JOURNAL OF THE SENATE

Sixty-eighth Legislative Assembly

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Bismarck, January 18, 2023

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

The prayer was offered by Pastor John Streccius, Lord of Life Lutheran Church, Bismarck.

The roll was called and all members were present.

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 Sixth and Ninth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 185, line 23, after "**Chairman)**" insert "recommends that Senate Rules 102, 303, 305, 321, and 360 be amended as follows:"

Page 235, replace lines 21 through 23 with:

"**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"

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

MOTION

SEN. KLEIN MOVED that SB 2262, SB 2321, and SB 2327 be returned to the Senate floor from the **Judiciary Committee** and be rereferred to the **Human Services Committee**, which motion prevailed on a voice vote.

Pursuant to Sen. Klein's motion, SB 2262, SB 2321, and SB 2327 were rereferred.

MOTION

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

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

MOTION

SEN. KLEIN MOVED that SB 2226 be returned to the Senate floor from the **Judiciary Committee** and be rereferred to the **State and Local Government Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2226 was rereferred.

MOTION

SEN. KLEIN MOVED that SB 2293 be returned to the Senate floor from the **State and Local Government Committee** and be rereferred to the **Finance and Taxation Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2293 was rereferred.

MOTION

SEN. KLEIN MOVED that SB 2251 and SB 2313 be returned to the Senate floor from the

Judiciary Committee and be rereferred to the **Energy and Natural Resources Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2251 and SB 2313 were rereferred.

MOTION

SEN. KLEIN MOVED that pursuant to Senate Rule 402.1, the Senate replace "the eighth legislative day" with "the tenth legislative day", which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2030: SEN. CLEARY (Human Services Committee) MOVED that the amendments on SJ page 238 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2065: SEN. WOBBEMA (Workforce Development Committee) MOVED that the amendments on SJ page 239 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2028: SEN. ELKIN (Education Committee) MOVED that the amendments on SJ page 238 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2103: SEN. CLEARY (Human Services Committee) MOVED that the amendments on SJ pages 240-242 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2042: SEN. K. ROERS (State and Local Government Committee) MOVED that the amendments on SJ pages 238-239 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2077: SEN. BARTA (State and Local Government Committee) MOVED that the amendments on SJ page 239 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2082: SEN. CLEARY (State and Local Government Committee) MOVED that the amendments on SJ pages 239-240 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2167: A BILL for an Act to amend and reenact sections 15.1-23-02 and 15.1-23-15 of the North Dakota Century Code, relating to home education.

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 2167 passed.

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SECOND READING OF SENATE BILL

SB 2126: A BILL for an Act to amend and reenact section 53-06.1-10.1 of the North Dakota Century Code, relating to the sale of raffle board squares.

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

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

NAYS: Clemens; Hogan; Larson

SB 2126 passed.

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SECOND READING OF SENATE BILL

SB 2178: A BILL for an Act to amend and reenact section 57-15-19.2 of the North Dakota Century Code, relating to township special road fund limitations.

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 2178 passed.

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SECOND READING OF SENATE BILL

SB 2147: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax deduction for retired law enforcement personnel benefits; and to provide an effective date.

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 2147 passed.

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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 2059, SB 2099, SB 2110, SB 2162.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SCR 4002.

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 1041, HB 1061, HB 1063, HB 1064, HB 1072, HB 1073, HB 1074, HB 1075, HB 1084, HB 1089, HB 1102, HB 1104, HB 1109, HB 1113, HB 1141, HB 1169.

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., Thursday, January 19, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE
SB 2032: Education Committee (Sen. Elkin, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2032 was rereferred to the **Appropriations Committee**. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE
SB 2033: Education Committee (Sen. Elkin, 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 2033 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 5, after "need" insert "or shortage area"

Page 2, line 7, after "district" insert "or special education unit"

Page 2, line 10, after "district" insert "or special education unit"

Page 2, line 13, after "need" insert "or shortage area"

Page 2, line 15, after "district" insert "or special education unit"

Renumber accordingly

REPORT OF STANDING COMMITTEE
SB 2052: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2052 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE
SB 2079: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2079 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE
SB 2081: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2081 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE
SB 2087: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2087 was placed on the Eleventh order on the calendar. This bill affects workforce development.

REPORT OF STANDING COMMITTEE

SB 2088: Human Services Committee (Sen. Lee, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2088 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2089: Finance and Taxation Committee (Sen. Kannianen, 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 2089 was placed on the Sixth order on the calendar. This bill affects workforce development.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact sections 54-17.6-06.1 and 54-17.6-06.2 of the North Dakota Century Code, relating to clean natural gas capture and emissions reduction; to provide an appropriation; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 54-17.6-06.1 of the North Dakota Century Code is created and enacted as follows:

54-17.6-06.1. Clean natural gas capture and emissions reduction program.

1. The clean natural gas capture and emissions reduction program shall provide an incentive for onsite natural gas capture and utilization systems which collect or utilizes over fifty percent of propane and heavier hydrocarbons from an oil and gas well site for beneficial use by:

   a. Compressing or liquefying gas for artificial lift, uses as fuel, or for nonpipeline transport to a processing facility;

   b. Conversion to liquid fuels;

   c. Conversion to electricity for onsite use or supply to the electrical grid;

   d. Conversion to computational power;

   e. Collection of tank vapors for beneficial use or transport to a processing facility;

   f. Temporary gas injection into producing wells in lieu of flaring or shutting in wells; or

   g. Other value-added processes as approved by the industrial commission.

2. The commission is granted all the powers necessary and appropriate to effectuate the provisions of this chapter.

3. The commission:

   a. May make grants or loans or provide other forms of financial assistance as necessary or appropriate to qualified entities for activities under subsection 1;

   b. Shall keep accurate records of all financial transactions performed under this chapter;

   c. May accept donations, grants, federal funds, contributions, and gifts from any public or private source and deposit such in the natural gas capture and utilization incentive fund;

d. May make and explore orders, rules, and policies necessary to effectuate the purpose of this chapter; and

e. Shall consult with the council in matters of policy affecting the administration of the clean natural gas capture and emissions reduction program.

SECTION 2. Section 54-17.6-06.2 of the North Dakota Century Code is created and enacted as follows:

54-17.6-06.2. Clean natural gas capture and emissions reduction fund - Continuing appropriation.

The clean natural gas capture and emissions reduction fund is hereby created as a special fund in the state treasury. All funds in the clean natural gas capture and emissions reduction fund are appropriated to the industrial commission on a continuing basis to effectuate the purposes of this chapter. All interest earned by the fund must be credited to the fund.

SECTION 3. APPROPRIATION - CLEAN NATURAL GAS CAPTURE AND EMISSIONS REDUCTION FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $15,000,000, or so much of the sum as may be necessary, to the clean natural gas capture and emissions reduction fund for the purpose of providing grants under section 54-17.6-06.1, for the biennium beginning July 1, 2023, and ending June 30, 2025."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2125: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2125 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2138: Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2138 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 8, remove the overstrike over "~~persons~~"

Page 1, line 8, remove "individuals"

Page 1, line 8, replace "who" with "which"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2143: Industry and Business Committee (Sen. Larsen, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2143 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, remove the overstrike over lines 9 through 11

Page 1, line 12, remove the overstrike over "~~state in which the company has an agency.~~"

Page 1, line 15, remove the overstrike over "~~The certificate of authority~~"

Page 1, remove the overstrike over lines 16 through 18

Page 1, line 19, remove the overstrike over "~~the commissioner within four months after the filing of the annual statement.~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2158: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2158 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2176: Finance and Taxation Committee (Sen. Kannianen, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2176 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2192: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2192 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2199: Judiciary Committee (Sen. Larson, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2199 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2200: 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 2200 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 10, replace "$10,000" with "an average cost of $5,000"

Page 1, line 13, after "schools" insert "program"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2202: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2202 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2223: 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 2223 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 15, after the period insert "<u>An individual who serves on the board of a school district in the district where they reside may not simultaneously be appointed to the board of a military installation.</u>"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2229: Education Committee (Sen. Elkin, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2229 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

FIRST READING OF SENATE BILLS

Sens. Boehm, Hogue, Kessel, Kreun, Magrum and Rep. Henderson introduced:

SB 2339: A BILL for an Act to create and enact a new section to chapter 16.1-01 of the North Dakota Century Code, relating to random audits after the certification of an election.

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

Sens. Axtman, Elkin, Schaible and Reps. Bosch, Hauck, Heinert introduced:

SB 2340: A BILL for an Act to amend and reenact section 15.1-06-19 of the North Dakota

Century Code, relating to required school counselors.
Was read the first time and referred to the **Education Committee**.

Sens. K. Roers, Myrdal, Rummel and Reps. McLeod, Steiner, Strinden introduced:
SB 2341: A BILL for an Act to amend and reenact section 50-11-00.1 of the North Dakota Century Code, relating to definitions for foster homes for children and treatment centers for trafficked youth.
Was read the first time and referred to the **Human Services Committee**.

Sen. Burckhard introduced:
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.
Was read the first time and referred to the **Workforce Development Committee**.

Sens. Lee, J. Roers, Schaible and Reps. Sanford, Stemen, Swiontek introduced:
SB 2343: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to records of a public entity governing body; and to amend and reenact sections 15-10-17 and 44-04-17.1 of the North Dakota Century Code, relating to defining a public entity governing body and state board of higher education policy.
Was read the first time and referred to the **Education Committee**.

Sen. K. Roers introduced:
SB 2344: A BILL for an Act to amend and reenact section 43-12.3-06 of the North Dakota Century Code, relating to the health care professional student loan repayment program; and to provide an appropriation.
Was read the first time and referred to the **State and Local Government Committee**.

Sens. Hogan, Lee introduced:
SB 2345: A BILL for an Act to create and enact a new chapter to title 27 of the North Dakota Century Code, relating to the task force on guardianship monitoring to promote the accountability of all guardians; and to provide an appropriation.
Was read the first time and referred to the **Human Services Committee**.

Sens. Larsen, Vedaa and Reps. Fisher, Toman introduced:
SB 2346: A BILL for an Act to amend and reenact sections 15.1-27-02, 15.1-27-04.1, and 57-15-01.1, subsection 1 of section 57-15-14, section 57-15-14.2, subdivision c of subsection 1 of section 57-20-07.1, subsection 1 of section 57-39.2-02.1, and subsection 1 of section 57-40.2-02.1 of the North Dakota Century Code, relating to required reports, the determination of state aid payments, school district levy authority, and an increase in the rate of state sales and use tax; to repeal sections 15.1-27-04.2, 15.1-27-04.3, 15.1-27-15.1, and 15.1-27-20.2 of the North Dakota Century Code, relating to adjustments to state aid payments; to provide an appropriation; and to provide an effective date.
Was read the first time and referred to the **Finance and Taxation Committee**.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Vedaa, Hogue, J. Roers and Reps. Kreidt, Lefor, Nathe introduced:
SCR 4008: A concurrent resolution urging the Postmaster General of the United States Postal Service to issue a postage stamp commemorating Theodore Roosevelt and the opening of the Theodore Roosevelt Presidential Library.
Was read the first time and referred to the **State and Local Government Committee**.

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

Shanda Morgan, Secretary