

JOURNAL OF THE SENATE

Sixty-seventh Legislative Assembly

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Bismarck, March 26, 2021

The Senate convened at 12:30 p.m., with President Sanford presiding.

The prayer was offered by Pastor Leslie Koenig, First Baptist Church, Valley City.

The roll was called and all members were present except Senators Bell and Wanzek.

A quorum was declared by the President.

REPORT OF STANDING COMMITTEE

HB 1412: Finance and Taxation Committee (Sen. Bell, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1412 was placed on the Sixth order on the calendar.

Page 1, line 3, after "reenact" insert "section 57-60-02,"

Page 1, line 3, after "57-60-14" insert ", and section 57-61-01"

Page 1, line 4, after "to" insert "an exemption from the coal conversion facilities tax,"

Page 1, line 5, after the second "tax" insert ", and an exemption from the coal severance tax"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 57-60-02 of the North Dakota Century Code is amended and reenacted as follows:

57-60-02. Imposition of taxes.

There is hereby imposed upon the operator of each coal conversion facility a tax paid monthly for the privilege of producing products of such coal conversion facility. The rate of the tax must be computed as follows:

1. For all coal conversion facilities, except as otherwise provided in this section, the tax is measured by the gross receipts derived from the facility for the preceding month and is in the amount of two percent of its gross receipts. Gross receipts derived from the sale of a capital asset are not subject to the tax imposed by this subsection.
2. For electrical generating plants, the tax is at a rate of sixty-five one-hundredths of one mill times sixty percent of the installed capacity of each unit times the number of hours in the taxable period. All electrical energy generating units that begin construction or complete repowering are exempt from eighty-five percent of the tax imposed by this subsection for five years from the date of the first taxable production or from the date of the first taxable production after repowering from the unit. ~~The board of county commissioners may, by resolution, grant to the operator of an electrical generating plant located within the county partial or complete exemption from the remaining fifteen percent of the tax imposed by this subsection for a period not exceeding five years from the date of the first taxable production or from the date of the first taxable production after repowering from the unit. If a board of county commissioners grants a partial or complete exemption for a specific coal conversion facility under this subsection, the provisions of subsection 2 of section 57-60-14 do not apply as that subsection relates to revenue from the specific unit of the coal conversion facility for which the partial or complete exemption has~~

- ~~been granted. Notwithstanding section 57-60-14, any tax collected from a unit subject to the exemption provided by this subsection must be allocated entirely to the county for allocation as provided in section 57-60-15. If a unit is incapable of generating electricity for eighteen consecutive months, the tax on that unit for taxable periods beginning after the eighteenth month must be reduced by the ratio that the cost of repair of the unit bears to the original cost of the unit. This reduced rate remains in effect until the unit is capable of generating electricity.~~
3. For electrical generating plants, in addition to the tax imposed by subsection 2, there is a tax at the rate of twenty-five one-hundredths of one mill on each kilowatt hour of electricity produced for the purpose of sale. For all electrical generating plants that begin construction or complete repowering, the production from the plants is exempt from the tax imposed by this subsection for five years from the date of the first taxable production or from the date of the first taxable production after repowering from the plant.
 4. For coal gasification plants, the tax is the greater of either the amount provided in subsection 1 or thirteen and one-half cents on each one thousand cubic feet [28316.85 liters] of synthetic natural gas produced for the purpose of sale but not including any amount of synthetic natural gas in excess of one hundred ten million cubic feet per day.
 5.
 - a. For all coal conversion facilities, other than electrical generating plants, the production from the facilities is exempt from eighty-five percent of the tax imposed by this section for a period of five years from the date of first taxable production from the facility. The operator of each facility applying for exemption under this subsection shall certify to the tax commissioner the date of first taxable production of the facility.
 - b. ~~The board of county commissioners may, by resolution, grant to the operator of a coal conversion facility, other than an electrical generating plant, located within the county a partial or complete exemption from the remaining fifteen percent of tax imposed by this section for a period not exceeding five years from the date of the first taxable production from the facility. Notwithstanding the provisions of section 57-60-14, any tax collected which is based upon the production of a facility subject to the exemption provided by this subsection must be allocated entirely to the county for allocation as provided in section 57-60-15.~~
 6. For coal beneficiation plants, the tax is twenty cents on each ton of two thousand pounds [907.18 kilograms] of beneficiated coal produced for the purpose of sale, or one and one-quarter percent of the gross receipts derived from such facility for the preceding month, whichever amount is greater. Any amount of beneficiated coal produced in excess of eighty percent of the design capacity of the coal beneficiation plant or produced for use within a coal conversion facility is exempt from such tax.
 7. With the exception of the tax imposed under subsection 3, the board of county commissioners, by resolution, may grant the operator of a plant or facility located within the county a partial or complete exemption from up to fifteen percent of the tax imposed under this section for a period not to extend past June 30, 2026. If a board of county commissioners grants a partial or complete exemption for a specific plant or facility under this subsection, subsection 2 of section 57-60-14 does not apply. Notwithstanding section 57-60-14, any tax collected from a plant or facility subject to the exemption provided by this subsection must be allocated entirely to the county for allocation as provided in section 57-60-15."

Page 1, line 11, replace "sixty" with "eighty-five"

Page 1, line 16, remove "eighty-five percent of"

Page 2, line 5, remove "The coal conversion tax collections under subsection 3 of section 57-60-02 to the"

Page 2, remove lines 6 through 9

Page 2, line 10, remove "d."

Page 2, line 11, replace "general fund" with "county"

Page 2, after line 12, insert:

"SECTION 4. AMENDMENT. Section 57-61-01 of the North Dakota Century Code is amended and reenacted as follows:

57-61-01. Severance tax upon coal - Imposition - In lieu of sales and use taxes - Payment to the tax commissioner.

1. There is hereby imposed upon all coal severed for sale or for industrial purposes by coal mines within the state a tax of thirty-seven and one-half cents per ton of two thousand pounds [907.18 kilograms]. The severance tax is in lieu of any sales or use taxes imposed by law. Each coal mine owner or operator shall remit the tax for each month, within twenty-five days after the end of each month, to the tax commissioner on reports and forms as the tax commissioner deems necessary. For the purposes of this chapter, commercial leonardite is taxed in the same manner as coal.
2. The board of county commissioners, by resolution, may grant to the operator of a mine from which the coal or commercial leonardite is mined a partial or complete exemption from up to seventy percent of the tax imposed under this section for a period not to extend past June 30, 2026. Any tax revenue exceeding thirty percent of the tax imposed under this subsection must be allocated to the county under subsection 3 of section 57-62-02.

Renumber accordingly

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Anderson, Chairman)** has carefully examined the Journal of the Fiftieth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 942, line 39, before "bill" insert "amended"

Page 957, line 7, replace "remove line 25" with "line 25,"

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

MOTION

SEN. KLEIN MOVED that HB 1151, which is on the Sixth order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, HB 1151 was rereferred.

MOTION

SEN. KLEIN MOVED that HB 1008, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. KLEIN MOVED that after action taken on the Sixth order, HB 1254 be placed on the Fourteenth order for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1375, as engrossed: SEN. SCHAIBLE (Education Committee) MOVED that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Engrossed HB 1375 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1452, as reengrossed: SEN. PATTEN (Energy and Natural Resources Committee) MOVED that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Reengrossed HB 1452 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1412: SEN. KANNIANEN (Finance and Taxation Committee) MOVED that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

HB 1412 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1353: SEN. SCHAIBLE (Energy and Natural Resources Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1254: SEN. K. ROERS (Human Services Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1254: A BILL for an Act to provide for a legislative management study of the types of spousal support ordered by the district court.

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 41 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Bell; Wanzek

HB 1254, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1364: A BILL for an Act to amend and reenact section 30.1-18-09 of the North Dakota Century Code, relating to the duties of a personal representative.

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 3 YEAS, 42 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Klein; Larsen, O.; Weber

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

ABSENT AND NOT VOTING: Bell; Wanzek

Engrossed HB 1364 failed.

SECOND READING OF HOUSE BILL

HB 1339: A BILL for an Act to provide for a legislative management study of the definitions of "dangerous weapon" and "public gathering".

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 41 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Kreun; Larsen, O.; Lee; Weber

ABSENT AND NOT VOTING: Bell; Wanzek

Engrossed HB 1339 passed.

SECOND READING OF HOUSE BILL

HB 1279: A BILL for an Act to amend and reenact section 39-06.1-06 of the North Dakota Century Code, relating to the amount of statutory fees; 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, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: 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.; Schaible; Sorvaag; Vedaa; Wardner; Weber; Wobbema

NAYS: Rust

ABSENT AND NOT VOTING: Bell; Wanzek

Engrossed HB 1279, as amended, passed.

MOTION

SEN. KLEIN MOVED that HB 1425, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1430: A BILL for an Act to amend and reenact sections 15.1-21-02.6 and 15.1-21-02.8 of the North Dakota Century Code, relating to eligibility requirements for the North Dakota academic and career and technical education scholarships.

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, 45 NAYS, 0

EXCUSED, 2 ABSENT AND NOT VOTING.

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; Wardner; Weber; Wobbema

ABSENT AND NOT VOTING: Bell; Wanzek

Engrossed HB 1430 failed.

SECOND READING OF HOUSE BILL

HB 1201: A BILL for an Act to amend and reenact subdivision d of subsection 7 of section 19-03.1-23 and section 19-03.4-03 of the North Dakota Century Code, relating to 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 13 YEAS, 32 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Davison; Heckaman; Hogan; Holmberg; Krebsbach; Lee; Mathern; Meyer; Oban; Piepkorn; Poolman; Roers, J.; Roers, K.

NAYS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogue; Kannianen; Klein; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lemm; Luick; Marcellais; Myrdal; Oehlke; Patten; Rust; Schaible; Sorvaag; Vedaa; Wardner; Weber; Wobbema

ABSENT AND NOT VOTING: Bell; Wanzek

HB 1201 failed.

SECOND READING OF HOUSE BILL

HB 1087: A BILL for an Act to create and enact two new sections to chapter 26.1-36.7 of the North Dakota Century Code, relating to third-party reinsurance; to amend and reenact sections 26.1-03-17, 26.1-36.7-01, 26.1-36.7-02, 26.1-36.7-03, 26.1-36.7-04, 26.1-36.7-05, 26.1-36.7-06, 26.1-36.7-07, 26.1-36.7-08, 26.1-36.7-09, and 26.1-36.7-10 of the North Dakota Century Code, relating to premium taxes and credits for insurance companies and the establishment of an invisible reinsurance pool for the individual health insurance market; to provide for a study; to provide a penalty; to provide an appropriation; to provide a continuing appropriation; 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 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; 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; Wardner; Weber; Wobbema

NAYS: Heitkamp; Larsen, O.; Myrdal

ABSENT AND NOT VOTING: Bell; Wanzek

Engrossed HB 1087 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1464: A BILL for an Act to amend and reenact subsection 1 of section 39-04-19.2 and sections 57-43.1-02 and 57-43.2-02 of the North Dakota Century Code, relating to electric and plug-in hybrid vehicle road use fees and the tax imposed on motor vehicle fuels and special fuels; to provide for a legislative management study; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Dwyer; Heckaman; Hogan; Kreun; Luick; Mathern; Oban; Piepkorn; Roers, J.; Roers, K.; Schaible; Weber; Wobbema

NAYS: Burckhard; Clemens; Conley; Davison; Dever; Elkin; Erbele; Fors; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Marcellais; Meyer; Myrdal; Oehlke; Patten; Poolman; Rust; Sorvaag; Vedaa; Wardner

ABSENT AND NOT VOTING: Bell; Wanzek

Reengrossed HB 1464, as amended, failed.

SECOND READING OF HOUSE BILL

HB 1205: A BILL for an Act to create and enact chapter 23-51 of the North Dakota Century Code, relating to establishing the maternal mortality review committee; to provide for a continuing appropriation; and to provide for a report to the legislative management and other agencies.

ROLL CALL

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

YEAS: 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; Wardner; Weber; Wobbema

ABSENT AND NOT VOTING: Bell; Wanzek

Engrossed HB 1205, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1164: A BILL for an Act to amend and reenact section 54-03-32 of the North Dakota Century Code, relating to the review of presidential executive orders.

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 36 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bakke; Heckaman; Hogan; Larson, D.; Lee; Marcellais; Mathern; Oban; Piepkorn

ABSENT AND NOT VOTING: Bell; Wanzek

Engrossed HB 1164, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1347: A BILL for an Act to amend and reenact section 50-11.1-13.1 of the North Dakota Century Code, relating to a penalty for the provision of early childhood services.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; 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; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wardner; Weber; Wobbema

NAYS: Heitkamp; Larsen, O.

ABSENT AND NOT VOTING: Bell; Wanzek

Engrossed HB 1347, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1096: A BILL for an Act to create and enact sections 49-22-25, 49-22-26, 49-22.1-23, and 49-22.1-24 of the North Dakota Century Code, relating to energy conversion and transmission siting and facilities; to amend and reenact subsection 3 of section 49-22-03, section 49-22-07.2, subsection 2 of section 49-22-09.2 as amended in section 1 of House Bill No. 1158, as approved by the sixty-seventh legislative assembly, subsections 1 and 4 of section 49-22-13, subsection 1 of section 49-22-22, subsections 3 and 7 of section 49-22.1-01, section 49-22.1-05, subsections 1 and 4 of section 49-22.1-10, and subsection 1 of section 49-22.1-21 of the North Dakota Century Code, relating to energy conversion and transmission siting and facilities and allocation of moneys paid to mitigate adverse environmental impacts; and to repeal section 49-22.1-22 of the North Dakota Century Code, relating to removal of electrical standards requirement from gas and liquid energy transmission facilities.

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, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; 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; Wardner; Weber; Wobbema

NAYS: Hogan

ABSENT AND NOT VOTING: Bell; Wanzek

Engrossed HB 1096, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1131: A BILL for an Act to amend and reenact section 15.1-02-16 of the North Dakota Century Code, relating to credentials for specialists trained in dyslexia.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: 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; Wardner; Weber; Wobbema

ABSENT AND NOT VOTING: Bell; Wanzek

HB 1131 passed.

SECOND READING OF HOUSE BILL

HB 1379: A BILL for an Act to amend and reenact section 57-39.2-26.1 of the North Dakota Century Code, relating to the timing of state aid distribution fund allocations among political subdivisions; to provide a continuing appropriation; and to provide an effective date.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: 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; Wardner; Weber; Wobbema

ABSENT AND NOT VOTING: Bell; Wanzek

Engrossed HB 1379 passed.

SECOND READING OF HOUSE BILL

HB 1492: A BILL for an Act to create and enact section 19-02.1-16.5 of the North Dakota Century Code, relating to limitations on pharmacy benefits managers; to amend and reenact section 43-15-25.3 of the North Dakota Century Code, relating to permitting pharmacists to administer SARS-CoV-2 tests; to provide a penalty; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Larsen, O.

ABSENT AND NOT VOTING: Bell; Wanzek

HB 1492, as amended, passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1367: A BILL for an Act to provide for a legislative management study regarding referral of political subdivision budgets.

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 2 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Holmberg; Larsen, D.

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

ABSENT AND NOT VOTING: Bell; Wanzek

Engrossed HB 1367 failed.

SECOND READING OF HOUSE BILL

HB 1222: A BILL for an Act to create and enact sections 11-33-17.1, 40-47-05.1, and 58-03-14.1 of the North Dakota Century Code, relating to nonconforming structures.

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 16 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Clemens; Hogue; Holmberg; Kannianen; Larsen, D.; Larsen, O.; Larson, D.; Lemm; Luick; Meyer; Myrdal; Piepkorn; Poolman; Vedaa; Weber; Wobbema

NAYS: Anderson; Bakke; Bekkedahl; Burckhard; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Klein; Krebsbach; Kreun; Lee; Marcellais; Mathern; Oban; Oehlke; Patten; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Wardner

ABSENT AND NOT VOTING: Bell; Wanzek

Engrossed HB 1222 failed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3034: A concurrent resolution urging Congress and the President of the United States to fully fund the biota water treatment plant for the northwest area water supply.

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

HCR 3034 was declared adopted on a voice vote.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1359, HB 1494.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1005, HB 1112.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1420, HB 1501.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1391.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, unchanged: SB 2036, SB 2067, SB 2122, SB 2133, SB 2178, SB 2246.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2144, SB 2244, SB 2280, SB 2293.

AMENDMENTS TO SENATE BILL NO. 2144

Page 1, line 12, overstrike the colon

Page 1, line 13, overstrike "a. Enters" and insert immediately thereafter "enters"

Page 1, line 14, overstrike "; or"

Page 1, line 15, overstrike "b. Enters or remains in any place so enclosed"

Page 1, line 15, remove "by a fence or otherwise enclosed"

Page 1, line 15, overstrike "as"

Page 1, line 16, overstrike "manifestly to exclude intruders"

Page 1, line 16, remove ", unless the individual is a licensed hunter or"

Page 1, remove lines 17 and 18

Page 1, line 19, remove "and capable of containing livestock"

Page 1, line 20, overstrike ", knowing"

Page 1, line 20, after the second "~~that~~" insert ":

(1) Knowing"

Page 1, line 23, overstrike "individual in charge of the premises or other authorized individual" and insert immediately thereafter "owner or an individual authorized by the owner"

Page 2, line 2, after "characters" insert "; or

(2) The individual enters or remains in any place enclosed by a fence or otherwise enclosed as manifestly to exclude intruders, unless the individual is a licensed hunter or angler who is lawfully hunting or fishing. For purposes of this subdivision, "fence" means a permanent structure on nonurban, private property which is maintained and capable of containing livestock"

Page 2, line 3, overstrike ", tenant,"

Page 2, line 4, after the first "of" insert "paragraph 1 of"

Page 2, line 5, after "violating" insert "paragraph 1 of"

Page 2, line 5, overstrike ", tenant,"

Page 2, line 6, after "with" insert "paragraph 1 of"

Page 2, line 8, after "violates" insert "paragraph 1 of"

Page 3, line 24, overstrike "or tenant"

Page 4, line 9, overstrike "or tenant"

Page 4, line 10, overstrike ", tenant,"

Page 4, line 12, overstrike ", tenant,"

ReNUMBER accordingly

AMENDMENTS TO ENGROSSED SENATE BILL NO. 2244

Page 1, line 1, remove ", 11-15-08,"

Page 1, line 12, replace "fifty" with "thirty"

Page 1, line 14, replace "fifty" with "thirty"

Page 1, line 19, replace "eighty" with "fifty"

Page 2, remove lines 10 through 25

ReNUMBER accordingly

AMENDMENTS TO SENATE BILL NO. 2280

Page 1, line 1, remove "57-28-10,"

Page 1, remove lines 5 through 23

Page 2, line 14, after "**sales**" insert "**- Reappraisal**"

Page 2, line 15, after "1." insert "If the county continues to retain the property acquired by tax deed after the initial appraisal is conducted and the annual sale is held, the board may reappraise the value of the property at any time deemed necessary by the board. The reappraisal of the property must be completed at least thirty days before a subsequent annual sale under this chapter."

Page 2, line 17, remove ", taking into account the most recent appraisal approved by the"

Page 2, line 18, remove "board of county commissioners"

Page 3, line 11, remove ", the property"

Page 3, remove line 12

Page 3, line 13, remove "the most recent appraisal approved by the board"

ReNUMBER accordingly

AMENDMENTS TO SENATE BILL NO. 2293

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide a for legislative management study of exceptions to deeds transferring title of certain types of property or relating to certain transactions."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - EXCEPTIONS TO STATEMENT OF CONSIDERATION. During the 2021-22 interim, the legislative management shall consider studying the legislative intent of the exceptions to the requirement of a statement of full consideration for deeds transferring title of certain types of transactions and property under subsection 6 of section 11-18-02.2. The study also must include a review of the education and curriculum requirements and barriers related to the licensure of appraisers. 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

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass, unchanged: SB 2205.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2125, SB 2128, SB 2265, SB 2334.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1090, HB 1105, HB 1124, HB 1214, HB 1294, HB 1411, HB 1461.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HCR 3019.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1090, HB 1105, HB 1124, HB 1214, HB 1294, HB 1411, HB 1461.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HCR 3019.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1063, HB 1081, HB 1186, HB 1219, HB 1221, HB 1264, HB 1319, HB 1378, HB 1429.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on March 25, 2021, I have signed the following: SB 2058, SB 2097, SB 2131, SB 2241, and SB 2279.

MOTION

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

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, March 29, 2021, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1030: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1030 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1072, as reengrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1072 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1117, as engrossed: Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1117 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact sections 30.1-28-16, 30.1-28-17, 30.1-28-18, and 30.1-28-19 of the North Dakota Century Code, relating to involuntary treatment of a ward with prescribed medication; and to"

Page 1, line 2, after the first comma insert "25-03.1-18.2,"

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

Page 1, line 3, after "25-03.1-29" insert ", subsection 2 of section 30.1-28-03, and sections 30.1-28-04, 30.1-28-12, and 30.1-28-14"

Page 1, line 4, after "procedures" insert "and involuntary treatment of a ward with prescribed medication"

Page 3, after line 17, insert:

"SECTION 5. AMENDMENT. Section 25-03.1-18.2 of the North Dakota Century Code is amended and reenacted as follows:

25-03.1-18.2. Guardian consent to involuntary treatment with prescribed medication.

Notwithstanding sections 25-03.1-16, 25-03.1-18.1, and 25-03.1-24, if a patient refuses treatment with prescribed medication, a treating physician, physician assistant, psychiatrist, or advanced practice registered nurse may treat the patient with prescribed medication upon consent of the patient's guardian pursuant to ~~subsection 6 of section 30.1-28-12~~ sections 30.1-28-16, 30.1-28-17, 30.1-28-18, and 30.1-28-19.

1. ~~The guardian's consent for involuntary treatment with prescribed medication may not be in effect for more than ninety days without receiving another recommendation and determination pursuant to subsection 6 of section 30.1-28-12.~~
2. ~~The patient has the right to be free of the effects of medication at the preliminary or treatment hearing by discontinuance of medication no later than twenty-four hours before the hearing unless, in the opinion of the prescriber, the need for the medication still exists or discontinuation would hamper the patient's preparation for and participation in the proceedings."~~

Page 6, after line 29, insert:

"SECTION 11. AMENDMENT. Subsection 2 of section 30.1-28-03 of the North Dakota Century Code is amended and reenacted as follows:

2. The petition for appointment of a guardian must state:
 - a. The name, address, and corporate or agency status of the petitioner, and its connection with or relationship to the proposed ward;
 - b. The name, age, and address of the proposed ward;
 - c. The name and address of any person or institution having care or custody over the proposed ward;
 - d. The names and addresses of the spouse, parents, and adult children or, if none, any adult siblings and any adult with whom the proposed ward resides in a private residence, or, if none, the nearest adult relative;
 - e. A brief description of and the approximate value of the real and personal property and income of the proposed ward, so far as they are known to the petitioner;

- f. The extent of guardianship authority sought, including full authority, limited authority, or no authority in each area of residential, educational, medical, legal, vocational, and financial decisionmaking unless the petitioner is undecided on the extent of authority in any area, in which case the petition must state the specific areas in which the authority is sought;
- g. The occupation and qualifications of the proposed guardian;
- h. The name and address of the attorney, if known, who most recently represented the proposed ward;
- i. A statement alleging specific facts establishing the necessity for the appointment of a guardian;
- j. The name and address of any current conservator appointed for the proposed ward;
- k. The name and address of any person designated as an attorney in fact or agent in a power of attorney or as an agent in a health care directive;
- l. The name and address of any representative payee for the proposed ward;
- m. That less intrusive alternatives to guardianship have been considered;
- n. In the form of an attached recent statement, the physical, mental, and emotional limitations of the proposed ward from an expert examiner, if available; ~~and~~
- o. Whether the petition seeks to restrict any of the following rights:
 - (1) To vote;
 - (2) To seek to change marital status; or
 - (3) To obtain or retain a motor vehicle operator's license; and
- p. If the proposed guardian seeks authority to involuntary treatment with prescribed psychiatric medication under section 30.1-28-16, a statement alleging specific facts under subsection 3 of section 30.1-28-16 and an attached recent report under subsection 2 of section 30.1-28-16.

SECTION 12. AMENDMENT. Section 30.1-28-04 of the North Dakota Century Code is amended and reenacted as follows:

30.1-28-04. (5-304) Findings - Order of appointment.

1. The court shall exercise the authority conferred in this chapter consistent with the maximum self-reliance and independence of the incapacitated person and make appointive and other orders only to the extent necessitated by the incapacitated person's actual mental and adaptive limitations or other conditions warranting the procedure.
2. At a hearing held under this chapter, the court shall:
 - a. Hear evidence that the proposed ward is an incapacitated person. Age, eccentricity, poverty, or medical diagnosis alone is not sufficient to justify a finding of incapacity;
 - b. Hear evidence and determine whether there are any existing general durable powers of attorney and durable powers of attorney for health

care. If there are validly executed durable powers of attorney, the court shall consider the appointed attorneys in fact and agents appointed thereunder when assessing alternative resource plans and the need for a guardian; and

- c. Appoint a guardian and confer specific powers of guardianship only after finding in the record based on clear and convincing evidence that:
 - (1) The proposed ward is an incapacitated person;
 - (2) There is no available alternative resource plan that is suitable to safeguard the proposed ward's health, safety, or habilitation which could be used instead of a guardianship;
 - (3) The guardianship is necessary as the best means of providing care, supervision, or habilitation of the ward; and
 - (4) The powers and duties conferred upon the guardian are appropriate as the least restrictive form of intervention consistent with the ability of the ward for self-care.
3. Except upon specific findings of the court, a ward may not be deprived of any of the following legal rights: to vote, to seek to change marital status, or to obtain or retain a motor vehicle operator's license.
4. The court may find that the ward retains other specific rights.
5. The order appointing a guardian confers upon the guardian only those powers and duties specified in the order. In addition to any other powers conferred upon the guardian, the court's order must state whether the guardian has no authority, general authority, or limited authority to make decisions on behalf of the ward in each of the areas of residential, educational, medical, legal, vocational, and financial decisionmaking. A grant of limited authority must specify the limitations upon the authority of the guardian or the authority retained by the ward. The court's order must require the guardian to provide within ninety days from the date of the order a beginning inventory of all assets owned by the ward or in which the ward has an interest. The guardian shall provide a copy of the beginning inventory to the ward and any interested persons designated by the court in its order. Unless terminated earlier by the court, an order appointing or reappointing a guardian under this section is effective for up to five years. At least ninety days before the expiration of the initial order of appointment or any following order of reappointment, the court shall request and consider information submitted by the guardian, ward, ward's attorney, if any, and any interested persons regarding whether the need for a guardian continues to exist. If it is recommended that the guardianship continue, the court may appoint a guardian ad litem or visitor, or both, in accordance with section 30.1-28-03. The court shall hold a hearing on whether the guardianship should continue. Following the hearing and consideration of submitted information, the court may reappoint the guardian for up to another five years, allow the existing order to expire, or appoint a new guardian in accordance with this section. The supreme court, by rule or order, shall provide for the regular review of guardianship in existence on August 1, 2015.
6. Unless a court of competent jurisdiction determines otherwise, a durable power of attorney for health care executed pursuant to chapter 23-06.5 takes precedence over any authority to make medical decisions granted to a guardian pursuant to chapter 30.1-28.
7. ~~A grant of general authority to make medical decisions includes the authority to consent to involuntary treatment with prescribed medications. Except upon specific findings of the court, a grant of limited authority~~

~~does not include authority to consent to involuntary treatment with prescribed medications.~~

SECTION 13. AMENDMENT. Section 30.1-28-12 of the North Dakota Century Code is amended and reenacted as follows:

30.1-28-12. (5-312) General powers and duties of guardian.

1. A guardian of an incapacitated person has only the powers and duties specified by the court.
2. To the extent that it is consistent with the terms of an order by a court of competent jurisdiction, the guardian is entitled to custody of the person of the ward and may establish the ward's place of residence within or without this state. However, no guardian may voluntarily admit a ward to a mental health facility or state institution for a period of more than forty-five days without a mental health commitment proceeding or other court order. Notwithstanding the other provisions of this subsection, the guardian may readmit a ward to a mental health facility or a state institution within sixty days of discharge from that institution, if the original admission to the facility or institution had been authorized by the court.
3. If entitled to custody of the ward, the guardian should make provision for the care, comfort, and maintenance of the ward and, whenever appropriate, arrange for the ward's training, education, or habilitative services. The guardian shall take reasonable care of the ward's clothing, furniture, vehicles, and personal effects.
4. Notwithstanding general or limited authority to make medical decisions on behalf of the ward, no guardian may consent to psychosurgery, abortion, sterilization, or experimental treatment of any kind unless the procedure is first approved by order of the court.
5. When exercising the authority granted by the court, the guardian shall safeguard the civil rights and personal autonomy of the ward to the fullest extent possible by:
 - a. Meeting with the ward following the hearing, unless the ward is represented by an attorney, and explaining to the fullest extent possible the contents of the court's order and the extent of the guardian's authority;
 - b. Involving the ward as fully as is practicable in making decisions with respect to the ward's living arrangements, health care, and other aspects of the ward's care; and
 - c. Ensuring the ward's maximum personal freedom by using the least restrictive forms of intervention and only as necessary for the safety of the ward or others.
6. ~~A guardian with authority to consent to involuntary treatment with prescribed medications may not provide consent without receiving a recommendation and determination from the ward's treating physician, physician assistant, psychiatrist, or advanced practice registered nurse that:~~
 - a. ~~The proposed prescribed medication is clinically appropriate and necessary to effectively treat the ward and that the ward requires treatment;~~
 - b. ~~The ward was offered that treatment and refused it or that the ward lacks the capacity to make or communicate a responsible decision about that treatment;~~

- e. ~~Prescribed medication is the least restrictive form of intervention necessary to meet the treatment needs of the ward; and~~
 - d. ~~The benefits of the treatment outweigh the known risks to the ward.~~
- ~~7.~~ If no conservator for the estate of the ward has been appointed and if the guardian has been granted authority to make financial decisions on behalf of the ward, the guardian may:
- a. Institute proceedings to compel any person under a duty to support the ward or to pay sums for the welfare of the ward to perform that duty.
 - b. Receive money and tangible property deliverable to the ward and apply the money and property for support, care, and education of the ward; but, the guardian may not use funds from the ward's estate for room and board which the guardian or the guardian's spouse, parent, or child have furnished the ward unless a charge for the service is approved by order of the court made upon notice to at least one of the next of kin of the ward, if notice is possible. The guardian shall exercise care to conserve any excess for the ward's needs.
- ~~8-7.~~ If a conservator has been appointed, all of the ward's estate received by the guardian in excess of those funds expended to meet current expenses for support, care, and education of the ward must be paid to the conservator for management as provided in this title, and the guardian must account to the conservator for funds expended.
- ~~9-8.~~ A guardian shall file an annual report with the court regarding the exercise of powers and duties in areas of authority specified in the court's order of appointment. The report must describe the status or condition of the ward, including any change of residence and reasons for the change, any medical treatment received by or withheld from the ward, any expenditure and income affecting the ward, any sale or transfer of property affecting the ward, and any exercise of legal authority by the guardian affecting the ward. The report must include changes that have occurred since the previous reporting period and an accounting of the ward's estate. The guardian also shall report whether the ward continues to require guardianship and whether any powers of the guardian should be increased or limited. The report must be filed with the clerk of district court. The filing of the report does not constitute an adjudication or a determination of the merits of the report nor does the filing of the report constitute the court's approval of the report. The court may approve a report and allow and settle an accounting only upon notice to the ward's guardian ad litem and other interested persons who have made an appearance or requested notice of proceedings. The office of the state court administrator shall provide printed forms that may be used to fulfill reporting requirements. Any report must be similar in substance to the state court administrator's form. The forms must be available in the office of clerk of district court or obtainable through the supreme court's internet website.
- ~~10-9.~~ Copies of the guardian's annual report to the court and of any other reports required by the court must be mailed to the ward and any interested persons designated by the court in its order. The ward's copy must be accompanied by a statement, printed with not less than double-spaced twelve-point type, of the ward's right to seek alteration, limitation, or termination of the guardianship at any time.
- ~~11-10.~~ The guardian is entitled to receive reasonable sums for services and for room and board furnished to the ward as approved by the court or as agreed upon between the guardian and the conservator, provided the amounts agreed upon are reasonable under the circumstances. The

guardian may request the conservator to expend the ward's estate by payment to third persons or institutions for the ward's care and maintenance.

SECTION 14. AMENDMENT. Section 30.1-28-14 of the North Dakota Century Code is amended and reenacted as follows:

30.1-28-14. Guardianships established before July 1, 1990.

The powers and duties of guardians and the rights and privileges of wards under guardianships established before July 1, 1990, are as provided by this chapter as it existed on June 30, 1990, and are not affected by chapter 405 of the 1989 Session Laws, except that guardians appointed before July 1, 1990, must comply with the requirements of subsections 2, 4, 5, and 98 of section 30.1-28-12.

SECTION 15. Section 30.1-28-16 of the North Dakota Century Code is created and enacted as follows:

30.1-28-16. Court-authorized involuntary treatment with prescribed medication.

1. Upon notice and a hearing, a guardian may request authorization from the court for a ward to be treated with prescribed medication. The court may consider the petition in the initial procedure for court appointment of a guardian or at a separate involuntary treatment hearing.
2. As a part of a petition, the guardian shall provide a report from the treating expert examiner which must certify:
 - a. The proposed prescribed medication is clinically appropriate and necessary to treat the ward effectively and that the ward is a person requiring treatment;
 - b. The ward was offered that treatment and refused the treatment or that the ward lacks the capacity to make or communicate a responsible decision about that treatment;
 - c. Prescribed medication is the least restrictive form of intervention necessary to meet the treatment needs of the ward; and
 - d. The benefits of the treatment outweigh the known risks to the ward.
3. a. Evidence of the factors certified under subsection 1 may be presented to the court within the petition and during the initial hearing for court appointment of a guardian under section 30.1-28-03 or at a separate involuntary treatment hearing under this section. The court in ruling on the requested authorization for involuntary treatment with prescribed medication shall consider all relevant evidence presented at the hearing, including:
 - (1) The danger the ward presents to self or others;
 - (2) The ward's current condition;
 - (3) The ward's treatment history;
 - (4) The results of previous medication trials;
 - (5) The efficacy of current or past treatment modalities concerning the ward;
 - (6) The ward's prognosis; and
 - (7) The effect of the ward's mental condition on the ward's capacity to consent.

30.1-28-19. Application.

This chapter does not prohibit a hospital or treatment facility from rendering medical care without consultation, if in the exercise of sound medical judgment that care is immediately necessary and delay would endanger the life of or adversely and substantially affect the health of the ward."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1166, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1166 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1173, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1173 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1181, as reengrossed: Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1181 was placed on the Sixth order on the calendar.

Page 3, line 13, after "professional" insert "whether the report is for a retrospective evaluation of fitness or an evaluation of the defendant's current fitness."

Page 3, line 21, after the comma insert "the defendant's responses to questions related to the defendant's fitness to proceed."

Page 3, line 23, remove the overstrike over "unable"

Page 3, line 23, remove "able"

Page 3, line 25, replace "able" with "unable"

Page 4, line 21, replace "one year" with "one hundred and eighty days. The court may extend the suspension period for an additional three hundred sixty-five days if there is medical evidence the defendant's fitness to proceed will be restored during the extended period"

Page 5, line 26, replace "clear and convincing" with "a preponderance of the"

Page 6, line 11, after "or" insert "director's designee or the"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1209, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1209 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "benefit" with "contribution"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1276, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1276 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact section 54-10-15.1 of the North Dakota Century Code, relating to the appointment of a special auditor; and"

Page 1, after line 3, insert:

"**SECTION 1.** Section 54-10-15.1 of the North Dakota Century Code is created and enacted as follows:

54-10-15.1. Audit of a state institution, industry, or department by order of the governor or the legislative audit and fiscal review committee.

1. If a special audit is determined to be in the best interest of the state, the governor or the legislative audit and fiscal review committee may appoint a special auditor to examine any state institution, state industry, state department, or public office.
2. An appointed special auditor must be a certified public accountant in good standing with the board of accountancy. The special auditor has all the powers and authority that are granted to the state auditor in making audits and shall examine and report upon other matters connected with a state institution, state industry, or state department as the governor or the legislative audit and fiscal review committee may direct. The special auditor must be compensated for services, including travel expenses. Compensation and expenses are to be approved by the appointing authority and paid in the same manner as state officers' salaries are now paid."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1298, as engrossed: Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1298 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on page 954 of the Senate Journal, Engrossed House Bill No. 1298 is amended as follows:

Page 1, line 8, remove the underscored colon

Page 1, line 9, replace "a. Allow" with "knowingly allow"

Page 1, remove lines 13 through 20

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1335: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1335 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1349, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1349 was placed on the Sixth order on the calendar.

Page 3, line 2, after the period insert "A public entity may adopt policies regarding the release of exempt records under this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1373, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT

VOTING). Engrossed HB 1373 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1380, as engrossed: Finance and Taxation Committee (Sen. Bell, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1380 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "a new section to chapter 6-09,"

Page 1, line 1, after "6-09.4" insert ", a new section to chapter 15-20.1"

Page 1, line 1, replace the second "a" with "four"

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

Page 1, line 2, replace "57-38" with "54-60"

Page 1, line 2, after the second "to" insert "an economic diversification research fund,"

Page 1, line 3, after "fund" insert ", a workforce development and enrichment fund"

Page 1, line 3, after the second "fund" insert ", a legacy infrastructure fund, a legacy project fund, a legacy project advisory board"

Page 1, line 3, replace "income tax relief" with "innovative research and economic development"

Page 1, after line 6, insert:

"SECTION 1. A new section to chapter 6-09 of the North Dakota Century Code is created and enacted as follows:

Economic diversification research fund - Economic diversification research committee - Legislative management report.

1. There is created in the state treasury the economic diversification research fund. The fund consists of all moneys deposited in the fund under section 5 of this Act. Moneys in the fund may be spent by the Bank of North Dakota pursuant to legislative appropriations to provide grants to institutions under the control of the state board of higher education for economic diversification research.
2. The economic diversification research committee consists of:
 - a. The president of the Bank of North Dakota, as chairman;
 - b. Four members with experience in research or venture capital appointed by the president of the Bank of North Dakota;
 - c. The state commissioner of higher education, or a designee; and
 - d. The president of North Dakota state university and the president of the university of North Dakota.
3. In consultation with representatives of North Dakota state university and the university of North Dakota, the committee shall award grants to institutions under the control of the state board of higher education. Up to ninety percent of the funding must be awarded to North Dakota state university and the university of North Dakota with equal amounts awarded to each institution. The remaining funding must be awarded to the other institutions under the control of the state board of higher education, as determined by the committee. The committee may not award more than fifty percent of the available funding during the first year.

of the biennium. The Bank of North Dakota shall distribute the grant funding as awarded by the committee.

4. The committee shall develop guidelines for the economic diversification research grants. The purpose of the grants is to stimulate economic activity across the state through innovation of new technology, concepts, and products; to promote job creation and career and wage growth; to enhance health care outcomes; and to provide experiential learning opportunities for students. Research projects may be initiated by an institution under the control of the state board of higher education or by the private sector. The guidelines must include consideration for research projects with matching funds and provisions for grant oversight by an internal advisory committee and an external advisory committee.
5. The committee shall develop reporting requirements for the institutions under the control of the state board of higher education. The reporting requirements must include criteria for assessing performance outcomes related to the grants. The committee shall compile the reports and shall submit a comprehensive report annually to the legislative management. The comprehensive report must include information on how the research efforts by each institution align with the state's priorities, how the institutions collaborate when appropriate, and how the outcomes of the research meet established performance expectations."

Page 1, line 12, replace "3" with "5"

Page 1, line 15, remove the underscored comma

Page 1, after line 16, insert:

"SECTION 3. A new section to chapter 15-20.1 of the North Dakota Century Code is created and enacted as follows:

Workforce development and enrichment fund.

1. There is created in the state treasury the workforce development and enrichment fund. The fund consists of all moneys deposited in the fund under section 5 of this Act. Moneys in the fund may be spent pursuant to legislative appropriations to provide grants to support:
 - a. Strategic workforce development;
 - b. Technical education;
 - c. Workforce diversification initiatives; and
 - d. Workforce guidance and support.
2. Grant funding may be awarded only for one-time projects and initiatives.
3. Grants awarded for capital projects must have a matching requirement."

Page 2, line 12, remove "If the amounts transferred under subsection 2 exceed the amount available for"

Page 2, remove lines 13 through 18

Page 2, line 19, remove "4."

Page 2, line 21, replace "six" with "eight"

Page 2, line 25, replace "5." with "4."

Page 2, remove lines 28 through 30

Page 3, replace lines 1 through 11 with:

- "a. Thirty percent, with a minimum of one hundred fifty million dollars, to a sinking and interest fund and a retirement system fund, of which:
 - (1) An amount equal to one hundred twenty percent of any bond payments appropriated by the most recently adjourned special or regular session of the legislative assembly from the legacy sinking and interest fund, with a minimum of one hundred million dollars, must be transferred to the legacy sinking and interest fund under section 2 of this Act;
 - (2) Up to fifty million dollars must be transferred to the public employees retirement system main system plan under chapter 54-52, but only if the public employees retirement system main system plan's actuarial-funded ratio as reported for the most recently completed even-numbered fiscal year is less than ninety percent; and
 - (3) Any remaining amounts under this subdivision are available for other purposes designated by the legislative assembly;
- b. Twenty-five percent to infrastructure funds, of which:
 - (1) Forty-five percent must be transferred to the highway tax distribution fund for allocations under section 54-27-19;
 - (2) Five percent to the state park fund under section 55-08-07 for state park construction and improvement projects and other state park initiatives designated by the legislative assembly; and
 - (3) The remaining amount to the legacy infrastructure fund under section 6 of this Act;
- c. Twenty-five percent to research and economic development funds, of which:
 - (1) Forty percent must be transferred to the clean sustainable energy fund;
 - (2) Twenty-seven percent must be transferred to the economic diversification research fund under section 1 of this Act;
 - (3) Twenty-five percent must be transferred to the innovation loan fund to support technology advancement under section 6-09.18-05; and
 - (4) The remaining amount must be transferred to the innovative research and economic development fund;
- d. Ten percent to the legacy project fund under section 7 of this Act;
- e. Five percent to the workforce development and enrichment fund under section 3 of this Act; and
- f. The remaining amount for other purposes designated by the legislative assembly.

SECTION 6. A new section to chapter 21-10 of the North Dakota Century Code is created and enacted as follows:

Legacy infrastructure fund.

1. There is created in the state treasury the legacy infrastructure fund. The fund consists of all moneys deposited in the fund under section 5 of this Act. Moneys in the fund may be spent pursuant to legislative appropriations to support one-time infrastructure projects, including road and bridge projects, airport projects, and water projects.
2. If a political subdivision receives funding from the legacy project fund, the political subdivision shall provide a report to the state treasurer by May thirtieth of each even-numbered year on the use of the funding. The state treasurer shall determine the format of the report. The state treasurer shall make the reports available to the public on the state treasurer's website.

SECTION 7. A new section to chapter 21-10 of the North Dakota Century Code is created and enacted as follows:

Legacy project fund.

1. There is created in the state treasury the legacy project fund. The fund consists of all moneys deposited in the fund under section 5 of this Act. Moneys in the fund may be spent pursuant to legislative appropriations for projects and infrastructure. Funding designated for projects must be used to support statewide economic diversification and growth. Funding designated for infrastructure must be used to support one-time infrastructure with a statewide benefit.
2. If a political subdivision receives funding from the legacy project fund, the political subdivision shall provide a report to the state treasurer by May thirtieth of each even-numbered year on the use of the funding. The state treasurer shall determine the format of the report. The state treasurer shall make the reports available to the public on the state treasurer's website.
3. Up to one hundred thousand dollars per biennium may be appropriated to the office of management and budget for administrative expenses related to the legacy project advisory board.

SECTION 8. A new section to chapter 21-10 of the North Dakota Century Code is created and enacted as follows:

Legacy project advisory board - Report to legislative assembly.

1. The legacy project advisory board consists of:
 - a. The governor or the the governor's designee, to serve as chairman;
 - b. The majority and minority leaders of the house of representatives and senate, or their legislative designees;
 - c. The chairmen of the appropriations committees of the house of representatives and the senate, or their legislative designees;
 - d. The chairmen of the finance and taxation standing committees of the house of representatives and the senate, or their legislative designees;
 - e. One member appointed by the North Dakota petroleum council;
 - f. One member appointed by the greater North Dakota chamber of commerce;
 - g. One member appointed by the agriculture commissioner; and
 - h. Three members appointed by the governor.

2. The advisory board shall meet at least once per biennium. The office of management and budget shall provide administrative services to the advisory board.
3. The advisory board shall submit a report to the legislative assembly regarding recommendations for projects and infrastructure under the legacy project fund.
4. The advisory board may not include a recommendation in the report to the legislative assembly unless the recommendation fulfills the purposes of the legacy project fund under section 7 of this Act and is approved by a majority of the members of the advisory board.

SECTION 9. A new section to chapter 54-60 of the North Dakota Century Code is created and enacted as follows:

Innovative research and economic diversification fund.

There is created in the state treasury the innovative research and economic diversification fund. The fund consists of all moneys deposited in the fund under section 5 of this Act. Moneys in the fund may be spent pursuant to legislative appropriations with sixty-five and one-half percent designated for the lignite research council, the oil and gas research council, and other research councils and thirty-seven and one-half percent designated for tourism initiatives."

Page 3, line 14, remove "the highway tax distribution fund,"

Page 3, line 15, remove "the innovation loan fund to support technology advancement,"

Page 3, line 17, after the comma insert "and"

Page 3, line 18, remove ", and to reduce ongoing general fund appropriations of state"

Page 3, line 19, remove "agencies"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1431, as engrossed: Finance and Taxation Committee (Sen. Bell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1431 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new section to chapter 6-09 and"

Page 1, line 2, remove "a water infrastructure revolving"

Page 1, line 3, remove "loan fund and"

Page 1, line 3, remove "subsection 1 of section 6-09-49,"

Page 1, line 4, remove the first "and"

Page 1, line 4, remove "interest"

Page 1, line 5, remove "rates for infrastructure revolving loans,"

Page 1, line 6, remove the comma

Page 1, line 10, remove "and"

Page 1, line 10, after "repayment" insert "; to provide an exemption; to provide a statement of legislative intent; and to provide a report"

Page 1, remove lines 12 through 23

Page 2, remove lines 1 through 30

Page 3, line 31, after "programs" insert "and the clean sustainable energy fund"

Page 4, line 3, remove "This section may not be construed to require the state to appropriate funds"

Page 4, remove lines 4 through 9

Page 4, line 10, replace "outstanding" with "Neither the obligation of the state to pay the bonds nor the obligation of the issuer to pay debt service will constitute a debt of the state or any agency or political subdivision of the state within the meaning of any constitutional or statutory provision. The issuance of the bond does not directly or contingently obligate the state to pay the bond payments beyond the appropriation for the current biennium of the state. The issuer has no taxing power"

Page 4, line 11, after "bonds" insert ", capitalized interest."

Page 7, line 10, after "**programs**" insert "**and clean sustainable energy fund**"

Page 7, line 14, after "programs" insert "and the clean sustainable energy fund"

Page 7, line 20, after "may" insert "only"

Page 7, line 20, after "issue" insert "bonds under this Act to provide"

Page 7, line 20, replace "\$680,000,000 of bonds" with "\$1,110,000,000 in funds"

Page 7, line 21, after "programs" insert "and the clean sustainable energy fund as authorized in this Act"

Page 7, line 23, replace "twenty" with "thirty"

Page 7, line 25, after "programs" insert "and the clean sustainable energy fund"

Page 7, remove line 26

Page 7, line 27, replace "sale directly to North Dakota residents and financial institutions" with "The state investment board may purchase the bonds as investments for the funds under its management"

Page 7, line 28, after "costs" insert ", capitalized interest,"

Page 7, line 28, replace "\$680,000,000" with "\$1,110,000,000"

Page 7, line 30, after "programs" insert "and the clean sustainable energy fund"

Page 8, line 4, remove "and"

Page 8, line 7, after "project" insert ";

- f. \$250,000,000 to the clean sustainable energy fund;
- g. \$30,000,000 to the township highway aid fund;
- h. \$60,000,000 to the department of career and technical education operating fund;
- i. \$71,000,000 to the strategic investment and improvements fund;
- j. \$10,000,000 to the state park fund;
- k. \$4,000,000 to Dickinson state university, which is appropriated to Dickinson state university for a Pulver hall project, a meat processing laboratory remodel, a digitization project, and other projects;

- I. \$4,000,000 to the university of North Dakota, which is appropriated to the university of North Dakota for a space command initiative and related technical programs at the university of North Dakota, including equipment, renovation, a sensitive compartmental information facility, and other expenses; and
- m. \$1,000,000 to the cultural endowment fund under section 54-54-08.1"

Page 8, line 9, replace "7" with "5"

Page 8, after line 30, insert:

"SECTION 9. APPROPRIATION - TOWNSHIP HIGHWAY AID FUND - EXEMPTION - REPORT. There is appropriated out of any moneys in the township highway aid fund in the state treasury, not otherwise appropriated, the sum of \$30,000,000, or so much of the sum as may be necessary, derived from bond proceeds to the department of transportation for distributions to townships for road and bridge infrastructure needs for the biennium beginning July 1, 2021, and ending June 30, 2023, as follows:

- 1. Notwithstanding section 54-27-19.1, the department of transportation shall distribute \$10,000,000 to non-oil-producing townships based on township roadway miles without a matching requirement.
- 2. a. Notwithstanding section 54-27-19.1, the department of transportation shall make available \$20,000,000 for grants to townships. The department shall award grants with preference given to grant applications for projects that:
 - (1) Leverage available state, local, or federal funding;
 - (2) Coordinate with state, county, and other township projects;
 - (3) Focus on flood control and infrastructure resilience;
 - (4) Reduce road restrictions, improve mobility, and improve safety;
 - (5) Improve the agricultural economy and goods movement; and
 - (6) Confirm participating townships' ability to maintain the improvements.
- b. The department shall establish an application process that must include the following eligibility requirements:
 - (1) The roadways or bridges associated with the project must provide continuity and connectivity to efficiently integrate and improve paved and unpaved corridors within the township and across township borders;
 - (2) The project must be consistent with applicable township long-range planning;
 - (3) The project must result in the roadway segment meeting an appropriate legal load limit; and
 - (4) The project must comply with the American association of state highway transportation officials pavement and bridge design procedures and standards developed by the department of transportation in conjunction with the local jurisdiction.
- c. For approved projects, the department shall initially distribute the portion of the approved grant funding for engineering and plan development costs. Upon execution of a construction contract by the

township, the department shall distribute the remainder of the approved funding. Townships shall report to the department upon awarding of each contract and upon completion of each project.

- d. Grants may be awarded for construction, engineering, and plan development costs, but may not be used for routine maintenance. Grants awarded may be applied to engineering, design, and construction costs incurred on related projects as of January 1, 2021. Section 54-44.1-11 does not apply to funding under this subsection and any funds not spent by June 30, 2023, must be continued into the biennium beginning July 1, 2023, and ending June 30, 2025, and may be expended only for the purposes authorized by this subsection.
3. For the purposes of this section, a "non-oil-producing county" means a county that has received no allocation of funding or a total allocation of funding under subsection 2 of section 57-51-15 of less than \$5,000,000 for the period beginning September 1, 2019, and ending August 31, 2020.
4. The funding provided in this section is considered a one-time funding item and the department shall report to the budget section and to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding, including the amounts awarded and distributed to each township, the amounts spent to date, and the amounts anticipated to be continued into the 2023-25 biennium.

SECTION 10. APPROPRIATION - DEPARTMENT OF CAREER AND TECHNICAL EDUCATION OPERATING FUND. There is appropriated out of any moneys in the department of career and technical education operating fund in the state treasury, not otherwise appropriated, the sum of \$45,000,000, or so much of the sum as may be necessary, derived from bond proceeds to the department of career and technical education for the purpose of providing grants for buildings and equipment, for the biennium beginning July 1, 2021, and ending June 30, 2023. The department of career and technical education shall distribute up to \$45,000,000 of the grants for the construction of new career and technical education centers with a limit of up to \$15,000,000 per center, and a center must provide one dollar of matching funds for each dollar of grant funding received for the construction of a new career and technical education center. The remaining amount is available for grants for equipment at other career and technical education programs located in the state, which must be distributed by the department of career and technical education through a competitive grant process without a matching requirement.

SECTION 11. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - TRANSFER. There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$66,300,000, or so much of the sum as may be necessary, derived from bond proceeds to the office of management and budget for deferred maintenance and other improvement projects, for the biennium beginning July 1, 2021, and ending June 30, 2023. The office of management and budget shall use up to \$700,000 for accessibility improvements on the state capitol grounds for costs relating to compliance with the Americans with Disabilities Act of 1990 improvements and other accessibility improvements. In consultation with the legislative management, the office of management and budget shall use up to \$600,000 to remodel the Brynhild Haugland room in the state capitol. The office of management and budget shall use up to \$65,000,000 for deferred maintenance on state buildings with priority given to the most critical maintenance projects based on an assessment conducted during the 2019-20 interim. The office of management and budget may transfer funds from the \$65,000,000 for deferred maintenance under this section to other eligible state agencies for deferred maintenance projects on state buildings, for the biennium beginning July 1, 2021, and ending June 30, 2023.

SECTION 12. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated,

the sum of \$4,700,000, or so much of the sum as may be necessary, derived from bond proceeds to the state historical society for the maintenance of state historical buildings, for the biennium beginning July 1, 2021, and ending June 30, 2023."

Page 9, line 4, remove "water"

Page 9, line 4, after the second "fund" insert "under section 6-09-49"

Page 9, after line 4, insert:

"SECTION 14. LEGISLATIVE INTENT - CULTURAL ENDOWMENT FUND.

It is the intent of the sixty-seventh legislative assembly that the council on the arts expend up to \$50,000 annually from the cultural endowment fund pursuant to the appropriation authority provided in section 2 of Senate Bill No. 2010 during the 2021-23 biennium for the maintenance of the public art projects constructed as part of the North Dakota creative placemaking program. It is further the intent of the legislative assembly that the council on the arts continue to expend \$50,000 annually from the cultural endowment fund for the maintenance of the public arts projects constructed as part of the North Dakota creative placemaking program until the moneys derived from the bond proceeds authorized in this Act and deposited in the fund have been fully expended."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1483, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1483 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "during a general election"

Page 1, line 10, replace "three" with "four"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3004: Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3004 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3010: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3010 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3029: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3029 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3043, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3043 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3046: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3046 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3047: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR

3047 was placed on the Fourteenth order on the calendar.

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

Shanda Morgan, Secretary