JOURNAL OF THE HOUSE

Sixty-eighth Legislative Assembly

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Bismarck, March 16, 2023

The House convened at 12:30 p.m., with Speaker D. Johnson presiding.

The prayer was offered by Rev. Merle Hoots, Chaplain, Baptist Health and Rehab, Bismarck.

The roll was called and all members were present except Representatives Dobervich and Mitskog.

A quorum was declared by the Speaker.

MOTION

REP. BOSCH MOVED that the House stand in recess for 5 minutes, which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker D. Johnson presiding.

MOTION

REP. BOSCH MOVED that the House resolve itself into a Memorial Service, which motion prevailed on a voice vote.

MEMORIAL "CELEBRATORY" SERVICE

Special guests with us today:
Governor Doug Burgum
Secretary of State Michael Howe

Memorial Committee Members

Rep. SuAnn Olson, Chair
Rep. Karen Rohr and Rep Lisa Meier, Co-Vice Chairs
Rep. Dori Hauck
Rep. Bernie Satrom, Escort
Rep. Michelle Strinden
Rep. Corey Mock, Escort
Rep. Donald Longmuir
Rep. Brandon Prichard

Presided over by Rep. SuAnn Olson
Sergeant-at-Arms Roman Weiler

Invocation and Welcome
Speaker Dennis Johnson

Thank you for joining us for this very special event. Today is about our colleagues who no longer take their place in this assembly to debate and make laws. But each of the legislators whose names are placed in memoriam today are very much alive in the memories of those of us who had the honor of serving with them.

Sometimes, in the quiet it seems as though I can hear a familiar laugh or a friendly greeting. Or sometimes a memory emerges out of the blue.

The presence of these 26 very special servants holds a place in North Dakota History and in our hearts. Family members of those departed Legislators that we honor today---Thank you! Thank you for sharing your loved one with us!

Let us pray:

Dear Heavenly Father,
Thank you for your blessings and guidance in this chamber especially for those who we remember today for their service. May this time together be a meaningful exchange of remembrance for families and friends of our dearly departed servants of North Dakota.

House Choir
"It Is Well With My Soul"
Directed by Rep. Dori Hauck
Accompanied by Levi Andrist

Memorial Poem
"Yesterday"
Composed and read by Rep. Bernie Satrom

Yesterday… They left their work...their farms, their businesses, their homes…

Sent by their families, friends, neighbors, and communities, to this place.

Yesterday...They were here...They sat in these chairs...Their voices rang in these halls. They pushed...They pulled...Not for themselves, but for others, and for the least of these. They won, they lost. Over and over and over...Thousands of times, they chose. Some choices were easy, many were not, some with celebration, some with anguish and lost sleep.

To you who were spouses. Yesterday… You were there...you sent them off. You kept it together...work, farm, family, you took up the slack. And many times, it was you...who bound the wounds of the warrior and gave them the courage to fight again.

Today we honor them...their memory, their legacy, their work, their contribution that has given us the quality of life that we now enjoy…

And today, on behalf of the grateful State of ND and the people, we honor You. Your sacrifice behind the scenes, that made a difference, then, now, and for our future.

House Choir
"Amazing Grace -- My Chains are Gone"

FIRST READING OF HOUSE MEMORIAL RESOLUTION

Memorial Resolutions Committee introduced:
HMR 7001: A memorial resolution for deceased members of the House of Representatives of North Dakota.
Was read the first time.

MOTION

REP. BOSCH MOVED that the rules be suspended, that HMR 7001 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Memorial Resolutions Committee introduced:

HOUSE MEMORIAL RESOLUTION NO. 7001

A memorial resolution for deceased members of the House of Representatives of North Dakota.

WHEREAS, God has welcomed to their eternal home our former colleagues:

Lynn William Aas, who served in the 40th, 41st, 50th, and 51st Legislative Assemblies, from District 5, died October 28, 2021;

James Edward Froeber, who served in the 43rd Legislative Assembly, from District 5, died January 23, 2022;

Stephen Thomas "Bud" Gorman, Jr., who served in the 50th through the 54th Legislative Assemblies, from District 46, died October 29, 2021;

Jayson Leroy Graba, who served in the 49th through the 51st Legislative Assemblies, from District 43, died October 9, 2022;

George Joseph Keiser, who served in the 53rd through the 67th Legislative Assemblies, from District 47, died December 22, 2021;

Matthew M. Klein, who served in the 53rd through the 64th Legislative Assemblies, from District 40, died January 30, 2023;

Richard F. "Dick" Larsen, who served in the 39th Legislative Assembly, from District 7, died August 27, 2022;

Ellis Gene Martin, who served in the 45th Legislative Assembly, from District 43, and in the 48th Legislative Assembly, from District 17-18, died September 22, 2022;

Stuart J. McDonald, who served in the 40th and 41st Legislative Assemblies, from District 18, died October 2, 2021;

Marshall W. Moore, who served in the 47th through the 50th Legislative Assemblies, from District 44, died March 12, 2022;

Marvin Orlen "Marv" Mutzenberger, who served in the 52nd through the 54th Legislative Assemblies, from District 32, died July 19, 2021;

Donna Lou Speer Nalewaja, who served in the 48th and 49th Legislative Assemblies, from District 45, died September 30, 2021;

Carol Ann Oline Niemeier, who served in the 55th through the 58th Legislative Assemblies, from District 20, died December 14, 2021;

Duane Rau, who served in the 43rd through the 45th Legislative Assemblies, from District 29, died March 8, 2022;

Arlo E. Schmidt, who served in the 54th through the 56th Legislative Assemblies, from District 12, and in the 57th through the 61st Legislative Assemblies, from District 7, died November 30, 2022;

Calvin A. "Kelly" Shockman, who served in the 48th through the 51st Legislative Assemblies, from District 28, died December 11, 2021;

William Horton "Bill" Starke, who served in the 49th through the 52nd Legislative Assemblies, from District 12, died May 19, 2022;

Wayne K. Stenehjem, who served in the 45th and 46th Legislative Assemblies, from District 42, died January 28, 2022;

Earl S. Strinden, who served in the 40th through the 47th Legislative Assemblies, from District 18, and in the 48th through the 50th Legislative Assemblies, from District 17-18, died October 18, 2022;

Gerald Orlando Sveen, who served in the 53rd through the 56th Legislative Assemblies, from District 6, died September 23, 2021;

Elwood Clifton "Woody" Thorpe, who served in the 52nd and 53rd and in the 55th through the 61st Legislative Assemblies, from District 5, died March 29, 2021;

Benjamin C. "Ben" Tollefson, who served in the 49th through the 52nd Legislative Assemblies, from District 40-50, and in the 53rd through the 56th Legislative Assemblies, from District 38, died December 16, 2021;

Francis E. "Hank" Weber, who served in the 38th Legislative Assembly, from District 11, and in the 40th through the 46th Legislative Assemblies, from District 22, died October 27, 2022;

Alon Carl Wieland, who served in the 58th through the 63rd Legislative Assemblies, from District 13, died January 22, 2022;

Joseph Richard Whalen, who served in the 47th through the 52nd Legislative Assemblies, from District 39, died May 25, 2021;

Gerry Lynn Wilkie, who served in the 50th through the 55th Legislative Assemblies, from District 9, died July 18, 2021; and

WHEREAS, we now pause to mourn the passing of our former House of Representatives colleagues and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contributions to public service;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA:

That we express our sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the Journal of the House of Representatives and that the Secretary of State present enrolled copies of this resolution to the surviving families of these deceased Representatives.

Musical Solo
"In My Father's House"
Composed and sang by Alice Delzer

SECOND READING OF HOUSE MEMORIAL RESOLUTION

HMR 7001: A memorial resolution for deceased members of the House of Representatives of North Dakota.

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

HMR 7001 was declared adopted on a voice vote.

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Reading of Memorial Resolution
Rep. Brandon Prichard
Rep. Donald Longmuir

Presentation of Resolution and Roses
Secretary of State Michael Howe
Rep. Lisa Meier
Rep. Karen Rohr

House Choir
"Precious Lord, Take My Hand"

Remarks
Majority Leader Mike Lefor

Mr. Speaker and members of the Assembly, today we gather in remembrance of those members who have come before us, but are no longer with us. Though this service is often somber and solemn, it's also a celebration. We celebrate the distinguished lives and careers of the members we have lost in the last biennium. These men and women were not just legislators; they were husbands, wives, mothers, fathers, friends, and colleagues. Because of the strides and sacrifices made by each of them, North Dakota is a better place.

Every member of this body understands the special privilege we are afforded as legislators. But we also recognize that we stand on the shoulders of giants. It is those we honor today whose efforts laid the foundation for this chamber. Trust me when I say, our legislative accomplishments would not be possible without the hard work and dedication of those that came before us. We now follow in their footsteps and pray that we can have the same impact on future generations that they have had on us.

Serving in this Assembly is not just a sacrifice for us as members, but also for our families. Everyone in this chamber understands first-hand how difficult it is to leave our loved ones and communities behind for four months at a time. Undoubtedly, our service to the state of North Dakota would not be possible without our families. We are honored and grateful to have family members of the former representatives here today. We recognize your service and sacrifice and the role you have played in making North Dakota the place it is today. Thank you for sharing your loved ones so that the people in your communities could have a voice in this chamber.

We often refer to this chamber as the people's House, and I truly believe it is. Every other year, these members would drop everything and head to Bismarck to do the people's work. They left behind their families, friends, loved ones, and careers. They did so willingly out of a sense of service for our great state. These men and women were regular North Dakotans who chose to do extraordinary work. They believed their efforts would make a difference in their communities and build a brighter future for their children and grandchildren, and it has.

I want to thank all of the families for coming today and we invite you to join us for a reception at the conclusion of this service.

House Choir
"God Bless America"

CHANGE OF CHAIR

REP. S. OLSON YIELDED the chair to Speaker D. Johnson.

MOTION

REP. BOSCH MOVED that the remarks of Rep. Lefor and Speaker D. Johnson be printed in the journal, which motion prevailed on a voice vote.

MOTION

REP. BOSCH MOVED that the 2023 Memorial Service be dissolved, which motion prevailed on a voice vote.

MOTION

REP. BOSCH MOVED that the House stand in recess until 2:30 p.m., which motion

prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker D. Johnson presiding.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on March 15, 2023, I have signed the following: HB 1026, HB 1042, HB 1047, HB 1048, HB 1049, HB 1050, HB 1051, HB 1053, HB 1054, HB 1055, HB 1056, HB 1058, HB 1060, HB 1062, HB 1064, HB 1066, HB 1067, HB 1069, HB 1071, HB 1073, HB 1074, HB 1077, HB 1079, HB 1080, HB 1081, HB 1084, HB 1085, HB 1087, HB 1092, HB 1093, HB 1096, HB 1098, HB 1100, HB 1101, HB 1104, HB 1109, HB 1112, HB 1115, HB 1117, HB 1123, HB 1125, HB 1127, HB 1131, HB 1132, HB 1134, HB 1161, HB 1169, HB 1193, HB 1196, and HB 1197.

REPORT OF DELAYED BILLS COMMITTEE

MR. SPEAKER: Your **Delayed Bills Committee (Rep. Lefor, Chairman)** has unanimously rejected the introduction of a concurrent resolution directing the Legislative Management to consider studying the sale of the land used by the Department of Corrections and Rehabilitation for the Missouri River Correctional Center, the Youth Correctional Center, and the Heart River Correctional Center.

SIXTH ORDER OF BUSINESS

SPEAKER D. JOHNSON DEEMED approval of the amendments to Engrossed SB 2094, Engrossed SB 2143, Engrossed SB 2149, SB 2217, Engrossed SB 2223, Engrossed SB 2238, Engrossed SB 2288, SB 2299, Engrossed SB 2391, and Engrossed SCR 4014.

Engrossed SB 2149 and Engrossed SB 2288, as amended, were rereferred to the **Appropriations Committee**.

Engrossed SB 2094, Engrossed SB 2143, SB 2217, Engrossed SB 2223, Engrossed SB 2238, SB 2299, Engrossed SB 2391, and Engrossed SCR 4014, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2042: A BILL for an Act to create and enact sections 54-44.4-05.1 and 54-44.4-09.1 of the North Dakota Century Code, relating to resolution of identical bids or proposals in procurement and secretary of state registration; and to amend and reenact sections 44-08-01, 44-08-02, 54-44.4-02, 54-44.4-05, 54-44.4-09, and 54-44.4-13 of the North Dakota Century Code, relating to reciprocal preference requirements in procurement, resident North Dakota bidder, seller, vendor, offeror, or contractor, exemptions from procurement, procurement solicitation methods, bidder registration requirements, approved vendors, and public notices.

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 90 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Bahl; Bellew; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Cory; Dakane; Davis; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

NAYS: Christensen; Rios; Vetter

ABSENT AND NOT VOTING: Dobervich

Engrossed SB 2042 passed.

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SECOND READING OF SENATE BILL

SB 2049: A BILL for an Act to amend and reenact sections 15-04-09, 15-04-19, 15-08-19.1, and 15-08-19.4 of the North Dakota Century Code, relating to the leasing and administration of lands managed by the board of university and school lands; and to repeal section 15-04-18 of the North Dakota Century Code, relating to the leasing and administration of lands managed by the board of university and school lands.

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 91 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Bahl; Bellew; Beltz; Bosch; Boschee; Christensen; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Speaker Johnson, D.

NAYS: Brandenburg; Nelson; Weisz

Engrossed SB 2049 passed.

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ANNOUNCEMENT

Rep. Boschee announced that Rep. Dobervich was not present so did not vote on Engrossed SB 2049.

SECOND READING OF SENATE BILL

SB 2108: A BILL for an Act to amend and reenact section 55-08-05, subsections 3 and 4 of section 55-08-06, and subsection 1 of section 55-08-07 of the North Dakota Century Code, relating to motor vehicle permit fees; and to repeal section 55-08-14.1 of the North Dakota Century Code, relating to leadership and facility grants.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Bahl; Bellew; Beltz; Bosch; Boschee; Brandenburg; Christensen; Christy; Conmy; Cory; Dakane; Davis; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

ABSENT AND NOT VOTING: Dobervich

Engrossed SB 2108 passed.

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SECOND READING OF SENATE BILL

SB 2163: A BILL for an Act to amend and reenact section 16.1-06-09 of the North Dakota Century Code, relating to language on voting ballots.

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 84 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Bahl; Bellew; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Dakane; Davis; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Henderson; Holle; Hoverson; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Tveit; VanWinkle; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

NAYS: Christensen; Cory; Heilman; Louser; Prichard; Schatz; Timmons; Toman; Vetter

ABSENT AND NOT VOTING: Dobervich

SB 2163 passed.

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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 bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Bahl; Bellew; Beltz; Bosch; Boschee; Brandenburg; Christensen; Christy; Conmy; Cory; Dakane; Davis; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

ABSENT AND NOT VOTING: Dobervich

Engrossed SB 2214 passed.

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SECOND READING OF SENATE BILL

SB 2370: A BILL for an Act to create and enact a new section to chapter 11-11 and a new section to chapter 40-05 of the North Dakota Century Code, relating to cooperative purchasing pursuant to a joint powers agreement; and to amend and reenact subsection 4 of section 11-11-14, and subsection 52 of section 40-05-01 of the North Dakota Century Code, relating to authorizing a city or a county to engage in cooperative purchasing.

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 65 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Bahl; Bellew; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Cory; Dakane; Dockter; Dyk; Fegley; Fisher; Frelich; Grueneich; Hagert; Hatlestad; Hauck; Headland; Heinert; Ista; Jonas; Kempenich; Kiefert; Klemin; Lefor; Louser; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Ostlie; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Schreiber-Beck; Stemen; Strinden; Swiontek; Thomas; Toman; Tveit; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

NAYS: Christensen; Davis; Finley-DeVille; Hager; Hanson; Heilman; Henderson; Holle; Hoverson; Johnson, J.; Karls; Kasper; Koppelman; Kreidt; Longmuir; Marschall; Olson, S.; Prichard; Rios; Rohr; Satrom; Schatz; Schauer; Schneider; Schobinger; Steiner; Timmons; VanWinkle

ABSENT AND NOT VOTING: Dobervich

Engrossed SB 2370 passed.

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SECOND READING OF SENATE BILL

SB 2114: A BILL for an Act to amend and reenact sections 43-12.1-02 and 43-12.1-08 of the North Dakota Century Code, relating to the establishment of an alternative to discipline program for nurses licensed in North Dakota.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Bahl; Bellew; Beltz; Bosch; Boschee; Brandenburg; Christensen; Christy; Conmy; Cory; Dakane; Davis; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

ABSENT AND NOT VOTING: Dobervich

SB 2114 passed.

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SECOND READING OF SENATE BILL

SB 2171: A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to public employees retirement system health benefits; and to amend and reenact subdivision a of subsection 2 of section 54-52.1-18 of the North Dakota Century Code, relating to public employees retirement system health benefits.

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 31 YEAS, 62 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bosch; Boschee; Christy; Conmy; Davis; Fegley; Finley-DeVille; Hager; Hanson; Hatlestad; Hoverson; Ista; Johnson, J.; Jonas; Mitskog; Mock; Monson; Murphy; Nelson; O'Brien; Olson, J.; Pyle; Roers Jones; Schauer; Schneider; Schreiber-Beck; Stemen; Thomas; Vigesaa; Wagner; Weisz

NAYS: Anderson, B.; Anderson, D.; Anderson, K.; Bahl; Bellew; Beltz; Brandenburg; Christensen; Cory; Dakane; Dockter; Dyk; Fisher; Frelich; Grueneich; Hagert; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Motschenbacher; Nathe; Novak; Olson, S.; Ostlie; Porter; Prichard; Richter; Rios; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schobinger; Steiner; Strinden; Swiontek; Timmons; Toman; Tveit; VanWinkle; Vetter; Warrey; Speaker Johnson, D.

ABSENT AND NOT VOTING: Dobervich

SB 2171 failed.

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SECOND READING OF SENATE BILL

SB 2180: A BILL for an Act to amend and reenact subsection 1 of section 54-10-01, sections 54-10-14, 54-10-15, and 54-10-27 of the North Dakota Century Code, relating to the annual comprehensive financial report, audits of state agencies, reports, financial audits, and petitions; and to provide for retroactive application.

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 89 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Bahl; Bellew; Beltz; Bosch; Boschee; Brandenburg; Christensen; Christy; Conmy; Cory; Dakane; Davis; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Ista; Johnson, J.; Jonas; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nelson; Novak; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

NAYS: Karls; Nathe; O'Brien; Swiontek

ABSENT AND NOT VOTING: Dobervich

Engrossed SB 2180 passed.

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MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has passed, unchanged: SB 2130, SB 2165, SB 2192, SB 2229, SB 2246, SB 2292, SB 2306, SB 2366, SB 2373.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has amended and subsequently passed: SB 2046, SB 2147.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has failed to pass, unchanged: SB 2264, SB 2347.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has failed to pass, unchanged: SCR 4010.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, unchanged: HB 1041, HB 1108, HB 1188, HB 1190, HB 1203, HB 1222, HB 1236, HB 1259, HB 1348, HB 1412, HB 1521, HB 1533.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1280.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1191, HB 1221, HB 1229.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1191

Page 10, line 11, overstrike "state license"

Page 10, line 12, overstrike "number,"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1221

Page 2, line 13, after the word "chiropractor" insert ", chiropractic physician,"

Page 2, line 23, replace "PhD" with "Ph.D.", "Psy.D.", "Ed.D."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1229

Page 1, line 2, remove "bars and"

Page 2, line 7, remove "bar or a"

Page 2, line 11, remove "bar or"

Page 2, line 15, remove the first "bar or"

Page 2, line 15, remove the second "bar or"

Page 2, line 23, remove "bar or"

Page 2, line 27, remove ""Bar" means a bar that generates two percent or more of the bar's"

Page 2, remove line 28

Page 2, line 29, remove "(b)"

Page 3, line 5, replace "(c)" with "(b)"

Page 3, line 6, replace "twenty" with "fifteen"

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1097, HB 1361.

SENATE AMENDMENTS TO HOUSE BILL NO. 1097

Page 1, line 3, remove "and"

Page 1, line 4, remove "subsection 4 of"

Page 1, line 9, after "fee" insert "; and to declare an emergency"

Page 5, replace lines 3 through 10 with:

"**SECTION 5. AMENDMENT.** Section 49-22-22 of the North Dakota Century Code is amended and reenacted as follows:

49-22-22. Siting process expense recovery - Deposit in special fund - Continuing appropriation.

1. Every applicant under this chapter shall pay to the commission an application fee:

   a. An applicant for a certificate of site compatibility shall pay an amount equal to five hundred dollars for each one million dollars of investment in the facility.

   b. An applicant for a certificate of corridor compatibility shall pay an amount equal to five thousand dollars for each one million dollars of investment in the facility.

   c. An applicant for a waiver shall pay the amount which would be required for an application for a certificate of site or corridor compatibility for the proposed facility. If a waiver is not granted for a proposed facility, such application fee paid shall be allowed as a credit against fees payable under this section in connection with an application under this chapter for a certificate or permit for the proposed facility.

   d. An applicant requesting an amendment to a certificate or permit or for a transfer of a certificate or permit shall pay an amount to be determined by the commission to cover anticipated expenses of processing the application.

   e. An applicant certifying to the commission under subsection 3 of section 49-22-03 shall pay an amount to be determined by the commission to cover anticipated expenses of processing the application.

   f. The application fee under subdivision a, b, or c may not be less than ten thousand dollars nor more than one hundred thousand dollars.

   g. ~~If an application fee is less than twenty-five thousand dollars, an~~An applicant may agree to pay additional fees that are reasonably necessary for completion of the site, corridor, or route evaluation and designation process.

2. ~~At the request of the commission and~~If an applicant does not agree to pay additional fees reasonably necessary for completion of the site, corridor, or route evaluation and designation process, with the approval of the emergency commission, the applicant shall pay such additional fees as are reasonably necessary for completion of the electric energy conversion facility site, electric transmission facility corridor, or electric transmission facility route evaluation and designation process by the commission. The application fee under subsection 1 and any additional fees required of the applicant under this subsection may not exceed an amount equal to one thousand dollars for each one million dollars of investment in a proposed energy conversion facility or ten thousand dollars for each one million dollars of investment in a proposed electric transmission facility.

3. A siting process expense recovery fund is established in the state treasury. The commission shall deposit payments received under subsections 1 and 2 in the siting process expense recovery fund. All moneys deposited in the fund are appropriated on a continuing basis to the commission to pay expenses incurred in the siting process. The commission shall specify the time and method of payment of any fees

and shall refund the portion of fees collected under subsections 1 and 2 which exceeds the expenses incurred for the evaluation and designation process.

4. Every applicant for a certificate of site compatibility, certificate of corridor compatibility and route permit, and transfer of a certificate or permit under this chapter shall pay to the commission an administrative fee equal to one hundred dollars for each one million dollars of original investment, not to exceed twenty-five thousand dollars. The administrative fee must be deposited in the public service commission program fund."

Page 6, line 26, insert immediately after the period:

"**SECTION 9. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1361

Page 1, line 1, replace "create and enact a new section to chapter 1-08" with "amend and reenact subsection 8 of section 1-01-49"

Page 1, line 2, replace "personhood status" with "the definition of person"

Page 1, line 2, remove "to provide for application;"

Page 1, replace lines 4 through 14 with:

"**SECTION 1. AMENDMENT.** Subsection 8 of section 1-01-49 of the North Dakota Century Code is amended and reenacted as follows:

8. "Person" means an individual, organization, government, political subdivision, or government agency or instrumentality. The term does not include environmental elements, artificial intelligence, an animal, or an inanimate object."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1402.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: Your signature is respectfully requested on: HB 1150, HB 1159, HB 1233, HB 1326, HB 1389.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS
The following resolution was delivered to the Secretary of State for filing on March 16, 2023: HMR 7001.

MOTION
REP. BOSCH MOVED that the absent members be excused, which motion prevailed.

MOTION
REP. BOSCH MOVED that the House be on the Fourth, Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, March 17, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE
SB 2025, as engrossed: Appropriations Committee (Rep. Vigesaa, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2025 was placed on the Sixth order on the calendar.

Page 1, replace lines 12 and 13 with:

"Judgment expenses	$277,771
Total general fund	$277,771"

Page 1, replace lines 16 and 17 with:

"Prosecution witness fees	$75,000
Statewide litigation funding pool	1,000,000
Total general fund	$1,075,000"

Page 1, remove lines 19 through 23

Page 2, line 3, replace "5" with "4"

Page 2, line 9, replace "6" with "5"

Page 2, replace lines 11 through 13 with:

"Loan repayment - disaster costs	$4,695,890
Loan interest repayment - law enforcement costs	1,026,833
Total state disaster relief fund	$5,722,723"

Page 2, line 14, replace "7" with "6"

Page 2, line 18, replace "8" with "7"

Page 2, replace lines 20 through 22 with:

"Grand total general fund	$28,152,539
Grand total special funds	290,722,723
Grand total all funds	$318,875,262

SECTION 2. LEGISLATIVE INTENT - COST REIMBURSEMENTS - LOAN REPAYMENTS. It is the intent of the sixty-eighth legislative assembly that the attorney general seek reimbursement from the federal government for the costs of responding to unlawful activity associated with the construction of the Dakota access pipeline. It is further the intent of the sixty-eighth legislative assembly that these reimbursements be used to repay the Bank of North Dakota loans authorized by the emergency commission and the legislative assembly which were obtained to provide the funding necessary to respond to the unlawful activity associated with the construction of the Dakota access pipeline. It is further the intent of the sixty-eighth legislative assembly that the provisions of section 54-16-13 apply to the loans, except that emergency commission approval does not apply."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment:

- Increases funding for court-ordered judgment expenses for the Office of Management and Budget by $277,006 from the general fund to provide a total of $277,771;
- Adds $1 million from the general fund for the statewide litigation funding pool for the Attorney General;
- Removes the $97,000 general fund appropriation for the Ethics Commission;
- Changes the funding source for the loan repayments relating to disaster costs for the Adjutant General from the general fund to the state disaster relief fund and increases the amount by $3,791,687 to provide a total of $4,695,890 from the state disaster relief fund for loan repayments relating to disaster costs;

- Removes funding for repaying the principal balance of the loan relating to protest costs for the Adjutant General and provides $1,026,833 from the state disaster relief fund for paying the accrued interest on the loan for the 2021-23 biennium; and

- Adds a section of legislative intent regarding the Attorney General seeking reimbursement from the federal government to repay the loan relating to protest costs.

REPORT OF STANDING COMMITTEE

SB 2027: Agriculture Committee (Rep. Thomas, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2027 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2091: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2091 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2098: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2098 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2158: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2158 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2185, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2185 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "life.nd.org" with "life.nd.gov"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2202: Appropriations Committee (Rep. Vigesaa, Chairman) recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2202 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2222: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2222 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2224: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2224 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2225: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2225 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2290, as engrossed: Appropriations Committee (Rep. Vigesaa, Chairman) recommends **DO NOT PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2290 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2382, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2382 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2388, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2388 was placed on the Sixth order on the calendar.

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

Page 1, line 1, after "19-24.1-19" insert ", and 19-24.1-34"

Page 1, line 3, after "marijuana" insert "and acts associated with marijuana not prohibited from employee discipline; and to declare an emergency"

Page 7, after line 6, insert:

"**SECTION 4. AMENDMENT.** Section 19-24.1-34 of the North Dakota Century Code is amended and reenacted as follows:

19-24.1-34. Acts not prohibited - Acts not required.

1. This chapter does not require:

   a. A government medical assistance program or private insurer to reimburse a person for costs associated with the medical use of marijuana;

   b. A person in lawful possession of property to allow a guest, client, customer, or other visitor to possess or consume usable marijuana on or in that property;

   c. A landlord to allow production or processing on rental property; or

   d. A health care provider to provide a written certification or otherwise recommend marijuana to a patient.

2. This chapter does not prohibit an employer from disciplining an employee for possessing or consuming usable marijuana in the workplace ~~or for~~, working while under the influence of marijuana, or working with marijuana in the employee's system.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

The House stood adjourned pursuant to Representative Bosch's motion.

Buell J. Reich, Chief Clerk