

**JOURNAL OF THE SENATE****Sixty-seventh Legislative Assembly**

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**Bismarck, April 16, 2021**

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

The prayer was offered by Brad Bales, Station Manager KNDR Radio, Mandan.

The roll was called and all members were present except Senators Dwyer and Patten.

A quorum was declared by the President.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2021 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on:

**Engrossed SB 2021:** Sens. Davison, Oehlke, Heckaman.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. KLEIN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1012, Engrossed HB 1016, and Engrossed HB 1020, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on:

**Engrossed HB 1012:** Sens. Dever, Hogue, Mathern

**Engrossed HB 1016:** Sens. Krebsbach, Rust, Hogue

**Engrossed HB 1020:** Sens. Sorvaag, Hogue, Heckaman

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. BAKKE MOVED** that the conference committee report on SB 2026 as printed on SJ pages 1500-1501 be adopted, which motion prevailed on a voice vote.

SB 2026, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2026:** A BILL for an Act to provide for a department of transportation long combination vehicle study and pilot projects; and to provide for a legislative management report.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Bell; Hogan; Larson, D.; Marcellais; Mathern; Piepkorn

**ABSENT AND NOT VOTING:** Dwyer; Patten

SB 2026 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. K. ROERS MOVED** that the conference committee report on Engrossed SB 2311 as printed on SJ pages 1501-1502 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2311, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2311:** A BILL for an Act to amend and reenact subsection 28 of section 50-06-05.1 of the North Dakota Century Code, relating to behavioral health resources for schools; to provide an expiration 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 43 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; 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; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Bell; Larsen, O.

**ABSENT AND NOT VOTING:** Dwyer; Patten

Reengrossed SB 2311 passed and the emergency clause was declared carried.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. HOGAN MOVED** that the conference committee report on Engrossed SB 2161 be rejected, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. SCHAIBLE MOVED** that the conference committee report on SB 2144 as printed on SJ page 1501 be adopted, which motion prevailed on a voice vote.

SB 2144, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2144:** A BILL for an Act to amend and reenact sections 12.1-22-03 and 20.1-01-17 of the North Dakota Century Code, relating to criminal trespass and electronic posting; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Dwyer; Patten

SB 2144 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. K. ROERS MOVED** that the conference committee report on Reengrossed HB 1407 as printed on SJ pages 1498-1499 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1407, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1407:** A BILL for an Act to amend and reenact section 50-24.1-40 of the North Dakota Century Code, relating to medical assistance tribal health care coordination agreements; to repeal section 50-24.1-40 of the North Dakota Century Code, relating to medical assistance tribal health care coordination agreements; to provide for legislative management and legislative council reports; to provide a continuing appropriation; and to provide a contingent effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Dwyer; Patten

Reengrossed HB 1407, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ANDERSON MOVED** that the conference committee report on Engrossed HB 1492 as printed on SJ page 1499 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1492, as amended, was placed on the Fourteenth order of business.

**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, the roll was called and there were 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; 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; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Larsen, O.

**ABSENT AND NOT VOTING:** Dwyer; Patten

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

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. BAKKE MOVED** that the conference committee report on Engrossed HCR 3021 as printed on SJ page 1502 be adopted, which motion prevailed on a voice vote.

Engrossed HCR 3021, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3021:** A concurrent resolution directing the Legislative Management to consider studying the factors contributing to the nation's firearm and ammunition shortage and the impact the shortage has had on the quality of life for North Dakota citizens.

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

Engrossed HCR 3021, as amended, was declared adopted on a voice vote.

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**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.

**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 Sixty-fifth and Sixty-sixth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1466, line 21, after "Page 1," insert "line 17,"

Page 1499, line 12, remove "Engrossed"

Page 1706, line 29, replace "Bakke, Dwyer, Larson" with "Larson, Dwyer, Bakke"

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

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. KLEIN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1027 and Engrossed HB 1253, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on:

**Engrossed HB 1027:** Sens. Schaible, Lemm, Wobbema

**Engrossed HB 1253:** Sens. Vedaa, Meyer, Marcellais

**REPORT OF CONFERENCE COMMITTEE**

**SB 2304, as engrossed:** Your conference committee (Sens. Schaible, Lemm, Oban and Reps. Longmuir, Richter, Marschall) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 480, adopt amendments as follows, and place SB 2304 on the Seventh order:

That the House recede from its amendments as printed on pages 1190 and 1191 of the Senate Journal and page 1343 of the House Journal and that Engrossed Senate Bill No. 2304 be amended as follows:

Page 1, line 4, after "history" insert "; and to provide an effective date"

Page 1, line 13, overstrike "the"

Page 1, line 13, remove "federally recognized Indian tribes"

Page 1, line 14, remove "in the state, and the"

Page 1, line 14, after the third comma insert "the federally recognized Indian tribes in the state."

Page 1, line 19, replace "and" with "or"

Page 2, line 6, remove "impacts to"

Page 2, line 7, remove "tribes."

Page 2, line 7, remove ", tribal sovereignty, and treaty rights"

Page 2, line 26, remove "impacts to"

Page 2, line 26, remove "tribes."

Page 2, line 27, remove ", tribal sovereignty, and treaty rights"

Page 3, after line 3, insert:

**"SECTION 4. EFFECTIVE DATE.** Section 3 of this Act becomes effective on August 1, 2025."

Renumber accordingly

Engrossed SB 2304 was placed on the Seventh order of business on the calendar.

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. OBAN MOVED** that the conference committee report on Engrossed SB 2304 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2304, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF SENATE BILL**

**SB 2304:** A BILL for an Act to amend and reenact subsection 3 of section 15.1-21-01, subsection 1 of section 15.1-21-02, and subsection 4 of section 15.1-21-02.2 of the North Dakota Century Code, relating to requiring all elementary and secondary public and nonpublic schools in the state to include curriculum on Native American history; and to provide an effective date.

#### **ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Dwyer; Holmberg; Patten

Reengrossed SB 2304 passed.

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#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2244, as engrossed:** Your conference committee (Sens. Kreun, Burckhard, D. Larsen and Reps. Hatlestad, Nehring, Longmuir) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1022, adopt amendments as follows, and place SB 2244 on the Seventh order:

That the House recede from its amendments as printed on page 1022 of the Senate Journal and page 1217 of the House Journal and that Engrossed Senate Bill No. 2244 be amended

as follows:

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, line 18, replace "three" with "two"

Page 2, line 18, after "percent" insert "for personal property and one percent for real property"

Renumber accordingly

Engrossed SB 2244 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. KREUN MOVED** that the conference committee report on Engrossed SB 2244 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2244, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2244:** A BILL for an Act to amend and reenact sections 11-15-07, 11-15-08, and 14-08.1-04 of the North Dakota Century Code, relating to civil process fees and commissions on collections and to sheriff's fees from the child support agency.

#### 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, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Bell; Larsen, D.; Larsen, O.; Mathern

**ABSENT AND NOT VOTING:** Dwyer; Holmberg; Patten

Reengrossed SB 2244 passed.

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#### REPORT OF CONFERENCE COMMITTEE

**SB 2074, as engrossed:** Your conference committee (Sens. Vedaa, Klein, Marcellais and Reps. Ostlie, Keiser, P. Anderson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 998, adopt amendments as follows, and place SB 2074 on the Seventh order:

That the House recede from its amendments as printed on page 998 of the Senate Journal and pages 1215 and 1216 of the House Journal and that Engrossed Senate Bill No. 2074 be amended as follows:

Page 1, line 2, after "reports" insert "; and to declare an emergency"

Page 1, line 6, remove the overstrike over "~~fifty-one~~"

Page 1, line 6, remove "twenty-six"

Page 1, line 7, after "employees" insert ", any employer investigating becoming part of a health plan, including a plan sponsored by an association or a multiple employer welfare arrangement,"

Page 1, line 7, after "or" insert "any employer"

Page 1, line 7, overstrike "for any employer"

Page 1, line 10, remove "A"

Page 1, line 10, overstrike "monthly accounting for the most recent twenty-four-month period of the total"

Page 1, line 11, overstrike "number of"

Page 1, line 11, overstrike "covered employees"

Page 1, line 11, remove "and dependents by class of coverage"

Page 1, line 11, overstrike the comma

Page 1, line 12, overstrike "the total premiums paid, and the"

Page 1, line 12, remove "separate totals of the medical and"

Page 1, line 13, remove "prescription drug"

Page 1, line 13, overstrike "benefits paid on behalf of the employer's health plan" and insert immediately thereafter "Annual data for the previous three years on the premiums paid by the employer and the claims paid by the insurer or administrator"

Page 1, line 14, remove "An accounting of high-dollar medical and prescription drug claims paid for"

Page 1, remove lines 15 through 20

Page 1, line 21, remove "c."

Page 1, after line 22, insert:

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

Re-number accordingly

Engrossed SB 2074 was placed on the Seventh order of business on the calendar.

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. VEDAA MOVED** that the conference committee report on Engrossed SB 2074 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2074, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF SENATE BILL**

**SB 2074:** A BILL for an Act to amend and reenact subsection 1 of section 26.1-36.4-09 of the North Dakota Century Code, relating to health insurance utilization reports; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Dwyer; Holmberg; Patten

Reengrossed SB 2074, as amended, passed and the emergency clause was declared carried.

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#### REPORT OF CONFERENCE COMMITTEE

**HB 1246, as engrossed:** Your conference committee (Sens. Schaible, Wobbema, Oban and Reps. Owens, Sanford, Marschall) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1461, adopt amendments as follows, and place HB 1246 on the Seventh order:

That the Senate recede from its amendments as printed on page 1461 of the House Journal and pages 1173 and 1174 of the Senate Journal and that Engrossed House Bill No. 1246 be amended as follows:

Page 2, line 10, after "students" insert "from a school district on an air force base"

Page 2, line 12, after "students" insert "from a school district on an air force base"

Page 2, line 15, after "students" insert "from a school district on an air force base"

Page 5, line 23, after "students" insert "from a school district on an air force base"

Page 7, line 20, after "students" insert "from a school district on an air force base"

Page 7, line 23, after "students" insert "from a school district on an air force base"

Page 10, line 29, after "students" insert "from a school district on an air force base"

ReNUMBER accordingly

Engrossed HB 1246 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 Reengrossed HB 1246 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1246, as amended, was placed on the Fourteenth order of business.

#### SECOND READING OF HOUSE BILL

**HB 1246:** A BILL for an Act to amend and reenact section 15.1-27-04.1 of the North Dakota Century Code, relating to the education foundation aid funding formula and the treatment of federal impact aid 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Dwyer; Holmberg; Patten

Engrossed HB 1246, as amended, passed.

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#### MOTION

**SEN. KLEIN MOVED** that pursuant to rule 509, day 67 be replaced with day 69, which motion prevailed.



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

**MR. PRESIDENT:** The House has passed, unchanged: SCR 4016.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2021, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2021:** Sens. Davison; Oehlke; Heckaman

**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 2212:** Reps. Rohr; Tveit; Dobervich

**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 2213:** Reps. B. Koppelman; Bellew; Kempenich

**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 1080, HB 1181, HB 1248, HB 1288, HB 1293, and HB 1297.

**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: HCR 3011.

**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 1027 and HB 1253, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1027:** Reps. Zubke; Monson; Owens

**HB 1253:** Reps. Kasper; Louser; Schneider

**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 1213, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1213:** Reps. Westlind; M. Ruby; Beltz

**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 1012:** Sens. Dever; Hogue; Mathern

**HB 1016:** Sens. Krebsbach; Rust; Hogue

**HB 1020:** Sens. Sorvaag; Hogue; Heckaman

**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 1027:** Sens. Schaible; Lemm; Wobbema

**HB 1253:** Sens. Vedaa; Meyer; Marcellais

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has not adopted the conference committee report on: SB 2161.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has not adopted the conference committee report on: SB 2144.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2026, SB 2144.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2244, SB 2304.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1246.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1407.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HCR 3021.

**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 2074.

**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 2311.

**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 1492.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report on: SB 2041, SB 2217.

**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 1232, HB 1493.

**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 1246.

**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 2026.

**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 2338.

**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 2130, SB 2248.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2041, SB 2130, SB 2217, SB 2248, SB 2338.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2077, SB 2137, SB 2168, SB 2202, SB 2208, SB 2293.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1323.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2012, SB 2048, SB 2230, SB 2282, SB 2313.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2065, SB 2146, SB 2269, SB 2289.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2117, SB 2159.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2012, SB 2048, SB 2065, SB 2117, SB 2146, SB 2159, SB 2230, SB 2269, SB 2282, SB 2289, SB 2313.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1323.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 16, 2021: SB 2012, SB 2048, SB 2065, SB 2117, SB 2146, SB 2159, SB 2230, SB 2269, SB 2282, SB 2289, SB 2313.

#### **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, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Monday, April 19, 2021, which motion prevailed.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1232, as engrossed:** Your conference committee (Sens. Schaible, Wobbema, Conley and Reps. Heinert, Pyle, Guggisberg) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1463, adopt amendments as follows, and place HB 1232 on the Seventh order:

That the Senate recede from its amendments as printed on page 1463 of the House Journal and page 1134 of the Senate Journal and that Engrossed House Bill No. 1232 be amended as follows:

Page 1, line 1, after "to" insert "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"

Page 2, line 10, remove ".except a school district may submit and"

Page 2, remove lines 11 and 12

Page 2, line 13, remove "subsection 6"

Page 2, line 13, after the period insert "A school district may satisfy the requirements of this section by providing virtual instruction pursuant to section 2 of this Act."

Page 2, remove lines 23 through 31

Page 3, replace lines 1 and 2 with:

"**SECTION 2.** A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

**School districts - Policy - Virtual learning.**

The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and a school district may qualify for average daily membership in the district if the district is providing virtual instruction in satisfaction of the requirements of subsection 3 of section 15.1-06-04. The superintendent of public instruction shall adopt rules governing policies under this section. A policy adopted by a school district under this section must comply with the rules adopted by the superintendent of public instruction."

Renumber accordingly

Engrossed HB 1232 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1493:** Your conference committee (Sens. Lee, K. Roers, O. Larsen and Reps. Fegley, Weisz, Schneider) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1429, adopt further amendments as follows, and place HB 1493 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1429 of the House Journal and page 1116 of the Senate Journal and that House Bill No. 1493 be further amended as follows:

Page 1, line 1, after "to" insert "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"

Page 1, after line 2, insert:

"**SECTION 1. AMENDMENT.** Section 26.1-47-10 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-47-10. Preferred provider arrangements - Requirements for accessing air ambulance providers. (~~Contingent effective date~~ – [See note](#))**

1. In addition to the other preferred provider arrangement requirements under this chapter, a preferred provider arrangement must require the health care insurer and health care provider comply with this section.
2. Except as otherwise provided under this section, before a health care provider arranges for air ambulance services for an individual the health care provider knows to be a covered person, the health care provider shall request a prior authorization from the covered person's health care insurer for the air ambulance services to be provided to the covered person. If the health care provider is unable to request or obtain prior authorization from the covered person's health care insurer:
  - a. The health care provider shall provide the covered person or the covered person's authorized representative an out-of-network services written disclosure stating the following:
    - (1) Certain air ambulance providers may be called upon to render care to the covered person during the course of treatment;
    - (2) These air ambulance providers might not have contracts with the covered person's health care insurer and are, therefore, considered to be out of network;

- (3) If these air ambulance providers do not have contracts with the covered person's health care insurer, the air ambulance services will be provided on an out-of-network basis;
    - (4) A description of the range of the charges for the out-of-network air ambulance services for which the covered person may be responsible;
    - (5) A notification the covered person or the covered person's authorized representative may agree to accept and pay the charges for the out-of-network air ambulance services, contact the covered person's health care insurer for additional assistance, or rely on other rights and remedies that may be available under state or federal law; and
    - (6) A statement indicating the covered person or the covered person's authorized representative may obtain a list of air ambulance providers from the covered person's health care insurer which are preferred providers and the covered person or the covered person's representative may request those participating air ambulance providers be accessed by the health care provider.
  - b. Before air ambulance services are accessed for the covered person, the health care provider shall provide the covered person or the covered person's authorized representative the written disclosure, as outlined by subdivision a and obtain the covered person's or the covered person's authorized representative's signature on the disclosure document acknowledging the covered person or the covered person's authorized representative received the disclosure document before the air ambulance services were accessed. If the health care provider is unable to provide the written disclosure or obtain the signature required under this subdivision, the health care provider shall document the reason, which may include the health and safety of the patient. The health care provider documentation satisfies the requirement under this subdivision.
3. ~~This section does not:~~
  - a. ~~Preclude a covered person from agreeing to accept and pay the charges for the out-of-network services and not access the covered person's health care insurer's out-of-network air ambulance billing process described under this section.~~
  - b. ~~Preclude a covered person from agreeing to accept and pay the bill received from the out-of-network air ambulance provider or from not accessing the air ambulance provider mediation process described under this section.~~
  - e. ~~Regulate an out-of-network air ambulance provider's ability to charge certain fees for services or to charge any amount of fee for services provided to a covered person by the out-of-network air ambulance provider.~~
4. ~~A health care insurer shall develop a program for payment of out-of-network air ambulance bills submitted under this section. A health benefit plan may not be issued in this state without the terms of the health benefit plan including the provisions of the health care insurer's program for payment of out-of-network air ambulance bills.~~
  - a. ~~A health care insurer may elect to pay out-of-network air ambulance provider bills as submitted, or the health care insurer may elect to use the out-of-network air ambulance provider mediation process described in subsection 5.~~

- ~~b. This section does not preclude a health care insurer and an out-of-network facility air ambulance provider from agreeing to a separate payment arrangement.~~
- 5. ~~A health care insurer shall establish an air ambulance provider mediation process for payment of out-of-network air ambulance provider bills. A health benefit plan may not be issued in this state if the terms of the health benefit plan do not include the provisions of the health care insurer's air ambulance provider mediation process for payment of out-of-network air ambulance provider bills.~~
  - ~~a. A health care insurer's air ambulance provider mediation process must be established in accordance with mediation standards recognized by the department by rule.~~
  - ~~b. If the health care insurer and the out-of-network air ambulance provider agree to a separate payment arrangement or if the covered person agrees to accept and pay the out-of-network air ambulance provider's charges for the out-of-network services, compliance with the air ambulance provider mediation process is not required.~~
  - ~~e. A health care insurer shall maintain records on all requests for mediation and completed mediation under this subsection for one year and, upon request of the commissioner, submit a report to the commissioner in the format specified by the commissioner.~~
- ~~6. The rights and remedies provided under this section to covered persons are in addition to and may not preempt any other rights and remedies available to covered persons under state or federal law.~~
- ~~7.4. The department shall enforce this section and shall report a violation of this section by a facility to the state department of health.~~
- 8.5. This section does not apply to a policy or certificate of insurance, whether written on a group or individual basis, which provides coverage limited to:
  - a. A specified disease, a specified accident, or accident-only coverage;
  - b. Credit;
  - c. Dental;
  - d. Disability;
  - e. Hospital;
  - f. Long-term care insurance as defined by chapter 26.1-45;
  - g. Vision care or any other limited supplemental benefit;
  - h. A Medicare supplement policy of insurance, as defined by the commissioner by rule or coverage under a plan through Medicare;
  - i. Medicaid;
  - j. The federal employees health benefits program and any coverage issued as a supplement to that coverage;
  - k. Coverage issued as supplemental to liability insurance, workers' compensation, or similar insurance; or
  - l. Automobile medical payment insurance.
- 9.6. A health care provider is exempt from complying with this section if the health care provider determines and documents that due to emergency

circumstances, compliance might jeopardize the health or safety of the patient.

7. The commissioner may adopt rules to implement this section.

**SECTION 2. AMENDMENT.** Section 10 of chapter 194 of the 2017 Session Laws is amended and reenacted as follows:

**SECTION 10. EFFECTIVE DATE –~~CONTINGENT EFFECTIVE DATE.~~**

Sections 2, 4, 5, and 6 of this Act become effective January 1, 2018. ~~If section 6 of this Act is declared invalid, sections~~ Sections 3, 7, and 8 of this Act become effective on the date the insurance commissioner certifies the invalidity of section 6 to the secretary of state and the legislative council August 1, 2021."

Page 1, line 19, replace "most recent" with "prior"

Renumber accordingly

HB 1493 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SCR 4014, as engrossed:** Your conference committee (Sens. Kannianen, Weber, Piepkorn and Reps. Ertelt, B. Koppelman, Fisher) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1315-1316 and place SCR 4014 on the Seventh order.

Engrossed SCR 4014 was placed on the Seventh order of business on the calendar.

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

**Shanda Morgan, Secretary**

