JOURNAL OF THE SENATE

Sixty-eighth Legislative Assembly

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Bismarck, March 17, 2023

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

The prayer was offered by Pastor Leslie Koenig, First Baptist Church, Valley City.

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

A quorum was declared by the President.

MOTION

SEN. LARSEN MOVED that the Senate reconsider its action whereby HB 1292 passed, which motion prevailed on a verification vote.

MOTION

SEN. KLEIN MOVED that HB 1292 be rereferred to the **Industry and Business Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, HB 1292 was rereferred.

MOTION

SEN. KLEIN MOVED that HB 1186, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1447, as engrossed: SEN. CLEARY (Human Services Committee) MOVED that the amendments on SJ page 1014 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Engrossed HB 1447 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1427, as engrossed: SEN. PATTEN (Finance and Taxation Committee) MOVED that the amendments on SJ pages 1013-1014 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1223: SEN. RUMMEL (Finance and Taxation Committee) MOVED that the amendments on SJ page 1013 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 1418: A BILL for an Act to amend and reenact section 50-06.4-10 of the North Dakota Century Code, relating to the membership of the brain injury advisory council.

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, 1 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; 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; Weber; Weston; Wobbema

NAYS: Magrum

ABSENT AND NOT VOTING: Kannianen

Engrossed HB 1418, as amended, passed.

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SECOND READING OF HOUSE BILL

HB 1390: A BILL for an Act to create and enact a new section to chapter 23-07 of the North Dakota Century Code, relating to the creation of a suicide fatality review commission; and to provide an appropriation.

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, 4 NAYS, 0 EXCUSED, 1 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; Weber; Weston

NAYS: Boehm; Estenson; Magrum; Wobbema

ABSENT AND NOT VOTING: Kannianen

HB 1390, as amended, passed.

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SECOND READING OF HOUSE BILL

HB 1492: A BILL for an Act to amend and reenact section 14-09-22 of the North Dakota Century Code, relating to defining mental injury for the crime of child abuse; 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 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; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

ABSENT AND NOT VOTING: Kannianen

Engrossed HB 1492 passed.

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SECOND READING OF HOUSE BILL

HB 1293: A BILL for an Act to amend and reenact sections 40-04.1-01, 40-04.1-05, 40-08-06, 40-08-10, 40-09-04, 40-09-09, 40-14-03, 40-15-03, 40-49-05, 40-49-07, and 40-49-08 of the North Dakota Century Code, relating to election of city commissioners, city council members, and park district commissioners.

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; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel;

Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

ABSENT AND NOT VOTING: Kannianen

Engrossed HB 1293 passed.

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SECOND READING OF HOUSE BILL

HB 1192: A BILL for an Act to amend and reenact subsection 5 of section 16.1-05-04, section 16.1-06-03, subsection 8 of section 16.1-06-14, sections 16.1-06-15 and 16.1-06-20, subsection 1 of section 16.1-07-13.1, and sections 16.1-11.1-06, 16.1-14-04, 16.1-15-02, 16.1-15-22, 16.1-15-25, and 40-21-09 of the North Dakota Century Code, relating to electronic voting systems, electronic voting devices, absentee voting, meeting of presidential electors, and canvassing boards.

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, 1 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; 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; Weber; Weston; Wobbema

NAYS: Magrum

ABSENT AND NOT VOTING: Kannianen

Engrossed HB 1192 passed.

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SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3001: A concurrent resolution authorizing the Budget Section of the Legislative Management to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants passed by Congress.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3001 was declared adopted on a voice vote.

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SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3006: A concurrent resolution urging Congress to support policies to increase oil refining capacity in the United States.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed HCR 3006 was declared adopted on a voice vote.

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SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3030: A concurrent resolution directing the Legislative Management to consider studying homelessness and barriers to housing, including consideration of the effectiveness of the RentHelp program; the provision of housing financial support; legal assistance programs available to tenants; state, local, or federal educational programs for tenants and landlords regarding rights and responsibilities; month-to-month eviction rates by human service zone area; definitions of homelessness or

homeless rates used by government entities; barriers to accessing housing; the manner in which homeless children receive services; historical rates of homelessness; and how a community based approach to homelessness may reduce rates of homelessness.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3030 was declared adopted on a voice vote.

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POINT OF PERSONAL PRIVILEGE

SEN. HOGUE rose on a point of personal privilege.

REMARKS OF SENATOR HOGUE

MADAM PRESIDENT: Madam President, I want to stand up and say congratulations and thank you to our Senate Memorial Service Committee yesterday for a job well done.

Madam President, I was very proud and emotional the way we paid our respects and dedicated the service to our twelve former colleagues.

I know all of us realize that those types of services don't happen overnight. You don't plan for them one day in advance and as Senator Anderson waxed us with his poetry, we know that these things don't happen without that "somebody else" doing the job. And I just wanted to let the full Senate know that the "somebody else" is still working on the finishing touches of the Memorial Service. Her name is Renae Doan and she's working in the office behind us and I think if we express our thanks to us she'll hear us.

So, thanks!

REQUEST

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

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1038, HB 1094, HB 1266, HB 1398, HB 1435, HB 1448, HB 1478, HB 1481.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1144, HB 1170, HB 1270, HB 1305, HB 1465.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1154.

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

MADAM PRESIDENT: The House has passed, unchanged: SB 2042, SB 2049, SB 2108, SB 2114, SB 2163, SB 2180, SB 2214, SB 2370.

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

MADAM PRESIDENT: The House has failed to pass, unchanged: SB 2171.

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

MR. SPEAKER: Your signature is respectfully requested on: 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: Your signature is respectfully requested on: HB 1041, HB 1108, HB 1188, HB 1190, HB 1203, HB 1222, HB 1236, HB 1259, HB 1280, HB 1348, HB 1412, HB 1521, HB 1533.

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

MADAM PRESIDENT: The Speaker has signed: SB 2130, SB 2165, SB 2192, SB 2229, SB 2246, SB 2292, SB 2306, SB 2366, SB 2373.

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 20, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4018: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4018 was placed on the Eleventh order on the calendar. This resolution does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1075: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1075 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1076: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1076 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1086, as engrossed: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1086 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for an information technology department study relating to the language of chapter 54-59 of the North Dakota Century Code; and to provide for a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. INFORMATION TECHNOLOGY DEPARTMENT - REVIEW OF STATUTORY LANGUAGE - LEGISLATIVE MANAGEMENT REPORT.

1. During the 2023-2024 interim, the chief information officer shall appoint a task force of key stakeholders to review chapter 54-59 of the North Dakota Century Code for obsolete or outdated language and practices.

2. By June 1, 2024, the chief information officer shall report the task force's findings and recommendations, together with any legislation required to implement the recommendations, to the legislative management."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1113, as engrossed: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1113 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1177, as engrossed: Finance and Taxation Committee (Sen. Kannianen, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1177 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1182, as engrossed: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1182 was rereferred to the **Appropriations Committee**. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1272: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1272 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1309: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1309 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, after "reenact" insert "section 54-52-06.4,"

Page 1, line 1, after "54-52-17" insert a comma

Page 1, after line 4, insert:

"**SECTION 1. AMENDMENT.** Section 54-52-06.4 of the North Dakota Century Code is amended and reenacted as follows:

54-52-06.4. Contribution by peace officers employed by the bureau of criminal investigation or security officers employed by the national guard - Employer contribution.

1. a. Each peace officer employed by the bureau of criminal investigation who is a member of the public employees retirement system is assessed and shall pay monthly four percent of the employee's monthly salary. Peace officer contributions increase by one percent of the member's monthly salary beginning with the monthly reporting period of January 2012~~, and~~; with an additional increase of one percent, beginning with the reporting period of January 2013; with an additional increase of one percent, beginning with the reporting period of January 2024; and with an additional increase of one percent, beginning with the reporting period of January 2025.

   b. Effective August 1, 2015, each national guard security officer who is a member of the public employee's retirement system is assessed and monthly shall pay six percent of the employee's monthly salary. National guard security officer contributions decrease by one-half of one percent of the member's monthly salary beginning with the monthly reporting period of January 2016.

   c. The assessment under this subsection must be deducted and retained out of the employee's salary in equal monthly installments.

2. The employer of a peace ~~officer's~~officer employed by the bureau of criminal investigation or national guard security ~~officer's employer~~officer shall contribute an amount determined by the board to be actuarially required to support the level of benefits specified in section 54-52-17. The employer's contribution must be paid from funds appropriated for salary or from any other funds available for such purposes. If the peace officer's or security officer's assessment is paid by the employer under subsection 3 of section 54-52-05, the employer shall contribute, in addition, an amount equal to the required peace officer's or security officer's assessment."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1312: Education Committee (Sen. Elkin, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1312 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1385: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1385 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1438: Finance and Taxation Committee (Sen. Kannianen, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (3 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1438 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 14, replace "an institution of public charity" with "a public hospital or nursing home licensed pursuant to section 23-16-01 under the control of a religious or charitable institution"

Page 1, line 15, replace "institution" with "public hospital or nursing home"

Page 1, line 17, replace "institution" with "public hospital or nursing home"

Page 1, line 18, replace "institution" with "public hospital or nursing home"

Page 1, line 20, remove "an institution"

Page 1, line 21, replace "of public charity" with "a public hospital or nursing home licensed pursuant to section 23-16-01 under the control of a religious or charitable institution"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1439, as engrossed: Finance and Taxation Committee (Sen. Kannianen, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (3 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed HB 1439 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, after "churches" insert "; to provide for application"

Page 1, line 2, replace "an" with "a retroactive"

Page 2, replace lines 11 and 12 with:

"**SECTION 2. RETROACTIVE EFFECTIVE DATE - APPLICATION.** This Act is retroactively effective and applies for taxable years beginning after December 31, 2020. The limitation on time for filing an abatement claim under section 57-23-04 does not apply to refunds of taxes paid or cancellation of taxes levied for taxable year 2021 or 2022 on property exempt from taxation under this Act. The board of county commissioners shall direct refund of taxes paid or cancellation of taxes levied on property exempt from taxation under this Act."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1488: Education Committee (Sen. Elkin, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1488 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HB 1503, as engrossed: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1503 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HCR 3009: Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3009 was placed on the Fourteenth order on the calendar. This resolution does not affect workforce development.

REPORT OF STANDING COMMITTEE

HCR 3013, as engrossed: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HCR 3013 was placed on the Fourteenth order on the calendar. This resolution does not affect workforce development.

REPORT OF STANDING COMMITTEE

HCR 3015: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3015 was placed on the Fourteenth order on the calendar. This resolution does not affect workforce development.

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

Shanda Morgan, Secretary