JOURNAL OF THE SENATE

Sixty-eighth Legislative Assembly

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Bismarck, March 16, 2023

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

The prayer was offered by Pastor Randy Upgren, Inspire Family Fellowship, Bismarck.

The roll was called and all members were present except Senators Kannianen, Larson, and Weber.

A quorum was declared by the President.

POINT OF PERSONAL PRIVILEGE

SEN. PATTEN rose on a point of personal privilege.

REMARKS OF SENATOR PATTEN

MADAM PRESIDENT: On behalf of the Senator from District 4 and his wife, I would like to announce their continued success in Workforce Development measures with the birth of James Herbert Kannianen, 10 pounds, 8 ounces and 22 1/2 inches long.

REQUEST

SEN. KLEIN REQUESTED that the remarks of Sen. Patten be printed in the Journal, which request was granted.

MOTION

SEN. KLEIN MOVED that after action taken on the Sixth order, HB 1170 be placed on the Fourteenth order for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1390: SEN. CLEARY (Human Services Committee) MOVED that the amendments on SJ pages 985-986 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1418, as engrossed: SEN. WESTON (Human Services Committee) MOVED that the amendments on SJ page 986 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1170: SEN. PIEPKORN (Finance and Taxation Committee) MOVED that the amendments on SJ page 985 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 1170: A BILL for an Act to create and enact a new section to chapter 57-06 of the North Dakota Century Code, relating to a property tax exemption for certain natural gas pipeline property; and to provide an effective 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; 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; Weston; Wobbema

ABSENT AND NOT VOTING: Kannianen; Weber

HB 1170, as amended, passed.

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SECOND READING OF HOUSE BILL

HB 1270: A BILL for an Act to amend and reenact section 15.1-09-30 of the North Dakota Century Code, relating to recording, publishing, and archiving of school district board meetings.

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 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Beard; Schaible; Vedaa

ABSENT AND NOT VOTING: Kannianen; Weber

HB 1270, as amended, passed.

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SECOND READING OF HOUSE BILL

HB 1266: A BILL for an Act to amend and reenact section 40-63-03 of the North Dakota Century Code, relating to completion of existing approved projects and reapplication for renaissance zone designation following expiration of renaissance zone designations.

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 37 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Beard; Boehm; Braunberger; Estenson; Larsen; Larson; Magrum; Paulson

ABSENT AND NOT VOTING: Kannianen; Weber

Engrossed HB 1266 passed.

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SECOND READING OF HOUSE BILL

HB 1448: A BILL for an Act to amend and reenact section 15-06-02, subsection 7 of section 15.1-11-04, and section 54-01-13.2 of the North Dakota Century Code, relating to the composition of the county board of appraisers, required annual training, and land appraisal requirements.

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 43 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Beard; Magrum

ABSENT AND NOT VOTING: Kannianen; Weber

Engrossed HB 1448 passed.

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SECOND READING OF HOUSE BILL

HB 1292: A BILL for an Act to amend and reenact section 6-09-49 of the North Dakota Century Code, relating to capital construction projects.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Magrum

ABSENT AND NOT VOTING: Kannianen; Weber

HB 1292 passed.

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SECOND READING OF HOUSE BILL

HB 1154: A BILL for an Act to amend and reenact section 28-32-22 and subsection 3 of section 54-57-03 of the North Dakota Century Code, relating to the informal disposition of an administrative proceeding and hearings before an administrative law judge.

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 2 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Beard; Magrum

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

ABSENT AND NOT VOTING: Kannianen; Weber

Engrossed HB 1154 failed.

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SECOND READING OF HOUSE BILL

HB 1038: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 27-20.2-21 of the North Dakota Century Code, relating to technical corrections and

improper, inaccurate, redundant, missing, or obsolete references; and to amend and reenact subsection 9 of section 12.1-31-01.2, subsection 8 of section 12.1-31.2-01, subsection 1 of section 15-08-19.2, subsection 5 of section 15-08-19.3, section 15-11-37, paragraph 1 of subdivision a of subsection 2 of section 19-24.1-01, paragraph 1 of subdivision b of subsection 2 of section 19-24.1-01, subsection 8 of section 23-09-01, subsections 24 and 34 of section 26.1-05-19, subsection 7 of section 26.1-17-33.1, subsection 6 of section 32-19-41, sections 37-01-16 and 39-06-32, subsection 4 of section 39-06-33, subdivision i of subsection 2 of section 39-06-49, subsection 5 of section 39-06.1-11, sections 40-34-13 and 40-35-02, subsection 11 of section 43-23-06.1, sections 54-21.3-05, 57-15-06, and 57-15-08, and subsection 6 of section 61-32-03.1 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references; and to provide a penalty.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; 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; Weston; Wobbema

ABSENT AND NOT VOTING: Kannianen; Weber

Engrossed HB 1038 passed.

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SECOND READING OF HOUSE BILL

HB 1465: A BILL for an Act to amend and reenact sections 43-03-03 and 43-03-04 and subsections 4 and 5 of section 43-03-13 of the North Dakota Century Code, relating to membership of the state board of architecture and landscape architecture; 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 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Magrum

ABSENT AND NOT VOTING: Kannianen; Weber

Engrossed HB 1465, as amended, passed.

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SECOND READING OF HOUSE BILL

HB 1144: A BILL for an Act to create and enact a new section to chapter 15.1-19, section 50-11.1-02.4, and a new subsection to section 50-11.1-03 of the North Dakota Century Code, relating to required training for mandated reporters of child abuse and neglect.

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 44 YEAS, 1

NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Hogan; Hogue; 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; Weston; Wobbema

NAYS: Estenson

ABSENT AND NOT VOTING: Kannianen; Weber

Engrossed HB 1144, as amended, passed.

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SECOND READING OF HOUSE BILL

HB 1481: A BILL for an Act to create and enact a new subsection to section 44-04-18.7 of the North Dakota Century Code, relating to exempt records of coroners and medical examiners; and to amend and reenact subsection 2 of section 23-02.1-27 and subdivision a of subsection 2 of section 44-04-18.18 of the North Dakota Century Code, relating to access to death records and training of coroner and medical personnel.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Magrum

ABSENT AND NOT VOTING: Kannianen; Weber

Engrossed HB 1481 passed.

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SECOND READING OF HOUSE BILL

HB 1305: A BILL for an Act to amend and reenact section 15.1-21-02.10 of the North Dakota Century Code, relating to incorporating additional and different requirements for the North Dakota scholarship.

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 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Magrum

ABSENT AND NOT VOTING: Kannianen; Weber

Engrossed HB 1305, as amended, passed.

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SECOND READING OF HOUSE BILL

HB 1478: A BILL for an Act to create and enact a new section to chapter 19-24.1 of the North Dakota Century Code, relating to the self-certification of an individual admitted into the hospice program for the medical use of marijuana; and to amend and reenact section 19-24.1-04.1 of the North Dakota Century Code, relating to designated caregivers and criminal history record check exemptions.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; 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; Weston; Wobbema

ABSENT AND NOT VOTING: Kannianen; Weber

Engrossed HB 1478 passed.

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SECOND READING OF HOUSE BILL

HB 1094: A BILL for an Act to create and enact section 26.1-02.1-02.2 of the North Dakota Century Code, relating to the prosecution of insurance fraud.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; 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; Weston; Wobbema

ABSENT AND NOT VOTING: Kannianen; Weber

HB 1094 passed.

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SECOND READING OF HOUSE BILL

HB 1435: A BILL for an Act to create and enact section 50-24.8-11.1 of the North Dakota Century Code, relating to Medicaid fraud retention of records requirements; and to provide a penalty.

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 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Boehm; Estenson; Magrum

ABSENT AND NOT VOTING: Kannianen; Weber

Engrossed HB 1435 passed.

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SECOND READING OF HOUSE BILL

HB 1398: A BILL for an Act to create and enact a new section to chapter 15.1-26 of the North Dakota Century Code, relating to computer science and cybersecurity instruction for adult learners; to amend and reenact sections 15.1-21-01, 15.1-21-02, and 15.1-21-02.2 of the North Dakota Century Code, relating to mandatory computer science and cybersecurity instruction and minimum requirements for high school graduation; and to provide an expiration 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 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Magrum

ABSENT AND NOT VOTING: Kannianen; Weber

Engrossed HB 1398 passed.

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MOTION

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

MOTION

SEN. KLEIN MOVED that the Senate resolve itself into a Memorial Service, which motion prevailed.

ANNOUNCEMENT

PRESIDENT MILLER ANNOUNCED that the Senate would stand at ease until 2:30 PM.

THE SENATE RECONVENED pursuant to recess taken, with President Miller presiding.

ANNOUNCEMENT

PRESIDENT MILLER ANNOUNCED that the Memorial Committee will escort Governor Doug Burgum, Secretary-of-State Michael Howe, former Senator Howard Anderson and Senator Tim Mathern to the podium.

ANNOUNCEMENT

PRESIDENT MILLER ANNOUNCED that the Memorial Committee will escort the family and friends of each Senator to the seating in the front of the Chamber.

SENATE MEMORIAL SERVICE

Moderator

Lt. Governor Tammy Miller

Introduction of Guests

Lt. Governor Tammy Miller

Escort Committee:

Senator Michelle Axtman
Senator Robert Erbele

Senator Merrill Piepkorn
Senator Mark Weber

Invocation
Tim Mathern, Senator from District 11

Hymn
"Burdens are Lifted at Calvary"
Senate Men's Choir
Under the Direction of Senator Robert Erbele
Accompanied by Levi Andrist

Reading of the Memorial Resolution
Shanda Morgan, Secretary of the Senate

Presentation of Resolutions & Memorials
Senator Don Schaible, President Pro Tempore
Michael Howe, Secretary of State
Senator David Hogue, Majority Leader
Senator Kathy Hogan, Minority Leader
Tolling of the Bell—Kathy Wachter

Hymn
"Great is Thy Faithfulness"
Senate Men's Choir
Under the Direction of Senator Robert Erbele
Accompanied by Levi Andrist

Memorial Address
Howard Anderson, Former Senator from District 8

Solo
"I Can Only Imagine" Senator Kristin Roers, District 27
Accompanied by Levi Andrist

Benediction
Tim Mathern, Senator from District 11

DECEASED MEMBERS

Jayson Leroy Graba
Age 88, who served in the House 1982-1990 and in the Senate 1990-1994 from District 43.
Died October 9, 2022, in Grand Forks, North Dakota.

James O. 'Jim' Kusler
Age 73, who served in the Senate 1982-1986 from District 33. Was Secretary of State 1989-1993.
Died November 7, 2021, in Bismarck, North Dakota.

Richard F. 'Dick' Larsen
Age 86, who served in the House 1964-1966 and in the Senate 1966-1968 from District 18. Was Lieutenant Governor 1969-1973.
Died August 27, 2022, in Santa Monica, California.

Marvin Orlen 'Marv' Mutzenberger
Age 86, who served in the House 1990-1996 and in the Senate 1996-2000 from District 32.
Died July 19, 2021, in Bismarck, North Dakota.

Donna Lou Nalewaja
Age 81, who served in the House 1982-1986 and in the Senate 1986-1998 from District 45.
Died September 30, 2021, in Fargo, North Dakota.

Wayne K. Stenehjem

Age 68, who served in the House 1976-1980 and in the Senate 1980-2000 from District 42. Was President Pro Tempore in 1999. North Dakota Attorney General 2001-2022.
Died January 28, 2022, in Bismarck, North Dakota.

James George Smykowski
Age 87, who served in the Senate 1972-1980 from District 26.
Died December 9, 2021, in Fargo, North Dakota.

Harvey Dean Tallackson
Age 97, who served in the Senate 1976-2008 from District 16. Was Interim President Pro Tempore 1989-1990. .
Died July 27th, 2022, in St. Paul, Minnesota.

Benjamin C. 'Ben' Tollefson
Age 94, who served in the House 1984-2000 from Districts 40-50 and District 38. Served in the Senate 2000-2008 from District 38.
Died December 16, 2021, in Minot, North Dakota.

John Thomas 'Jack' Traynor
Age 94, who served in the Senate 1990-2006 from District 15. Was President Pro Tempore in 2003.
Died July 11, 2021, in Devils Lake, North Dakota.

Francis E. 'Hank' Weber
Age 97, who served in the House 1962-1964 from District 11, and in 1966-1980, and in the Senate 1964-1966 from District 22.
Died October 27, 2022, in Casselton, North Dakota.

Stanley 'Stan' Wright
Age 95, who served in the Senate 1972-1988 from District 4. Was President Pro Tempore 1981.
Died December 11, 2021, in Stanley, North Dakota.

FIRST READING OF SENATE MEMORIAL RESOLUTION

Memorial Resolutions Committee introduced:
SMR 8001: A memorial resolution for deceased members of the Senate of North Dakota.
Was read the first time.

MOTION

SEN. KLEIN MOVED that the rules be suspended, that SMR 8001 not be printed, not be referred to committee, but be read in title only, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Memorial Resolutions Committee introduced:

SENATE MEMORIAL RESOLUTION NO. 8001

A memorial resolution for deceased members of the Senate of North Dakota.

WHEREAS, God has welcomed to their eternal home our former colleagues:

Jayson Leroy Graba, who served in the 52nd and 53rd Legislative Assemblies, from District 43, died October 9, 2022;

James O. "Jim" Kusler, who served in the 48th and 49th Legislative Assemblies, from District 33, died November 7, 2021;

Richard F. "Dick" Larsen, who served in the 40th Legislative Assembly, from District 18, died August 27, 2022;

Marvin Orlen "Marv" Mutzenberger, who served in the 55th and 56th Legislative Assemblies, from District 32, died July 19, 2021;

Donna Lou Speer Nalewaja, who served in the 50th through the 55th Legislative Assemblies, from District 45, died September 30, 2021;

James George Smykowski, who served in the 43rd through the 46th Legislative Assemblies, from District 26, died December 9, 2021;

Wayne K. Stenehjem, who served in the 47th through the 56th Legislative Assemblies, from District 42, died January 28, 2022;

Harvey Dean Tallackson, who served in the 45th through the 60th Legislative Assemblies, from District 16, died July 27, 2022;

Benjamin C. "Ben" Tollefson, who served in the 57th through the 60th Legislative Assemblies, from District 38, died December 16, 2021;

John Thomas "Jack" Traynor, who served in the 52nd through the 59th Legislative Assemblies, from District 15, died July 11, 2021;

Francis E. "Hank" Weber, who served in the 39th Legislative Assembly, from District 11, died October 27, 2022;

Stanley "Stan" Wright, who served in the 43rd through the 50th Legislative Assemblies, from District 4, died December 11, 2021; and

WHEREAS, we now pause to mourn the passing of our former Senate colleagues and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contributions to public service;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA:

That we express our sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the Journal of the Senate and that the Secretary of State present enrolled copies of this resolution to the surviving families of these deceased Senators.

SECOND READING OF SENATE MEMORIAL RESOLUTION

SMR 8001: A memorial resolution for deceased members of the Senate of North Dakota.

The question being on the final adoption of the resolution, which has been read.

SMR 8001 was declared adopted on a voice vote.

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INVOCATION BY TIM MATHERN
SENATOR, DISTRICT 11

Almighty Creator, we remember our departed Senators. We know you also hold them dear.

We recall the good they accomplished as Senators. We honor them and their families for their service to North Dakota.

May we reflect on our lives as we review the ideals, principles, and hopes of those we memorialize today.

Amen.

MEMORIAL ADDRESS BY HOWARD ANDERSON,
FORMER SENATOR, DISTRICT 8

Secretary of State Michael Howe, President of the Senate Tammy Miller, Leaders Hogue and Hogan, members of the families of the departed Senators, sitting Senators and friends.

Greetings from the Poet Laureate of the Senate (I just made that up from the Senate Bill you passed this session). I must have forgotten to ask the bill sponsors to include that provision in their bill.

To paraphrase Shakespeare from “As you like it”
“All the world is a stage wherein we each sit as spectators awhile and then act our own part in it”

All the world’s a stage,
And all the men and women merely players;
They have their exits and their entrances;
And one man in his time plays many parts,
His acts being seven ages. At first the infant,
Mewling and puking in the nurse’s arms;
And then the whining school-boy, with his satchel
And shining morning face, creeping like snail
Unwillingly to school. And then the lover,
Sighing like furnace, with a woeful ballad
Made to his mistress’ eyebrow. Then a soldier,

Full of strange oaths, and bearded like the pard,
Jealous in honour, sudden and quick in quarrel,
Seeking the bubble reputation
Even in the cannon's mouth. And then the justice,
In fair round belly with good capon lin'd,
With eyes severe and beard of formal cut,
Full of wise saws and modern instances;
And so he plays his part. The sixth age shifts
Into the lean and slipper'd pantaloon,
With spectacles on nose and pouch on side;
His youthful hose, well sav'd, a world too wide
For his shrunk shank; and his big manly voice,
Turning again toward childish treble, pipes
And whistles in his sound. Last scene of all,
That ends this strange eventful history,
Is second childishness and mere oblivion;
Sans teeth, sans eyes, sans taste, sans everything.

These Senators we will honor today played their part in the stream of life and added to the lore and history of North Dakota with their service.

These distinguished men and women who have served as our Senators began serving North Dakota, first in the house of representatives in 1962, while I was still in high school. And some serving until 2007. These Senators covered a span of 45 years. They served a total of 128 years in the Senate and 54 in the House, an average of 15 years each.

Their average age was 87 years old. Which bodes well for all these sitting Senators for it means serving here is good for your health, or perhaps it means you need to be really tough to serve in the legislature.

I do wish to say a bit about each of our Senators. Most of the family may know these things, but may like to be reminded of them, however their service to the state was long ago, so some of us did not know them.

Jason Leroy Graba served his apprenticeship of three terms in the House and then moved to the Senate for the 52nd and 53rd legislative sessions. From a farm originally, he went to college in Bottineau where he played on the football team and met his wife, Helen. They moved to Riverdale where he worked in my back yard building the Garrison dam, which was at the time the largest earth filled dam in the world. He later moved to Minot and then Grand Forks where he served the local labor unions, then became the business agent for the city of Grand Forks until his retirement. Helen passed away in 1987 and he married Marilyn and they spent 32 years together. His proudest achievement after his family, was his service in the ND House and Senate.

From "A gift of Life by Edgar A. Guest"

Not much from this great world I ask
Beyond the strength to do my task.
It is enough that I may be
On hand to see a blossoming tree
And hear a songbird, now and then,
Singing hymns of joy to men.

James O. Kusler served the State of North Dakota in the Senate in the 48th and 49th sessions. He also was from a farm family near Beulah ND. He was a UND graduate with a master's degree in business administration from the American Graduate School of International Management. He worked closely with Governor Art Link. They developed strategies over pie and coffee at a local truck stop. He worked at Meyer Broadcasting and left to become a special assistant to ND Tax commissioner Kent Conrad then on to politics, winning a Senate seat and serving from 1983 to 1987. His last office in politics was as ND Secretary of State. From 1989 to 1993. He moved to the family farm and. Listen to this, he founded Brush Creek Certified Organic Beef long before most of us even thought about "organic". He co-hosted a radio talk show and wrote monthly for the Beulah Beacon. In his sixties he worked with CHS as a certified energy specialist in the Killdeer Oil Patch. He learned that if you listen more, you sell more, a good lesson for all of us.

From “A gift of Life by Edgar A. Guest”

I do not ask that life shall be
Forever care and sorrow free,
Nor that some distant morning I
Shall not awake to grieve and sigh.
I ask but faith to stand before
Whate’er the future has in store.

Richard F Larsen was born in North Dakota and grew up in Grand Forks where he player hockey, baseball and spent summers on his grandparent’s farm. Dick attended Harvard and between his sophomore and junior years he had the honor of serving in the United States Army. Returning to Harvard he graduated cum laude in 1960 with a bachelor of arts degree in economics. He went on to the London School of Economics where in 1963 he earned his PhD in agricultural economics.

He taught at UND and Moorhead State University. He served one term in the House and one in the Senate then on to serve as the state’s Lieutenant Governor in 1969. In 1973 Dick was appointed by United States Secretary of the Treasury, George Schultz, to serve as deputy Assistant Secretary for Developing Nations Finance. His duties included oversight of the World Bank, Inter-American Development Bank and Asian Development Bank and handling debt negotiations with international banks and the U.S. Congress.

He later joined Bank of America and then Russell Reynolds & Associates both times as a Vice President, quite a career for this UND graduate. Then on to his own consulting firm and later traded his business suit for a fedora, which prompted me to remember the Irish poem by Edgar Alan Poe

Eldorado

BY EDGAR ALLAN POE

Gaily bedight,
A gallant knight,
In sunshine and in shadow,
Had journeyed long,
Singing a song,
In search of Eldorado.

But he grew old—
This knight so bold—
And o’er his heart a shadow—
Fell as he found
No spot of ground
That looked like Eldorado.

And, as his strength
Failed him at length,
He met a pilgrim shadow—
‘Shadow,’ said he,
‘Where can it be—
This land of Eldorado?’

‘Over the Mountains
Of the Moon,
Down the Valley of the Shadow,
Ride, boldly ride,’
The shade replied,
‘If you seek for Eldorado!’

Marvin Mutzenberger was from Stanton ND. He was ordained in 1960. He spent 17 years in pastoral ministry serving 20 congregations throughout western ND. Marv’s life at Bismarck Junior College began in 1979. During his 41 years there he taught psychology, sociology, and religious studies to an estimated 7000 students, coached baseball and cross country,

emceed numerous athletic events and gave hundreds of benedictions and invocations. He became active in the ND democratic-NPL party in 1972 serving as executive director of the state party and then 10 years as a ND representative and Senator from District 32. He was a great athlete at Stanton winning many long-distance races. Which, of course reminded me of Second Timothy 4:7-8; I have fought the good fight, I have finished the race, I have kept the faith. Now there is in store for me the crown of righteousness, which the Lord, the righteous Judge, will award to me on that day—and not only to me, but also to all who have longed for his appearing.

Donna Lou Nalewaja served North Dakota for 4 years in the House and then 12 years in the Senate. She graduated from the University of MN. She was active on many state and national committees and received many awards for her service. She was a licensed substitute teacher and a Antique dealer in her shop for 25 years.
For Senator Nalewaja From Oliver Wendell Holmes

Sweet shadows of twilight! How calm their repose,
While the dewdrops fall soft in the breast of the rose!
How blest to the toiler her hour of release
When the vesper is heard with its whisper of peace.

James George Smykowski served four terms in the ND Senate. He was from Lidgerwood and he and his wife Annette raised seven children on their farm near Geneseo, ND. He was a real estate broker and for 55 years owned and operated Smykowski Auction service donating his services to Pheasants Forever, Bison Bidders Bowl and many others.

Big Jim, as he was called, was very active in local activities, serving on the Lidgerwood School Board, the Lidgerwood Community Development Corporation, the Board of Dakota Estates, the Geneseo Grain & Seed Company, first Bank of Lidgerwood, the local swimming pool Association and the 4-H foundation. He was involved in his church, the Elks, the Eagles, the Knights of Columbus, the Masonic Lodge and the El Zagal Shrine.
In the State Pharmacist's Association, we have two awards for pharmacists based on the individual's involvement in their community. Big Jim would have won those awards.

Wayne K. Stenejhem is unique among those we remember today. He graduated from UND with a law degree. After a short two term apprenticeship in the House, he served 20 years in the Senate, then went on to be elected Attorney General where he served the State of North Dakota for another 21 years, becoming the longest serving Attorney General in ND History. I remember going to his office and learning that the proper way to address an Attorney General was General Stenejhem although he never expected it as just Wayne was good with him. Wayne led many tours of the capitol for visiting young people, As an Eagle Scout myself, I was very impressed with Wayne when in 2013 he was named a Distinguished Eagle Scout. Wayne was the youngest of those we remember today, at just 65 years old and he died while still in office, leaving his wife Beth and son Andrew.

To paraphrase Shakespeare a little:

The hourglass is a symbol of human life, see how quickly the sand runs. This is the state of man: to-day he puts forth The tender leaves of hope, tomorrow blossoms, And bears his blushing honours thick upon him: The next day comes a frost, which nips the shoot, And,— when he thinks, his greatness is still aspiring, nips his shoot and he falls like autumn leaves to enrich our mother earth.

There is a saying we use in Wood badge, where we train scout leaders, to honor those who have done a lot in scouting, "Who has smelled wood smoke at twilight, who has heard the birch log burning, who is quick to read the noises of the night? Then let him follow with the others for the young men's feet are turning, to the paths of known desire and proved delight."

Harvey Dean Tallackson served 32 years in the Senate. He was from a farm near Park River, ND. He was another Senator very active in his community. Zion Lutheran church, Walsh County alumni, Walsh Curling Club, State Curling Assn., the Masonic Lodge, Kem Temple Shriners, the County fair, the baseball League, Mandt Baseball team, the Farmers Union, Walsh County and ND milk producers, National Potato Advisory Committee, (I am not sure what they advised the potatoes to do), He was president of the National Conference of Insurance Legislators, and served as chair of the Senate Appropriations Committee. He served as Minkota Rural Electric Chairman from 1990 to 2005. He was a director of Nash

Grain and Trading and was president for their 75th anniversary. He was married to his Glenna for 73 ½ years.

From the Rubaiyat of Omar Kayyam
Here with a loaf of bread beneath the bough
A flask of wine, a book of verse-and thou
Beside me singing in the wilderness
And wilderness is paradise enow

Benjamin 'Ben' Tollefson spent 16 years serving ND in the House and then 8 years as a Senator. He was from Minot, joined the navy before WW II serving in the South Pacific sweeping mines from the pacific ports. He was honorably discharged in June of 1946. He worked at Nash finch and the Minot Daily News. in 1949 he married Lila and they had four children. He then joined Northern States Power and worked there for 32 years. He was a Jaycee and was Lieutenant Governor of Toastmasters International. He received the "Citizen of the year award from NSP and was disaster chairman in Minot during the 1969 flood. He received the Clara Barton Honor from the Red Cross. He was president of the Lutheran Church Council in Minot and served as President and Lieutenant governor of Kiwanis International. As a legislator he received the North Dakota Lignite Council Award.

A PSALM O LIFE BY HENRY WADSWORTH LONGFELLOW

What The Heart Of The Young Man Said To The Psalmist.
Tell me not, in mournful numbers,
Life is but an empty dream!
For the soul is dead that slumbers,
And things are not what they seem.

Life is real! Life is earnest!
And the grave is not its goal;
Dust thou art, to dust returnest,
Was not spoken of the soul.

John Thomas "Jack" Traynor from Devils Lake. He attended the US Naval Academy in Annapolis and was honorably discharged in 1946. He and Senator Tollefson had the Navy in common. He earned his Juris doctorate from UND in 1951. He married Jane in 1954 and they raised five children. They lived a life filled with faith, family, civic volunteerism, and leadership activities. He was a hunter and a fisherman and could remember hunting ducks on the east bay of Devils Lake when it was just a slough.

He joined his father in the Traynor Law Firm and later added his two sons, J. Thomas Jr. and Dan Traynor.
He served on the Board for the UND Alumni Association and foundation and earned the Sioux Award in 1969.He served on the Lake Region College Foundation and was inducted into their Hall of Fame.

He was elected Grand Exalted Ruler (National President) of the Elks when they had 1.6 million members. He and Jane traveled to 48 states and two territories.

He worked in the legislature to provide for an outlet to Devils Lake. His attempts in 1997 and 1999, depended on Federal funds and in 2001 ND legislation provided for an outlet with or without Federal funds and in 2003 it was finally built. Jack, as a member of the bar association, helped create the lawyer disciplinary system used in North Dakota.

I remember John Wayne in one of his movies. They were chasing some bad men and approached the Rio Grand in west Texas. The foreman said he had heard there was no law west of the Rio Grand and no God west of the Pecos.

John Wayne replied, "Wherever men go the law will always follow and sooner or later they will discover that God has already been there".

TO CONTINUE A PSALM O LIFE BY HENRY WADSWORTH LONGFELLOW

Not enjoyment, and not sorrow,
Is our destined end or way;

But to act, that each to-morrow
Find us farther than to-day.

Frances E. “Hank” Weber spent 16 years in the House. He started out there in the 38th session, then served the 39th in the Senate. He must not have liked the Senate much because he went back to the house for another 14 years. Maybe redistricting had something to do with it? He was a farmer and received a teaching degree from Valley City State. He taught both in ND and MN. He player on the College Basketball team and played for many years in the amateur basketball league and baseball teams.

He married Dona in 1955 and they raised two sons, Todd and Mark. Mark is with us today and true to his father’s legacy you can hear him ask, “How will that bill affect the townships”.

I remembered the poet saying when he retired. “No I am through, the trumpet call of youth must sound in vain, for I have need of rest. Leave me to books and wine and memories, nothing you have can equal these.”

TO CONTINUE A PSALM O LIFE BY HENRY WADSWORTH LONGFELLOW

Lives of great men all remind us
We can make our lives sublime,
And, departing, leave behind us
Footprints on the sands of time;

Footprints, that perhaps another,
Sailing o’er life’s solemn main,
A forlorn and shipwrecked brother,
Seeing, shall take heart again.

Stanley “Stan” Wright was another farmer from Stanley, ND. Quite a musician and member of the family ‘Melody Kings’ with his mother on the piano, his dad on the fiddle, and the boys on the trombone, saxophone, and clarinet. They played many dances in the Stanley area. He was a Senator serving 16 years for ND. He served in the army at the end of WW II and then in Korea. He played his trombone for the army band. He married Mavis and they raised three daughters.

Stan first worked for John Deere, then owned the International Harvester (Stanley Equipment) dealership for many years. He spent 50 years as a public servant, City Council, Mayor, State Senator, County Commissioner. He was proud of getting Highway 2, four laned while serving in the Senate.

Stan, like those we have already discussed, was very active in his community America Legion, VFW, Lions Club, volunteer fireman, Stanley Veterans Park, Scandia American Bank, Community Hospital Board, the fair association and the Lutheran church.

From the last verse of “The gift of life” by Edgar A. Guest

Let me be one whose courage springs
From all the countless little things
Of joy and beauty which abound

Wherever man may look around.
Let me exult in peace or strife
That I have had the gift of life.

We have one more to remember today.

I know that all of you were saddened to learn this week of the death of one of our state’s most valuable members – Somebody Else.

Somebody else’s passing created a vacancy that will be difficult to fill. Somebody Else has been with us for many years, and for every one of those years, Somebody Else did far more than the normal person's share of the work. Whenever leadership was mentioned, this wonderful person was looked to for inspiration as well as results. Somebody Else can work with that group. Whenever there was a job to do, a class to teach, or a meeting to attend,

one name was on everyone's lips, "Let Somebody Else do it." It was common knowledge that Somebody Else was the best person for the job.

Somebody Else was a wonderful person, sometimes appearing super-human, but a person can only do so much. Were the truth known, everyone expected very much of Somebody Else. Now Somebody Else is gone. We wonder what we are going to do. Somebody Else left a wonderful example to follow.

The Senators we remember today were that Somebody Else. We are fortunate we have these 47 Senators here today to take their place as Somebody Else. We will always need Somebody else and tomorrow it will be another's turn to fill the role of Somebody else.

May God be with us and them as they work for the State of North Dakota.

Please join us in the Great Hall for refreshments and visiting after this program.
And now a lesson from William Cullen Bryant taught by those we remember today and which is a great example for each of us.

Thanatopsis

BY WILLIAM CULLEN BRYANT

To him who in the love of Nature holds
Communion with her visible forms, she speaks
A various language; for his gayer hours
She has a voice of gladness, and a smile
And eloquence of beauty, and she glides
Into his darker musings, with a mild
And healing sympathy, that steals away
Their sharpness, ere he is aware. When thoughts
Of the last bitter hour come like a blight
Over thy spirit, and sad images
Of the stern agony, and shroud, and pall,
And breathless darkness, and the narrow house,
Make thee to shudder, and grow sick at heart;—
Go forth, under the open sky, and list
To Nature's teachings, while from all around—
Earth and her waters, and the depths of air—
Comes a still voice—

Yet a few days, and thee
The all-beholding sun shall see no more
In all his course; nor yet in the cold ground,
Where thy pale form was laid, with many tears,
Nor in the embrace of ocean, shall exist
Thy image. Earth, that nourished thee, shall claim
Thy growth, to be resolved to earth again,
And, lost each human trace, surrendering up
Thine individual being, shalt thou go
To mix for ever with the elements,
To be a brother to the insensible rock
And to the sluggish clod, which the rude swain
Turns with his share, and treads upon. The oak
Shall send his roots abroad, and pierce thy mould.

Yet not to thine eternal resting-place
Shalt thou retire alone, nor couldst thou wish
Couch more magnificent. Thou shalt lie down
With patriarchs of the infant world—with kings,
The powerful of the earth—the wise, the good,
Fair forms, and hoary seers of ages past,
All in one mighty sepulchre. The hills
Rock-ribbed and ancient as the sun,—the vales
Stretching in pensive quietness between;
The venerable woods—rivers that move

In majesty, and the complaining brooks
That make the meadows green; and, poured round all,
Old Ocean's gray and melancholy waste,—
Are but the solemn decorations all
Of the great tomb of man. The golden sun,
The planets, all the infinite host of heaven,
Are shining on the sad abodes of death,
Through the still lapse of ages. All that tread
The globe are but a handful to the tribes
That slumber in its bosom.—Take the wings
Of morning, pierce the Barcan wilderness,
Or lose thyself in the continuous woods
Where rolls the Oregon, and hears no sound,
Save his own dashings—yet the dead are there:
And millions in those solitudes, since first
The flight of years began, have laid them down
In their last sleep—the dead reign there alone.
So shalt thou rest, and what if thou withdraw
In silence from the living, and no friend
Take note of thy departure? All that breathe
Will share thy destiny. The gay will laugh
When thou art gone, the solemn brood of care
Plod on, and each one as before will chase
His favorite phantom; yet all these shall leave
Their mirth and their employments, and shall come
And make their bed with thee. As the long train
Of ages glide away, the sons of men,
The youth in life's green spring, and he who goes
In the full strength of years, matron and maid,
The speechless babe, and the gray-headed man—
Shall one by one be gathered to thy side,
By those, who in their turn shall follow them.

So live, that when thy summons comes to join
The innumerable caravan, which moves
To that mysterious realm, where each shall take
His chamber in the silent halls of death,
Thou go not, like the quarry-slave at night,
Scourged to his dungeon, but, sustained and soothed
By an unfaltering trust, approach thy grave,
Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams.

BENEDICTION BY TIM MATHERN,
SENATOR DISTRICT 11

Like those before us let us go now into the world dedicated to the service of our Creator and our communities.
Let us do what is good, strengthen the struggling, and honor all we encounter.

May God's blessing be upon us and remain with us always.

Amen.

MOTION

SEN. KLEIN MOVED that the Invocation by Senator Tim Mathern, and the Memorial Address by Former Senator Howard Anderson, be printed in the journal, which motion prevailed.

MOTION

SEN. KLEIN MOVED that the Senate Memorial Service be dissolved, which motion prevailed.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1041, HB 1108, HB 1188, HB 1190, HB 1203, HB 1222, HB 1236, HB 1259, HB 1348, HB 1412, HB 1521, HB 1533.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1280.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1191, HB 1221, HB 1229.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1097, HB 1361.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1402.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has passed, unchanged: SB 2130, SB 2165, SB 2192, SB 2229, SB 2246, SB 2292, SB 2306, SB 2366, SB 2373.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has amended and subsequently passed: SB 2046, SB 2147.

HOUSE AMENDMENTS TO SENATE BILL NO. 2046

Page 1, line 12, after "proceed" insert an underscored comma

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2147

Page 1, line 7, after "amount" insert "of retired law enforcement personnel benefits"

Page 1, line 7, remove "as retired law enforcement"

Page 1, line 8, replace "personnel benefits" with "who has served a combined total of at least twenty years as a peace officer or has medically retired from the taxpayer's duties as a peace officer with a medical certificate due to a permanent mental or physical disability that rendered the taxpayer unable to discharge the taxpayer's duties as a peace officer"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has failed to pass, unchanged: SB 2264, SB 2347.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has failed to pass, unchanged: SCR 4010.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: Your signature is respectfully requested on: HB 1150, HB 1159, HB 1233, HB 1326, HB 1389.

COMMUNICATION FROM GOVERNOR DOUG BURGUM
This is to inform you that on March 15, 2023, I have signed the following: SB 2068 and SB 2119.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS
The following resolution was delivered to the Secretary of State for filing on March 16, 2023: SMR 8001.

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 12:30 p.m., Friday, March 17, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1186, as engrossed: Education Committee (Sen. Elkin, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1186 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1192, as engrossed: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1192 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1223: Finance and Taxation Committee (Sen. Kannianen, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1223 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 7, after "~~resides~~" insert "is an enrolled member of a federally recognized Indian tribe residing"

Page 1, line 8, remove the overstrike over "~~within the boundaries of any reservation in this state~~"

Page 1, line 8, overstrike "is an enrolled member"

Page 1, line 9, overstrike "of a federally recognized Indian tribe" and insert immediately thereafter ", provided the exemption in this subsection does not apply to a motor vehicle purchased by an individual whose primary residence is not within the boundaries of any reservation in this state"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1293, as engrossed: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1293 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1427, as engrossed: Finance and Taxation Committee (Sen. Kannianen, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1427 was placed on the Sixth order on the calendar. This bill affects workforce development.

Page 4, line 7, remove "incremental"

Page 4, line 10, remove "incremental"

Page 4, line 11, replace "from the date the incremental period begins" with "after the month in which oil was first produced from the restimulation well"

Page 4, remove lines 21 through 26

Page 4, line 27, remove "b."

Page 4, line 27, replace "determine the amount of primary production" with "certify whether the well qualifies as a restimulation well under section 1 of this Act"

Page 4, remove lines 30 and 31

Page 5, line 24, replace "eighteen" with "six"

Page 5, line 25, remove "incremental"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1447, as engrossed: 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). Engrossed HB 1447 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 17, replace "collected" with "recovered"

Page 2, line 18, remove "and the state's political subdivisions"

Page 2, line 19, after the underscored period insert "Moneys recovered by a political subdivision as a result of opioid litigation may be deposited in the fund."

Page 3, line 21, after "2." insert "Annually, each political subdivision that recovers and retains moneys as a result of opioid litigation shall submit to the department a report detailing the decisions of the governing body of the political subdivision regarding use of the moneys.

3."

Page 3, line 22, after "made" insert "by the department and the political subdivisions"

Page 4, after line 4, insert:

"**Political subdivisions - Public health units.**

1. A political subdivision that recovers moneys as a result of opioid litigation may deposit the moneys in the fund or may retain the moneys and transfer the moneys to the public health unit that provides services to that political subdivision.

2. A political subdivision that recovers and retains moneys as a result of opioid litigation shall collaborate with a public health unit on the use of the moneys for local programs for remediating and abating the opioid crisis. The use of moneys under this subsection must be in compliance with any court-ordered restrictions. The political subdivision and public health unit shall work together to ensure all reporting requirements are met."

Page 4, remove lines 21 through 30

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1492, as engrossed: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1492 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3019: A concurrent resolution to amend and reenact sections 1 and 2 of article XV of the Constitution of North Dakota, relating to term limits for members of the legislative assembly and statewide elected officers; to repeal section 4 of article XV of the Constitution of North Dakota, relating to prohibiting the legislative assembly from proposing certain amendments to article XV of the Constitution of North Dakota; and to provide for application.

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

HCR 3020: A concurrent resolution to amend and reenact sections 7 and 13 of article IV of the Constitution of North Dakota, relating to sessions of the legislative assembly; and to provide an effective date.

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