

## JOURNAL OF THE SENATE

## Sixty-seventh Legislative Assembly

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Bismarck, February 18, 2021

The Senate convened at 1:00 p.m., with President Sanford presiding.

The prayer was offered by Pastor Josh Skjodal, Evangel, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**SB 2170: SEN. ANDERSON (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2086: SEN. HOGAN (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2206: SEN. BELL (Finance and Taxation Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2344: SEN. DWYER (Judiciary Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## MOTION

**SEN. KLEIN MOVED** that after action taken on the Sixth order, SB 2258, SB 2030, SB 2020, and SB 2002 be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2258: SEN. HOGAN (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## SECOND READING OF SENATE BILL

**SB 2258:** A BILL for an Act to provide for a legislative management study relating to shelter care programs for runaway youth.

## ROLL CALL

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

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Heitkamp; Larsen, O.; Myrdal

Engrossed SB 2258 passed.

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**CONSIDERATION OF AMENDMENTS**

**SB 2030: SEN. HECKAMAN (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2030:** A BILL for an Act to provide an appropriation to the state board of higher education for the higher education challenge matching grant program; and to amend and reenact subdivision c of subsection 1 of section 15-10-48 and subdivision c of subsection 1 of section 15-10-49 of the North Dakota Century Code, relating to matching grants for the advancement of academics.

**MOTION**

**SEN. MYRDAL MOVED** that Engrossed SB 2030 be amended as follows.

Page 1, line 2, after the semicolon insert "to create and enact paragraph 3 of subdivision b of subsection 1 of section 15-10-48 and paragraph 3 of subdivision b of subsection 1 of section 15-10-49 of the North Dakota Century Code, relating to institution eligibility for a matching grant for the advancement of academics;"

Page 1, after line 11, insert:

**"SECTION 2.** Paragraph 3 of subdivision b of subsection 1 of section 15-10-48 of the North Dakota Century Code is created and enacted as follows:

- (3) The institution is not sponsoring, partnering with, applying for grants with, or providing a grant subaward to any person or organization that performs, or promotes the performance of, an abortion unless the abortion is necessary to prevent the death of the woman, and not participating or sponsoring any program producing, distributing, publishing, disseminating, endorsing, or approving materials of any type or from any organization, that between normal childbirth and abortion, do not give preference, encouragement, and support to normal childbirth."

Page 1, after line 15, insert:

**"SECTION 4.** Paragraph 3 of subdivision b of subsection 1 of section 15-10-49 of the North Dakota Century Code is created and enacted as follows:

- (3) The institution is not sponsoring, partnering with, applying for grants with, or providing a grant subaward to any person or organization that performs, or promotes the performance of, an abortion unless the abortion is necessary to prevent the death of the woman, and not participating or sponsoring any program producing, distributing, publishing, disseminating, endorsing, or approving materials of any type or from any organization, that between normal childbirth and abortion, do not give preference, encouragement, and support to normal childbirth."

Re-number accordingly

**REQUEST**

**SEN. MYRDAL REQUESTED** a verification vote on the motion to adopt the proposed amendments to Engrossed SB 2030, which request was granted.

The proposed amendments to Engrossed SB 2030 were adopted on a verification vote.

**MOTION**

**SEN. WANZEK MOVED** that Reengrossed SB 2030 be amended as follows.

Page 1, line 3, replace "and" with ", subdivision a of subsection 1 of section 15-10-49,"

Page 1, line 3, after "15-10-49" insert ", and subdivision a of subsection 2 of section 15-10-49"

Page 1, line 7, replace "\$20,000,000" with "\$21,500,000"

Page 1, line 9, after "for" insert "student scholarships and"

Page 1, line 9, remove "under the control of"

Page 1, line 10, replace "the board" with "of higher education"

Page 1, after line 15, insert:

**"SECTION 3. AMENDMENT.** Subdivision a of subsection 1 of section 15-10-49 of the North Dakota Century Code is amended and reenacted as follows:

- a. Subject to legislative appropriations, each biennium during the period beginning July first of each odd-numbered year and ending December thirty-first of each even-numbered year, the state board of higher education shall award one dollar in matching grants for every two dollars raised by the institutional foundations of:

(1) Bismarck state college, Dakota college at Bottineau, Dickinson state university, Lake Region state college, Mayville state university, Minot state university, North Dakota state college of science, Valley City state university, and Williston state college for projects dedicated exclusively to the advancement of academics; and

(2) University of Jamestown and university of Mary for projects dedicated exclusively to student scholarships."

Page 2, line 2, after the first comma insert "university of Jamestown."

Page 2, line 2, after the second comma insert "university of Mary."

Page 2, after line 2, insert:

**"SECTION 5. AMENDMENT.** Subdivision a of subsection 2 of section 15-10-49 of the North Dakota Century Code is amended and reenacted as follows:

- a. If any available dollars have not been awarded by the board before January first of each odd-numbered year, in accordance with subsection 1, any institution listed in paragraph 1 of subdivision a of subsection 1 may apply for an additional matching grant."

Renumber accordingly

#### REQUEST

**SEN. DAVISON REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed SB 2030, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed amendments to Reengrossed SB 2030, the roll was called and there were 24 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bekkedahl; Burckhard; Clemens; Conley; Dever; Dwyer; Elkin; Erbele; Heitkamp; Hogue; Klein; Larsen, D.; Larsen, O.; Larson, D.; Lemm; Luick; Marcellais; Myrdal; Patten; Roers, J.; Roers, K.; Vedaa; Wanzek; Wobbema

**NAYS:** Anderson; Bakke; Bell; Davison; Fors; Heckaman; Hogan; Holmberg; Kannianen; Krebsbach; Kreun; Lee; Mathern; Meyer; Oban; Oehlke; Piepkorn; Poolman; Rust;

Schaible; Sorvaag; Wardner; Weber

The proposed amendments to Reengrossed SB 2030 were adopted on a recorded roll call vote.

#### MOTION

**SEN. WARDNER MOVED** that Reengrossed SB 2030, which is on the Eleventh order, be laid over one legislative day, which motion prevailed on a voice vote.

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#### CONSIDERATION OF AMENDMENTS

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

#### SECOND READING OF SENATE BILL

**SB 2020:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota state university extension service, northern crops institute, upper great plains transportation institute, main research center, branch research centers, and agronomy seed farm; to provide for a report; and to provide an exemption.

#### ROLL CALL

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

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed SB 2020 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2002: SEN. HECKAMAN (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2002:** A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; to amend and reenact sections 14-08.1-08, 14-09-08.1, 14-09-08.2, 14-09-09.29, 14-09-26, 27-02-02, and 27-05-03 and subsection 2 of section 50-09-02.1 of the North Dakota Century Code, relating to clerk of court responsibilities regarding child support, salaries of justices of the supreme court, and salaries of district court judges; to provide for a report; to provide a statement of legislative intent; and to provide an exemption.

#### ROLL CALL

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

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed SB 2002 passed.

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**SECOND READING OF SENATE BILL**

**SB 2082:** A BILL for an Act to amend and reenact sections 14-08.1-08, 14-09-08.1, 14-09-08.2, 14-09-09.29, and 14-09-26 and subsection 2 of section 50-09-02.1 of the North Dakota Century Code, relating to clerk of court responsibilities regarding child support.

**ROLL CALL**

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

**NAYS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed SB 2082 failed.

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**MOTION**

**SEN. WARDNER MOVED** that the Senate reconsider its action whereby Reengrossed SB 2030 was held over.

**MOTION**

**SEN. WARDNER MOVED** that SB 2030 be placed at the top of the calendar, which motion prevailed.

The question being on the motion to reconsider the action whereby Reengrossed SB 2030 was held over, the motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2030:** A BILL for an Act to provide an appropriation to the state board of higher education for the higher education challenge matching grant program; to create and enact paragraph 3 of subdivision b of subsection 1 of section 15-10-48 and paragraph 3 of subdivision b of subsection 1 of section 15-10-49 of the North Dakota Century Code, relating to institution eligibility for a matching grant for the advancement of academics; and to amend and reenact subdivision c of subsection 1 of section 15-10-48, subdivision a of subsection 1 of section 15-10-49, subdivision c of subsection 1 of section 15-10-49, and subdivision a of subsection 2 of section 15-10-49 of the North Dakota Century Code, relating to matching grants for the advancement of academics.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 29 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bekkedahl; Bell; Burckhard; Clemens; Conley; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogue; Kannianen; Klein; Larsen, D.; Larsen, O.; Larson, D.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Patten; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Anderson; Bakke; Davison; Heckaman; Hogan; Holmberg; Krebsbach; Kreun; Lee; Oban; Oehlke; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag

Reengrossed SB 2030 passed.

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**SECOND READING OF SENATE BILL**

**SB 2137:** 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 sales and use tax exemption for enterprise information technology equipment and computer software purchased for use in a qualified data center; and to provide for retroactive application.

**ROLL CALL**

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

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed SB 2137 passed.

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**SECOND READING OF SENATE BILL**

**SB 2155:** 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 sales and use tax exemption for enterprise information technology equipment and computer software purchased for use in a qualified data center; to provide an effective date; and to provide an expiration date.

**ROLL CALL**

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

**YEAS:** Bekkedahl

**NAYS:** Anderson; Bakke; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

SB 2155 failed.

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**SECOND READING OF SENATE BILL**

**SB 2322:** A BILL for an Act to create and enact a new section to chapter 32-12.2 of the North Dakota Century Code, relating to state employee claims for wrongful criminal investigation or prosecution; to amend and reenact subsection 4 of section 44-08-05.1 of the North Dakota Century Code, relating to the disclosure of a pending investigation; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 42 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bell; Davison; Hogue; Lee; Meyer

**NAYS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lemm; Luick; Marcellais; Mathern; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.;

Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed SB 2322 failed.

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#### SECOND READING OF SENATE BILL

**SB 2284:** A BILL for an Act to create and enact section 19-24.1-03.2 of the North Dakota Century Code, relating to administration of pediatric medical marijuana; and to amend and reenact subsection 30 of section 19-24.1-01 of the North Dakota Century Code, relating to the definition of pediatric medical marijuana.

#### ROLL CALL

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

**NAYS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

SB 2284 failed.

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#### SECOND READING OF SENATE BILL

**SB 2040:** A BILL for an Act to create and enact a new section to chapter 6-09.4 of the North Dakota Century Code, relating to bonded debt repayments; to amend and reenact sections 6-09.4-06, 6-09.4-10, and 15.1-36-08 of the North Dakota Century Code, relating to borrowing and lending authority of the public finance authority, reserve funds associated with bonds, and the school construction assistance revolving loan fund; to provide an appropriation; and to provide a bond issue limit.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 40 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Heckaman; Hogan; Marcellais; Mathern; Oban; Piepkorn

**NAYS:** Anderson; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

SB 2040 failed.

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#### SECOND READING OF SENATE BILL

**SB 2052:** A BILL for an Act to amend and reenact section 23.1-16-10 of the North Dakota Century Code, relating to boiler inspections.

#### ROLL CALL

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

**YEAS:** Bell

**NAYS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer;

Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

SB 2052 failed.

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#### SECOND READING OF SENATE BILL

**SB 2146:** A BILL for an Act to provide an appropriation to the office of management and budget for accessibility improvements on the state capitol grounds; and to declare an emergency.

#### ROLL CALL

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

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

SB 2146 passed and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2229:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to a student teacher scholarship program; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 38 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Davison; Heckaman; Hogan; Kannianen; Marcellais; Mathern; Oban; Piepkorn

**NAYS:** Anderson; Bekkedahl; Bell; Burckhard; Clemens; Conley; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogue; Holmberg; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed SB 2229 failed.

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#### SECOND READING OF SENATE BILL

**SB 2169:** A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to a COVID-19 relief grant program for essential workers; to provide an appropriation; to provide a contingent appropriation; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 40 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Heckaman; Hogan; Marcellais; Mathern; Oban; Piepkorn

**NAYS:** Anderson; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

SB 2169 failed.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2145, SB 2232, SB 2237, SB 2238, SB 2290, SB 2291.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2224, SB 2230, SB 2245, SB 2266, SB 2271, SB 2282, SB 2329.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SCR 4007.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1030.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1065, HB 1080, HB 1152, HB 1166, HB 1181, HB 1190, HB 1219, HB 1259, HB 1272, HB 1355, HB 1356, HCR 3014, HCR 3015, HCR 3019, HCR 3026, HCR 3028, HCR 3030, HCR 3034, HCR 3035.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, February 19, 2021, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2004: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2004 was placed on the Sixth order on the calendar.

Page 1, line 2, after "health" insert "; to amend and reenact section 23-01-02 of the North Dakota Century Code, relating to compensation of members of the health council; to provide for a report; and to provide for a legislative management study"

Page 1, replace lines 10 through 24 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$37,719,574	\$3,523,648	\$41,243,222
Operating expenses	32,398,526	(2,063,983)	30,334,543
Capital assets	2,164,813	481,580	2,646,393
Grants	53,257,292	1,991,853	55,249,145
Tobacco prevention	12,902,064	508,177	13,410,241
Women, infants, and children food payments	19,780,000	120,000	19,900,000
COVID-19	0	106,813,177	106,813,177
Total all funds	\$158,222,269	\$111,374,452	\$269,596,721
Less estimated income	<u>121,951,679</u>	<u>103,577,792</u>	<u>225,529,471</u>
Total general fund	\$36,270,590	\$7,796,660	\$44,067,250

Full-time equivalent positions 204.00 8.50 212.50"

Page 2, line 1, after "**FUNDING**" insert "**- EFFECT ON BASE BUDGET - REPORT TO SIXTY-EIGHTH LEGISLATIVE ASSEMBLY**"

Page 2, line 2, after "biennium" insert "and the 2021-23 biennium one-time funding items included in the appropriation in section 1 of this Act"

Page 2, replace lines 4 through 9 with:

"Microbiology laboratory capital improvements	\$1,220,000	\$0
Microbiology laboratory technology upgrades	483,000	0
Women, infants, and children system upgrade	354,554	0
COVID-19 response	0	84,232,061
COVID-19 increased effort	0	11,644,708
Forensic examiner upgrades	<u>0</u>	<u>910,000</u>
Total all funds	\$2,057,554	\$96,786,769
Less estimated income	<u>1,967,554</u>	<u>91,129,724</u>
Total general fund	\$90,000	\$5,657,045

The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget for the 2023-25 biennium. The state department of health shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021, and ending June 30, 2023.

### **SECTION 3. COVID-19 BORROWING AUTHORITY - APPROPRIATION.**

The state department of health, subject to the approval of the emergency commission, may borrow up to \$25,000,000 from the Bank of North Dakota for the purposes of responding to the COVID-19 public health emergency. Any moneys borrowed from the Bank of North Dakota pursuant to this section are appropriated and may be spent by the state department of health for testing, contact tracing, and other costs related to responding and mitigating the COVID-19 public health emergency for the biennium beginning July 1, 2021, and ending June 30, 2023. If the state department of health does not have sufficient funds to repay the Bank of North Dakota, the department shall request a deficiency appropriation from the sixty-eighth legislative assembly sufficient for repayment of the amount borrowed plus interest. The funding in this section is considered one-time funding."

Page 2, remove lines 13 through 17

Page 2, line 19, replace "\$10,824,000" with "\$18,337,620"

Page 2, line 20, remove ". Of this amount, \$200,000 is for the behavioral health loan repayment program,"

Page 2, replace lines 21 through 24 with:

"for the following programs:	
Behavioral risk factor survey	\$200,000
Behavioral health loan repayment	234,500
Domestic violence prevention	300,000
Women's way	329,500
Dentists' loan repayment	360,000
Local public health state aid	525,000
Cancer programs	580,324
Local public health pandemic response grants	4,515,296
Tobacco prevention and control	5,043,000
Tobacco prevention and control grants to local public health units	<u>6,250,000</u>
Total community health trust fund	\$18,337,620

**SECTION 6. AMENDMENT.** Section 23-01-02 of the North Dakota Century Code is amended and reenacted as follows:

**23-01-02. Health council - Members, terms of office, vacancies, compensation, officers, meetings.**

The health council consists of nine members appointed by the governor including four persons from the health care field, and five persons representing consumer interests. The governor may select members to the council from recommendations submitted by trade, professional, and consumer organizations. On the expiration of the term of any member, the governor, in the manner provided by this section, shall appoint for a term of three years, persons to take the place of members whose terms on the council are about to expire. The officers of the council must be elected annually. Any state agency may serve in an advisory capacity to the health council at the discretion of the council. The council shall meet at least twice each year and at other times as the council or its chairman may direct. The health council shall have as standing committees any committees the council may find necessary. The chairman of the council shall select the members of these committees. The members of the council are entitled to receive ~~sixty-two dollars and fifty cents~~ as compensation per day at the rate set for a member of the legislative assembly under subsection 1 of section 54-03-20 and their necessary mileage and travel expenses as provided in sections 44-08-04 and 54-06-09 while attending council meetings or in the performance of any special duties as the council may direct. The per diem and expenses must be audited and paid in the manner in which the expenses of state officers are audited and paid. The compensation provided for in this section may not be paid to any member of the council who received salary or other compensation as a regular employee of the state, or any of its political subdivisions, or any institution or industry operated by the state.

**SECTION 7. LEGISLATIVE MANAGEMENT STUDY - STATE DEPARTMENT OF HEALTH.** During the 2021-22 interim, the legislative management shall consider studying the roles of the state health officer, health council, medical advisory board, and governor as they relate to the administration of the state department of health. The study must include consideration of the role of the health council if the governor seeks to terminate the appointment of the state health officer or to adjust the salary of or take punitive action against the state health officer. Additionally, the study must include whether the orders of the state health officer regarding public health directives have primacy over orders issued by the governor. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2004 - State Department of Health - Senate Action**

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$37,719,574	\$3,523,648	\$41,243,222
Operating expenses	32,398,526	(2,063,983)	30,334,543
Capital assets	2,164,813	481,580	2,646,393
Grants	53,257,292	1,991,853	55,249,145
Tobacco prevention	12,902,064	508,177	13,410,241
WIC food payments	19,780,000	120,000	19,900,000
COVID 19		106,813,177	106,813,177
COVID 19 Line of Credit		25,000,000	25,000,000
Total all funds	\$158,222,269	\$136,374,452	\$294,596,721
Less estimated income	121,951,679	128,577,792	250,529,471
General fund	\$36,270,590	\$7,796,660	\$44,067,250
FTE	204.00	8.50	212.50



	Adjusts Funding for Extraordinary Repairs <sup>19</sup>	Adjusts Funding for Equipment and IT Equipment <sup>20</sup>	Adds One- Time Funding for COVID-19 Response <sup>21</sup>	Adds One- Time Funding for Increased Effort Related to COVID-19 <sup>22</sup>	Adds One- Time Funding for Forensic Examiner Upgrades <sup>23</sup>	Adds BND Borrowing Authority for COVID-19 Response <sup>24</sup>
Salaries and wages						
Operating expenses					\$60,000	
Capital assets	\$8,841	(\$280,197)			850,000	
Grants						
Tobacco prevention						
WIC food payments						
COVID 19			\$84,232,061	\$11,644,708		
COVID 19 Line of Credit						\$25,000,000
Total all funds	\$8,841	(\$280,197)	\$84,232,061	\$11,644,708	\$910,000	\$25,000,000
Less estimated income	8,841	(315,402)	79,485,016	11,644,708	0	25,000,000
General fund	\$0	\$35,205	\$4,747,045	\$0	\$910,000	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Salaries and wages	
Operating expenses	
Capital assets	
Grants	
Tobacco prevention	
WIC food payments	
COVID 19	
COVID 19 Line of Credit	
Total all funds	\$136,374,452
Less estimated income	128,577,792
General fund	\$7,796,660
FTE	8.50

Total Senate Changes	
Salaries and wages	\$3,523,648
Operating expenses	(2,063,983)
Capital assets	481,580
Grants	1,991,853
Tobacco prevention	508,177
WIC food payments	120,000
COVID 19	106,813,177
COVID 19 Line of Credit	25,000,000
Total all funds	\$136,374,452
Less estimated income	128,577,792
General fund	\$7,796,660
FTE	8.50

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> The following funding is added for 2021-23 biennium salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 and 2 percent on July 1, 2022, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

	General Fund	Other Funds	Total
Salary increase	\$500,723	\$502,492	\$1,003,215
Health insurance increase	6,072	6,015	12,087
Total	\$506,795	\$508,507	\$1,015,302

<sup>3</sup> Funding is decreased for salaries and wages. The department may determine the specific areas to reduce.

<sup>4</sup> Funding for costs related to the plans review program within the Life, Safety, and Construction Division is increased.

<sup>5</sup> Four FTE information technology (IT) positions are transferred to the Information Technology Department for the IT unification initiative, including a decrease in salaries and wages and tobacco prevention, and an increase in operating expenses.

<sup>6</sup> Funding for COVID-19 response is added to the COVID-19 line item in the department's budget as follows:

	General Fund	Special Funds	Total
12.5 FTE positions	\$354,336	\$1,798,907	\$2,153,243
10 temporary positions	436,496	1,402,653	1,839,149
Other operating expenses	3,668,934	3,177,246	6,846,180
Total	\$4,459,766	\$6,378,806	\$10,838,572

The 12.5 FTE positions added include:

		<b>General Fund</b>	<b>Special Funds</b>	<b>Total</b>
1.00	FTE research analyst IV position - Fiscal and Operations	\$133,786	\$85,794	\$219,580
1.00	FTE account/budget specialist II position - Fiscal and Operations	0	172,724	172,724
1.00	FTE research analyst II position - Fiscal and Operations	68,600	85,796	154,396
1.00	FTE epidemiologist II position - Medical Services	0	155,548	155,548
1.00	FTE health/human services program administrator III position - Medical Services	0	181,448	181,448
1.00	FTE epidemiologist II position - Medical Services	0	186,628	186,628
1.00	FTE health/human services program administrator III position - Medical Services	0	181,448	181,448
1.00	FTE administrative staff officer III position - Healthy and Safe Communities	0	171,376	171,376
0.50	FTE senior microbiologist position - Laboratory Services	0	135,494	135,494
1.00	FTE administrative assistant I position - Laboratory Services	0	135,691	135,691
1.00	FTE microbiologist I position - Laboratory Services	0	161,394	161,394
1.00	FTE laboratory technician I position - Laboratory Services	0	145,566	145,566
<u>1.00</u>	<u>FTE administrative staff officer II position - Health Resources</u>	<u>151,950</u>	<u>0</u>	<u>151,950</u>
12.50		\$354,336	\$1,798,907	\$2,153,243

<sup>7</sup> Funding is adjusted for cost to continue, including a shift from professional fees to grants and adjustments to provide funding for certain items from the community health trust fund instead of the tobacco prevention and control trust fund.

<sup>8</sup> Funding from the community health trust fund is increased for the tobacco prevention program, including funding for professional fees and grants.

<sup>9</sup> Funding is increased for tobacco prevention and control grants to local public health units to provide a total of \$6.25 million from the community health trust fund.

<sup>10</sup> Funding for grants for professional state loan repayment programs is adjusted, including an increase in funding from the community health trust fund.

<sup>11</sup> Funding sources are adjusted for an increase in the federal indirect rate to support agencywide costs.

<sup>12</sup> Funding for professional services and grants related to private and foundation grant opportunities is reduced.

<sup>13</sup> Funding from the Helmsley Charitable Trust is added for training to continue increased access to automatic external defibrillators for law enforcement.

<sup>14</sup> Funding from fees is added to purchase equipment in the State Laboratory.

<sup>15</sup> Funding from civil penalties collected by the department is added for grants for long-term care facility improvements.

<sup>16</sup> Funding for the University of North Dakota forensic examiner contract is increased to provide a total of \$625,270.

<sup>17</sup> Funding for Microsoft Office 365 licensing expenses is increased.

<sup>18</sup> Funding for bond and capital payments is reduced to provide a total of \$221,393, of which \$183,882 is from the general fund.

<sup>19</sup> Funding for extraordinary repairs is adjusted to provide a total of \$136,500, of which \$30,650 is from the general fund.

<sup>20</sup> Funding for IT equipment and equipment over \$5,000 is adjusted to provide a total of \$1,238,500, of which \$40,000 is from the general fund.

<sup>21</sup> One-time funding, including federal funds and \$4,515,296 from the community health trust fund, is added for costs related to COVID-19 response, including temporary salaries and wages, grants, and other operating expenses.

<sup>22</sup> One-time funding from federal funds is added for increased effort required by federal grants related to COVID-19 response.

<sup>23</sup> One-time funding is added for operating expenses (\$60,000) and capital assets

(\$850,000) for forensic examiner equipment and IT upgrades.

<sup>24</sup> One-time funding is added to allow the State Department of Health, subject to Emergency Commission approval, to borrow up to \$25 million from the Bank of North Dakota for the purpose of responding to the COVID-19 public health emergency. Funds borrowed from the Bank of North Dakota are appropriated to the department for testing, contact tracing, and other costs related to responding to and mitigating the COVID-19 public health emergency. If funds available to the State Department of Health does not have sufficient funds to repay the Bank of North Dakota, the department shall request a deficiency appropriation to repay the amount borrowed plus interest.

This amendment also:

- Adds a section to allow the State Department of Health, subject to Emergency Commission approval, to borrow up to \$25 million from the Bank of North Dakota and appropriates the funding for the purpose of responding to the COVID-19 public health emergency;
- Removes a section related to funding from the tobacco prevention and control trust fund;
- Amends a section related to funding from the community health trust fund;
- Adds a section to amend North Dakota Century Code Section 23-01-02 related to the compensation of members of the Health Council; and
- Adds a section to provide for a Legislative Management study of the roles of the State Health Officer, Health Council, Medical Advisory Board, and Governor as they relate to the administration of the State Department of Health.

#### REPORT OF STANDING COMMITTEE

**SB 2011: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2011 was placed on the Sixth order on the calendar.

Page 1, line 1, after the semicolon insert "to provide a report;"

Page 1, replace lines 9 through 15 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Highway patrol	\$59,586,945	\$29,685,283	\$89,272,228
Total all funds	\$59,586,945	\$29,685,283	\$89,272,228
Less estimated income	15,373,370	28,486,064	43,859,434
Total general fund	\$44,213,575	\$1,199,219	\$45,412,794
Full-time equivalent positions	197.00	(4.00)	193.00"

Page 1, line 16, after "**FUNDING**" insert "**- EFFECT ON BASE BUDGET - REPORT TO SIXTY-EIGHTH LEGISLATIVE ASSEMBLY**"

Page 1, line 17, after "biennium" insert "and the one-time funding items included in the appropriation in section 1 of this Act"

Page 1, replace lines 21 through 24 with:

"Shooting range addition	1,729,100	0
Hard body armor	0	265,000
Body and in-car cameras	0	1,158,000
Law enforcement training academy building project	0	27,100,000
Total all funds	\$1,907,158	\$28,523,000
Less estimated income	1,825,328	27,137,000
Total general fund	\$81,830	\$1,386,000

The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget for the 2023-25 biennium. The highway patrol shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this

one-time funding for the biennium beginning July 1, 2021, and ending June 30, 2023."

Page 2, line 2, replace "\$7,204,043" with "\$8,538,213"

Page 2, line 9, replace "\$1,530,741" with "\$1,706,450"

Page 2, after line 11, insert:

**"SECTION 5. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.** The estimated income line item in section 1 of this Act includes the sum of \$27,100,000, or so much of the sum as may be necessary, from the strategic investment and improvements fund for the law enforcement training academy building project."

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Senate Bill No. 2011 - Highway Patrol - Senate Action

	Base Budget	Senate Changes	Senate Version
Highway Patrol	\$59,586,945	\$29,685,283	\$89,272,228
Total all funds	\$59,586,945	\$29,685,283	\$89,272,228
Less estimated income	15,373,370	28,486,064	43,859,434
General fund	\$44,213,575	\$1,199,219	\$45,412,794
FTE	197.00	(4.00)	193.00

##### Department 504 - Highway Patrol - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Adds Funding for Salary Equity Increases <sup>3</sup>	Reduces FTE Positions and Operating Funding <sup>4</sup>	Transfers Positions for IT Unification <sup>5</sup>	Reallocates Funding for Crash Assistance Positions <sup>6</sup>
Highway Patrol	\$323,557	\$1,051,001	\$766,000	(\$1,301,059)	\$10,933	\$175,709
Total all funds	\$323,557	\$1,051,001	\$766,000	(\$1,301,059)	\$10,933	\$175,709
Less estimated income	45,298	251,143	107,240	746,180	1,531	175,709
General fund	\$278,259	\$799,858	\$658,760	(\$2,047,239)	\$9,402	\$0
FTE	0.00	0.00	0.00	(2.00)	(2.00)	0.00

	Restores POST Board Training Funds <sup>7</sup>	Adds Funding for Computer-Aided Dispatch Fees <sup>8</sup>	Adds Funding for Microsoft Office 365 Licensing Expenses <sup>9</sup>	Adds One-Time Funding for Body Armor and Cameras <sup>10</sup>	Adds One-Time Funding for Law Enforcement Training Academy <sup>11</sup>	Total Senate Changes
Highway Patrol	\$55,000	\$59,000	\$22,142	\$1,423,000	\$27,100,000	\$29,685,283
Total all funds	\$55,000	\$59,000	\$22,142	\$1,423,000	\$27,100,000	\$29,685,283
Less estimated income	8,000	8,000	5,963	37,000	27,100,000	28,486,064
General fund	\$47,000	\$51,000	\$16,179	\$1,386,000	\$0	\$1,199,219
FTE	0.00	0.00	0.00	0.00	0.00	(4.00)

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> The following funding is added for 2021-23 biennium salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 and 2 percent on July 1, 2022, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

	General Fund	Other Funds	Total
Salary increase	\$792,963	\$248,930	\$1,041,893
Health insurance increase	6,895	2,213	9,108
Total	\$799,858	\$251,143	\$1,051,001

<sup>3</sup> Funding is added for employee salary equity increases.

<sup>4</sup> Two FTE positions are removed and agency operating funding is reduced.

<sup>5</sup> Two FTE positions are transferred to the Information Technology Department for the IT unification initiative resulting in a reduction in salary funding of \$428,137 and an increase in operating expenses of \$439,070.

<sup>6</sup> Funding from the motor carrier electronic permit fund is reallocated to reclassify 1 FTE permit technician position and 2 FTE administrative assistant positions to 1 FTE records technician position and 2 FTE crash assistance personnel positions.

<sup>7</sup> Training funding removed in a prior biennium for the Peace Officer Standards and Training Board is restored.

<sup>8</sup> Funding is added for a computer-aided dispatch system subscription fee.

<sup>9</sup> Funding is added for Microsoft Office 365 licensing expenses.

<sup>10</sup> One-time funding is added for hard body armor and body and in-car cameras as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Hard body armor	\$228,000	\$37,000	\$265,000
Body and in-car cameras	1,158,000	0	1,158,000
Total	\$1,386,000	\$37,000	\$1,423,000

<sup>11</sup> One-time funding from the strategic investment and improvements fund is added for the Law Enforcement Training Academy building project.

This amendment also adjusts sections relating to funding provided from the highway tax distribution fund and motor carrier electronic permit fund and adds a section identifying funding from the strategic investment and improvements fund for the Law Enforcement Training Academy building project.

#### REPORT OF STANDING COMMITTEE

**SB 2042: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2042 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2043: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2043 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2046: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2046 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "two" with "one"

Page 2, line 6, after the first "of" insert "one-half of"

Page 2, line 16, after "of" insert "one-half of"

Page 3, line 4, replace "two" with "one"

Page 3, line 23, after "of" insert "one-half of"

Page 3, line 31, after "of" insert "one-half of"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2198: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT**

**PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2198 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2213, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2213 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2217: Finance and Taxation Committee (Sen. Bell, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2217 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to the deduction or recovery of losses incurred in the sale or disposition of natural gas from the proceeds of oil production; and to provide for a legislative management study.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 47-16 of the North Dakota Century Code is created and enacted as follows:

**Certain deductions prohibited - Breach.**

1. The deduction or recovery of losses incurred in the sale or disposition of natural gas produced under an oil and gas lease from the proceeds of oil production attributable to royalty interests or overriding royalty interests under the lease is prohibited unless expressly and unambiguously provided otherwise by the lease, provided the losses:
  - a. May be offset or applied against a subsequent net gain in the sale or disposition of natural gas in accordance with the lease;
  - b. May not be offset by the gains from one well to another well; and
  - c. May not be carried forward from one well to the gains or losses of another well.
2. A person found to be in violation of subsection 1, if lease cancellation is not sought, shall pay interest at the applicable annual rate set by the state court administrator pursuant to section 28-20-34 on the portion of oil or gas royalties that were not timely paid to the owner of the royalties on account of the violation until paid. The district court for the county in which the oil or gas well is located has jurisdiction over all proceedings brought under this section. The prevailing party in any proceeding under this section is entitled to recover any court costs and reasonable attorney's fees.

**SECTION 2. LEGISLATIVE MANAGEMENT STUDY - POSTPRODUCTION COST DEDUCTIONS.** During the 2021-22 interim, the legislative management shall consider studying deductions for postproduction costs under oil and gas leases.

1. The study must include:
  - a. Consideration of the methods used to calculate the value of oil and gas, the point of sale used to determine the value, oil and gas sales in the absence of an arm's-length contract, any deductions or incentives applied to the value, and the methods used to report any deductions or incentives on mineral royalty statements;
  - b. Input from representatives from the oil and gas industry, representatives from an organization representing royalty owners,

the department of mineral resources, the department of trust lands, and the attorney general's office; and

- c. An analysis and review of state-mandated natural gas capture targets, federal land permitting restrictions, the effectiveness of using onsite flare mitigation technologies and the infrastructure necessary to enhancing oil and natural gas value.
2. The study may include consideration of the desirability and feasibility of expanding the use and market access of natural gas, including value-added energy opportunities within the state.
3. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2225, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2225 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2272, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2272 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2288: Finance and Taxation Committee (Sen. Bell, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2288 was placed on the Sixth order on the calendar.

Page 1, line 19, after "3." insert "A passthrough entity entitled to the credit under this section must be considered to be the taxpayer for purposes of calculating the credit. The amount of the allowable credit must be determined at the passthrough entity level. The total credit determined at the entity level must be passed through to the partners, shareholders, or members in proportion to their respective interests in the passthrough entity.

4."

Page 1, line 19, replace "each" with "in"

Page 1, line 19, after "year" insert "2021"

Page 1, line 21, remove "any"

Page 1, line 21, after "year" insert "2021"

Page 1, line 21, after "of" insert "tax"

Page 1, line 21, remove "in the"

Page 1, line 22, remove "succeeding calendar year"

Page 1, line 22, after "percent" insert "for the succeeding tax years. If the aggregate limit is increased in any tax year, the tax commissioner shall use the new limit as the base aggregate limit for succeeding tax years until a new aggregate limit is established under this subsection"

Page 2, remove lines 3 through 5

Page 2, line 6, after "5." insert "The tax commissioner shall approve the amount of tax credits for taxpayers on a first-come, first-served basis and post a notice on the tax department's website advising taxpayers when the aggregate limit is in effect. The tax commissioner may develop an internet-based registration system that provides donors with the opportunity to obtain preapproval for a tax credit before making a contribution.

6."

Page 2, line 12, after "c." insert "Low-income eligible student" means a student who is a resident of this state, is a member of a household whose total income, the year before the student enters the program, did not exceed three hundred percent of the income standard for the federal poverty line, is or will be five years of age or older by September tenth of the year in which the educational scholarship will be disbursed, and is under nineteen years of age.

d."

Page 2, line 15, replace "d." with "e."

Page 2, line 16, replace "e." with "f."

Page 2, line 17, replace "f." with "g."

Page 2, line 23, replace "g." with "h."

Page 2, line 29, replace "6." with "7."

Page 3, line 4, after "c." insert "Award scholarships exclusively to low-income eligible students through June thirtieth of each year, after which time scholarships may be awarded to eligible students and low-income eligible students. If sufficient funding is available, once a student meets the initial income eligibility requirement, the student remains income eligible for three years, or if the student is entering high school, until the student graduates high school, regardless of household income. After the initial period of income eligibility, the student remains eligible if the student is a member of a household whose total annual income in the prior year did not exceed three hundred percent of the income standard for the federal poverty line:

d."

Page 3, line 8, replace "d." with "e."

Page 3, line 11, replace "e." with "f."

Page 3, line 11, replace "twenty-five" with "fifty"

Page 3, line 14, replace "f." with "g."

Page 3, line 15, replace "g." with "h."

Page 3, line 18, replace "h." with "i."

Page 3, line 22, replace "i." with "j."

Page 3, line 24, replace "j." with "k."

Page 3, line 29, replace "7." with "8."

Page 3, line 30, replace "Shall" with "May"

Page 3, line 30, after "rules" insert "and procedures"

Page 4, line 3, after the underscored semicolon insert "and"

Page 4, line 5, remove "; and"

Page 4, remove lines 6 through 10

Page 4, line 11, remove "and the students' parents as soon as practicable"

Page 4, after line 11, insert:

- "9. If a scholarship-granting organization is not in compliance with this section, the tax commissioner shall provide the organization written notice of the specific failures and the organization has thirty days from the date of the notice to correct the deficiencies. If the organization fails to correct all deficiencies within thirty days from the date of the notice, the tax commissioner shall provide a final written notice of the failure of the organization to correct the deficiencies. The organization may appeal the tax commissioner's determination of failure to comply within thirty days of the date of the final written notice. The provisions of chapter 28-32 apply to and govern the administrative hearing procedure, including appeals from any decision rendered by the tax commissioner.
- a. If a scholarship-granting organization does not seek review of the tax commissioner's determination, or if the dispute is not resolved, the tax commissioner shall issue a final determination.
- b. The final determination must provide that the scholarship-granting organization:
- (1) Will be removed from the list of eligible scholarship-granting organizations and notified of the removal; and
  - (2) Shall within fifteen calendar days of the receipt of the notice provided under paragraph 1 cease all operations as a scholarship-granting organization and transfer all scholarship account funds to a properly operating scholarship-granting organization."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4005: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4005 was placed on the Eleventh order on the calendar.

#### FIRST READING OF HOUSE BILLS

**HB 1173:** A BILL for an Act to amend and reenact sections 16.1-01-07 and 16.1-06-09 of the North Dakota Century Code, relating to providing electors the full text of constitutional amendments and initiated and referred measures.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1179:** A BILL for an Act to amend and reenact section 57-51-15 of the North Dakota Century Code and section 12 of chapter 471 of the 2013 Session Laws, relating to reporting requirements for schools, counties, and hub cities receiving oil and gas gross production tax allocations.

Was read the first time and referred to the **Political Subdivisions Committee**.

**HB 1198:** A BILL for an Act to create and enact a new subsection to section 37-17.1-05 of the North Dakota Century Code, relating to the governor's authority regarding polling places during a declared state of disaster or emergency.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1231:** A BILL for an Act to provide for a legislative management study regarding the benefits of investing legacy fund moneys locally.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1238:** A BILL for an Act to amend and reenact sections 16.1-04-02 and 16.1-11.1-01 of the North Dakota Century Code, relating to polling places.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1376:** A BILL for an Act to create and enact a new section to chapter 32-03 of the North Dakota Century Code, relating to employer immunity regarding COVID-19; and to provide for application.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**HB 1417:** A BILL for an Act to amend and reenact section 54-59-05 of the North Dakota Century Code, relating to the powers and duties of the information technology department.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1424:** A BILL for an Act to provide for a legislative management study regarding compensation and expense reimbursement of members of the legislative assembly.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1455:** A BILL for an Act to amend and reenact section 49-22-04 of the North Dakota Century Code, relating to ten-year plans.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

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

**Shanda Morgan, Secretary**