JOURNAL OF THE SENATE

Sixty-eighth Legislative Assembly

* * * * *

Bismarck, March 10, 2023

The Senate convened at 12:30 p.m., with President Miller presiding.

The prayer was offered by Reverend Dr. Nicholas Scotten, Elim Evangelical Free Church, Valley City.

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

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 Twenty-sixth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 475, line 43, replace “Engrossed” with “Reengrossed”

Page 476, line 8, replace “Engrossed” with “Reengrossed”

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

POINT OF PERSONAL PRIVILEGE

SEN. MAGRUM rose on a point of personal privilege.

REMARKS OF SENATOR MAGRUM

MADAM PRESIDENT: A long-time beef industry spokesperson and a nationally recognized holistic range manager are the latest inductees into the North Dakota Agricultural Hall of Fame.

Nancy Jo Bateman of New Salem, ND, also a member of District 36, and Jerry Doan of McKenzie, ND; from the great District 8, were inducted March 8th during the 2023 North Dakota Winter Show in Valley City.

As Executive Director of the North Dakota Beef Commission for 38 years, Nancy Jo Bateman became a familiar face and voice to producers and consumers alike, advocating for beef and the beef industry her entire career. Considered the longest-serving beef council executive in the nation, she has delivered thousands of consumer and producer programs, media interviews, educational and Ag in the Classroom sessions and cooking demonstrations; and voiced the popular “Beef Insights” radio series. Bateman retired at the end of 2022.

Jerry Doan grew up on the Black Leg Ranch near Bismarck, a ranch that under his leadership has become recognized nationally as a showpiece for holistic management and land restoration. Doan is a strong advocate and spokesman for the system in North Dakota, nationally and internationally. Doan served as the first chair of the State Board of Ag Research and Education and has also chaired the state Ag Coalition, ND Beef Commission, Rural Leadership ND and state Grazing Lands Council.

The ND Agricultural Hall of Fame provides a way to honor men and women who have made significant contributions to the state’s leading industry, agriculture. These inductions bring to 61 the number of men and women have been inducted into the hall since it was created, by statute, in 1997.

As Executive Director of the North Dakota Beef Commission for 38 years, Nancy Jo Bateman became a familiar face and voice to producers and consumers alike, advocating for beef and the beef industry her entire career. Considered the longest-serving beef council

executive in the nation, Bateman served as an advisor to the Federation of State Beef Councils and was selected to be on a national task force that chose the agency that formulated the very successful “Beef, It’s What’s for Dinner” national advertising campaign.

During Bateman’s career with the Beef Commission, she has overseen producers’ beef checkoff investments directing funds for beef research, education, and promotion. She has been accountable to every beef producer in the state and responsible for millions of dollars earmarked to help keep beef in the center of the plate in this country and overseas. She has delivered thousands of consumer and producer programs, media interviews, educational and Ag in the Classroom sessions and cooking demonstrations; and voiced the popular “Beef Insights” radio series. It’s not surprising, then, that she’s often referred to as “the beef lady.” One of her peers from the state of Nebraska says of Bateman “She’s known to our industry as a leader, a legend, respected by many.”

A native of Kindred, ND, and a former Miss Rodeo North Dakota, Bateman retired at the end of 2022. She and her husband Rocky have three daughters and farm and ranch near New Salem, ND.

Jerry Doan has been described as being passionate about agriculture and a born leader who leads by example.
Doan grew up on the Black Leg Ranch near Bismarck, a ranch that has become known nationally as a showpiece for holistic management and land restoration. He and his family have opened the ranch as a living classroom for producers.
Doan is a strong advocate and spokesman of the system in North Dakota, nationally and internationally. Always committed to making farm policy better, Doan was elected the first chair of the State Board of Ag Research and Education in 1997 and served as chairman of the state Ag Coalition before that. He chairs the ND Grazing Lands Coalition and is past chair of the ND Beef Commission. He has also been active in the ND Stockmen’s Association, the ND Natural Resources Trust, National Livestock and Meat Board and the National Cattlemen’s Beef Association. He served as chairman for Rural Leadership North Dakota and has been a 4-H leader for 46 years.

Among his many awards, Doan was named one of the Top 100 Ag Producers in the country by Farm Credit Services and received the NDSU Harvest Bowl Agribusiness Person of the Year Award. The Black Leg Ranch was inducted into the ND Cowboy Hall of Fame in 2020 and has received the National Environmental Stewardship Award from NCBA and the Aldo Leopold Conservation Award.

He and his wife Renae have three sons and one daughter, all of whom are involved in the Black Leg Ranch and its associated Agri-Tourism business, and we all know that our majority leader's honorable secretary, Renae Doan, is his wife, and our honorable secretary of the Senate is Shanda (Doan) Morgan. So, thank you for your service everyone and thanks Jerry and Nancy Jo for all your good service to the state of North Dakota.

Thank you, Madam President, for allowing me to share this information.

MOTION

SEN. KLEIN MOVED that the remarks of Sen. Magrum be printed in the Journal, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1430: SEN. RUMMEL (Finance and Taxation Committee) MOVED that the amendments on SJ page 927 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1304: SEN. AXTMAN (Education Committee) MOVED that the amendments on SJ page 926 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1178, as engrossed: SEN. WOBBEMA (Education Committee) MOVED that the amendments on SJ page 924 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1091: SEN. K. ROERS (Human Services Committee) MOVED that the amendments on SJ pages 923-924 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1207: SEN. LEE (Human Services Committee) MOVED that the amendments on SJ pages 924-925 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1210: SEN. PIEPKORN (Finance and Taxation Committee) MOVED that the amendments on SJ page 925 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1255, as engrossed: SEN. LEMM (Agriculture and Veterans Affairs Committee) MOVED that the amendments on SJ page 926 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1370, as engrossed: SEN. WEBER (Finance and Taxation Committee) MOVED that the amendments on SJ pages 926-927 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1244: SEN. RUMMEL (Finance and Taxation Committee) MOVED that the amendments on SJ page 926 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1383: SEN. PIEPKORN (Finance and Taxation Committee) MOVED that the amendments on SJ page 927 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1176: SEN. MAGRUM (Finance and Taxation Committee) MOVED that the amendments on SJ page 924 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1137: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 27-20.2-21 and section 27-20.4-05.1 of the North Dakota Century Code, relating to inspection of court files and records, and delinquency referrals to juvenile court; and to amend and reenact sections 14-10-06, 27-20.1-04, and 27-20.1-07, subsection 1 of section 27-20.1-09, section 27-20.2-01, subsection 1 of section 27-20.2-03, section 27-20.2-05, subsection 3 of section 27-20.2-09, section 27-20.2-12, subsection 5 of section 27-20.2-15, sections 27-20.3-01, 27-20.3-03, 27-20.3-04, and 27-20.3-05, subsections 1 and 3 of section 27-20.3-06, subsection 3 of section 27-20.3-08, section 27-20.3-09, subsection 1 of section 27-20.3-10, subsection 1 of section 27-20.3-15, subsection 4 of section 27-20.3-16, subsection 5 of section 27-20.3-19, sections 27-20.3-21, 27-20.3-26, 27-20.4-01, 27-20.4-03, 27-20.4-04, 27-20.4-05, 27-20.4-06, 27-20.4-08, 27-20.4-09, and 27-20.4-10, subsection 5 of section 27-20.4-11, sections 27-20.4-14, 27-20.4-17, 27-20.4-18, and 27-20.4-25, subsection 1 of section 27-20.4-26, and section 27-20.4-27 of the North Dakota Century Code, relating to juvenile court procedures.

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; 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: Larsen

Engrossed HB 1137, as amended, passed.

****

SECOND READING OF HOUSE BILL

HB 1045: A BILL for an Act to amend and reenact section 23-01-37 of the North Dakota Century Code, relating to a life safety survey process of any health care facility licensed by the department of health and human services.

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; 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: Larsen

HB 1045, as amended, passed.

****

SECOND READING OF HOUSE BILL

HB 1088: A BILL for an Act to amend and reenact subsection 1 of section 21-10-01 and subsection 4 of section 21-10-11 of the North Dakota Century Code, relating to membership of the state investment board and the legacy and budget stabilization fund advisory board.

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; 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: Larsen

Engrossed HB 1088, as amended, passed.

****

SECOND READING OF HOUSE BILL

HB 1490: A BILL for an Act to amend and reenact section 12.1-32-07.4 of the North Dakota Century Code, relating to presumptive probation; to provide a penalty; and to provide for application.

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; 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: Larsen

HB 1490, as amended, passed.

****

SECOND READING OF HOUSE BILL

HB 1434: A BILL for an Act to amend and reenact section 50-24.8-12 of the North Dakota Century Code, relating to investigative demands and administrative subpoenas of the Medicaid fraud control unit.

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; 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: Larsen

Engrossed HB 1434, as amended, passed.

****

SECOND READING OF HOUSE BILL

HB 1459: A BILL for an Act to amend and reenact section 19-03.1-23.1 of the North Dakota Century Code, relating to increased penalties for drug offenses within three hundred feet of a public park; and to provide a penalty.

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

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

NAYS: Clemens; Davison; Estenson; Magrum; Roers, K.

ABSENT AND NOT VOTING: Larsen

Engrossed HB 1459, as amended, passed.

****

SECOND READING OF HOUSE BILL

HB 1247: A BILL for an Act to provide for a legislative management study regarding the impact of a property tax exemption for agricultural products storage.

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 28 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Barta; Beard; Boehm; Burckhard; Conley; Davison; Dwyer; Elkin; Erbele; Estenson; Hogue; Kannianen; Kessel; Klein; Larson; Lemm; Luick; Magrum; Meyer; Myrdal; Patten; Schaible; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Axtman; Bekkedahl; Braunberger; Cleary; Clemens; Dever; Hogan; Krebsbach; Kreun; Lee; Mathern; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Sickler

ABSENT AND NOT VOTING: Larsen

Engrossed HB 1247 passed.

****

SECOND READING OF HOUSE BILL

HB 1248: A BILL for an Act to provide for a legislative management study of restructuring the taxation of residential and commercial property.

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 14 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Boehm; Conley; Dever; Dwyer; Elkin; Estenson; Larson; Luick; Magrum; Myrdal; Paulson; Vedaa; Weber; Wobbema

NAYS: Axtman; Barta; Beard; Bekkedahl; Braunberger; Burckhard; Cleary; Clemens; Davison; Erbele; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Lee; Lemm; Mathern; Meyer; Patten; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Wanzek; Weston

ABSENT AND NOT VOTING: Larsen

HB 1248 failed.

****

SECOND READING OF HOUSE BILL

HB 1187: A BILL for an Act to amend and reenact section 15.1-09-33.1 of the North Dakota Century Code, relating to the authority of a school district to pay signing bonuses.

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; 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: Larsen

HB 1187 passed.

****

SECOND READING OF HOUSE BILL

HB 1495: A BILL for an Act to amend and reenact subsection 4 of section 40-05-24 of the North Dakota Century Code, relating to requirements for cities granting property tax incentives; and to declare an emergency.

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; 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: Larsen

Engrossed HB 1495 passed and the emergency clause was declared carried.

****

SECOND READING OF HOUSE BILL

HB 1237: A BILL for an Act to amend and reenact section 57-15-41 of the North Dakota Century Code, relating to the exemption of infrastructure fees from levy limitations.

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 11 YEAS, 35 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Cleary; Dever; Kannianen; Kessel; Luick; Mathern; Patten; Roers, K.; Rummel; Sickler

NAYS: Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Clemens; Conley; Davison; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Klein; Krebsbach; Kreun; Larson; Lee; Lemm; Magrum; Meyer; Myrdal; Paulson; Piepkorn; Roers, J.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

ABSENT AND NOT VOTING: Larsen

HB 1237 failed.

****

SECOND READING OF HOUSE BILL

HB 1082: A BILL for an Act to create and enact a new subsection to section 41-08-03, a new subsection to section 41-08-10, sections 41-09-05.1, 41-09-07.1, 41-09-07.2, 41-09-26.1, 41-09-26.2, 41-09-34.1, and 41-09-46.1, and chapters 41-11 and 41-12 of the North Dakota Century Code, relating to the adoption of the Uniform Commercial Code amendments (2022); to amend and reenact sections 41-01-09, 41-01-12, 41-01-15, 41-01-20, 41-02-02, 41-02-06, 41-02-08, 41-02-09, 41-02-10, and 41-02-12, subsection 2 of section 41-02-16, section 41-02.1-02, subsection 1 of section 41-02.1-03, sections 41-02.1-07, 41-02.1-10, 41-02.1-11, 41-02.1-12, and 41-02.1-14, subsection 2 of section 41-02.1-17, subsection 1 of section 41-03-04, subsection 1 of section 41-03-05, sections 41-03-38, 41-03-66, 41-04.1-03, 41-04.1-09, 41-04.1-10, and 41-04.1-11, subsection 3 of section 41-04.1-15, subdivision b of subsection 2 of section 41-04.1-16, subsection 1 of section 41-04.1-18, subsection 1 of section 41-04.1-19, sections 41-04.1-25, 41-05-04, 41-05-16, 41-07-02, 41-07-06, 41-08-02, 41-08-06, 41-08-29, 41-09-02, 41-09-04, and 41-09-05, subsection 2 of section 41-09-13, section 41-09-14, subsection 3 of section 41-09-17, sections 41-09-18, 41-09-19, 41-09-20, and 41-09-21, subsection 1 of section 41-09-24, subsection 1 of section 41-09-25, sections 41-09-30, 41-09-32, 41-09-33, 41-09-34, 41-09-36, 41-09-37, 41-09-43, 41-09-44, 41-09-50, 41-09-51, and 41-09-52, subsection 6 of section 41-09-54, section 41-09-61, subdivision b of subsection 1 of section 41-09-66, sections 41-09-68, 41-09-70, and 41-09-80, subsection 2 of section 41-09-98, section 41-09-102, subdivision a of subsection 1 of section 41-09-105, section 41-09-108, subsection 1 of section 41-09-111, subsection 1 of section 41-09-114, section 41-09-115, subdivision a of subsection 1 of section 41-09-116, and sections 41-09-119 and 41-09-123 of the North Dakota Century Code, relating to the adoption of the Uniform Commercial Code amendments (2022).

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 34 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Bekkedahl; Braunberger; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larson; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Piepkorn; Roers, J.; Roers, K.; Rummel; Schaible; Sickler; Sorvaag; Wanzek; Weber

NAYS: Beard; Boehm; Burckhard; Cleary; Erbele; Magrum; Patten; Paulson; Rust; Vedaa; Weston; Wobbema

ABSENT AND NOT VOTING: Larsen

Engrossed HB 1082 passed.

****

SECOND READING OF HOUSE BILL

HB 1072: A BILL for an Act to amend and reenact subsection 1 of section 61-04.1-04, section 61-04.1-06, and subdivision h of subsection 2 of section 61-04.1-16 of North Dakota Century Code, relating to the powers and duties of the department of water resources; and to repeal section 61-04.1-35 of the North Dakota Century Code, relating to the required bond, cash, or negotiable securities required when bids are submitted to the atmospheric resources 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; 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: Larsen

Engrossed HB 1072 passed.

****

SECOND READING OF HOUSE BILL

HB 1449: A BILL for an Act to amend and reenact subsection 2 of section 5-01-14, section 5-01-19, and subsection 3 of section 5-01-21 of the North Dakota Century Code, relating to event permits for microbrew pubs, domestic distilleries, and brewer taproom licensees, and the domestic farm product requirement for domestic distilleries.

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; 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: Larsen

Engrossed HB 1449 passed.

****

SECOND READING OF HOUSE BILL

HB 1099: A BILL for an Act to amend and reenact subsection 3 of section 4.1-47-04 and section 57-43.1-03 of the North Dakota Century Code, relating to complaints to the proper weed control authority and the refund of tax for fuel used for an industrial purpose.

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; 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: Larsen

Engrossed HB 1099 passed.

****

MOTION

SEN. KLEIN MOVED that Engrossed HB 1370, as amended, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1370, as amended, was rereferred.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1063, HB 1083, HB 1089, HB 1226, HB 1234, HB 1290, HB 1291, HB 1322, HB 1337, HB 1386, HB 1450, HB 1453.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1411.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1156, HB 1216.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1152, HB 1185.

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: HCR 3026.

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

MADAM PRESIDENT: The House has passed, unchanged: SB 2030, SB 2077, SB 2081, SB 2119, SB 2122, SB 2377.

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

MADAM PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2083.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2051, SB 2187.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2051

Page 1, line 15, overstrike "approvals" and insert immediately thereafter "approved tribal foster care facilities"

Page 1, line 21, after the period insert "The federal bureau of investigation's criminal history record investigation obtained from one criminal history record investigation purpose may not be reused to satisfy the requirements of another federal bureau of investigation's criminal history record investigation for a different purpose."

Page 4, line 18, after the underscored period insert "The federal bureau of investigation's criminal history record investigation obtained from one criminal history record investigation purpose may not be reused to satisfy the requirements for another federal bureau of investigation's criminal history record investigation for a different purpose."

Page 5, line 27, replace "A" with "Providers, applicants for, and employees of a"

Page 5, line 27, remove ", as well as"

Page 5, line 28, remove "any individual employed by the program"

Page 6, line 29, after the underscored period insert "The federal bureau of investigation's criminal history record investigation obtained from one criminal history record investigation purpose may not be reused to satisfy the requirements for another federal bureau of investigation's criminal history record investigation for a different purpose."

Page 7, after line 3, insert:

"10. "Shelter care program" means a nonsecure permanent dwelling run by an agency with certification obtained by the department, where employees offer safe shelter, food, and structured routine and is available twenty-four hours a day to a resident age ten to eighteen years old in need of temporary safe out-of-home emergency placement, not to exceed seven days, unless otherwise approved by the department."

Page 8, line 29, after the period insert "The federal bureau of investigation's criminal history record investigation obtained from one criminal history record investigation purpose may not be reused to satisfy the requirements for another federal bureau of investigation's criminal history record investigation for a different purpose."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2187

Page 1, line 2, after "compact" insert "; and to amend and reenact subsection 2 of section 43-47-06 of the North Dakota Century Code, relating to licensure of counselors"

Page 1, after line 3, insert:

"**SECTION 1. AMENDMENT.** Subsection 2 of section 43-47-06 of the North Dakota Century Code is amended and reenacted as follows:

2. The board shall issue a license as a licensed professional counselor to each applicant who files an application upon a form and in a manner the board prescribes, accompanied by the required fee, and who furnishes evidence to the board that the applicant:

   a. Has a master's degree from an accredited school or college in counseling or other program that meets the academic and training standards adopted by the board;

   b. Provided personal and professional recommendations that meet the requirements adopted by the board and satisfied the board that the applicant will adhere to the highest standards of the profession of counseling;

   c. Has two years of supervised experience, at least fifty percent of which must have been under a licensed professional counselor or

licensed psychologist, or its equivalent as determined by the board, and the additional supervised experience may have been with other qualified professionals designated by the board which are competent in the area of practice being supervised, if barriers due to geographical location, disability, or other factors determined by the board to create a hardship exist for the applicant. The qualified professional must be registered or otherwise qualified as a clinical supervisor by the board that licenses the other professional;

d. Provided a statement of professional intent to practice in this state describing the applicant's proposed use of the license, the intended client population, and the counseling procedures, as defined by the board, the applicant intends to use in serving the client population; and

e. Has demonstrated knowledge in the field of counseling by successful completion of an examination prescribed by the board."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2379.

HOUSE AMENDMENTS TO SENATE BILL NO. 2379

Page 1, line 3, after "records" insert "; and to declare an emergency"

Page 3, after line 30, insert:

"**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2060, SB 2068, SB 2103, SB 2154, SB 2186, SB 2257, SB 2327, SB 2336.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: Your signature is respectfully requested on: HB 1042, HB 1049, HB 1050, HB 1051, HB 1092, HB 1093, HB 1123, HB 1125, HB 1131, HB 1132, HB 1214, HB 1215, HB 1227, HB 1238, HB 1274, HB 1355, HCR 3004, HCR 3007, HCR 3008.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: SB 2060, SB 2068, SB 2103, SB 2154, SB 2186, SB 2257, SB 2327, SB 2336.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2060, SB 2068, SB 2103, SB 2154, SB 2186, SB 2257, SB 2327, SB 2336.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1042, HB 1049, HB 1050, HB 1051, HB 1092, HB 1093, HB 1123, HB 1125, HB 1131, HB 1132, HB 1214, HB 1215, HB 1227, HB 1238, HB 1274, HB 1355.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HCR 3004, HCR 3007, HCR 3008.

MOTION
SEN. KLEIN MOVED that the absent member be excused, which motion prevailed.

MOTION
SEN. KLEIN MOVED that the Senate be on the Fifth, Ninth, Thirteenth, and Sixteenth orders

of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, March 13, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4019: Finance and Taxation Committee (Sen. Kannianen, Chairman) recommends **DO PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SCR 4019 was placed on the Eleventh order on the calendar. This resolution does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1097: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1097 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 3, remove "and"

Page 1, line 4, remove "subsection 4 of"

Page 1, line 9, after "fee" insert "; and to declare an emergency"

Page 5, replace lines 3 through 10 with:

"**SECTION 5. AMENDMENT.** Section 49-22-22 of the North Dakota Century Code is amended and reenacted as follows:

49-22-22. Siting process expense recovery - Deposit in special fund - Continuing appropriation.

1. Every applicant under this chapter shall pay to the commission an application fee:

   a. An applicant for a certificate of site compatibility shall pay an amount equal to five hundred dollars for each one million dollars of investment in the facility.

   b. An applicant for a certificate of corridor compatibility shall pay an amount equal to five thousand dollars for each one million dollars of investment in the facility.

   c. An applicant for a waiver shall pay the amount which would be required for an application for a certificate of site or corridor compatibility for the proposed facility. If a waiver is not granted for a proposed facility, such application fee paid shall be allowed as a credit against fees payable under this section in connection with an application under this chapter for a certificate or permit for the proposed facility.

   d. An applicant requesting an amendment to a certificate or permit or for a transfer of a certificate or permit shall pay an amount to be determined by the commission to cover anticipated expenses of processing the application.

   e. An applicant certifying to the commission under subsection 3 of section 49-22-03 shall pay an amount to be determined by the commission to cover anticipated expenses of processing the application.

   f. The application fee under subdivision a, b, or c may not be less than ten thousand dollars nor more than one hundred thousand dollars.

   g. ~~If an application fee is less than twenty-five thousand dollars, an~~An applicant may agree to pay additional fees that are reasonably necessary for completion of the site, corridor, or route evaluation and designation process.

2. ~~At the request of the commission and~~If an applicant does not agree to pay additional fees reasonably necessary for completion of the site, corridor, or route evaluation and designation process, with the approval of the emergency commission, the applicant shall pay such additional fees as are reasonably necessary for completion of the electric energy conversion facility site, electric transmission facility corridor, or electric transmission facility route evaluation and designation process by the commission. The application fee under subsection 1 and any additional fees required of the applicant under this subsection may not exceed an amount equal to one thousand dollars for each one million dollars of investment in a proposed energy conversion facility or ten thousand dollars for each one million dollars of investment in a proposed electric transmission facility.

3. A siting process expense recovery fund is established in the state treasury. The commission shall deposit payments received under subsections 1 and 2 in the siting process expense recovery fund. All moneys deposited in the fund are appropriated on a continuing basis to the commission to pay expenses incurred in the siting process. The commission shall specify the time and method of payment of any fees and shall refund the portion of fees collected under subsections 1 and 2 which exceeds the expenses incurred for the evaluation and designation process.

4. Every applicant for a certificate of site compatibility, certificate of corridor compatibility and route permit, and transfer of a certificate or permit under this chapter shall pay to the commission an administrative fee equal to one hundred dollars for each one million dollars of original investment, not to exceed twenty-five thousand dollars. The administrative fee must be deposited in the public service commission program fund."

Page 6, line 26, insert immediately after the period:

"**SECTION 9. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1108, as engrossed: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1108 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1150: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1150 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1159: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1159 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1191, as engrossed: 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). Engrossed HB 1191 was placed on the Sixth order on the calendar. This bill affects workforce development.

Page 10, line 11, overstrike "state license"

Page 10, line 12, overstrike "number,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1203: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1203 was placed on the Fourteenth order on the calendar. This bill affects workforce development.

REPORT OF STANDING COMMITTEE

HB 1219: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1219 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1221, as engrossed: 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). Engrossed HB 1221 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 13, after the word "chiropractor" insert ", chiropractic physician,"

Page 2, line 23, replace "PhD" with "Ph.D.", "Psy.D.", "Ed.D."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1222, as engrossed: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1222 was placed on the Fourteenth order on the calendar. This bill affects workforce development.

REPORT OF STANDING COMMITTEE

HB 1229: Industry and Business Committee (Sen. Larsen, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1229 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, remove "bars and"

Page 2, line 7, remove "bar or a"

Page 2, line 11, remove "bar or"

Page 2, line 15, remove the first "bar or"

Page 2, line 15, remove the second "bar or"

Page 2, line 23, remove "bar or"

Page 2, line 27, remove ""Bar" means a bar that generates two percent or more of the bar's"

Page 2, remove line 28

Page 2, line 29, remove "(b)"

Page 3, line 5, replace "(c)" with "(b)"

Page 3, line 6, replace "twenty" with "fifteen"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1233: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1233 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1236: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1236 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1280, as engrossed: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1280 was placed on the Fourteenth order on the calendar. This bill affects workforce development.

REPORT OF STANDING COMMITTEE

HB 1309: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **DO NOT PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1309 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1326, as engrossed: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1326 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1348: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1348 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1361: Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1361 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, replace "create and enact a new section to chapter 1-08" with "amend and reenact subsection 8 of section 1-01-49"

Page 1, line 2, replace "personhood status" with "the definition of person"

Page 1, line 2, remove "to provide for application;"

Page 1, replace lines 4 through 14 with:

"**SECTION 1. AMENDMENT.** Subsection 8 of section 1-01-49 of the North Dakota Century Code is amended and reenacted as follows:

8. "Person" means an individual, organization, government, political subdivision, or government agency or instrumentality. <u>The term does not include environmental elements, artificial intelligence, an animal, or an inanimate object.</u>"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1389: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1389 was placed on the Fourteenth order on the calendar. This bill does not affect

workforce development.

REPORT OF STANDING COMMITTEE

HB 1498: Finance and Taxation Committee (Sen. Kannianen, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1498 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HCR 3006, as engrossed: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3006 was placed on the Fourteenth order on the calendar. This resolution does not affect workforce development.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3026: A concurrent resolution directing the Legislative Management to consider studying improving re-entry outcomes for incarcerated adults and youth.

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

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

Shanda Morgan, Secretary