

JOURNAL OF THE SENATE

Sixty-seventh Legislative Assembly

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Bismarck, April 19, 2021

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

The prayer was offered by Pastor Matt Anderson, Surprise Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

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

MR. PRESIDENT: The Speaker has signed: HB 1031, HB 1033, HB 1059, HB 1072, HB 1099, HB 1135, HB 1151, HB 1205, HB 1206, HB 1207, HB 1212, HB 1249, HB 1284, HB 1285, HB 1323, HB 1347, HB 1349, HB 1353, HB 1410, HB 1419, HB 1431, HB 1450, HB 1455, HB 1463, HB 1471, HB 1478, HB 1483.

MOTION

SEN. KLEIN MOVED that Sen. Hogue replace Sen. Heitkamp on the Conference Committee on HB 1035, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. WEBER MOVED that the conference committee report on Engrossed SCR 4014 as printed on SJ page 1521 be adopted, which motion prevailed on a voice vote.

Engrossed SCR 4014, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4014: A concurrent resolution directing the Legislative Management to consider studying the apportionment of voting rights in relation to a voter's ability to approve or protest a tax increase, bond issuance, or the formation of an improvement district and whether the current manner of apportioning voting rights is equitable and appropriate.

The question being on the final adoption of the amended resolution, which has been read.

Reengrossed SCR 4014 was declared adopted on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. K. ROERS MOVED that the conference committee report on Engrossed HB 1493 as printed on SJ pages 1518-1521 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1493, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1493: A BILL for an Act to amend and reenact section 26.1-47-10 of the North Dakota Century Code and section 10 of chapter 194 of the 2017 Session Laws, relating to air ambulance services; and to provide for ambulance service operation funding.

ROLL CALL

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

YEAS: 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 HB 1493, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SCHAIBLE MOVED that the conference committee report on Engrossed HB 1232 as printed on SJ pages 1517-1518 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1232, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1232: A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to school district virtual learning policies; and to amend and reenact sections 15.1-06-04 and 15.1-27-23 of the North Dakota Century Code, relating to the satisfaction of school calendar hours through virtual instruction.

ROLL CALL

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

YEAS: 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 HB 1232, as amended, passed.

MOTION

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

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

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KLEIN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1213 and Engrossed HB 1465, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

HB 1213: Sens. Lee, Anderson, K. Roers

Engrossed HB 1465: Sens. Anderson, Lee, Hogan

REPORT OF CONFERENCE COMMITTEE

SB 2272, as engrossed: Your conference committee (Sens. Schaible, Lemm, Conley and Reps. Owens, Monson, Zubke) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1318-1319, adopt amendments as follows, and place SB 2272 on the Seventh order:

That the House recede from its amendments as printed on pages 1318 and 1319 of the Senate Journal and pages 1473 and 1474 of the House Journal and that Engrossed Senate Bill No. 2272 be amended as follows:

Page 1, line 3, remove "and sections 3"

Page 1, line 4, remove "and 4 of chapter 136 of the 2019 Session Laws"

Page 1, line 5, after the semicolon insert "to amend and reenact section 15-10-38.3 of the North Dakota Century Code, relating to scholarship and loan forgiveness administrative costs; to repeal sections 15-10-38.1 and 15-10-38.2 of the North Dakota Century Code, relating to the skilled workforce student loan repayment program and the skilled workforce scholarship program;"

Page 1, line 6, remove "and to provide an expiration"

Page 1, line 7 replace "date" with "and to declare an emergency"

Page 4, line 5, after the underscored comma insert "state-approved educator training programs."

Page 5, line 17, after "education" insert ", in conjunction with the Bank of North Dakota,"

Page 6, replace lines 15 and 16 with:

"SECTION 4. AMENDMENT. Section 15-10-38.3 of the North Dakota Century Code is amended and reenacted as follows:"

Page 6, remove the underscore from lines 17 through 20

Page 6, line 21, remove the underscore from "15-10-38.2. The retained funds must be used for" and immediately thereafter insert "~~promotion and~~"

Page 6, line 21, remove the underscore from "administration of the programs under those"

Page 6, remove the underscore from line 22

Page 6, remove lines 23 through 30

Page 7, replace lines 1 through 10 with:

"SECTION 5. REPEAL. Sections 15-10-38.1 and 15-10-38.2 of the North Dakota Century Code are repealed.

SECTION 6. TRANSFER - BANK OF NORTH DAKOTA - SKILLED WORKFORCE STUDENT LOAN REPAYMENT PROGRAM FUND. The Bank of North Dakota shall transfer the sum of \$2,250,000, or so much of the sum as may be necessary, from the Bank's current earnings and undivided profits to the skilled workforce student loan repayment fund during the biennium beginning July 1, 2021, and ending June 30, 2023.

SECTION 7. TRANSFER - BANK OF NORTH DAKOTA - SKILLED WORKFORCE SCHOLARSHIP FUND. The Bank of North Dakota shall transfer the sum of \$2,250,000, or so much of the sum as may be necessary, from the Bank's current earnings and undivided profits to the skilled workforce scholarship fund during the biennium beginning July 1, 2021, and ending June 30, 2023.

SECTION 8. EFFECTIVE DATE. Sections 1, 2, 3, 6, and 7 of this Act become effective on July 1, 2021.

SECTION 9. EFFECTIVE DATE. Section 5 of this Act becomes effective on July 1, 2023."

Page 7, after line 11, insert:

"SECTION 11. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed SB 2272 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SCHAIBLE MOVED that the conference committee report on Engrossed SB 2272 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2272, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2272: A BILL for an Act to create and enact section 15-10-38.3 of the North Dakota Century Code, relating to administrative fees retained by the state board of higher education; to amend and reenact sections 15-10-38.1 and 15-10-38.2 of the North Dakota Century Code, relating to the skilled workforce student loan repayment program and skilled workforce scholarship program; to amend and reenact section 15-10-38.3 of the North Dakota Century Code, relating to scholarship and loan forgiveness administrative costs; to repeal sections 15-10-38.1 and 15-10-38.2 of the North Dakota Century Code, relating to the skilled workforce student loan repayment program and the skilled workforce scholarship program; to provide a continuing appropriation; to provide for a transfer; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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

Reengrossed SB 2272 passed and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SB 2290, as engrossed: Your conference committee (Sens. Meyer, Elkin, Marcellais and Reps. Kasper, B. Koppelman, Steiner) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1372-1373, adopt amendments as follows, and place SB 2290 on the Seventh order:

That the House recede from its amendments as printed on pages 1372 and 1373 of the Senate Journal and pages 1547 and 1548 of the House Journal and that Engrossed Senate Bill No. 2290 be amended as follows:

Page 1, line 16, replace "five" with "three"

Page 1, line 20, replace "five" with "three"

Page 1, line 20, remove "but does"

Page 1, line 21, remove "not exceed one hundred million dollars"

Page 2, line 13, after "required" insert "under this section"

Page 2, after line 23, insert:

"10. The aggregate amount of requests to expend funds that may be approved each biennium under this section may not exceed fifty million dollars. Any request received under this section which, if approved, would result in more than fifty million dollars of funds being approved for expenditure under this section during the biennium may be approved only by the legislative assembly during a regular legislative session or during a special legislative session called by the governor.

11. Any request received under this section to expend funds received through a federal act that makes available more than fifty million dollars to the state may be approved only by the legislative assembly during a regular legislative session or a special legislative session called by the governor.
12. Subsections 10 and 11 do not apply to federal highway administration emergency relief funding received by the state or to disaster or emergency recovery funding received by the state pursuant to section 37-17.1-23."

Page 2, line 30, replace "five" with "three"

Page 2, line 30, after "receive" insert "and expend"

Page 3, line 5, replace "five" with "three"

Page 3, line 6, remove "but does not exceed one hundred million dollars"

Page 3, line 7, after "receive" insert "and expend"

Page 3, line 15, overstrike "The emergency commission may authorize the" and insert immediately thereafter "A"

Page 3, line 15, after "officer" insert "receiving authorization"

Page 3, line 15, overstrike "received"

Page 3, line 16, after "section" insert "may expend the money"

Page 3, after line 22, insert:

- "4. The aggregate amount of requests to expend funds which may be approved each biennium under this section may not exceed five million dollars. Any request received under this section which, if approved, would result in more than five million dollars being approved for expenditures under this section during the biennium may be approved only by the legislative assembly during a regular legislative session or during a special legislative session called by the governor."

Renumber accordingly

Engrossed SB 2290 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. MEYER MOVED that the conference committee report on Engrossed SB 2290 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2290, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2290: A BILL for an Act to amend and reenact sections 54-16-04.1 and 54-16-04.2 of the North Dakota Century Code, relating to emergency commission and budget section approval to accept and disburse federal and other funds; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 1 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; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber;

Wobbema

NAYS: Mathern

Reengrossed SB 2290 passed and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SB 2013, as engrossed: Your conference committee (Sens. Wanzek, Hogue, Mathern and Reps. Kempenich, Howe, Meier) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1154-1155, adopt amendments as follows, and place SB 2013 on the Seventh order:

That the House recede from its amendments as printed on pages 1154 and 1155 of the Senate Journal and pages 1396 and 1397 of the House Journal and that Engrossed Senate Bill No. 2013 be amended as follows:

Page 1, replace lines 12 through 17 with:

| | | | |
|--------------------------------|-------------|-------------|--------------|
| "Salaries and wages | \$5,725,379 | \$747,748 | \$6,473,127 |
| Operating expenses | 2,283,022 | (53,150) | 2,229,872 |
| Capital assets | 0 | 1,600,000 | 1,600,000 |
| Contingencies | 100,000 | 0 | 100,000 |
| Total special funds | \$8,108,401 | \$2,294,598 | \$10,402,999 |
| Full-time equivalent positions | 28.00 | 2.00 | 30.00" |

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2013 - Department of Trust Lands - Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|-----------------------|-------------|----------------|------------------------------|------------------------------|---------------|---------------------|
| Salaries and wages | \$5,725,379 | \$6,382,638 | \$90,489 | \$6,473,127 | \$6,208,577 | \$264,550 |
| Operating expenses | 2,283,022 | 2,229,872 | | 2,229,872 | 2,194,422 | 35,450 |
| Capital assets | | 1,600,000 | | 1,600,000 | 1,600,000 | |
| Contingencies | 100,000 | 100,000 | | 100,000 | 100,000 | |
| Total all funds | \$8,108,401 | \$10,312,510 | \$90,489 | \$10,402,999 | \$10,102,999 | \$300,000 |
| Less estimated income | 8,108,401 | 10,312,510 | 90,489 | 10,402,999 | 10,102,999 | 300,000 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 28.00 | 30.00 | 0.00 | 30.00 | 29.00 | 1.00 |

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

| | Adjusts Funding for Salary Increases ¹ | Changes FTE Positions ² | Total Conference Committee Changes |
|-----------------------|---|------------------------------------|------------------------------------|
| Salaries and wages | (\$14,575) | \$105,064 | \$90,489 |
| Operating expenses | | | |
| Capital assets | | | |
| Contingencies | | | |
| Total all funds | (\$14,575) | \$105,064 | \$90,489 |
| Less estimated income | (14,575) | 105,064 | 90,489 |
| General fund | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 |

¹ Funding is adjusted to provide for employee salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and an increase of 2 percent on July 1, 2022, the same as the House. The Senate provided funding for salary increases of 2 percent on July 1, 2021, with a monthly minimum of \$80 and a monthly maximum of \$300, and a 2 percent increase on July 1, 2022.

² An administrative assistant position added by the Senate is converted to a compliance auditor position, and related funding is increased by \$105,064 to provide a total of \$300,000,

of which \$264,550 is for salaries and wages and \$35,450 is for operating expenses. The Senate added an administrative assistant position and total funding of \$194,936. The House removed the administrative assistant position.
Engrossed SB 2013 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. WANZEK MOVED that the conference committee report on Engrossed SB 2013 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2013, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2013: A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; to provide for distributions from permanent funds; to provide a report; and to provide an exemption.

ROLL CALL

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

YEAS: 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

Reengrossed SB 2013 passed.

REPORT OF CONFERENCE COMMITTEE

HB 1383, as reengrossed: Your conference committee (Sens. Dwyer, Luick, Bakke and Reps. Pyle, Nehring, Adams) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1256, adopt amendments as follows, and place HB 1383 on the Seventh order:

That the Senate recede from its amendments as printed on page 1543 of the House Journal and page 1256 of the Senate Journal and that Reengrossed House Bill No. 1383 be amended as follows:

Page 1, line 3, after "laws" insert "; and to declare an emergency"

Page 1, line 16, after "ammunition" insert "enacted after January 1, 2021, if the federal statute, order, rule, or regulation is more restrictive than state law."

Page 1, line 21, after "chapter" insert "12.1-16."

Page 1, line 21, after "12.1-17" insert ", 12.1-18, 12.1-20, 12.1-41, or 19-03.1"

Page 2, line 2, after "firearms" insert "or an offense to which firearms are incidental, including a drug offense, homicide, assault, kidnapping, sex offense, or human trafficking"

Page 2, after line 2, insert:

"4. This section does not prohibit law enforcement from providing assistance to a federal agency or official if the investigation also pertains to a felony violation of state law.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

ReNUMBER accordingly

Reengrossed HB 1383 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. DWYER MOVED that the conference committee report on Reengrossed HB 1383 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1383, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1383: A BILL for an Act to create and enact a new section to chapter 62.1-01 of the North Dakota Century Code, relating to the limitation on enforcing or providing assistance regarding violations of federal firearm laws; and to declare an emergency.

ROLL CALL

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

YEAS: 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

NAYS: Bakke; Heckaman; Hogan; Marcellais; Mathern; Oban; Piepkorn

Reengrossed HB 1383, as amended, passed and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

HB 1164, as engrossed: Your conference committee (Sens. Myrdal, Luick, Dwyer and Reps. Satrom, Vetter, Hanson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1314, adopt amendments as follows, and place HB 1164 on the Seventh order:

That the Senate recede from its amendments as printed on page 1314 of the House Journal and page 982 of the Senate Journal and that Engrossed House Bill No. 1164 be amended as follows:

Page 1, line 17, after the "order" insert "if the attorney general issues an opinion"

Page 1, line 17, after "that" insert "the executive order unconstitutionally"

Page 1, line 18, replace "and" with "or"

Page 1, line 19, replace "which" with "and the executive order"

Renumber accordingly

Engrossed HB 1164 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. MEYER MOVED that the conference committee report on Reengrossed HB 1164 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1164, as amended, was placed on the Fourteenth order of business.

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, the roll was called and there were 40 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: 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

NAYS: Bakke; Heckaman; Hogan; Marcellais; Mathern; Oban; Piepkorn

Engrossed HB 1164, as amended, passed.

REPORT OF CONFERENCE COMMITTEE

HB 1162, as engrossed: Your conference committee (Sens. J. Roers, Meyer, Kannianen and Reps. Jones, Paulson, Paur) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1386, adopt amendments as follows, and place HB 1162 on the Seventh order:

That the Senate recede from its amendments as printed on page 1386 of the House Journal and page 1085 of the Senate Journal and that Engrossed House Bill No. 1162 be amended as follows:

Page 1, line 20, after "card" insert "or a credit card"

Page 1, line 21, after the underscored period insert "An organization that accepts payment by credit card for the purchase of a raffle ticket shall limit an individual's ticket purchases using a credit card to five hundred dollars per day, not to exceed one thousand five hundred dollars per week. If a licensed organization accepts electronic payment for the purchase of a raffle ticket, the organization shall verify the ticket purchaser is at least eighteen years of age and physically is located in the state."

ReNUMBER accordingly

Engrossed HB 1162 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. J. ROERS MOVED that the conference committee report on Engrossed HB 1162 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1162, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1162: A BILL for an Act to amend and reenact section 53-06.1-10.1 of the North Dakota Century Code, relating to raffle ticket purchases.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 24 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bakke; Bekkedahl; Bell; Burckhard; Conley; Davison; Heckaman; Heitkamp; Hogan; Holmberg; Krebsbach; Kreun; Larsen, D.; Mathern; Meyer; Oban; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Vedaa; Weber; Wobbema

NAYS: Anderson; Clemens; Dever; Dwyer; Elkin; Erbele; Fors; Hogue; Kannianen; Klein; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Myrdal; Oehlke; Rust; Schaible; Sorvaag; Wanzek; Wardner

Engrossed HB 1162, as amended, passed.

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

MR. PRESIDENT: The House has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1279: Reps. Weisz; Kading; Owens

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

MR. PRESIDENT: The House has appointed as a conference committee to act with a like committee from the Senate on:

SB 2021: Reps. Kempenich; Mock; Howe

SB 2030: Reps. Schatz; Monson; Schmidt

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

MR. PRESIDENT: The House has appointed as a conference committee to act with a like committee from the Senate on:

SB 2089: Reps. M. Ruby; Beltz; Schneider

SB 2145: Reps. Tveit; Skroch; Rohr

SB 2256: Reps. Rohr; Tveit; Schneider

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

MR. PRESIDENT: The House has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2144: Reps. Heinert; Porter; M. Ruby

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1247.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1465, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1465: Reps. Westlind; Beltz; Devlin

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

MR. SPEAKER: The Senate has appointed as a conference committee to act with a like committee from the House on:

HB 1213: Sens. Lee; Anderson; K. Roers

HB 1465: Sens. Anderson; Lee; Hogan

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

MR. SPEAKER: The President has appointed Sen. Hogue to replace Sen. Heitkamp on the Conference Committee on HB 1035.

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

MR. PRESIDENT: The House has not adopted the conference committee report on: HB 1279.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2013.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SCR 4014.

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

MR. SPEAKER: The Senate has adopted the conference committee report and

subsequently passed: HB 1162, HB 1164.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1232, HB 1493.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2272, SB 2290.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1383.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SCR 4014.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1017, HB 1183.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1162, HB 1164.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2244, SB 2304.

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

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1383.

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

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2311.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: HB 1371.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2026.

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

MR. SPEAKER: Your signature is respectfully requested on: SCR 4016.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1025, HB 1045, HB 1074, HB 1080, HB 1096, HB 1103, HB 1116, HB 1117, HB 1141, HB 1148, HB 1163, HB 1175, HB 1181, HB 1199, HB 1248, HB 1254, HB 1276, HB 1288, HB 1293, HB 1297, HB 1298, HB 1337, HB 1396, HB 1397, HB 1407, HB 1492, HB 1502, HCR 3006, HCR 3011, HCR 3021, HCR 3035.

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

MR. PRESIDENT: The Speaker has signed: SB 2041, SB 2077, SB 2130, SB 2137, SB 2168, SB 2202, SB 2208, SB 2217, SB 2248, SB 2293, SB 2338.

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

MR. PRESIDENT: The Speaker has signed: SCR 4009, SCR 4012.

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

MR. SPEAKER: The President has signed: SCR 4009, SCR 4012.

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

MR. SPEAKER: The President has signed: HB 1025, HB 1045, HB 1074, HB 1080, HB 1096, HB 1103, HB 1116, HB 1117, HB 1141, HB 1148, HB 1163, HB 1175, HB 1181, HB 1199, HB 1248, HB 1254, HB 1276, HB 1288, HB 1293, HB 1297, HB 1298, HB 1337, HB 1396, HB 1397, HB 1407, HB 1492, HB 1502.

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

MR. SPEAKER: The President has signed: HCR 3006, HCR 3011, HCR 3021, HCR 3035.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on April 16, 2021, I have signed the following: SB 2005, SB 2007, SB 2017, SB 2022, SB 2023, SB 2024, SB 2025, SB 2059, SB 2060, SB 2078, SB 2085, SB 2088, SB 2093, SB 2103, SB 2123, SB 2132, SB 2164, SB 2165, SB 2166, SB 2187, SB 2189, SB 2214, SB 2233, SB 2258, SB 2261, SB 2273, SB 2276, SB 2281, SB 2299, SB 2308, SB 2329, and SB 2340.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on April 19, 2021: SCR 4009, SCR 4012.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Tuesday, April 20, 2021, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2271, as engrossed: Your conference committee (Sens. Meyer, Vedaa, Marcellais and Reps. Kasper, Rohr, B. Koppelman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1313-1314, adopt amendments as follows, and place SB 2271 on the Seventh order:

That the House recede from its amendments as printed on pages 1313 and 1314 of the Senate Journal and page 1438 of the House Journal and that Engrossed Senate Bill No. 2271 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide a statement of legislative intent regarding presidential elections; to provide for a legislative management study; and to provide a directive.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE INTENT - OPPOSITION TO NATIONAL POPULAR VOTE INTERSTATE COMPACT - APPEAL TO CONGRESS. It is the intent of the sixty-seventh legislative assembly to oppose the national popular vote interstate compact, which would circumvent the electoral process set forth in the United States Constitution. If the compact becomes effective, the compact will require each signatory state to award the state's electoral college votes to the presidential candidate who received the most popular votes in all fifty states and the District of Columbia. Fifteen states and the District of Columbia have adopted the compact. However, the current system for awarding electoral college votes to the winners of state elections fulfills the requirements for appointing electoral college electors under Article II of the United States Constitution and ensures states have proportionate representation in presidential elections. The sixty-seventh legislative assembly urges Congress not to consent to the interstate compact and to oppose any efforts to seek a national popular election of a president other than through an amendment to the Constitution.

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - NATIONAL POPULAR VOTE INTERSTATE COMPACT. During the 2021-22 interim, the legislative management shall consider studying how to defeat the effort of the national popular vote interstate compact to ensure the electoral college process is preserved as prescribed in the United States Constitution. The study also must include examination of how states report presidential election results and whether states report the results using vote percentages or vote totals. The legislative management shall report its findings and recommendations, together with any

legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

SECTION 3. DIRECTIVE TO SECRETARY OF STATE. The secretary of state shall forward a copy of the enrolled version of this bill to the president of the United States Senate, the speaker of the United States House of Representatives, and each member of the North Dakota congressional delegation."

Renumber accordingly

Engrossed SB 2271 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2332, as engrossed: Your conference committee (Sens. Schaible, Elkin, Oban and Reps. Owens, Richter, Guggisberg) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1223, adopt amendments as follows, and place SB 2332 on the Seventh order:

That the House recede from its amendments as printed on page 1223 of the Senate Journal and page 1405 of the House Journal and that Engrossed Senate Bill No. 2332 be amended as follows:

Page 2, line 15, overstrike "and"

Page 2, line 16, after the underscored semicolon insert "and

(10) Special education:"

Page 3, line 18, after "**STUDY**" insert "**- CRITERIA FOR ALTERNATIVE TEACHER LICENSURE**"

Renumber accordingly

Engrossed SB 2332 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1017, as engrossed: Your conference committee (Sens. Oehlke, Wanzek, Erbele and Reps. Howe, Brandenburg, Mock) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1167-1169, adopt amendments as follows, and place HB 1017 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1457-1459 of the House Journal and pages 1167-1169 of the Senate Journal and that Engrossed House Bill No. 1017 be amended as follows:

Page 1, line 2, remove "and"

Page 1, line 2, after "report" insert "; to provide for a transfer; and to provide an exemption"

Page 1, replace lines 12 through 14 with:

| | | | |
|---------------------|--------------|-------------|--------------|
| "Salaries and wages | \$31,497,736 | \$2,243,856 | \$33,741,592 |
| Operating expenses | 15,949,169 | 327,613 | 16,276,782 |
| Capital assets | 5,917,891 | 1,658,379 | 7,576,270" |

Page 1, replace line 16 with:

| | | | |
|------------------------------------|------------|-----------|-------------|
| "Land habitat and deer depredation | 17,660,009 | 2,320,588 | 19,980,597" |
|------------------------------------|------------|-----------|-------------|

Page 1, replace lines 18 and 19 with:

| | | | |
|------------------------------|---------|---------|----------|
| "Missouri River enforcement | 288,068 | 8,931 | 296,999 |
| Grants, gifts, and donations | 533,732 | 136,401 | 670,133" |

Page 1, replace line 21 with:

"Lonetree reservoir 1,834,862 (16,453) 1,818,409"

Page 1, remove line 24

Page 2, replace line 1 and 2 with:

| | | | |
|-----------------------------------|------------------|--------------|------------------|
| "Aquatic nuisance species program | <u>1,500,000</u> | <u>9,009</u> | <u>1,509,009</u> |
| Total special funds | \$85,303,632 | \$7,064,502 | \$92,368,134 |
| Full-time equivalent positions | 165.00 | (1.00) | 164.00" |

Page 2, replace lines 9 and 10 with:

| | | |
|---|----------|----------------|
| "Red River basin wildlife and water quality program | 0 | 500,000 |
| State radio equipment | <u>0</u> | <u>801,500</u> |
| Total special funds | \$0 | \$2,786,500" |

Page 2, after line 18, insert:

"SECTION 4. EXEMPTION - LINE ITEM TRANSFERS. Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer up to \$2,000,000 of appropriation authority between the operating expenses, capital assets, and grants - game and fish line items in section 1 of this Act as requested by the game and fish department during the biennium beginning July 1, 2021, and ending June 30, 2023. The game and fish department shall notify the legislative council of any transfers made pursuant to this section."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1017 - Game and Fish Department - Conference Committee Action

| | Base Budget | House Version | Conference Committee Changes | Conference Committee Version | Senate Version | Comparison to Senate |
|------------------------------------|-------------------|-------------------|------------------------------|------------------------------|-------------------|----------------------|
| Salaries and wages | \$31,497,736 | \$33,868,356 | (\$126,764) | \$33,741,592 | \$33,905,620 | (\$164,028) |
| Operating expenses | 15,949,169 | 16,112,754 | 164,028 | 16,276,782 | 16,112,754 | 164,028 |
| Capital assets | 5,917,891 | 6,774,770 | 801,500 | 7,576,270 | 7,576,270 | |
| Grants - Game and fish | 8,547,165 | 8,923,343 | | 8,923,343 | 8,923,343 | |
| Land habitat and deer depredation | 17,660,009 | 19,979,876 | 721 | 19,980,597 | 19,980,597 | |
| Noxious weed control | 725,000 | 725,000 | | 725,000 | 725,000 | |
| Missouri River enforcement | 288,068 | 296,825 | 174 | 296,999 | 296,999 | |
| Grants - Gifts - Donations | 533,732 | 670,090 | 43 | 670,133 | 670,133 | |
| Nongame wildlife conservation | 100,000 | 100,000 | | 100,000 | 100,000 | |
| Lonetree Reservoir | 1,834,862 | 1,818,290 | 119 | 1,818,409 | 1,818,409 | |
| Wildlife services | 500,000 | 500,000 | | 500,000 | 500,000 | |
| Shooting sports grant program | 250,000 | 250,000 | | 250,000 | 250,000 | |
| Aquatic nuisance species education | 1,500,000 | 1,509,144 | (135) | 1,509,009 | 1,509,009 | |
| Total all funds | \$85,303,632 | \$91,528,448 | \$839,686 | \$92,368,134 | \$92,368,134 | \$0 |
| Less estimated income | <u>85,303,632</u> | <u>91,528,448</u> | <u>839,686</u> | <u>92,368,134</u> | <u>92,368,134</u> | <u>0</u> |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 165.00 | 165.00 | (1.00) | 164.00 | 165.00 | (1.00) |

Department 720 - Game and Fish Department - Detail of Conference Committee Changes

| | Adds Funding for Salary Increases ¹ | Transfers 1 FTE for IT Unification ² | Adds One-Time Funding for Radio Equipment ³ | Total Conference Committee Changes |
|------------------------------------|--|---|--|------------------------------------|
| Salaries and wages | \$32,898 | (\$159,662) | | (\$126,764) |
| Operating expenses | | 164,028 | | 164,028 |
| Capital assets | | | \$801,500 | 801,500 |
| Grants - Game and fish | | | | |
| Land habitat and deer depredation | 721 | | | 721 |
| Noxious weed control | | | | |
| Missouri River enforcement | 174 | | | 174 |
| Grants - Gifts - Donations | 43 | | | 43 |
| Nongame wildlife conservation | | | | |
| Lonetree Reservoir | 119 | | | 119 |
| Wildlife services | | | | |
| Shooting sports grant program | | | | |
| Aquatic nuisance species education | (135) | | | (135) |
| Total all funds | \$33,820 | \$4,366 | \$801,500 | \$839,686 |
| Less estimated income | 33,820 | 4,366 | 801,500 | 839,686 |
| General fund | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | (1.00) | 0.00 | (1.00) |

¹ Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250. The Conference Committee transferred 1 FTE for IT unification which reduced this adjustment by \$4,366 from the Senate's version.

² Ongoing funding for salaries and wages is reduced by \$159,662 and operating expenses is increased by \$164,028 to transfer 1 FTE IT position to the Information Technology Department for IT unification. Neither the House nor the Senate version included this transfer.

³ One-time funding of \$801,500 from the game and fish fund is added for replacement of radio equipment, the same as the Senate version. The House did not include this funding.

This amendment also authorizes the Game and Fish Department to transfer up to \$2,000,000 between the operating expenses, capital assets, and grants - game and fish line items, during the 2021-23 biennium. The department must report any transfers to the Legislative Council. The Senate authorized the department to transfer up to \$3,261,237. The House did not include this section.

Engrossed HB 1017 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1183, as engrossed: Your conference committee (Sens. Burckhard, Heitkamp, Oban and Reps. Ertelt, Toman, M. Nelson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1265, adopt amendments as follows, and place HB 1183 on the Seventh order:

That the Senate recede from its amendments as printed on page 1265 of the House Journal and page 942 of the Senate Journal and that Engrossed House Bill No. 1183 be amended as follows:

Page 1, line 4, after the semicolon insert "to provide for a legislative management report;"

Page 1, line 16, replace "of a" with "from"

Page 1, line 16, replace "unit" with "units"

Page 1, line 17, remove "and"

Page 1, line 22, after "systems" insert "; and

- c. One individual who must be a licensed environmental health practitioner appointed by the governor from a list of names forwarded by a professional onsite wastewater recycling association"

Page 2, line 4, replace "a majority" with "at least three"

Page 2, after line 9, insert:

"SECTION 3. REPORT TO LEGISLATIVE MANAGEMENT - ONSITE WASTEWATER RECYCLING TECHNICAL COMMITTEE. Before November 1, 2022, the onsite wastewater recycling technical committee shall submit a report to the legislative management on the status of the statewide technical guide and the committee's recommendations."

Renumber accordingly

Engrossed HB 1183 was placed on the Seventh order of business on the calendar.

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

Shanda Morgan, Secretary