JOURNAL OF THE SENATE

Sixty-eighth Legislative Assembly

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Bismarck, March 23, 2023

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

The prayer was offered by Reverend Sylvia Bull, Faith Lutheran Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

POINT OF PERSONAL PRIVILEGE

SEN. MEYER rose on a point of personal privilege.

REMARKS OF SENATOR MEYER

MADAM PRESIDENT: Madam President, your Senate team brought back the Capitol Classic cup today!

It was a great event, a tournament that was sponsored by the Special Olympics.

A lot of money was raised, and I don't know if the Senate has won this before, but I can tell you, we have never won it since I have been here, but we have it now.

The first round we played the House Democrats, some would call it an exhibition match because it was pretty ugly. We took care of business.

Second round we played some lobbyists and interns. I might have said that if you want a job after this, you had better lose; but we did take care of them.

The final game, the Championship match, we snatched the victory from the jaws of defeat against the House Republicans. Now we hold this trophy in the Senate for the next two years and it's great.

The most important thing though, Madam President, is that we raised twenty-one thousand dollars for the Special Olympics. Se we should be proud of that!

POINT OF PERSONAL PRIVILEGE

SEN. BURCKHARD rose on a point of personal privilege.

REMARKS OF SENATOR BURCKHARD

MADAM PRESIDENT: The Beavers are National Champions once again!

Madam President, the Minot State University Beavers are national champions once again. One goal in the second period and 19 saves by goalie Jake Anthony proved to be just enough and the No. 1 Minot State men's hockey team held on to beat No. 3 Adrian (Michigan), claiming the third ACHA Division 1 National Championship in program history.

Head coach Wyatt Waselenchuk has been part of all three Minot State National Championships, winning one as a goalie, one as an assistant coach and now a third as a head coach. He said "I could not be more proud of these young men. They earned every inch."

Josh Pederson scored the loan goal of the title game with 2 minutes, 25 seconds left in the second period, giving the Beavers (35-3-0 overall) all the offense they needed as Anthony turned aside all 19 shots by the Bulldogs, sealing the win.

Minot State marched to the title game with four straight wins, with two of the final three ending in overtime fashion.

Madam President, the Beavers claimed their third National Championship with a thrilling 1-0 victory, adding to their 2019 and 2013 National titles.

Minot State's senior captain, Davis Sheldon, was named tournament MVP.

Madam President, this proves once again that Magic Town,, Hockey Town is Title Town once again.

POINT OF PERSONAL PRIVILEGE

SEN. LEE rose on a point of personal privilege.

REMARKS OF SENATOR LEE

MADAM PRESIDENT: Madam President, we have just honored two wonderful team championships, but I'm here to honor an individual champion.

I am joined today by Alaina Schmit, who along with a classmate is the one who is responsible for curling being the state sport of North Dakota.

These two sixth grade girls did all the homework. Alaina was very involved with this. They did the homework, they found out there was no state sport. They were here, as you know. The bill was supported warmly by the Senate when we voted on it.

Alaina contacted seventy-five legislators personally to respectfully request their support for this bill. It succeeded in the House as well. So curling is now the state sport of North Dakota, and I am honored to honor an individual champion who now knows more about the political process than when she started. We may have a future Senator here, you never know.

Congratulations, Alaina!

MOTION

SEN. KLEIN MOVED that the remarks of Sens. Meyer, Lee, and Burckhard be printed in the Journal, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1532, as reengrossed: SEN. BEARD (Education Committee) MOVED that the amendments on SJ page 1097 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Reengrossed HB 1532 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1158, as engrossed: SEN. KANNIANEN (Finance and Taxation Committee) MOVED that the amendments on SJ pages 1076-1095 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Engrossed HB 1158 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1491, as engrossed: SEN. ELKIN (Education Committee) MOVED that the amendments on SJ page 1096 be adopted and then be placed on the Fourteenth order **WITHOUT RECOMMENDATION**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1494, as engrossed: SEN. LEMM (Education Committee) MOVED that the amendments on SJ pages 1096-1097 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1200, as engrossed: SEN. K. ROERS (Human Services Committee) MOVED that the amendments on SJ pages 1095-1096 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1052, as engrossed: SEN. KLEIN (Industry and Business Committee) MOVED that the amendments on SJ page 1076 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1133: SEN. LARSEN (Industry and Business Committee) MOVED that the amendments on SJ page 1076 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1228: SEN. BARTA (Industry and Business Committee) MOVED that the amendments on SJ page 1096 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 1359: A BILL for an Act to amend and reenact section 57-39.2-26.3 of the North Dakota Century Code, relating to the county aid distribution fund; to provide for application; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1359 passed.

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MOTION

SEN. KLEIN MOVED that a committee of two be appointed to escort the 2022 National Miss Agriculture USA, Maci Wehri, to the rostrum, which motion prevailed.

PRESIDENT MILLER APPOINTED Senators Schaible and Erbele to the escort committee.

REMARKS OF MACI WEHRI, 2022 NATIONAL MISS AGRICULTURE USA
MARCH 23, 2023

Thank you, Madam President, Leaders Hogue and Hogan, and members of the Senate. I am so privileged and honored to be standing here today. As stated, my name is Maci Wehri and I am a student at Dickinson State University studying English Literature and Theatre and previously held the title of 2022 North Dakota Miss Agriculture USA before competing last June in Ohio for the title of 2022 National Miss Agriculture USA which I now hold.

I know that all of you may be looking up at me right now and are just seeing a 20 year old girl with a sparkly crown on her head and a sash across her chest, but the Miss Agriculture USA organization is much more than just a beauty pageant or a competition to see who knows the most about the agriculture in their state, although knowing about agriculture does help quite a bit. Miss Agriculture USA is a nonprofit organization which helps women with public speaking skills, growing their confidence, and overall showing the female side of a predominately male agriculture workforce.

I was first introduced to the organization in the summer of 2021 when I was casually scrolling through Instagram. After my freshman year of college, I began to miss my connection with agriculture. I had spent my whole junior high and high school years in FFA and working on the ranch, then all of a sudden was thrown into classes talking about Fitzgerald and Joyce, with no talk of agriculture in my everyday life except for the weekly phone calls with my dad. I was searching for a way to get back in touch with my roots, and found it in Miss Agriculture USA.

After a couple weeks of consistent begging with my parents, they relented, and I signed up. I never would have imagined the places it would take me. Growing up raising Gelbvieh cattle, I knew a good amount about the importance of agriculture in my life, but it wasn't until I got into college and especially into this organization that I truly understood how vital it is for everyday life.

According to a study done by North Dakota State University, agriculture represents 20-25% of the state's economy and one out of every five jobs in the state is supported by agriculture. Every single person in this room survives off the food that is put on their table because of the farmers and ranchers in the United States. I am more than happy to be able to say that I grew up in a state that was so agriculturally advanced that we are able to be number one in the country in eight categories of crops including edible beans, canola, flaxseed, honey, rye, sunflowers, and wheat. And if we aren't coming in first in the crop, we are ranked in the top ten over twenty times for other agricultural products such as sugar beets, bison, potatoes, and cattle. According to the USDA, North Dakota contributes 30 billion dollars to the United States economy.

Now that is all well and good, but what I want to accomplish as 2022 National Miss Agriculture USA is helping to make sure that we can keep those numbers going up by encouraging farm safety to not only the farmers in North Dakota, but also nationally.

In 2013 when I was ten years old, my brother Michael passed away in a farming accident. He was 19 years old. Although he was certified in everything that he could have been and loved reading the user manual for any and every piece of equipment that he stepped foot into, he made one small mistake, and it cost his life. I have spent the last 10 years trying to figure out why something like that had to happen to my big brother, to my hero, to my family, and it was only once I had the crown and sash that I figured out what God's plan was for me. I realized that if I went out into the fields, went into the school systems, talked to community members about what it meant to stay safe on a farm or ranch, maybe my brother's life wouldn't have been lost in vain.

Farmers are truly our nation's most important natural resource, and we need to advocate and protect them as much as we can. If there was one person that I had talked to that thought twice about sticking their hand over a running PTO shaft or stepping out of a cab of a sprayer after they had been struck by an overhead powerline, maybe I could make him proud. I hope with all my heart that by standing here today, shaking in my heels and wobbly knees that I have made Michael proud.

Thank you to the North Dakota state legislature for funding an Extension Farm Safety Specialist at NDSU. Angie Johnson's role is so vitally important to the farmers and ranchers in our state and nationwide. With the Large extension network throughout the state, I am confident we can make farms and ranches not only a great place to live and work, but also a safe place.

Thank you to everyone sitting here today and those of you who worked to get me here for National Ag Week. This is an experience I will never forget, and I appreciate you all immensely.

MOTION

SEN. KLEIN MOVED that the remarks of Maci Wehri, 2022 National Miss Agriculture USA be printed in the Journal, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1381: A BILL for an Act to create and enact a new section to chapter 39-34 of the North Dakota Century Code, relating to classifying a transportation network company driver as an independent contractor.

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, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogue; Kannianen; Kessel; Klein;

Krebsbach; Larsen; Larson; Lee; Lemm; Luick; Magrum; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Burckhard; Hogan; Kreun; Mathern

Engrossed HB 1381 passed.

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SECOND READING OF HOUSE BILL

HB 1323: A BILL for an Act to amend and reenact sections 35-27-01, 35-27-02, 35-27-03, 35-27-07, 35-27-18, and 35-27-24 of the North Dakota Century Code, relating to a claimant's right to maintain a construction lien for furnishing materials and improvements.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Sickler

HB 1323 passed.

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THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Les LaFountain.

SECOND READING OF HOUSE BILL

HB 1262: A BILL for an Act to amend and reenact subsection 9 of section 44-04-18.7 of the North Dakota Century Code, relating to exempt records and body camera images.

ROLL CALL

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

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

HB 1262 passed.

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SECOND READING OF HOUSE BILL

HB 1241: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the workforce education innovation program; and to provide for a legislative management report.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAYS, 0

EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Magrum

Reengrossed HB 1241 passed.

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SECOND READING OF HOUSE BILL

HB 1195: A BILL for an Act to provide for a legislative management study regarding a juvenile delinquency offense code.

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, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Dwyer; Lee; Magrum; Meyer

HB 1195 passed.

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SECOND READING OF HOUSE BILL

HB 1264: A BILL for an Act to amend and reenact section 12-44.1-01 and subsection 3 of section 12-44.1-07.1 of the North Dakota Century Code, relating to jail and regional correctional center definitions and alternatives to physical custody of individuals; 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, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1264 passed.

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SECOND READING OF HOUSE BILL

HB 1499: A BILL for an Act to provide for a legislative management study relating to an interest rate buydown program for homeowners with a primary residence mortgage.

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 13 YEAS, 34 NAYS, 0

EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Dwyer; Hogan; Hogue; Kessel; Klein; Larsen; Mathern; Roers, K.; Schaible; Sorvaag; Vedaa

NAYS: Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Elkin; Erbele; Estenson; Kannianen; Krebsbach; Kreun; Larson; Lee; Lemm; Luick; Magrum; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Rummel; Rust; Sickler; Wanzek; Weber; Weston; Wobbema

Engrossed HB 1499 failed.

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SECOND READING OF HOUSE BILL

HB 1344: A BILL for an Act to amend and reenact sections 28-32-14 and 28-32-17 and subsection 1 of section 28-32-18 of the North Dakota Century Code, relating to the attorney general's review of proposed administrative rules and the authority of the administrative rules committee to object to or void an administrative rule.

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 10 YEAS, 37 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Beard; Estenson; Larsen; Lemm; Luick; Magrum; Myrdal; Paulson; Vedaa; Wobbema

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

Engrossed HB 1344 failed.

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SECOND READING OF HOUSE BILL

HB 1046: A BILL for an Act to amend and reenact section 50-01.1-01, subsection 3 of section 50-01.1-02, and sections 50-01.1-03, 50-01.1-04, 50-01.1-06, 50-01.1-08, 50-35-01, 50-35-04, and 50-35-05 of the North Dakota Century Code, relating to direct and indirect costs, billing practices, and payments to human service zones, human service zones agreements and plans, creation of human service zones, human service zone directors, and indirect cost plan.

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

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

Engrossed HB 1046 passed.

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SECOND READING OF HOUSE BILL

HB 1149: A BILL for an Act to provide for a legislative management study regarding the impact of the North Dakota high school activities association on students.

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 36 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Sorvaag; Vedaa; Wanzek; Weston; Wobbema

NAYS: Bekkedahl; Dwyer; Krebsbach; Kreun; Meyer; Myrdal; Rummel; Rust; Schaible; Sickler; Weber

HB 1149 passed.

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MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, unchanged: HB 1009, HB 1181, HB 1189, HB 1246, HB 1286, HB 1417, HB 1475.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1107.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1295, HB 1306.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has passed, unchanged: SB 2078, SB 2115, SB 2116, SB 2210, SB 2231, SB 2305, SB 2376.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has passed, unchanged: SCR 4001.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has amended and subsequently passed: SB 2242, SB 2349.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2242

Page 1, line 3, replace "an appropriation" with "for a transfer"

Page 2, line 24, replace "**APPROPRIATION**" with "**TRANSFER**"

Page 2, line 24, after the boldfaced dash insert "**STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO**"

Page 2, line 25, remove "There is appropriated out of any moneys in the"

Page 2, remove line 26

Page 2, line 27, replace "the sum of $15,000,000, or so much of the sum as may be necessary," with "The office of management and budget shall transfer $5,000,000 from the strategic investment and improvements fund"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT

This amendment reduces the transfer from the strategic investment and improvements fund to the bulk propane storage tank revolving loan fund from $15 million to $5 million and makes technical corrections to the bill.

HOUSE AMENDMENTS TO SENATE BILL NO. 2349

Page 1, line 8, replace "A" with "Except as provided under this section, a"

Page 1, line 13, replace "may" with "must"

Page 1, line 15, after "3." insert "A nonprofit agricultural membership organization may not provide health care coverage under this section unless the organization has filed with the commissioner verification the organization meets the requirements of this section.

4. Health care coverage under this section may be sold only by an insurance producer who is both appointed by the nonprofit agricultural membership organization and licensed as an insurance producer to sell or solicit health insurance in this state.

5. Health care coverage under this section must provide benefits under a self-funded arrangement administered by an entity that holds a certificate of authority under section 26.1-27-03.

6. A health care coverage application for coverage under this section and any related contract provided to the member prominently must state the health care coverage is not insurance, is not provided by an insurance company, is not subject to the laws and rules governing insurance, and is not subject to the jurisdiction of the commissioner.

7."

Page 1, line 18, after "health" insert "care"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has failed to pass, unchanged: SB 2152, SB 2215, SB 2230.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2027, SB 2091, SB 2098, SB 2158, SB 2173, SB 2193, SB 2202, SB 2222, SB 2224, SB 2225, SB 2382.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SCR 4004.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: Your signature is respectfully requested on: HB 1076, HB 1145, HB 1272, HB 1338, HB 1393.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: Your signature is respectfully requested on: HCR 3009, HCR 3013, HCR 3015.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: SB 2027, SB 2091, SB 2098, SB 2158, SB 2173, SB 2193, SB 2202, SB 2222, SB 2224, SB 2225, SB 2382.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: SCR 4004.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2027, SB 2091, SB 2098, SB 2158, SB 2173, SB 2193, SB 2202, SB 2222, SB 2224, SB 2225, SB 2382.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SCR 4004.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1076, HB 1145, HB 1272, HB 1338, HB 1393.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HCR 3009, HCR 3013, HCR 3015.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: HB 1075, HB 1113, HB 1312, HB 1385.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS
The following bills were delivered to the Governor for approval on March 23, 2023: SB 2027, SB 2091, SB 2098, SB 2158, SB 2173, SB 2193, SB 2202, SB 2222, SB 2224, SB 2225, SB 2382.

COMMUNICATION FROM GOVERNOR DOUG BURGUM
This is to inform you that on March 22, 2023, I have signed the following: SB 2049, SB 2108, SB 2130, SB 2163, SB 2165, SB 2180, SB 2192, SB 2214, SB 2246, SB 2292, SB 2306, SB 2366, and SB 2373.

Also, on March 23, 2023, I have signed the following: SB 2042, SB 2114, and SB 2370.

MOTION
SEN. KLEIN MOVED that the Senate be on the Fourth, 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 24, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE
HB 1140: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1140 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE
HB 1256, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1256 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE
HB 1321, as engrossed: Industry and Business Committee (Sen. Larsen, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1321 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, remove "create and enact section 54-52.1-05.2 of the North Dakota Century Code,"

Page 1, line 2, remove "relating to public employees retirement system contracts for health benefits coverage; to"

Page 1, line 3, replace "sections" with "section"

Page 1, line 3, remove ", 54-52.1-04, and 54-52.1-05"

Page 1, line 4, remove "and public employees retirement system contracts for"

Page 1, line 5, remove "health benefits coverage"

Page 1, line 17, replace "Six" with "Five"

Page 2, line 4, remove "shall appoint three"

Page 2, line 5, remove "members of the house of representatives"

Page 2, line 6, replace "appoint three members of the senate" with "work together to select the members of the legislative assembly to be appointed under this subsection"

Page 2, line 8, replace "Three" with "Four"

Page 3, remove lines 12 through 31

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 15

Page 7 line 16, replace "Section 1 of this" with "This"

Page 7, line 16, remove ", and"

Page 7, line 17, remove "sections 2, 3, and 4 of this Act become effective August 1, 2023"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1440, as engrossed: Industry and Business Committee (Sen. Larsen, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1440 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, after "26.1-40.2" insert "and a new section to chapter 39-34"

Page 1, line 2, after "insurance" insert "and classifying a transportation network company driver as an independent contractor"

Page 1, line 2, after "reenact" insert "subsection 3 of section 26.1-40.1-01, section 26.1-40.1-03, subsection 1 of section 26.1-40.1-04, and"

Page 1, line 3, remove "39-34-03,"

Page 1, after line 3 insert "transportation network company insurance and"

Page 1, after line 5, insert:

"**SECTION 1. AMENDMENT.** Subsection 3 of section 26.1-40.1-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Engaged stage" means the time period from the moment a participating driver accepts a ride request on the transportation network company's online-enabled application or platform until the ~~driver completes the transaction on the online-enabled application or platform or until the ride is complete, whichever is later~~passengers on-board stage begins.

SECTION 2. AMENDMENT. Section 26.1-40.1-03 of the North Dakota Century Code is amended and reenacted as follows:

26.1-40.1-03. ~~Coverage~~Insurance coverage required ~~when transportation network company application is engaged until completion of ride when~~during the passenger ~~has exited the vehicle~~on-board stage.

~~1.~~ A transportation network company and any participating driver shall maintain transportation network company insurance that provides for the following requirements that apply to transportation network company insurance during the ~~engaged stage and during the~~ passenger on-board stage.

~~a.~~1. Transportation network company liability insurance is primary and in the amount of one million dollars for death, bodily injury, and property damage. The requirements for the coverage required by this ~~subdivision~~subsection may be satisfied by ~~any of the following~~:

~~(1)~~a. Transportation network company insurance maintained by a participating driver.

~~(2)~~b. Transportation network company insurance maintained by a transportation network company.

~~(3)~~c. Any combination of ~~paragraphs 1 and 2~~subdivisions a and b.

~~b.~~2. Transportation network company insurance coverage provided under this section for uninsured motorist coverage must meet the requirements under section 26.1-40-15.2, which is primary coverage.

~~c.~~3. Transportation network company insurance coverage provided under this section for underinsured motorist coverage must meet the requirements under section 26.1-40-15.3, which is primary coverage.

~~d.~~4. Transportation network company insurance coverage must provide primary personal injury protection to drivers, passengers, and pedestrians under chapter 26.1-41.

~~e.~~5. The primary insurer, in the case of insurance coverage provided under ~~subdivision a~~subsection 1, has the sole duty to defend and indemnify the insured.

~~f.~~6. Coverage under a transportation network company insurance policy may neither be dependent on a driver's personal automobile insurance policy carrier first denying a claim nor a personal automobile insurance policy carrier being required to first deny a claim.

~~g.~~7. If transportation network company insurance maintained by a participating driver to fulfill the insurance obligations of this section has excluded coverage according to its policy or ceased to exist, the transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim.

SECTION 3. AMENDMENT. Subsection 1 of section 26.1-40.1-04 of the North Dakota Century Code is amended and reenacted as follows:

1. During the application on stage and during the engaged stage, the transportation network company insurance must include:

   a. Motor vehicle liability coverage that is primary coverage. The coverage must include at least fifty thousand dollars per person and one hundred thousand dollars per incident for death and bodily injury and at least twenty-five thousand dollars for property damage.

   b. Uninsured motorist coverage under section 26.1-40-15.2 which is primary coverage.

   c. Underinsured motorist coverage under section 26.1-40-15.3 which is primary coverage.

   d. Personal injury protection under chapter 26.1-41 which is primary coverage."

Page 6, remove lines 11 through 30

Page 7, remove lines 1 through 15

Page 8, after line 17, insert:

"**SECTION 9.** A new section to chapter 39-34 of the North Dakota Century Code is created and enacted as follows:

Delivery network driver - Independent contractor.

1. As used in this chapter:

   a. "Delivery network company" has the same meaning as provided under section 26.1-40.2-01.

   b. "Delivery network driver" has the same meaning as provided under section 26.1-40.2-01.

2. A delivery network driver is an independent contractor and not an employee of a delivery network company if the delivery network company:

   a. Enters an agreement with the delivery network driver that the delivery network driver is an independent contractor and not an employee of the delivery network company;

   b. Does not unilaterally prescribe specific hours during which the delivery network driver must be available to accept service requests submitted through the delivery network company's digital network;

   c. Does not prohibit the delivery network driver from engaging in outside employment or performing services through other delivery network companies except while the delivery network driver is engaged in performing services through the delivery network company's digital network; and

3. A delivery network company may not terminate the contract of the delivery network company driver for a driver's refusal to accept a specific delivery request."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1480, 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 1480 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, after "fund" insert "; to provide for a legislative management study"

Page 1, line 2, after the second "a" insert "legislative management"

Page 1, line 19, replace "and" with "or"

Page 1, remove lines 21 through 23

Page 2, line 1, replace "c." with "a."

Page 2, line 3, replace "d." with "b."

Page 2, line 6, replace "e." with "c."

Page 2, line 7, replace "f." with "d."

Page 2, line 7, replace "third-party" with "formal"

Page 2, line 9, replace "g." with "e."

Page 2, after line 9, insert:

"4. The requirements of chapter 54-44.4 do not apply to the selection of a grant recipient, the grant award, or payments made under this section.

5. All moneys designated for the fund from whatever source derived must be deposited by the state treasurer in the pay for success fund. The state treasurer shall invest moneys in the fund in interest-bearing accounts as is designated by the department of health and human services and the interest earned must be retained in the fund. The state treasurer shall apply the prudent investor rule in investing the moneys in the fund. The executive director of the department of health and human services or the executive director's designee shall administer the fund."

Page 2, after line 15, insert:

"**SECTION 3. LEGISLATIVE MANAGEMENT STUDY - PAY FOR SUCCESS FUNDING MODEL.** During the 2023-24 interim, the legislative management shall consider studying the pay for success funding model as a tool to identify ways for state and local government to provide outcomes-based services. The study must review the ways the pay for success model may be implemented at the state and local level, examine pay for success programs of other states, and include input from the executive director of the department of health and human services and the state treasurer."

Page 2, line 16, replace "This" with "Section 1 of this"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1487, as engrossed: Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1487 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 13, after "transaction" insert ", or other than taking any actions related to dispute processing, fraud management, or protecting transaction integrity from concerns related to illegal activities, breach, or cyber risks"

Page 1, line 17, remove "standards"

Page 1, line 17, after "organization" insert "for standardization for firearms retailers"

Page 1, line 18, after "5." insert ""Firearms retailer" means any person physically located in this state engaged in the lawful business of selling or trading firearms or ammunition to be used in firearms.

6."

Page 1, line 20, replace "6." with "7."

Page 2, line 6, remove "any merchant located in this state to use"

Page 2, remove line 7

Page 2, line 8, replace "sale of firearms or ammunition from other sporting goods or general merchandise" with "the use of a firearms code in a manner that distinguishes a firearms retailer located in this state from a general merchandise retailer or a sporting goods retailer"

Page 2, line 9, remove "use a firearms code to"

Page 2, after line 14, insert:

"4. Nothing in this section may impair the financial entity's actions related to dispute processing, fraud management, protecting transaction integrity

from concerns related to illegal activities, breach, cyber risks, or to comply with state or federal law."

Page 2, line 16, after the first "shall" insert "process claims of alleged violations of this chapter, may"

Page 2, line 16, after "chapter" insert an underscored comma

Page 2, line 23, after "3." insert "If a court issues an injunction under this section, the court shall award the attorney general reasonable expenses, including reasonable attorney's fees and costs.

4."

Page 2, line 24, replace "five" with "ten"

Page 2, line 24, remove "for the first violation and ten"

Page 2, line 25, remove "thousand dollars for each additional violation"

Page 2, line 29, replace "4." with "5."

Page 3, line 5, after "chapter" insert an underscored comma

Page 3, line 5, after "general" insert ", and administrative expenses"

Page 3, line 8, after the underscored period insert "The attorney general may use money remaining in the fund after disbursements to defray the costs of administering and enforcing this chapter."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1513, as engrossed: Finance and Taxation Committee (Sen. Kannianen, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1513 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

HCR 3017: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3017 was placed on the Fourteenth order on the calendar. This resolution affects workforce development.

REPORT OF STANDING COMMITTEE

HCR 3018, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3018 was placed on the Fourteenth order on the calendar. This resolution affects workforce development.

REPORT OF STANDING COMMITTEE

HCR 3021: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3021 was placed on the Fourteenth order on the calendar. This resolution does not affect workforce development.

REPORT OF STANDING COMMITTEE

HCR 3025, as engrossed: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3025 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