

## Third Day of Legislative Organizational Session

## JOURNAL OF THE SENATE

## Sixty-eighth Legislative Assembly

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Bismarck, December 7, 2022

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

The prayer was offered by Pastor Rich Wyatt, Living Hope Church of the Nazarene, Bismarck.

The roll was called and all members were present except Senator J. Roers.

A quorum was declared by the President.

## MOTION

**SEN. KLEIN MOVED** that the Senate stand in recess until 8:40 a.m., which motion prevailed.

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

## REPORT OF PROCEDURAL COMMITTEE

**MR. PRESIDENT:** Your procedural **Rules Committee (Sen. Klein, Chairman)** recommends that the Senate and Joint Rules of the Sixty-seventh Legislative Assembly, as in effect on January 1, 2022, with the following amendments, be adopted as the permanent rules of the Senate for the Sixty-eighth Legislative Assembly, and the reading of the report be dispensed with:

**SECTION 1. AMENDMENT.** Senate Rule 204 is amended as follows:

**204. Preparation and distribution of the journal.**

1. Upon completion of the Senate journal for a legislative day, the Secretary shall deliver to the printer having the contract for printing the legislative journals a complete copy of the Senate journal.
2. The printer shall deliver to the Secretary copies of the Senate journal by the time, in the number and style, and on the grade of paper, as may be determined by the Legislative Council. The Secretary shall cause a copy of the Senate journal to be placed immediately on the desk of each member.
3. Before the Senate goes into session again, the Committee on Correction and Revision of the Journal shall carefully examine and review the journal of the previous legislative day. The committee shall note any errors or omissions and report the errors or omissions to the Senate for action.
4. The printer shall set aside ~~twenty-eight~~twenty-four copies of the daily journal. Upon termination of the legislative session, the printer shall deliver these copies to the contract binder, who shall assemble the copies into ~~twenty-eight~~twenty-four sets of permanent journals.
5. The permanent journals must be bound in hard covers. ~~Two of these sets must be and deposited with the Secretary of State, who~~ The Secretary of State shall preserve these two sets and attach the Secretary of State's certificate thereto those sets showing the date of delivery and attesting that the copies are identical and official journals as delivered to the Secretary of State. The ~~From the remaining sets, the~~ Secretary of State shall forward one set to the Supreme Court Library, one set to the Law School Library at the University of North Dakota, eight sets to the State Library, two sets to the Attorney General, six ~~three~~ three sets to the Legislative Council, one set to the Secretary of the Senate, and one set to each judicial district

as determined by the presiding judge of the district. The number of sets set aside in subsection 4 and delivered to the State Library may be reduced by five if the State Library is authorized to accept copies of the journals in an electronic format.

6. The Secretary of the Senate shall compile two sets of the daily journals. The Secretary of State may distribute these sets to public officials upon their request if in the discretion of the Secretary of State the public official needs the journals to carry on the functions of office. The Secretary of State may dispose of any of these sets not distributed by the time the next Legislative Assembly convenes.

**SECTION 2. AMENDMENT.** Senate Rule 206 is amended as follows:

**206. Officers and employee positions of the Senate.** The following officers and employee positions are established, with the number, title, and manner of selection for each position as stated:

<b>Title of Position</b>	<b>Number of Positions</b>
<b>Group A</b>	
Secretary of the Senate	1
Journal Reporter	1
Sergeant-at-Arms	1

Persons holding Group A positions must be elected by a majority of the members-elect and the results of the vote must be recorded in the journal.

<b>Group B</b>	
Assistant Secretary of the Senate	1
Chief Committee Clerk	1
<u>Procedural</u> Appropriations Committee Clerk	1
<u>Technological</u> Appropriations Committee Clerk.....	1
Bill <u>and Recording</u> Clerk	1
Calendar Clerk	1
Recording Clerk	4
<u>Procedural</u> Assistant Appropriations Committee ClerkClerks	43
<u>Technological</u> Assistant Appropriations Committee Clerks	3
<u>Procedural</u> Committee Clerks	405
<u>Technological</u> Committee Clerks.....	5
Chief Page	1
Assistant CommitteeQuality Assurance Clerk	1
Deputy Sergeant-at-Arms	1
Legislative Assistant – Information Kiosk Attendant	4
Legislative Assistant – Parking Lot Attendant	4

Persons holding Group B positions must be appointed by the party having a majority of the members-elect, acting by and through the Employment Committee.

<b>Group C</b>	
Administrative Assistant to Majority Leader	1
Staff Assistants to Majority Leader	2

Administrative Assistant to Minority Leader	1
Staff Assistants to Minority Leader	2

The Majority and Minority Leaders shall appoint their respective administrative and staff assistants, acting by and through the Employment Committee.

Other employees must be appointed as determined necessary by the Employment Committee and must be allocated to the majority and minority parties in proportion to each party's percentage of the total number of the members-elect and each party shall appoint the persons to the positions allocated to them, acting by and through the Employment Committee. The majority party has the first right to select positions of a group until its allocation is filled.

The powers, duties, and qualifications for each officer or employee are as provided by law, these rules, and the current Legislative Session Employee Handbook.

**SECTION 3.** Joint Rule 211 is created as follows:

**211. Bills providing for health insurance mandates.** A member planning to introduce a bill providing for a health insurance mandate under North Dakota Century Code Section 54-03-28 shall submit that proposal to the Legislative Council by the close of business on the second Friday following adjournment of the organizational session to allow for a cost-benefit analysis to be performed. Under Section 54-03-28, a measure providing for a health insurance mandate may not be referred to a committee of the Legislative Assembly unless the cost-benefit analysis is appended to that measure.

**SECTION 4. AMENDMENT.** Senate Rule 329 is amended as follows:

**329. Measures referred to Appropriations Committee.**

1. Every bill providing an appropriation of ~~ten~~five thousand dollars or more must be referred or rereferred to and acted on by the Appropriations Committee, and every bill or resolution proposing a change in the audit or fiscal procedures of a state agency or institution must be originally referred to and acted upon by that committee, before final action by the Senate thereon, unless otherwise ordered by a majority vote of the members present.
2. Every bill or resolution with a fiscal note stating the measure has an effect of ~~one~~two hundred thousand dollars or more on the appropriation for a state agency or department must be rereferred to and acted on by the Appropriations Committee before final action by the Senate thereon, unless otherwise ordered by a majority vote of the members present.
3. A bill or resolution required to be referred or rereferred to the Appropriations Committee which received a do not pass recommendation from committee and which then is passed by the Senate is deemed reconsidered and must be referred to and acted upon by the Appropriations Committee if that measure has not been referred or rereferred to the Appropriations Committee before passage. The Appropriations Committee shall report the measure back to the Senate for action in accordance with these rules.
4. Except for bills approved for introduction after the deadline for introduction of bills, all Senate bills required to be rereferred to the Appropriations Committee must be rereferred not later than the twenty-third legislative day and all House bills required to be rereferred to the Appropriations Committee must be rereferred not later than the fifty-fifth legislative day. If an appropriation bill is not reported to the floor and rereferred as required herein, the bill is deemed rereferred and is under the jurisdiction of the Appropriations Committee at the end of the twenty-third or fifty-fifth legislative day, as appropriate.

**SECTION 5. AMENDMENT.** Senate Rule 351 is amended as follows:

**351. Return of Senate measure with amendment.** Upon the return to the Senate of a Senate bill or resolution that was amended and passed by the House, the presiding officer shall refer the measure to the chairman of the standing committee that reported the measure to the Senate. The chairman, by motion on the floor, shall recommend whether to concur in

the amendments. If the recommendation is to not concur and to appoint a conference committee, the presiding officer shall ~~appoint~~ announce the conference committee members selected pursuant to Joint Rule 301.

**SECTION 6. AMENDMENT.** Subsection 2 of Senate Rule 501 is amended as follows:

2. The five-day standing committee is Appropriations: (~~13~~15 members) Bills and resolutions referred or rereferred under Senate Rule 329. Except for the committee chairman, each member of the committee must be appointed to one of the following divisions of the committee which, for purposes of North Dakota Century Code Section 54-03-10, are deemed standing committees:
  - a. Education and Environment.
  - b. Government Operations.
  - c. Human Resources.

**SECTION 7. AMENDMENT.** Subsection 3 of Senate Rule 501 is amended as follows:

3. The three-day standing committees are:
  - a. Education: (~~6~~7 members)  
Public Schools; Libraries; Institutions of Higher Learning.
  - b. Finance and Taxation: (~~7~~6 members)  
Public Debt; Taxes and Tax Laws.
  - c. Human Services: (~~5~~6 members)  
Human Services; Public Health; Public Safety.
  - d. Industry, and Business ~~and Labor~~: (~~7~~5 members)  
Banks and Banking; Corporations; Insurance; Matters pertaining to Private Business and Industry; ~~Workers' Compensation; Unemployment Compensation; Labor Laws and kindred subjects.~~
  - e. Judiciary: (7 members)  
Elections and Election Privileges; Judiciary.

**SECTION 8. AMENDMENT.** Subsection 4 of Senate Rule 501 is amended as follows:

4. The two-day standing committees are:
  - a. Agriculture and Veterans Affairs: (~~5~~6 members)  
Agriculture; Livestock; Drainage and Irrigation; Warehouse and Grain Grading; Military and Veterans Affairs.
  - b. Energy and Natural Resources: (~~7~~6 members)  
Game and Fish; Public Lands; Mines and Mining; Gas and Oil; Forestry.
  - c. ~~Government and Veterans Affairs~~: (~~7~~ members)  
~~State and Federal Affairs; Government Pensions and Benefits; Military and Veterans Affairs; Industrial Commission and institutions under its supervision; State Historical Society and State Parks.~~
  - d. ~~Political Subdivisions~~State and Local Government: (6 members)

Cities; Counties; Townships; Park Districts; Apportionment; State and Federal Affairs; Government Pensions and Benefits; Industrial Commission and institutions under its supervision; State Historical Society and State Parks.

e.d. Transportation: (76 members)

Highways and Bridges; Railroads; Motor Vehicles; Airlines and Airports.

e. Workforce Development: (6 members)

Occupations and Professions; Population; Workforce; Job Service North Dakota; Department of Commerce; Workforce Safety and Insurance; Workers' Compensation; Unemployment Compensation; Labor Laws and kindred subjects.

**SECTION 9. AMENDMENT.** Senate Rule 502 is amended as follows:

**502. Limitations on committee membership.** Each member shall serve on two standing committees, except the Majority Leader, who may not serve on any standing committee, the Assistant Majority Leader, who may be appointed to a three-day standing committee but not to a two-day standing committee, the Minority Leader, who may be appointed to any standing committee by the Committee on Committees, and all members of the Appropriations Committee, who may not serve on any other standing committee. No member of the Senate may be appointed to more than one 3-day and one 2-day committee. The Majority and Minority Leaders may participate in all standing committees but may not vote therein except that the Minority Leader may vote on any committee to which the Minority Leader has been appointed. The Minority Leader may second a motion on any other standing committee if the committee includes only one member of the minority party.

**SECTION 10. AMENDMENT.** Subsection 1 of Senate Rule 601 is amended as follows:

1. The report of a committee must provide for one or more of the following recommendations with respect to the bill or resolution: do pass, do not pass, be amended, be rereferred to another committee, or be placed on the calendar without recommendation. Additionally, the report of the committee must provide a statement of whether the bill or resolution affects workforce development.

**SECTION 11. AMENDMENT.** Joint Rule 301 is amended as follows:

**301. Conference committees.**

1. In every case of a difference between the two houses arising from a refusal by one house to concur in amendments made by the other house, if either house requests a conference on the difference that has arisen and appoints a committee for that purpose, the other house shall also appoint such a committee.
2. Unless otherwise provided by vote of the House or Senate, conference committee members shall be selected by the House Majority Leader in the House and the Senate Majority Leader in the Senate.
3. The committees so appointed shall meet within two legislative days of appointment at the hour and place agreed on by the chairmen. A conference committee consisting of members from a three-day committee shall meet on Mondays, Wednesdays, and Fridays, and a conference committee consisting of members from a two-day committee shall meet on Tuesdays and Thursdays. The chairmen may call meetings on other days as deemed necessary. The chairmen shall have the time and place of the meeting posted before the meeting, or the chairmen shall announce the time and place of the meeting to their respective houses.
- ~~3-4.~~ The committees so appointed shall state to each other, verbally, or in writing, as either may choose, the reasons of their respective houses, and confer thereon; and they may report, in the manner set out below, to their respective houses regarding the manner in which they recommend that the difference between the two houses should be resolved. If the conference committees are not able to come to an

agreement, the Majority Leader of each house may replace the members of the conference committee.

- 4-5. The chairman of the conference committee representing the house of origin of the bill or resolution under consideration shall ensure that minutes of the meetings of the conference committee be kept in the same manner as other standing committee minutes.
- 5-6. Conference committees appointed pursuant to this rule shall confine their conferences and recommendations to consideration of the general differences that gave rise to the appointment of the committees, and in no event may a conference committee submit a divided report.
- 6-7. The conference committee report shall first be submitted to the house having possession of the bill or resolution over which the difference has arisen. The house shall act on the report and, if appropriate, shall proceed to take action on the bill or resolution. If a house refuses to adopt the report of the conference committee, the Majority Leader may replace the members of the conference committee from that house.
- 7-8. After action on the report and, if appropriate, on the bill or resolution, the house having possession of the bill shall transmit the bill or resolution to the other house for appropriate action.

**SECTION 12. AMENDMENT.** Subsection 1 of Joint Rule 501 is amended as follows:

1. Except for a measure appropriating a specific dollar amount, every bill or resolution having an effect of ~~ten~~fifty thousand dollars or more on the revenues, expenditures, or fiscal liability of the state must have a fiscal note describing that effect and prepared as provided in this rule.

**SECTION 13. AMENDMENT.** Subsection 2 of Joint Rule 501 is amended as follows:

2. a. The Legislative Council shall determine whether a fiscal note is required for any bill or resolution prepared by the Legislative Council staff. The chairman of the committee to which a bill or resolution is referred shall determine whether a fiscal note is required for a bill or resolution not prepared by the Legislative Council or not bearing a fiscal note.
- b. A bill or resolution to which an amendment having a fiscal effect of ~~ten~~fifty thousand dollars or more has been approved must have a fiscal note prepared upon request of the chairman of the committee considering the bill or resolution, or upon request of the majority of the members present of the house in which the bill is considered at the time of second reading.
- c. The chairman of a committee may request the aid of the Legislative Council in making a determination as to whether a bill or resolution requires a fiscal note.

**SECTION 14. AMENDMENT.** Joint Rule 602 is amended as follows:

**602. Printing of the rules.** The rules of the Senate and House and the Joint Rules must be printed in a single publication, which must also include the names, addresses, and telephone numbers of members of the Senate and House, the Senate and House standing committees, the Senate and House joint committees, names, addresses, and telephone numbers of the officers and employees of the Senate and House, a directory of state officers and the location and telephone numbers of their offices, and an index. A colored sheet of paper must separate the rules of the Senate from those of the House. ~~One thousand~~Two hundred twenty-five rule books must be printed.

**SECTION 15. AMENDMENT.** Joint Rule 901 is amended as follows:

**901. Workplace harassment policy.**

1. The Legislative Assembly is committed to providing a healthy and appropriate work environment for legislators, legislative employees, and other state employees which

is free from workplace harassment. Workplace harassment in any manner will not be tolerated.

2. The North Dakota Legislative Assembly Policy Against Workplace Harassment, including the Checklist for Intake and Investigations Under the North Dakota Legislative Assembly Policy Against Workplace Harassment, is incorporated into this rule.
3. Any individual who believes the individual has been subjected to workplace harassment is encouraged to contact the Senate Majority Leader or Minority Leader or a designee of the opposite gender, or the House of Representatives Majority Leader or Minority Leader or a designee of the opposite gender. If a complaint is regarding the Senate or House Majority Leader or Minority Leader, an individual is encouraged to contact the President Pro Tempore of the Senate or the Speaker of the House of Representatives.

**SEN. KLEIN MOVED** that the report be adopted, which motion prevailed on a voice vote.

#### **REPORT OF PROCEDURAL COMMITTEE**

**MR. PRESIDENT:** Your procedural **Committee on Committees (Sen. Hogue, Chairman)** recommends the following as chairmen and members of standing committees.

#### **2023 SENATE STANDING COMMITTEES**

##### **Appropriations Committee**

Committee Chairman - Brad Bekkedahl  
Vice Chairman - Karen K. Krebsbach

##### **Education and Environment Division**

Division Chairman - Ronald Sorvaag  
Karen K. Krebsbach  
Scott Meyer  
Jim P. Roers  
Donald Schaible

##### **Government Operations Division**

Division Chairman - Terry M. Wanzek  
Michael Dwyer  
Robert Eberle  
Shawn Vedaa

##### **Human Resources Division**

Division Chairman - Dick Dever  
Randy A. Burckhard  
Kyle Davison  
Curt Kreun

Tim Mathern

##### **Education Committee**

Committee Chairman - Jay Elkin  
Vice Chairman - David S. Rust  
Michelle Axtman  
Cole Conley  
Randy D. Lemm  
Michael A. Wobbema  
Todd Beard

##### **Taxation Committee**

Committee Chairman - Jordan L. Kannianen  
Vice Chairman- Mark F. Weber  
Dale Patten  
Jeffery J. Magrum  
Dean Rummel

Merrill Piepkorn

##### **Industry and Business Committee**

Committee Chairman - Doug Larsen  
Vice Chairman - Greg Kessel  
Jerry Klein

Jeff Barta  
Keith Boehm

**Judiciary Committee**

Committee Chairman - Diane Larson  
Co-Vice Chairman - Jonathan Sickler  
Co-Vice Chairman - Bob Paulson  
Janne Myrdal  
Judy Estenson  
Larry Luick

Ryan Braunberger

**Human Services Committee**

Committee Chairman - Judy Lee  
Vice Chairman - Sean Cleary  
Kristin Roers  
David A. Clemens  
Kent Weston

Kathy Hogan

**Energy and Natural Resources Committee**

Committee Chairman - Dale Patten  
Vice Chairman - Jeffery J. Magrum  
Jordan L. Kannianen  
Todd Beard  
Greg Kessel  
Keith Boehm

**Transportation Committee**

Committee Chairman - David A. Clemens  
Vice Chairman - Cole Conley  
Dean Rummel  
Doug Larsen  
David S. Rust  
Bob Paulson

**State and Local Government Committee**

Committee Chairman - Kristin Roers  
Vice Chairman - Jeff Barta  
Judy Estenson  
Judy Lee  
Sean Cleary

Ryan Braunberger

**Workforce Development Committee**

Committee Chairman - Michael A. Wobbema  
Vice Chairman - Michelle Axtman  
Jay Elkin  
Diane Larson  
Jonathan Sickler

Merrill Piepkorn

**Agriculture and Veterans Affairs Committee**

Committee Chairman - Larry Luick  
Vice Chairman - Janne Myrdal  
Randy D. Lemm  
Mark F. Weber  
Kent Weston

Kathy Hogan

**SEN. HOGUE MOVED** that the report be adopted, which motion prevailed on a voice vote.

**MOTION**

**SEN. KLEIN MOVED** that the members absent during the Organizational Session be excused, which motion prevailed.

**MOTION**

**SEN. KLEIN MOVED** that the Senate stand in recess until 10:00 a.m., at which time it will meet in joint session with the House, and after the joint session, the Senate stand adjourned



until 12:00 p.m., Tuesday, January 3, 2023, which motion prevailed.

**Shanda Morgan, Secretary**

