11,452,759	($784,587)	$10,668,172	$10,654,916	$13,256
Operating expenses	1,507,359	2,903,986	(266,319)	2,637,667	2,445,637	192,030
Capital assets		75,000	72,540	147,540	147,540	
Grants		2,400,000		2,400,000	2,400,000	
Insurance tax payments	20,728,540					
Total all funds	$30,312,180	$16,831,745	($978,366)	$15,853,379	$15,648,093	$205,286
Less estimated income	30,312,180	16,831,745	(978,366)	15,853,379	15,648,093	205,286
General fund	$0	$0	$0	$0	$0	$0
FTE	38.00	49.00	(2.00)	47.00	46.00	1.00

Department 401 - Insurance Department - Detail of Conference Committee Changes

	Adds Funding for Salary and Benefit Increases[1]	Adjusts Salary Equity Funding for Elected Officials[2]	Removes FTE Positions for Fire Marshal[3]	Add Funding for Retirement Changes for Peace Officers[4]	Removes Salary Funding for Funding Pool[5]	Removes Funding for Travel Expenses[6]
Salaries and wages	$284,102	($5,600)	($431,599)	$13,256	($644,746)	
Operating expenses			(184,061)			($82,258)
Capital assets						
Grants						
Insurance tax payments						
Total all funds	$284,102	($5,600)	($615,660)	$13,256	($644,746)	($82,258)
Less estimated income	284,102	(5,600)	(615,660)	13,256	(644,746)	(82,258)
General fund	$0	$0	$0	$0	$0	$0
FTE	0.00	0.00	(2.00)	0.00	0.00	0.00

	Adds One-Time Funding for State Fire Marshal Equipment[7]	Total Conference Committee Changes
Salaries and wages		($784,587)
Operating expenses		(266,319)
Capital assets	$72,540	72,540
Grants		
Insurance tax payments		
Total all funds	$72,540	($978,366)
Less estimated income	72,540	(978,366)
General fund	$0	$0
FTE	0.00	(2.00)

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

	Other Funds
Salary increase	$246,975
Health insurance adjustment	37,127
Total	$284,102

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

[2] Funding is adjusted from special funds for a salary equity increase for the Insurance Commissioner. The salary equity increase is adjusted from $26,748 to $21,148, the same as the House version due to salary adjustments of 6 percent on July 1, 2023, and 4 percent on July 1, 2024. The Senate had approved salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024.

[3] Funding of $615,660 from other funds is removed for 2 FTE deputy fire marshal positions, of which $431,599 is salaries and wages and $184,061 is related operating expenses. The House had removed 3 FTE positions for a total of $911,380. The Senate had added 4 FTE positions for the State Fire Marshal.

[4] Funding is added from other funds for an employer retirement contribution increase due to approval of House Bill No. 1183. The Senate and House did not include this funding.

[5] 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 funding pool.

	Other Funds
New FTE positions	($407,380)
Vacant FTE positions	(237,366)
Total	($644,746)

The House also removed funding for the new and vacant FTE pool.

[6] Funding for travel is reduced by $82,258 from other funds to provide a total of $500,000. The House had removed $182,258.

[7] One-time funding of $72,540 is added from other funds for State Fire Marshal equipment, the same as the House version.

This amendment also:

- Removes sections transferring any remaining balance from the unsatisfied judgment fund to the insurance regulatory trust fund and providing a contingent effective date for the transfer, the same as the House version. Senate Bill No. 2295 has a section relating to the transfer of the balance in the unsatisfied judgment fund.
- The House added sections amending Sections 26.1-23.1-02 and 26.1-23.1-06 relating to government self-insurance pools. The Conference Committee included the sections but included exceptions to Sections 26.1-26-06, 26.1-26-07, and 26.1-26-13.1 from the amendment to Section 26.1-23.1-02.

Engrossed SB 2010 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2238, as engrossed: Your conference committee (Sens. Lee, Hogan, Weston and Reps. Kreidt, Strinden, B. Anderson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1071, adopt amendments as follows, and place SB 2238 on the Seventh order:

That the House recede from its amendments as printed on page 1071 of the Senate Journal and page 1230 of the House Journal and that Engrossed Senate Bill No. 2238 be amended as follows:

Page 1, line 1, remove "amend and reenact section 50-11.1-06.2 of the North Dakota Century Code,"

Page 1, line 2, remove "relating to criminal history record checks for early childhood services providers; and to"

Page 1, line 3, after "study" insert "relating to criminal history record checks; and to provide an appropriation"

Page 1, remove lines 5 through 24

Page 2, remove lines 1 through 28

Page 3, after line 6, insert:

"**SECTION 2. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - CRIMINAL HISTORY RECORD CHECKS.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $300,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of salary and wages for personnel to process fingerprints and complete required criminal history record checks and for the purchase of two fingerprint scanners, for the biennium beginning July 1, 2023, and ending June 30, 2025. The department is authorized two full-time equivalent positions to process fingerprints for criminal history record checks."

Renumber accordingly

Engrossed SB 2238 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2371, as engrossed: Your conference committee (Sens. Sickler, Paulson, Estenson and Reps. Thomas, S. Olson, Schreiber-Beck) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1702-1705, adopt amendments as follows, and place SB 2371 on the Seventh order:

That the House recede from its amendments as printed on pages 1702-1705 of the Senate Journal and pages 1943-1945 of the House Journal and that Engrossed Senate Bill No. 2371 be amended as follows:

Page 1, line 5, replace "and to declare an emergency" with "to provide for a legislative management study; and to provide an expiration date"

Page 1, line 13, after the underscored closing parenthesis insert "or a person identified on the office of foreign assets control sanctions list"

Page 1, line 19, replace "for" with "on"

Page 1, line 19, remove "direct"

Page 2, line 5, after the underscored closing parenthesis insert "or a person identified on the office of foreign assets control sanctions list"

Page 2, line 11, replace "for" with "on"

Page 2, line 11, remove "direct"

Page 2, line 22, remove ", hold,"

Page 2, line 22, after "state" insert "after the effective date of this Act"

Page 2, line 23, remove "government listed as a foreign"

Page 2, line 24, remove "that is:"

Page 2, line 25, replace "(1) Headquartered" with "with a principal executive office located"

Page 2, line 25, after "is" insert "identified as"

Page 2, line 25, remove the underscored semicolon

Page 2, remove lines 26 through 29

Page 2, line 30, remove "which is held or controlled by, a company or entity described in paragraph 3"

Page 2, after line 30, insert:

"c. A foreign business entity in which a foreign adversary owns:

(1) More than fifty percent of the total controlling interests or total ownership interests, as defined under section 10-19.1-01, in the foreign business entity, unless the foreign business entity was operating lawfully in the United States on the effective date of this Act; or

(2) Fifty percent or less of the total controlling interests or total ownership interests, as defined under section 10-19.1-01, in the foreign business entity, if the foreign adversary directs the business operations and affairs of the foreign business entity without the requirement of consent of any nonforeign adversary, unless the foreign business entity was operating lawfully in the United States on the effective date of this Act."

Page 3, line 1, after "3." insert "When requested by a city council or commission, county commission, or title agent or company, the attorney general shall complete a civil review, to the extent allowable by law, relating to the qualifications of any foreign adversary business entity acquiring real property under subdivision c of subsection 2.

4."

Page 3, line 6, replace "for" with "on"

Page 3, line 6, remove "direct"

Page 3, line 9, replace "4." with:

"5. A foreign government or foreign business entity subject to and in violation of this section shall divest itself of all real property in this state within thirty-six months after the effective date of this Act.

6. If a foreign government or foreign business entity subject to this section fails to divest itself of all real property in this state within the period specified under subsection 4, the the state's attorney of the county in which the majority of the real property is situated may issue subpoenas to compel witnesses to appear to provide testimony or produce records.

7. Upon receiving testimony and records, if the state's attorney concludes a foreign government or foreign business entity, in violation of this section, has failed to divest ownership of real property as required under this section, the state's attorney shall commence an action in the district court of the county in which the majority of the real property is situated. Once the action is commenced, the state's attorney shall file a notice pursuant to section 28-05-07 with the recorder of each county where the real property subject to the action is situated. If the court finds divestment of real property under this section is proper, the district court shall enter an order consistent with its findings. As part of the order, the court shall cancel the notice pursuant to section 28-05-08.

8. Pursuant to an order for divestment, a foreign government or foreign business entity subject to an order shall divest all real property within six months from the date of the final entry of judgment. A foreign government or foreign business entity that fails to comply with the court's order is subject to a civil penalty not to exceed twenty-five thousand dollars.

9. Any real property not divested within the period prescribed by law may be sold at a public sale in the manner provided under chapter 32-19 through an action brought by the state's attorney. A title to real property or encumbrance on the real property may not be deemed invalid by an order of divestiture under this section.

10. A person that is not subject to this section may not be required to:

a. Determine whether another person is subject to this section; or

b. Inquire if another person is subject to this section.

11."

Page 3, line 9, replace "subsection" with "section"

Page 3, line 10, after the underscored closing parenthesis insert "or a person identified on the office of foreign assets control sanctions list"

Page 3, replace line 11 with:

"**SECTION 4. LEGISLATIVE MANAGEMENT STUDY - REAL PROPERTY AND COMMERCIAL ASSET OWNERSHIP AND OPERATION OF BUSINESS AND CHARITABLE ENTITIES BY FOREIGN ADVERSARIES.**

1. During the 2023-24 interim, the legislative management shall study the number of persons that own or control any real estate or commercial assets or operate a business within this state which is owned by, controlled by, or subject to the jurisdiction or direction of foreign adversaries or individuals acting on behalf of or in conjunction with foreign adversaries or persons listed on the office of foreign assets control sanctions list.

2. The study must attempt to craft a definition of foreign adversary and ascertain the number of such persons residing in this state which operate a business or a charitable enterprise or have obtained a beneficial interest in real estate, commercial assets, or a business or charitable organization in this state.

3. The study must consider which federal foreign adversary list would be best suited for use for the security of this state and the impact of implementing and using a federally created list.

4. The study must determine how to define, create, and implement a security review verification system that monitors and reviews the actions of foreign adversaries that operate a business or a charitable enterprise or have obtained a beneficial interest in real estate, commercial assets, or a business or charitable organization in this state.

5. The study must:

a. Identify optimal methods for state officials to work and collaborate with national intelligence agents at the state and federal level regarding background checks, national security, and state security;

b. Outline what constitutes a national security threat and which person or agency has the authority to declare a national security threat and security threat to this state;

c. Identify which state agencies are best equipped to create, implement, and operate a security review verification system that monitors and reviews foreign adversaries operating a business or a charitable enterprise or that have obtained a beneficial interest in real estate, commercial assets, or a business or charitable organization in this state;

d. Identify the proper structure and function of a security review verification system;

e. Identify the individuals and persons eligible to operate a business or a charitable enterprise or that have obtained a beneficial interest in real estate, commercial assets, or a business or charitable organization in this state, under the security review verification system; and

f. Identify other necessary changes to current industry practices relating to ownership of real property or commercial assets and the operation of business or charitable entities by a foreign adversary.

6. The study must include under which circumstances, if any, foreign adversaries are prohibited from owning real property in this state, and under which circumstances, if any, foreign adversaries are permitted to own real property in this state.

7. 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 5. EXPIRATION DATE. This Act is effective through July 31, 2025, and after that date is ineffective."

Renumber accordingly

Engrossed SB 2371 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

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

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

REPORT OF CONFERENCE COMMITTEE

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

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

Page 1, replace lines 11 through 16 with:

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

Page 1, remove lines 22 and 23

Page 2, replace lines 1 and 2 with:

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	$6,473,127	$8,026,528	($502,707)	$7,523,821	$7,523,821	
Operating expenses	2,229,872	1,758,194	10,900	1,769,094	1,769,094	
Capital assets		4,949,500		4,949,500	2,549,500	$2,400,000
Contingencies	100,000	100,000		100,000	100,000	
Total all funds	$8,802,999	$14,834,222	($491,807)	$14,342,415	$11,942,415	$2,400,000
Less estimated income	8,802,999	14,834,222	(491,807)	14,342,415	11,942,415	2,400,000
General fund	$0	$0	$0	$0	$0	$0
FTE	30.00	32.00	1.00	33.00	33.00	0.00

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

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

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

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

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

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

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

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

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

The Conference Committee:

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

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

REPORT OF CONFERENCE COMMITTEE

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

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

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

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

Page 1, replace lines 14 through 21 with:

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

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

Page 2, after line 13, insert:

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

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

Page 3, after line 19, insert:

"**SECTION 8. EXEMPTION - LABORATORY INFORMATION MANAGEMENT SYSTEM.** The sum of $1,000,000, appropriated from the general fund for the laboratory information management system in section 1 of chapter 52 of

the 2021 Session Laws, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available for the laboratory information management system during the biennium beginning July 1, 2023, and ending June 30, 2025."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REPORT OF CONFERENCE COMMITTEE

HB 1028, as engrossed: Your conference committee (Sens. Weston, Hogan, K. Roers and Reps. Rohr, Beltz, Dobervich) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1694-1698, adopt amendments as follows, and place HB 1028 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1694-1698 of the House Journal and pages 1199-1202 of the Senate Journal and that Engrossed House Bill No. 1028 be amended as follows:

Page 1, line 2, after the semicolon insert "to amend and reenact section 23-17.3-01 and subdivision h of subsection 1 of section 23-17.3-05 of the North Dakota Century Code, relating to the regulation of home health agencies;"

Page 1, line 3, remove "to provide a statement of legislative intent; to provide for a report to the"

Page 1, line 4, remove "legislative assembly; and"

Page 1, line 4, after "appropriation" insert "; and to declare an emergency"

Page 1, after line 5, insert:

"**SECTION 1. AMENDMENT.** Section 23-17.3-01 of the North Dakota Century Code is amended and reenacted as follows:

23-17.3-01. Definitions.

In this chapter, unless the context and subject matter otherwise require:

1. "Allowed practitioner" means a physician assistant or advanced practice registered nurse.

2. "Clinical record" means a written account which covers the services the agency provides directly and those provided through arrangements with another agency which account contains pertinent past and current medical, nursing, social, and other therapeutic information, including the plan of treatment.

~~2.~~3. "Department" means the department of health and human services.

~~3.~~4. "Home health agency" means a public or private agency, organization, facility, or subdivision thereof which is engaged in providing home health services to individuals and families where they are presently residing for the purpose of preventing disease and promoting, maintaining, or restoring health or minimizing the effects of illness or disability.

~~4.~~5. "Home health aide" means an individual who renders personal related service under the supervision of a registered professional nurse.

~~5.~~6. "Home health services" means a broad range of health and social services furnished to individuals and families by a home health agency or by others under arrangements with the agency, in the places where the recipients are presently residing. Services must include the services of a currently licensed registered professional nurse and at least one other therapeutic service and may include additional support services. These services may only be provided with the approval of a licensed physician or an allowed practitioner.

~~6.~~7. "Licensed practical nurse" means one who has met all legal requirements for licensure and holds a current license to practice in North Dakota pursuant to chapter 43-12.1.

~~7.~~8. "Nursing services" means those services pertaining to the preventive, curative, and restorative aspects of nursing care that are performed by or under the supervision of a registered professional nurse.

~~8.~~9. "Person" means an individual, firm, partnership, association, corporation, limited liability company, or any other entity, whether organized for profit or not.

~~9.~~10. "Physician" means any person currently licensed pursuant to chapter 43-17.

~~10.~~11. "Registered professional nurse" means a registered nurse as defined under chapter 43-12.1.

~~11.~~12. "Skilled nursing" means professional nursing services rendered by nurses licensed under chapter 43-12.1.

~~12.~~13. "Supportive services" includes the use of medical appliances; medical supplies, other than drugs and biologicals prescribed by a physician; the collection of blood and other samples for laboratory analysis; and nutritional guidance, homemaker, or companion services.

~~13.~~14. "Therapeutic services" means services which include:

a. Skilled nursing care.

b. Medical social services.

c. Home health aide services.

d. Physical, occupational, or speech therapy.

e. Respiratory therapy.

SECTION 2. AMENDMENT. Subdivision h of subsection 1 of section 23-17.3-05 of the North Dakota Century Code is amended and reenacted as follows:

h. The agency shall maintain clinical records on all patients to serve as documentation of the medical, nursing, and therapeutic care rendered to the patient and for communication between the physician or allowed practitioner and the agency."

Page 1, line 10, after "1." insert ""Community health representative" means an individual trained through the Indian health service to provide community-based and medically guided health care, which may include traditional native concepts.

2."

Page 1, line 10, after "chapter" insert "to provide preventative services"

Page 1, line 11, replace "2." with "3."

Page 1, after line 11, insert:

"4. "Preventative services" means services to prevent a disease, disability, or other health condition or the progression of a disease, disability, or other health condition which are provided to an individual:

a. With a chronic condition;

b. At risk for a chronic condition who is unable to self-manage the chronic condition; or

c. With a documented barrier that affects the individual's health."

Page 1, line 16, remove "certification standards for an applicant seeking"

Page 1, line 17, replace "certification as a community health worker" with "and implement a method for certifying community health workers, including:

a. Community health representatives; and

b. Other qualified individuals"

Page 1, line 23, remove "**- REPORT TO**"

Page 1, line 24, remove "**LEGISLATIVE MANAGEMENT**"

Page 2, line 4, remove "appointed by the"

Page 2, line 5, replace "department of health and human services must include representatives of the" with "is comprised of"

Page 2, line 6, remove "Department of health and human services, including the division of health equity"

Page 2, line 7, replace "and division of aging services" with "One representative of the medical services division of the department of health and human services, appointed by the department of health and human services"

Page 2, line 8, replace "Department of career and technical education" with "One representative of the public health division of the department of health and human services, appointed by the department of health and human services"

Page 2, line 9, replace "State board of higher education" with "One representative of the tribal nations in the state, appointed by the Indian affairs commissioner in consultation with the health director of each tribal nation placed in North Dakota"

Page 2, line 10, replace "Insurance department" with "One representative of the North Dakota state university school of public health appointed by the college of health professions"

Page 2, line 11, remove "University of North Dakota school of medicine and health sciences center for"

Page 2, line 12, replace "rural health" with "One representative of the university of North Dakota school of medicine and health sciences center for rural health, appointed by the dean of the school of medicine and health sciences"

Page 2, line 13, remove "University of North Dakota and North Dakota state university schools of public"

Page 2, line 14, replace "health" with "One representative of the hospitals in this state, appointed by the North Dakota hospital association"

Page 2, line 15, replace "Private health insurers operating in the state" with "One representative of the federally qualified health centers, appointed by the community healthcare association of the Dakotas"

Page 2, line 15, after the semicolon insert "and"

Page 2, line 16, remove "Health care sector, including qualified service providers, community health"

Page 2, removes lines 17 through 21

Page 2, line 22, replace "m. North Dakota emergency medical services association" with "One representative of the emergency medical services profession, appointed by the North Dakota emergency medical services association"

Page 2, line 27, after "reimbursement" insert ", including reimbursement to a federally qualified health center"

Page 2, line 28, remove "Develop a plan for a North Dakota community health worker collaborative."

Page 2, line 29, remove "c."

Page 3, line 1, replace "d." with "c."

Page 3, line 4, after "collaborative" insert a period

Page 3, line 5, replace "e." with "d."

Page 3, after line 6, insert:

"**SECTION 5. DEPARTMENT OF HEALTH AND HUMAN SERVICES - COMMUNITY HEALTH WORKERS - MEDICAID STATE PLAN AMENDMENT.** During the 2023-25 biennium, the department of health and human services shall seek a Medicaid state plan amendment to authorize the reimbursement of certified community health workers. Upon amendment of the Medicaid state plan, the

commissioner of the department of health and human services shall certify this fact to the legislative management."

Page 3, line 9, replace "$50,000" with "$75,000"

Page 3, line 12, replace "biennium" with "period"

Page 3, line 12, remove "July 1,"

Page 3, line 13, replace "2023," with "with the effective date of this section"

Page 3, after line 13, insert:

"**SECTION 7. EMERGENCY.** Sections 4 and 6 of this Act are declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1028 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

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

That the Senate recede from its amendments as printed on page 1794 of the House Journal and page 1477 of the Senate Journal and that House Bill No. 1225 be amended as follows:

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

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

Page 1, line 2, remove "statewide"

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

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

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

Page 1, line 9, remove "statewide"

Page 1, line 10, remove "county"

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

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

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1225 - Summary of Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate

Information Technology Department						
Total all funds	$0	$0	$300,000	$300,000	$0	$300,000
Less estimated income	0	0	0	0	0	0
General fund	$0	$0	$300,000	$300,000	$0	$300,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00
State Tax Commissioner						
Total all funds	$0	$424,000	($424,000)	$0	$0	$0
Less estimated income	0	0	0	0	0	0
General fund	$0	$424,000	($424,000)	$0	$0	$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00
Bill total						
Total all funds	$0	$424,000	($124,000)	$300,000	$0	$300,000
Less estimated income	0	0	0	0	0	0
General fund	$0	$424,000	($124,000)	$300,000	$0	$300,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

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

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

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

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

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

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

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

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

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

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

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

REPORT OF CONFERENCE COMMITTEE

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

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

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

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

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

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

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

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

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

Page 1, remove lines 9 through 22

Page 2, replace lines 1 through 9 with:

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

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

~~The superintendent of public instruction:~~

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

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

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

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

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

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

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

~~8. Shall direct school district annexation, reorganization, and dissolution and employ and compensate personnel necessary to enable the state~~

~~board of public school education to carry out its powers and duties regarding school district annexation, reorganization, and dissolution.~~

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

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

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

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

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

The superintendent of public instruction:

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

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

3. Shall supervise the development of course content standards.

4. Shall supervise the assessment of students.

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

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

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

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

9. Shall facilitate a process to review and update annually the statewide prekindergarten through grade twelve education strategic vision. The process must include input and participation from a steering committee

that includes representatives of all state-level entities receiving state education funding and education stakeholder groups. Each steering committee member entity receiving state education funds shall provide components of the entity's strategic plan which are aligned to the statewide strategic vision. The steering committee shall prepare a collaborative report of the strategic plans of each committee member entity receiving state education funds. The superintendent shall provide the collaborative report and any updates to the strategic vision to the legislative management during each interim and to a joint meeting of the education standing committees during each regular legislative session.

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

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

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

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

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

   a. Phonemic awareness;

   b. Phonics;

   c. Fluency;

   d. Vocabulary;

   e. Comprehension;

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

   g. How to identify and correct reading difficulties;

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

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

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

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

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

Page 2, line 14, overstrike the colon

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

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

Page 2, line 19, remove "characteristics"

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

Page 2, overstrike lines 20 and 21

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

Page 2, line 22, remove "and"

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

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

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

Page 2, remove line 25

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

Page 2, line 26, overstrike the period

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

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

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

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

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

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

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

Page 4, replace lines 9 through 17 with:

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

Renumber accordingly

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

REPORT OF CONFERENCE COMMITTEE

HB 1341, as engrossed: Your conference committee (Sens. Kessel, Magrum, Kannianen and Reps. Heinert, M. Ruby, Ista) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1487, adopt amendments as follows,

and place HB 1341 on the Seventh order:

That the Senate recede from its amendments as printed on page 1487 of the House Journal and page 1215 of the Senate Journal and that Engrossed House Bill No. 1341 be amended as follows:

Page 1, line 7, replace "may" with "must"

Page 1, line 10, replace "possessed" with "restricted"

Page 1, line 10, remove the colon

Page 1, line 13, remove "the tax"

Page 1, line 14, remove "commissioner,"

Page 1, line 14, after the second comma insert "a representative of the university system, and representatives of"

Page 1, line 15, remove "association of criminal"

Page 1, line 16, replace "defense lawyers" with "commission on legal counsel for indigents"

Page 1, line 16, remove "and"

Page 1, line 16, after "association" insert ", and an association or organization with an interest in firearm legislation"

Renumber accordingly

Engrossed HB 1341 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1447, as engrossed: Your conference committee (Sens. Lee, Cleary, K. Roers and Reps. Beltz, Weisz, Dobervich) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1698-1699, adopt amendments as follows, and place HB 1447 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1698 and 1699 of the House Journal and pages 1431 and 1432 of the Senate Journal and that Engrossed House Bill No. 1477 be amended as follows:

Page 1, line 4, after "21-10-06" insert "and section 23-01-42"

Page 1, line 5, after "board" insert ", opioid antagonist prescription, distribution, possession, or use,"

Page 2, after line 4, insert:

"**SECTION 2. AMENDMENT.** Section 23-01-42 of the North Dakota Century Code is amended and reenacted as follows:

23-01-42. Opioid antagonist prescription, distribution, possession, or use - Immunity from liability.

1. As used in this section:

   a. "Health care professional" means a licensed or certified health care professional who is working within the scope of practice for that profession. The term may include a physician, physician assistant, advanced practice registered nurse, and pharmacist acting in the professional's scope of practice.

   b. "Opioid antagonist" means a drug:

(1) That is approved by the United States food and drug administration for the treatment of a drug overdose and is recognized by the department of health and human services for the treatment of a drug overdose; and

(2) That when administered negates or neutralizes, in whole or in part, the pharmacological effects of an opioid in the body.

2. A health care professional acting in good faith may directly or by standing order prescribe, distribute, or dispense an opioid antagonist~~, if the health care professional provides training to:~~

~~a. An individual at risk of experiencing an opioid-related overdose; or~~

~~b. A family member, friend, or other individual in a position to assist an individual at risk of experiencing an opioid-related overdose.~~

~~3. An individual acting in good faith may receive or possess an opioid antagonist if that individual is:~~

~~a. An individual at risk of experiencing an opioid-related overdose; or~~

~~b. A family member, friend, or other individual in a position to assist an individual at risk of experiencing an opioid-related overdose~~.

~~4.~~3. An individual acting in good faith may ~~self-administer an opioid antagonist or~~ administer an opioid antagonist to another individual who the administering individual suspects is at risk of experiencing an opioid overdose.

~~5.~~4. An individual may receive, possess, or administer an opioid antagonist under subsection 3 ~~or 4~~, regardless of whether the individual is the individual for or to whom the opioid antagonist is prescribed, distributed, or dispensed.

~~6.~~5. An individual who prescribes, distributes, dispenses, receives, possesses, or administers an opioid antagonist as authorized under this section is immune from civil and criminal liability for such action. A health care professional who prescribes, distributes, or dispenses an opioid antagonist as authorized under this section is not subject to professional discipline for such action. This section does not expand the scope of practice of a health care professional. Immunity from liability or discipline under this subsection does not apply if the individual's actions constitute recklessness, gross negligence, or intentional misconduct."

Page 2, line 17, replace "collected" with "recovered"

Page 2, line 18, remove "and the state's political subdivisions"

Page 2, line 19, after the underscored period insert "Moneys recovered by a political subdivision as a result of opioid litigation may be deposited in the fund."

Page 3, after line 17, insert:

"c. The committee shall consider cultural practices and alternative best practice treatment methods when considering and making recommendations to the department under this subsection."

Page 3, line 21, after "2." insert "Annually, each political subdivision that recovers and retains moneys as a result of opioid litigation shall submit to the department a report detailing the decisions of the governing body of the political subdivision regarding use of the moneys.

3."

Page 3, line 22, after "made" insert "by the department and the political subdivisions"

Page 3, line 26, replace "follow the following formula:" with "include at least twenty percent for opioid use prevention and overdose prevention, including best practices relating to fentanyl drug overdose, and approved use for workforce development."

Page 3, remove lines 27 through 30

Page 4, remove lines 1 and 2

Page 4, after line 4, insert:

"**Political subdivisions - Public health units.**

1. A political subdivision that recovers moneys as a result of opioid litigation may deposit the moneys in the fund or may retain the moneys and transfer the moneys to the public health unit that provides services to that political subdivision.

2. A political subdivision that recovers and retains moneys as a result of opioid litigation shall collaborate with a public health unit on the use of the moneys for local programs for remediating and abating the opioid crisis. The use of moneys under this subsection must be in compliance with any court-ordered restrictions. The political subdivision and public health unit shall work together to ensure all reporting requirements are met.

3. All political subdivisions shall provide an allocation plan to the behavioral health division prior to expenditure."

Page 4, remove lines 21 through 30

Renumber accordingly

Engrossed HB 1447 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

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

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

REPORT OF CONFERENCE COMMITTEE

HB 1508, as engrossed: Your conference committee (Sens. K. Roers, Barta, Estenson and Reps. Fegley, Hatlestad, Warrey) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1796-1797, adopt amendments as follows, and place HB 1508 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1796 and 1797 of the House Journal and page 1478 of the Senate Journal and that Engrossed House Bill No. 1508 be amended as follows:

Page 2, line 21, after "e." insert: "Report quarterly to the legislative audit and fiscal review committee regarding:

(1) Communication processes with audited entities and any changes to the processes;

(2) Billing practices and procedures, including the use of cost estimates for audits, an itemized invoicing methodology, and a defined change order process for audits that exceed the original estimate;

(3) Information on audits completed, including:

(a) Name of the audited organization;

(b) Organization type;

(c) Audit type;

(d) Audit period;

(e) Estimated and actual hours and costs; and

(f) Total audit cost and the total cost as a percentage of the audited organization's operating budget; and

(4) Audit schedules, including audits performed by private firms and audits performed by the auditor's office.

f."

Page 2, line 24, overstrike "f." and insert immediately thereafter "g."

Page 2, line 26, overstrike "g." and insert immediately thereafter "h."

Page 3, remove lines 22 and 23

Renumber accordingly

Engrossed HB 1508 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

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

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

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

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

Page 1, replace lines 5 through 19 with:

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

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

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

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

should be conducted in partnership with the Indian child and the Indian child's parents, extended family members, Indian custodians, and tribe. Active efforts are to be tailored to the facts and circumstances of the case. The term includes:

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

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

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

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

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

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

(7) Supporting regular visits with a parent or Indian custodian in the most natural setting possible as well as trial home visits of the Indian child during any period of removal, consistent with the need to ensure the health, safety, and welfare of the Indian child.

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

(9) Monitoring progress and participation in services.

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

(11) Providing post-reunification services and monitoring.

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

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

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

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

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

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

(1) Foster care or nonfoster care placement;

(2) A preadoptive placement;

(3) An adoptive placement; or

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

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

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

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

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

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

m. "Termination of parental rights" means any action resulting in the termination of the parent-child relationship. It does not include a placement based upon an act by an Indian child which, if committed

by an adult, would be deemed a crime or a placement upon award of custody to one of the Indian child's parents in a divorce proceeding.

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

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

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

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

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

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

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

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

   a. A child custody proceeding, including:

      (1) An involuntary proceeding; and

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

   b. An emergency proceeding other than:

      (1) A tribal court proceeding; or

      (2) A proceeding regarding a delinquent act;

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

   d. A voluntary placement that either parent, both parents, or the Indian custodian has, of his or her or their free will, without a threat of removal by a state agency, chosen for the Indian child and that does not operate to prohibit the Indian child's parent or Indian custodian from regaining custody of the Indian child upon demand.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

   a. An extended family member of the Indian child;

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

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

   d. The tribe's statutory adopted placement preferences.

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

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

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

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

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

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

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

5. The standards to be applied in meeting the placement preference requirements of this subsection must be the prevailing social and cultural standards of the Indian community in which the Indian child's parent, Indian custodian, or extended family members reside or with which the Indian child's parent, Indian custodian, or extended family members maintain social and cultural ties.

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

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

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

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

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

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

(4) The extraordinary physical, mental, or emotional needs of the Indian child, such as specialized treatment services that may

be unavailable in the community where families who meet the placement preferences live.

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

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

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

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

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

27-19.1-06. Adoptee information.

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

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

b. The names and addresses of the biological parents;

c. The names and addresses of the adoptive parents;

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

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

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

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

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

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

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

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

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

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

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

   d. In the case of siblings removed from the home of the siblings who are not jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless it is contrary to the safety or well-being of any of the siblings.

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

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

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

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

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

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

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

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

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

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

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

Page 1, line 22, remove "the Indian"

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

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

Renumber accordingly

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

REPORT OF CONFERENCE COMMITTEE

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

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

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

Shanda Morgan, Secretary