JOURNAL OF THE SENATE

Sixty-eighth Legislative Assembly

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Bismarck, January 26, 2023

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

The prayer was offered by Pastor Paul Letvin, Submerge Church, Fargo.

The roll was called and all members were present.

A quorum was declared by the President.

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural **Rules Committee (Sen. Klein, Chairman)** to amend Senate Rule 347.1 and 347.2 to replace "thirty-eighth" with "thirty sixth", to replace "thirty-ninth legislative day" with "thirty-seventh legislative day", to replace "fifty-ninth legislative day" with "fifty-seventh legislative day", and to replace "sixty-eighth legislative day" with "sixty-sixth legislative day".

SEN. KLEIN MOVED that the report be adopted, which motion prevailed on a voice vote.

MOTION

SEN. KLEIN MOVED that SB 2293 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 2254 be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2254 was rereferred.

MOTION

SEN. KLEIN MOVED that SB 2160 be returned to the Senate floor from the **Industry and Business Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2160 was rereferred.

MOTION

SEN. KLEIN MOVED that SB 2374 be returned to the Senate floor from the **Agriculture and Veterans Affairs Committee** and be rereferred to the **Energy and Natural Resources Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2374 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2166: SEN. CLEMENS (Human Services Committee) MOVED that the amendments on SJ pages 308-309 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2166 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

SB 2071: SEN. K. ROERS (Human Services Committee) MOVED that the amendments on SJ page 308 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2071 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

SB 2148: SEN. CLEARY (Human Services Committee) MOVED that the amendments on SJ page 308 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 2263: A BILL for an Act to amend and reenact sections 47-10.2-01, 47-10.2-02, 47-10.2-03, and 47-10.2-05 of the North Dakota Century Code, relating to escrow accounts.

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 2263 passed.

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SECOND READING OF SENATE BILL

SB 2070: A BILL for an Act to amend and reenact section 15.1-18-10 of the North Dakota Century Code, relating to criteria for teacher permits; 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 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 2070 passed.

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SECOND READING OF SENATE BILL

SB 2222: A BILL for an Act to create and enact a new section to chapter 30.1-29 of the North Dakota Century Code, relating to emergency conservators; to amend and reenact section 30.1-03-02, subsection 1 of section 30.1-29-05, sections 30.1-29-07 and 30.1-29-08, subsection 1 of section 30.1-29-09, and sections 30.1-29-18, 30.1-29-19, 30.1-29-22, 30.1-29-24, and 30.1-29-25 of the North Dakota Century Code, relating to a conservatorship.

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 2222 passed.

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SECOND READING OF SENATE BILL

SB 2224: A BILL for an Act to create and enact a new section to chapter 30.1-28 and a new subsection to section 30.1-28-10.1 of the North Dakota Century Code, relating to guardianship proceedings for minors becoming incapacitated adults and emergency guardianship; to amend and reenact section 27-20.1-02, subsection 1 of section 27-20.1-09, subsection 2 of section 27-20.1-17, subsection 60 of section 30.1-01-06, subsection 1 of section 30.1-26-01, subsection 2 of section 30.1-27-05, sections 30.1-28-03, 30.1-28-04, and 30.1-28-07, subsection 2 of section 30.1-28-09, and subsection 7 of section 30.1-28-12 of the North Dakota Century Code, relating to guardianship of minors, sale of property by a guardian, termination of a guardianship, waiver of notice, and guardians ad litem.

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 2224 passed.

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SECOND READING OF SENATE BILL

SB 2225: A BILL for an Act to create and enact sections 30.1-28-16, 30.1-28-17, 30.1-28-18, and 30.1-28-19 of the North Dakota Century Code, relating to court-authorized involuntary treatment of a ward; to amend and reenact sections 25-03.1-18.2 and 30.1-26-01, subsection 2 of section 30.1-28-03, and sections 30.1-28-04, 30.1-28-12, and 30.1-28-14 of the North Dakota Century Code, relating to involuntary treatment of a ward with prescribed medication.

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 2225 passed.

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SECOND READING OF SENATE BILL

SB 2172: A BILL for an Act to create and enact a new chapter to title 26.1 of the North Dakota Century Code, relating to the interstate insurance product regulation compact.

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 2172 passed.

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SECOND READING OF SENATE BILL

SB 2334: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a local revenue loss reimbursement fund; to amend and reenact subsection 2 of section 57-39.2-04.15 and section 57-39.2-26 of the North Dakota Century Code, relating to a sales tax exemption for a fertilizer plant; to provide a continuing appropriation; 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 46 YEAS, 1 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, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Roers, J.

SB 2334 passed.

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SECOND READING OF SENATE BILL

SB 2217: A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to the calculation of interchange fees for electronic payment transactions; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 26 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Barta; Beard; Boehm; Braunberger; Burckhard; Clemens; Conley; Elkin; Erbele; Estenson; Hogue; Klein; Krebsbach; Larsen; Larson; Lee; Lemm; Magrum; Mathern; Myrdal; Paulson; Piepkorn; Roers, J.; Rust; Vedaa; Weber

NAYS: Axtman; Bekkedahl; Cleary; Davison; Dever; Dwyer; Hogan; Kannianen; Kessel; Kreun; Luick; Meyer; Patten; Roers, K.; Rummel; Schaible; Sickler; Sorvaag; Wanzek; Weston; Wobbema

SB 2217 passed.

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SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4006: A concurrent resolution to amend and reenact section 8 of article I of the Constitution of North Dakota, relating to search and seizure protections.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 19 YEAS, 28 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Beard; Boehm; Braunberger; Cleary; Estenson; Kannianen; Kessel; Larsen; Lemm; Luick; Magrum; Mathern; Myrdal; Paulson; Rust; Vedaa; Wanzek; Weber; Weston

NAYS: Axtman; Barta; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Hogan; Hogue; Klein; Krebsbach; Kreun; Larson; Lee; Meyer; Patten; Piepkorn; Roers, J.; Roers, K.; Rummel; Schaible; Sickler; Sorvaag; Wobbema

SCR 4006 was declared lost on a recorded roll call 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 2075, SB 2186, SB 2240, SB 2319.

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 2026.

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 1088, HB 1216, HB 1229, HB 1246, HB 1247, HB 1277, HB 1302, HB 1352, HB 1370, HB 1378.

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 12:30 p.m., Friday, January 27, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE
SB 2036: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2036 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, after line 5 insert "and"

Page 1, line 6, remove ", and subsection 3 of section 61-32-03.2"

Page 2, line 3, replace "**waterway**" with "**watercourse**"

Page 2, line 8, replace "waterway" with "watercourse"

Page 2, line 8, overstrike "state water commission" and insert immediately thereafter "department of water resources"

Page 2, line 12, replace "waterway" with "watercourse"

Page 2, line 16, after "~~such~~" insert "the"

Page 2, line 16, remove the overstrike over "~~watercourse~~"

Page 2, line 16, remove the second "the"

Page 2, line 17, remove "waterway"

Page 2, line 18, after "~~such~~" insert "the"

Page 2, line 18, remove the overstrike over "~~watercourse~~"

Page 2, line 18, remove "the waterway"

Page 33, remove lines 1 through 12

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2134: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2134 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2135: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2135 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2164: 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 2164 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 15, replace "each" with ", in consultation with the minority leaders,"

Page 1, line 15, after "shall" insert "each"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2173: 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 2173 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 10, remove lines 2 through 18

Page 10, line 19, replace "**26.1-58-04**" with "**26.1-58-03**"

Page 11, line 1, replace "**26.1-58-05**" with "**26.1-58-04**"

Page 12, line 9, remove "A person offering, soliciting, or negotiating travel insurance or travel protection plans"

Page 12, remove lines 10 through 12

Page 12, line 13, remove "5."

Page 12, line 14, replace "6." with "5."

Page 12, line 22, replace "**26.1-58-06**" with "**26.1-58-05**"

Page 13, line 1, replace "**26.1-58-07**" with "**26.1-58-06**"

Page 13, line 8, replace "**26.1-58-08**" with "**26.1-58-07**"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2181: 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 2181 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 11, remove "who are lawfully present in the United States"

Page 1, line 20, remove the overstrike over "~~subdivision~~"

Page 1, line 20, remove "subdivisions a and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2197: Education Committee (Sen. Elkin, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2197 was placed on the Eleventh order on the calendar. This bill affects workforce development.

REPORT OF STANDING COMMITTEE

SB 2214: 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 2214 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 10, replace the first underscored comma with " and"

Page 1, line 10, remove ", roller derby, rugby, lacrosse, wrestling, and"

Page 1, line 11, remove "boxing"

Page 1, after line 11, insert:

"**SECTION 2. EFFECTIVE DATE.** This Act is effective through August 31, 2028, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2292: 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 2292 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 12, after "elector" insert "or a member of the election board"

Page 3, line 24, replace "person" with "individual"

Page 3, line 26, after "section" insert "if the individual informs the election inspector of the individual's intent to serve as an election observer"

Page 3, line 31, overstrike the first "the" and insert immediately thereafter "any"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2320: 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 2320 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 9, overstrike "fifteen" and insert immediately thereafter "eighteen"

Page 1, line 12, overstrike "fifty" and insert immediately thereafter "eighty-five"

Page 1, line 16, overstrike "fifteen" and insert immediately thereafter "eighteen"

Page 1, line 19, overstrike "fifteen" and insert immediately thereafter "eighteen"

Page 1, line 21, overstrike "ten" and insert immediately thereafter "twelve"

Page 2, line 5, after the underscored period insert "The board shall round the fees to the nearest whole number."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4004: Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4004 was placed on the Eleventh order on the calendar. This resolution affects workforce development.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Bekkedahl, Elkin, Kessel, Patten and Reps. Kempenich, Steiner introduced:

SCR 4014: A concurrent resolution urging the Secretary of the Interior and the Director of the National Park Service to modify its proposed livestock management plan, and to continue to allow for interpretative, cultural, and historical purposes a herd of longhorn steers in the North Unit of the Theodore Roosevelt National Park and the presence of a wild horse herd in the South Unit of the Theodore Roosevelt National Park.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

Sens. Hogan, Cleary introduced:

SCR 4015: A concurrent resolution recognizing the 25th anniversary of the ratification of the Good Friday Agreement that provided the framework for lasting peace in Northern Ireland and celebrating the flag of Ireland as a symbol of peace and a link between the United States and Ireland.

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

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

Shanda Morgan, Secretary