

JOURNAL OF THE SENATE

Sixty-eighth Legislative Assembly

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Bismarck, January 30, 2023

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

The prayer was offered by Pastor Sylvia Bull, Faith Lutheran Church, Bismarck.

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

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 305, line 32, replace "2363" with "2360"

Page 305, line 34, replace "2363" with "2360"

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

MOTION

SEN. KLEIN MOVED that SB 2281, which is on the Sixth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2281 was rereferred.

MOTION

SEN. KLEIN MOVED that SB 2290 be rereferred to the **Agriculture and Veterans Affairs Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2290 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2250: SEN. AXTMAN (Education Committee) MOVED that the amendments on SJ pages 328-329 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2250 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

SB 2288: SEN. PIEPKORN (Workforce Development Committee) MOVED that the amendments on SJ pages 331-332 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2288 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

SB 2048: SEN. K. ROERS (State and Local Government Committee) MOVED that the amendments on SJ page 325 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2285: SEN. RUMMEL (Transportation Committee) MOVED that the amendments on SJ page 331 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2232: SEN. LUICK (Judiciary Committee) MOVED that the amendments on SJ pages

327-328 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2269: SEN. AXTMAN (Education Committee) MOVED that the amendments on SJ pages 329-330 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2279: SEN. LEMM (Agriculture and Veterans Affairs Committee) MOVED that the amendments on SJ page 330 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SCR 4005: SEN. ESTENSON (State and Local Government Committee) MOVED that the amendments on SJ page 332 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2150: SEN. MYRDAL (Judiciary Committee) MOVED that the amendments on SJ pages 326-327 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2281: SEN. LUICK (Judiciary Committee) MOVED that the amendments on SJ page 331 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2281 was rereferred to the **Appropriations Committee**.

SECOND READING OF SENATE BILL

SB 2164: A BILL for an Act to amend and reenact subsection 1 of section 54-52-03 of the North Dakota Century Code, relating to members of the public employees retirement board.

ROLL CALL

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

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

Engrossed SB 2164 passed.

SECOND READING OF SENATE BILL

SB 2292: A BILL for an Act to amend and reenact sections 16.1-01-12 and 16.1-05-09 of the North Dakota Century Code, relating to election offenses and election observers; and to provide a penalty.

ROLL CALL

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

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.;

Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

Engrossed SB 2292 passed.

SECOND READING OF SENATE BILL

SB 2320: A BILL for an Act to amend and reenact section 43-01-18 of the North Dakota Century Code, relating to fees chargeable by abstracters.

ROLL CALL

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

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

Engrossed SB 2320 passed.

SECOND READING OF SENATE BILL

SB 2173: A BILL for an Act to create and enact chapter 26.1-58 of the North Dakota Century Code, relating to the sale and regulation of travel insurance; and to amend and reenact section 26.1-26-54 of the North Dakota Century Code, relating to the licensing of limited lines travel insurance producers.

ROLL CALL

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

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

Engrossed SB 2173 passed.

SECOND READING OF SENATE BILL

SB 2036: A BILL for an Act to create and enact thirteen new sections to chapter 61-16.1 of the North Dakota Century Code, relating to water resource boards; to amend and reenact sections 61-01-06, 61-01-23, 61-05-02.1, 61-16.1-02, 61-16.1-09, 61-16.1-09.1, 61-16.1-15, 61-16.1-17, 61-16.1-18, 61-16.1-19, 61-16.1-20, 61-16.1-21, 61-16.1-22, 61-16.1-23, 61-16.1-24, 61-16.1-26, 61-16.1-27, 61-16.1-28, 61-16.1-42, 61-16.1-43, 61-16.1-51, and 61-16.1-54, and subdivision g of subsection 4 of section 61-32-03.1 of the North Dakota Century Code, relating to water resource boards and procedures for assessment projects undertaken by water resource boards; and to repeal section 61-16.1-01 and chapter 61-21 of the North Dakota Century Code, relating to water resource districts, water resource boards, assessment procedures and requirements, and drains.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0

NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

Engrossed SB 2036 passed.

SECOND READING OF SENATE BILL

SB 2214: A BILL for an Act to create and enact a new paragraph to subdivision b of subsection 16 of section 65-01-02 of the North Dakota Century Code, relating to the exclusions from the term employee.

ROLL CALL

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

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

Engrossed SB 2214 passed.

SECOND READING OF SENATE BILL

SB 2337: A BILL for an Act to create and enact two new sections to chapter 54-44 of the North Dakota Century Code, relating to services provided to occupational and professional boards; and to amend and reenact sections 6-09-07 and 54-59-01 of the North Dakota Century Code, relating to occupational and professional board financial and information technology requirements.

ROLL CALL

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

YEAS: Hogue

NAYS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

SB 2337 failed.

SECOND READING OF SENATE BILL

SB 2234: A BILL for an Act to provide an appropriation to the adjutant general for architecture and engineering costs for a new national guard training center.

ROLL CALL

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

recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 43 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Beard; Bekkedahl; Dever; Vedaa

NAYS: Axtman; Barta; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Wanzek; Weber; Weston; Wobbema

SB 2234 failed.

SECOND READING OF SENATE BILL

SB 2324: A BILL for an Act to amend and reenact subsection 2 of section 4.1-39-02 of the North Dakota Century Code, relating to the membership of the crop protection product harmonization and registration board.

ROLL CALL

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

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

SB 2324 passed.

SECOND READING OF SENATE BILL

SB 2342: A BILL for an Act to provide an appropriation to the department of commerce for a downtown hospital building grant program and a rural workforce hospital grant program; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 43 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Burckhard; Kannianen; Mathern; Vedaa

NAYS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Wanzek; Weber; Weston; Wobbema

SB 2342 failed.

SECOND READING OF SENATE BILL

SB 2146: A BILL for an Act to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to designating state highway 91 as North Dakota's shortest highway; and to provide a continuing appropriation.

ROLL CALL

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

recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

SB 2146 passed.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2135, SB 2148.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SCR 4004.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1145.

MOTION

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

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, January 31, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2124: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2124 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 6, overstrike "following rates for each quarter of any twenty-four-hour"

Page 1, overstrike line 7

Page 1, line 8, overstrike "a. First quarter is from six a.m. to twelve noon and the sum must be"

Page 1, line 8, remove "eight"

Page 1, overstrike lines 9 and 10

Page 1, line 11, overstrike "b. Second quarter is from twelve noon to six p.m. and the sum must be"

Page 1, line 11, remove "thirteen"

Page 1, line 12, overstrike "dollars"

Page 1, overstrike line 13

Page 1, line 14, remove "twenty-one"

Page 1, line 14 overstrike "dollars"

Page 1, line 14, overstrike the period

Page 1, overstrike lines 15 through 17

Page 1, line 18, overstrike "local taxes. The"

Page 1, line 18, after "lodging" insert "and meal"

Page 1, line 20, after "lodging" insert "and meal"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2169: Transportation Committee (Sen. Clemens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2169 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 8, remove "if a violation is a third or"

Page 1, line 9, replace "subsequent violation of" with "for any of the listed offenses if a driver has had three previous convictions of"

Page 1, line 13, remove "39-10-07."

Page 1, line 13, remove "39-10-11."

Page 1, line 15, remove "39-10-21.1."

Page 1, line 15, remove "39-10-22.1."

Page 1, line 15, remove "39-10-25."

Page 1, line 16, remove "39-10-28, 39-10-30, 39-10-33.1, 39-10-33.3."

Page 1, line 16, remove "39-10-36, 39-10-37."

Page 1, line 17, remove "39-10-41, 39-10-42, 39-10-43."

Page 1, line 17, replace "39-10-45." with "or"

Page 1, line 17, remove the seventh the comma

Page 1, line 18, remove "39-10-52.1, 39-10-55, 39-10-64, or 39-10-68"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2197: Education Committee (Sen. Elkin, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2197 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2328: Education Committee (Sen. Elkin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2328 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, remove "subdivision i of subsection 1 of section 15.1-27-03.1"

Page 1, line 2, remove "and"

Page 1, remove lines 5 through 17

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2359: Finance and Taxation Committee (Sen. Kannianen, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2359 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, remove "amend and reenact section 57-15-41 of the North Dakota Century Code,"

Page 1, remove line 2

Page 1, line 3, remove "and to"

Page 1, line 3, after "study" insert ", relating to the impact of political subdivisions levying special assessments against other political subdivisions and the overall impact on taxpayers"

Page 1, remove lines 5 through 15

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1199, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1199 was placed on the Fourteenth order on the calendar. This bill affects workforce development.

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

Shanda Morgan, Secretary