JOURNAL OF THE SENATE

Sixty-eighth Legislative Assembly

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Bismarck, January 25, 2023

The Senate convened at 1:00 p.m., with President Pro Tempore Schaible presiding.

The prayer was offered by Pastor Beth Walch, Lord of Life Lutheran Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President Pro Tempore.

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 Seventh, Eighth, Ninth, Twelfth, and Fourteenth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 197, line 42 replace "Reane" with "Renae"

Page 200, line 7, replace "page 122" with "pages 188-189"

Page 200, line 11, replace "page 129" with "pages 189-190"

Page 215, line 47, remove lines 47 through 48

Page 216, remove line 2

Page 235, line remove ", fourth,"

Page 271, line 19, replace "**Appropriations**" with "**Judiciary**"

Page 301, after line 19 insert:

"**REPORT OF STANDING COMMITTEE**

SB 2263: 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 2263 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 9, overstrike "secondary"

Renumber accordingly"

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

MOTION

SEN. KLEIN MOVED that SB 2363 be returned to the Senate floor from the **Education Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2363 was rereferred.

MOTION

SEN. KLEIN MOVED that SB 2367 be returned to the Senate floor from the **Energy and Natural Resources Committee** and be rereferred to the **Finance and Taxation Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2367 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2325: SEN. BARTA (Industry and Business Committee) MOVED that the amendments on SJ page 301 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2325 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

SB 2070: SEN. AXTMAN (Education Committee) MOVED that the amendments on SJ page 301 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2263: SEN. LARSEN (Industry and Business Committee) MOVED that the amendments on SJ page 301 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 2075: A BILL for an Act to amend and reenact subsection 13 of section 23.1-12-02 and subdivision a of subsection 1 of section 23.1-12-18 of the North Dakota Century Code, relating to the definition of tank and corrective action reimbursement for petroleum releases.

ROLL CALL

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

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

Engrossed SB 2075 passed.

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SECOND READING OF SENATE BILL

SB 2319: A BILL for an Act to amend and reenact subsection 2 of section 5-01-14 and subsection 3 of section 5-01-21 of the North Dakota Century Code, relating to microbrew pub and brewer taproom licenses.

ROLL CALL

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

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

Engrossed SB 2319 passed.

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SECOND READING OF SENATE BILL

SB 2186: A BILL for an Act to amend and reenact subsection 3 of section 53-06.1-11.1 of the North Dakota Century Code, relating to eligible uses for charitable gaming net proceeds.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Barta; Beard; Bekkedahl; Braunberger; Burckhard; Cleary; Conley; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kessel; Klein; Krebsbach; Kreun; Larsen; Lee; Magrum; Mathern; Meyer; Piepkorn; Roers, J.; Roers, K.; Rummel; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weston; Wobbema

NAYS: Axtman; Boehm; Clemens; Davison; Kannianen; Larson; Lemm; Luick; Myrdal; Patten; Paulson; Rust; Weber

Engrossed SB 2186 passed.

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SECOND READING OF SENATE BILL

SB 2026: A BILL for an Act to provide a contingent appropriation to the department of health and human services relating to the demolition of state hospital buildings; and to declare an emergency.

ROLL CALL

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

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

Engrossed SB 2026 passed and the emergency clause was declared carried.

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SECOND READING OF SENATE BILL

SB 2240: A BILL for an Act to provide an appropriation to the department of commerce for the base retention grant program.

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 2240 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 2100, SB 2106, SB 2233, SB 2295.

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 1077, HB 1181, HB 1197, HB 1222, HB 1237, HB 1243, HB 1244, HB

1248, HB 1257, HB 1267, HB 1351, HB 1354.

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 1090.

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., Thursday, January 26, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2071: Human Services Committee (Sen. Lee, 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 2071 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 9, replace "two hundred" with "one hundred eighty-five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2148: 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 2148 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 6, overstrike " **- Employment of physicians by**" and insert immediately thereafter an underscored boldfaced comma

Page 1, line 7, after "**entities**" insert an underscored boldfaced comma

Page 1, line 8, overstrike "1."

Page 1, line 8, after "23-16" insert ", nonprofit entity, or charitable trust"

Page 1, line 10, after "hospital" insert ", nonprofit entity, or charitable trust"

Page 1, line 11, overstrike "hospital's"

Page 1, line 15, after the first "hospital" insert ", nonprofit entity, or charitable trust"

Page 1, line 15, overstrike "subsection a" and insert immediately thereafter "section the"

Page 1, line 15, after the second "hospital" insert ", nonprofit entity, or charitable trust"

Page 1, overstrike line 16

Page 1, line 17, overstrike "employ directly or indirectly a physician"

Page 1, line 17, overstrike "if the"

Page 1, overstrike lines 18 through 23

Page 2, overstrike lines 1 and 2

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2166: Human Services Committee (Sen. Lee, 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 2166 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 5, after "**FUND**" insert "**- ONE-TIME FUNDING**"

Page 1, line 6, replace "$2,000,000" with "$3,000,000"

Page 1, line 7, remove "a grant to an"

Page 1, line 8, replace "organization that provides" with "grants to organizations that provide"

Page 1, line 10, after the period insert "The department of commerce shall collaborate with the department of health and human services to establish guidelines to provide grants under this section. This funding is considered a one-time funding item. To be eligible to receive a grant under this section, an organization must have provided peer support services to individuals with a substance use disorder, including those served through the federal Medicaid 1915(i) state plan amendment, during the calendar year ending on December 31, 2022."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2172: Industry and Business Committee (Sen. Larsen, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2172 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2211: Industry and Business Committee (Sen. Larsen, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2211 was rereferred to the **Appropriations Committee**. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2217: Finance and Taxation Committee (Sen. Kannianen, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2217 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2222: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2222 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2224: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2224 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2225: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2225 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2230: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2230 was rereferred to the **Appropriations Committee**. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2265: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2265 was rereferred to the **Appropriations Committee**. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2293: Finance and Taxation Committee (Sen. Kannianen, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2293 was

placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2334: Finance and Taxation Committee (Sen. Kannianen, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2334 was placed on the Eleventh order on the calendar. This bill affects workforce development.

REPORT OF STANDING COMMITTEE

SCR 4006: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4006 was placed on the Eleventh order on the calendar. This resolution does not affect workforce development.

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

Shanda Morgan, Secretary