JOURNAL OF THE SENATE

Sixty-eighth Legislative Assembly

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Bismarck, January 17, 2023

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

The prayer was offered by Pastor Paul Herr, Century Baptist Church, Bismarck.

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

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 Third, Fourth, and Fifth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 155, line 14, replace "14" with "15"

Page 155, line 15, replace "49" with "51"

Page 155, line 23, replace "12" with "13"

Page 173, line 22, replace "165" with "158"

Page 173, line 30, replace "155" with "235"

Page 180, after line 4 insert:
"REPORT OF STANDING COMMITTEE
SB 2049: State and Local Government Committee (Sen. K. Roers, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2049 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 18, after "commissioner" insert "after consultation with the lessee if the lands are leased"

Renumber accordingly"

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

MOTION

SEN. KLEIN MOVED that SB 2219 be returned to the Senate floor from the **Transportation Committee** and be rereferred to the **Human Services Committee**, which motion prevailed on a voice vote.

Pursuant to Sen. Klein's motion, SB 2219 was rereferred.

MOTION

SEN. KLEIN MOVED that SB 2307 be returned to the Senate floor from the **Finance and Taxation Committee** and be rereferred to the **Appropriations Committee**, which motion prevailed on a voice vote.

Pursuant to Sen. Klein's motion, SB 2307 was rereferred.

MOTION

SEN. KLEIN MOVED that SB 2279 be returned to the Senate floor from the **Finance and Taxation Committee** and be rereferred to the **Agriculture and Veterans Affairs Committee**, which motion prevailed on a voice vote.

Pursuant to Sen. Klein's motion, SB 2279 was rereferred.

MOTION

SEN. KLEIN MOVED that SB 2179 be returned to the Senate floor from the **Energy and Natural Resources Committee** for the purpose of withdrawal, which motion prevailed on a voice vote.

REQUEST

SEN. KLEIN REQUESTED the unanimous consent of the Senate to withdraw SB 2179. There being no objection, it was so ordered by the President.

SECOND READING OF SENATE BILL

SB 2110: A BILL for an Act to create and enact section 24-02-45.4 of the North Dakota Century Code, relating to a cooperative maintenance agreement with Theodore Roosevelt national park.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

ABSENT AND NOT VOTING: Rust

Engrossed SB 2110 passed.

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SECOND READING OF SENATE BILL

SB 2059: A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 57-51-15 of the North Dakota Century Code, relating to the balance in the abandoned oil and gas well plugging and site reclamation fund; and to provide an expiration date.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

ABSENT AND NOT VOTING: Rust

Engrossed SB 2059 passed.

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SECOND READING OF SENATE BILL

SB 2162: A BILL for an Act to amend and reenact subdivision a of subsection 4 of section 57-51-15 and paragraph 1 of subdivision b of subsection 5 of section 57-51-15 of the North Dakota Century Code, relating to oil and gas gross production tax allocations to counties.

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 46 YEAS, 0 NAYS, 0

EXCUSED, 1 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; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

ABSENT AND NOT VOTING: Rust

SB 2162 passed.

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SECOND READING OF SENATE BILL

SB 2099: A BILL for an Act to create and enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating to information regarding minors in disciplinary records of the education standards and practices 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

ABSENT AND NOT VOTING: Rust

SB 2099 passed.

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SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4002: A concurrent resolution designating Dr. Denise K. Lajimodiere as Poet Laureate of North Dakota.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4002 was declared adopted on a voice vote.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2043, SB 2058, SB 2062, SB 2141.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2093.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SCR 4001.

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 1043, HB 1067, HB 1076, HB 1097, HB 1117, HB 1127, HB 1155.

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

MADAM PRESIDENT: The Speaker has signed: HCR 3003.

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, and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, January 18, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2028: Education Committee (Sen. Elkin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2028 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 21, after "system" insert "for the purposes of statewide aggregated data results. Individual district level data may be shared at the discretion of the local district"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2030: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2030 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, remove "; to provide for a department of health"

Page 1, remove line 3

Page 1, line 4, remove "for the state; and to provide for a legislative management report"

Page 1, line 8, remove "**- Report to legislative** "

Page 1, line 9, remove "**management**"

Page 1, line 21, remove "By April first of each even-numbered year, the"

Page 1, remove lines 22 and 23

Page 2, remove lines 1 through 10

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2042: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2042 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 4, after the third comma insert "and"

Page 1, line 4, remove ", and subsection 2 of section 54-44.4-14"

Page 4, after line 12, insert:

"12. Contracts by the agriculture commissioner for agricultural market news services under cooperative agreements with the United States department of agriculture, ombudsmen for pipeline restoration under section 4.1-01-17, environmental impact mitigation services under section 4.1-01-21.1, ombudsmen for wind property issues under section 4.1-01-23, weed control inspection agents under section 4.1-14-02, and hemp testing under section 4.1-18.1-04.2.

13. Contracts by the state auditor for audits of computer systems under section 54-10-29.

14. Contracts by the attorney general with experts under section 10-33-145.

15. Contracts by the department of health and human services for online virtual mental health and suicide prevention simulation-based training programs under subsection 28 of section 50-06-05.1 and brain injury informal supports under section 50-06.4-07."

Page 6, after line 14, insert:

"l. Contracts for specialized equipment, machinery, and materials required for manufacturing, production, and distribution by North Dakota mill and elevator association under section 54-18-02.

m. Purchases of copyrighted printed and electronic books, periodicals, subscriptions to publications, subscriptions to information services, prerecorded audio and video materials, state library materials, and state library online resources."

Page 10, remove lines 17 through 27

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2065: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2065 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 2, overstrike "reflexologists"

Page 2, line 5, after the period insert "Each member shall hold a current license issued by the board."

Page 2, line 12, remove the first "the"

Page 2, line 12, remove the second "the"

Page 3, line 20, remove the overstrike over "~~or more~~"

Page 4, line 27, remove "after"

Page 4, line 27, after "first" insert "or later"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2077: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2077 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 9, remove the overstrike over "~~shall~~"

Page 1, line 9, remove "may"

Page 1, line 11, remove "may"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2082: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2082 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 1, after "3." insert "Child care food service establishment" means food service that is prepared in a kitchen owned and operated by a child care provider licensed in accordance with chapter 50-11.1 for more than thirty children.

4."

Page 2, line 7, overstrike "4." and insert immediately thereafter "5."

Page 2, line 8, overstrike "5." and insert immediately thereafter "6."

Page 2, line 14, overstrike "6." and insert immediately thereafter "7."

Page 2, line 17, overstrike "7." and insert immediately thereafter "8."

Page 2, line 21, overstrike "8." and insert immediately thereafter "9."

Page 2, line 30, overstrike "9." and insert immediately thereafter "10."

Page 3, line 1, overstrike "10." and insert immediately thereafter "11."

Page 3, line 3, overstrike "11." and insert immediately thereafter "12."

Page 3, line 5, overstrike "12." and insert immediately thereafter "13."

Page 3, line 10, overstrike "13." and insert immediately thereafter "14."

Page 3, line 17, overstrike "14." and insert immediately thereafter "15."

Page 3, line 21, overstrike "15." and insert immediately thereafter "16."

Page 3, line 24, overstrike "16." and insert immediately thereafter "17."

Page 3, line 28, replace "17." with "18."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2103: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2103 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, after line 3, insert:

"3. "Alcohol misuse" means a pattern of drinking that results in harm to one's health, interpersonal relationships, or ability to work."

Page 2, line 4, remove the overstrike over "~~4.~~"

Page 2, line 4, remove "3."

Page 2, line 9, remove the overstrike over "~~5.~~"

Page 2, line 9, remove "4."

Page 2, line 11, remove the overstrike over "~~6.~~"

Page 2, line 11, remove "5."

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

Page 2, line 27, overstrike "7." and insert immediately thereafter "8."

Page 3, line 13, overstrike "8." and insert immediately thereafter "9."

Page 3, line 17, overstrike "9." and insert immediately thereafter "10."

Page 3, line 25, overstrike "10." and insert immediately thereafter "11."

Page 3, line 27, overstrike "11." and insert immediately thereafter "12."

Page 4, line 1, overstrike "12." and insert immediately thereafter "13."

Page 4, line 6, overstrike "13." and insert immediately thereafter "14."

Page 4, line 7, overstrike "14." and insert immediately thereafter "15."

Page 4, line 11, overstrike "15." and insert immediately thereafter "16."

Page 4, line 14, overstrike "16." and insert immediately thereafter "17."

Page 4, line 17, overstrike "17." and insert immediately thereafter "18."

Page 4, line 24, overstrike "18." and insert immediately thereafter "19."

Page 4, line 26, overstrike "19." and insert immediately thereafter "20."

Page 5, line 10, overstrike "chronic or severe use of"

Page 5, line 10, after "alcohol" insert "misuse"

Page 5, line 18, overstrike "20." and insert immediately thereafter "21."

Page 5, line 24, overstrike "21." and insert immediately thereafter "22."

Page 5, line 29, overstrike "22." and insert immediately thereafter "23."

Page 6, line 11, overstrike "23." and insert immediately thereafter "24."

Page 6, line 15, overstrike "24." and insert immediately thereafter "25."

Page 6, line 19, replace "25." with "26."

Page 6, line 21, replace "26." with "27."

Page 9, line 5, remove "severe or chronic use of"

Page 9, line 6, after "alcohol" insert "misuse"

Page 9, line 14, remove "severe"

Page 9, line 15, remove "or chronic use of"

Page 9, line 15, after "alcohol" insert "misuse"

Page 9, line 18, remove "severe or chronic use of"

Page 9, line 18, after "alcohol" insert "misuse"

Page 9, line 25, remove "severe or chronic use of"

Page 9, line 25, after "alcohol" insert "misuse"

Page 10, line 6, remove "**severe or chronic use of**"

Page 10, line 6, after "~~**abuse**~~" insert "**misuse**"

Page 10, line 10, remove "severe or chronic use of"

Page 10, line 10, after "alcohol" insert "misuse"

Page 10, line 19, remove "severe or chronic use of"

Page 10, line 19, after "alcohol" insert "misuse"

Page 10, line 22, remove "severe or chronic use of"

Page 10, line 22, after "alcohol" insert "misuse"

Page 10, line 24, remove "severe or chronic use of"

Page 10, line 25, after "alcohol" insert "misuse"

Page 10, line 27, remove "severe or chronic use of"

Page 10, line 28, after "alcohol" insert "misuse"

Page 11, line 5, remove "severe or chronic use"

Page 11, line 6, remove "of"

Page 11, line 6, after "alcohol" insert "misuse"

Page 11, line 8, remove "severe or chronic use of"

Page 11, line 8, after "alcohol" insert "misuse"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2126: Finance and Taxation Committee (Sen. Kannianen, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2126 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2147: Finance and Taxation Committee (Sen. Kannianen, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2147 was placed on the Eleventh order on the calendar. This bill affects workforce development.

REPORT OF STANDING COMMITTEE

SB 2167: Education Committee (Sen. Elkin, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2167 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2178: Finance and Taxation Committee (Sen. Kannianen, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2178 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

FIRST READING OF SENATE BILLS

Sens. K. Roers, Dever, Lee and Reps. Beltz, Nelson introduced:

SB 2335: A BILL for an Act to create and enact a new section to chapter 50-06 and section 50-11-01.7 of the North Dakota Century Code, relating to training and screening for fetal alcohol spectrum disorder and creating a fetal alcohol spectrum disorder council; and to amend and reenact section 15.1-32-01, subsection 3 of section 25-01.2-01, and section 27-20.3-04 of the North Dakota Century Code, relating to fetal alcohol spectrum disorder; and to provide a report.

Was read the first time and referred to the **Human Services Committee**.

Sens. Lee, J. Roers, Sorvaag and Reps. Boschee, Roers Jones, Strinden introduced:

SB 2336: A BILL for an Act to amend and reenact section 53-06.1-11.1 of the North Dakota Century Code, relating to eligible uses of net proceeds.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Lee, Burckhard, K. Roers and Reps. Schreiber-Beck, Swiontek, Weisz introduced:

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.

Was read the first time and referred to the **Workforce Development Committee**.

Sens. Krebsbach, Burckhard, Piepkorn, Vedaa and Reps. Nelson, Roers Jones introduced:

SB 2338: A BILL for an Act to create and enact a new section to chapter 54-54 of the North Dakota Century Code, relating to the state poet laureate.

Was read the first time and referred to the **State and Local Government Committee**.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Mathern, Hogan and Reps. Conmy, Dobervich, Karls, Weisz introduced:

SCR 4009: A concurrent resolution directing the Legislative Management to consider studying whether health insurance should provide coverage for diagnostic and supplemental breast examinations without imposing cost-sharing requirements.

Was read the first time and referred to the **Human Services Committee**.

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

Shanda Morgan, Secretary