JOURNAL OF THE SENATE

Sixty-eighth Legislative Assembly

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Bismarck, January 24, 2023

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

The prayer was offered by Reverend Gretchen Deeg, United Church of Christ, Bismarck.

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

A quorum was declared by the President.

MOTION

SEN. KLEIN MOVED that the Senate reconsider its action whereby SB 2118 passed, which motion prevailed on a verification vote.

MOTION

SEN. KLEIN MOVED that SB 2118 be rereferred to the **Energy and Natural Resources Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2118 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2175: SEN. BARTA (Industry and Business Committee) MOVED that the amendments on SJ page 286 be adopted and then be placed on the Eleventh order with **DO NOT PASS**.

MOTION

SEN. KLEIN MOVED that after action taken on the Sixth order, Engrossed SB 2175 be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed on a voice vote.

The question being on the motion to adopt the amendments to SB 2175, the proposed amendments were adopted on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2186: SEN. LUICK (Judiciary Committee) MOVED that the amendments on SJ page 287 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2319: SEN. LARSEN (Industry and Business Committee) MOVED that the amendments on SJ page 287 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2075: SEN. BOEHM (Energy and Natural Resources Committee) MOVED that the amendments on SJ pages 285-286 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

SB 2063: Transportation Committee (Sen. Clemens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2063 was placed on the Sixth order on the calendar. This bill affects workforce development.

Page 1, line 3, remove "; and to provide a"

Page 1, line 4, remove "continuing appropriation"

Page 1, line 9, remove "**- Continuing**"

Page 1, line 10, remove "**appropriation**"

Page 1, line 11, remove "1."

Page 1, line 14, after "discretionary" insert "federal or private"

Page 1, line 17, after the underscored period insert "Any cost-share for the project may consist only of federal and private funding."

Page 1, line 22, remove "The department may"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 5

Renumber accordingly

CONSIDERATION OF AMENDMENTS

SB 2063: SEN. PAULSON (Transportation Committee) MOVED that the amendments on SJ pages 297-298 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2063 was rereferred to the **Appropriations Committee**.

SECOND READING OF SENATE BILL

SB 2175: A BILL for an Act to create and enact section 65-05-09.6 of the North Dakota Century Code, relating to notices of disability benefit reduction.

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 5 YEAS, 41 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Davison; Dever; Hogan; Mathern; Vedaa

NAYS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Dwyer; Elkin; Estenson; Hogue; Kannianen; 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

ABSENT AND NOT VOTING: Erbele

Engrossed SB 2175 failed.

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SECOND READING OF SENATE BILL

SB 2100: A BILL for an Act to amend and reenact sections 4.1-31-01 and 4.1-31-16 of the North Dakota Century Code, relating to the definition of custom exempt establishments and official establishments and registration and licensure of meat processing business.

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; 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

ABSENT AND NOT VOTING: Erbele

Engrossed SB 2100 passed.

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SECOND READING OF SENATE BILL

SB 2106: A BILL for an Act to repeal sections 29-16-01, 29-21-16, and 29-22-33 of the North Dakota Century Code relating to issues of fact, plea of once in jeopardy, and special verdicts.

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; 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

ABSENT AND NOT VOTING: Erbele

Engrossed SB 2106 passed.

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SECOND READING OF SENATE BILL

SB 2144: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-15-14 and a new section to chapter 21-03 of the North Dakota Century Code, relating to ballots in school district bond elections; and to amend and reenact subsection 4 of section 21-03-06, sections 21-03-09 and 21-03-10.1, and subsection 2 of section 57-15-16 of the North Dakota Century Code, relating to future maintenance and repair expenditures for school districts.

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, 42 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Conley; Elkin; Wanzek; Weber

NAYS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Davison; Dever; Dwyer; 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; Weston; Wobbema

ABSENT AND NOT VOTING: Erbele

SB 2144 failed.

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SECOND READING OF SENATE BILL

SB 2233: A BILL for an Act to amend and reenact subsection 3 of section 4.1-01.1-07, subsection 6 of section 6-09-15.5, section 6-09-29, subsection 4 of section 6-09-46.2, subsection 5 of section 6-09-49.2, sections 6-09.8-03, 6-09.13-04, 6-09.14-02, 6-09.15-02, 6-09.16-03, and 6-09.18-05, subsection 6 of section 15.1-36-08, section 17-03-02, and subsection 2 of section 54-63.1-07 of the North Dakota Century Code, relating to the audit of loan programs administered by the Bank of 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 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; 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

ABSENT AND NOT VOTING: Erbele

SB 2233 passed.

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SECOND READING OF SENATE BILL

SB 2295: A BILL for an Act to amend and reenact subsection 2 of section 24-02-01.1 and section 26.1-25-15 of the North Dakota Century Code, relating to the unsatisfied judgment fund and the assigned risk plan; and to repeal chapter 26.1-23 of the North Dakota Century Code, relating to the unsatisfied judgment fund.

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; 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

ABSENT AND NOT VOTING: Erbele

SB 2295 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 2096, SB 2168, SB 2180, SB 2189, SB 2191, SB 2193, SB 2196.

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 2145.

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 1096, HB 1116, HB 1159, HB 1161, HB 1193, HB 1223, HB 1226, HB 1236, HB 1294, HB 1322, HCR 3004.

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

MADAM PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1160.

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.,

Wednesday, January 25, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2026, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2026 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2070: Education Committee (Sen. Elkin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2070 was placed on the Sixth order on the calendar. This bill affects workforce development.

Page 2, line 17, replace "three" with "four"

Page 2, line 18, replace "six" with "seven"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2240: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2240 was placed on the Eleventh order on the calendar. This bill affects workforce development.

REPORT OF STANDING COMMITTEE

SB 2325: Industry and Business Committee (Sen. Larsen, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2325 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, remove "vulnerable adult"

Page 1, line 2, after "restitution" insert "assistance"

Page 1, line 7, replace "**Vulnerable adult restitution**" with "**Restitution assistance**"

Page 1, line 21, remove "vulnerable"

Page 1, line 22, remove the first "adult"

Page 1, line 22, after "restitution" insert "assistance"

Page 1, line 23, after "dollars" insert "per biennium"

Renumber accordingly

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

Shanda Morgan, Secretary