# JOURNAL OF THE SENATE

## Sixty-eighth Legislative Assembly

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**Bismarck, March 29, 2023**

The Senate convened at 12:30 p.m., with President Pro Tempore Schaible presiding.

The prayer was offered by Chaplain Rich Wyatt, Crisis Care Chaplaincy, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President Pro Tempore.

## REPORT OF STANDING COMMITTEE

**HB 1028, 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 1028 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, after the semicolon insert "to amend and reenact section 23-17.3-01 and subdivision h of subsection 1 of section 23-17.3-05 of the North Dakota Century Code, relating to the regulation of home health agencies;"

Page 1, line 3, remove "to provide a statement of legislative intent; to provide for a report to the"

Page 1, line 4, remove "legislative assembly; and"

Page 1, line 4, after "appropriation" insert "; and to declare an emergency"

Page 1, after line 5, insert:

"**SECTION 1. AMENDMENT.** Section 23-17.3-01 of the North Dakota Century Code is amended and reenacted as follows:

**23-17.3-01. Definitions.**

In this chapter, unless the context and subject matter otherwise require:

1. "Allowed practitioner" means a physician assistant or advanced practice registered nurse.

2. "Clinical record" means a written account which covers the services the agency provides directly and those provided through arrangements with another agency which account contains pertinent past and current medical, nursing, social, and other therapeutic information, including the plan of treatment.

~~2.~~3. "Department" means the department of health and human services.

~~3.~~4. "Home health agency" means a public or private agency, organization, facility, or subdivision thereof which is engaged in providing home health services to individuals and families where they are presently residing for the purpose of preventing disease and promoting, maintaining, or restoring health or minimizing the effects of illness or disability.

~~4.~~5. "Home health aide" means an individual who renders personal related service under the supervision of a registered professional nurse.

~~5.~~6. "Home health services" means a broad range of health and social services furnished to individuals and families by a home health agency or

by others under arrangements with the agency, in the places where the recipients are presently residing. Services must include the services of a currently licensed registered professional nurse and at least one other therapeutic service and may include additional support services. These services may only be provided with the approval of a licensed physician or an allowed practitioner.

~~6.~~7. "Licensed practical nurse" means one who has met all legal requirements for licensure and holds a current license to practice in North Dakota pursuant to chapter 43-12.1.

~~7.~~8. "Nursing services" means those services pertaining to the preventive, curative, and restorative aspects of nursing care that are performed by or under the supervision of a registered professional nurse.

~~8.~~9. "Person" means an individual, firm, partnership, association, corporation, limited liability company, or any other entity, whether organized for profit or not.

~~9.~~10. "Physician" means any person currently licensed pursuant to chapter 43-17.

~~10.~~11. "Registered professional nurse" means a registered nurse as defined under chapter 43-12.1.

~~11.~~12. "Skilled nursing" means professional nursing services rendered by nurses licensed under chapter 43-12.1.

~~12.~~13. "Supportive services" includes the use of medical appliances; medical supplies, other than drugs and biologicals prescribed by a physician; the collection of blood and other samples for laboratory analysis; and nutritional guidance, homemaker, or companion services.

~~13.~~14. "Therapeutic services" means services which include:

a. Skilled nursing care.

b. Medical social services.

c. Home health aide services.

d. Physical, occupational, or speech therapy.

e. Respiratory therapy.

**SECTION 2. AMENDMENT.** Subdivision h of subsection 1 of section 23-17.3-05 of the North Dakota Century Code is amended and reenacted as follows:

h. The agency shall maintain clinical records on all patients to serve as documentation of the medical, nursing, and therapeutic care rendered to the patient and for communication between the physician or allowed practitioner and the agency."

Page 1, line 10, after "1." insert ""Community health representative" means an individual trained through the Indian health service to provide community-based and medically guided health care, which may include traditional native concepts.

2."

Page 1, line 10, after "chapter" insert "to provide preventative services"

Page 1, line 11, replace "2." with "3."

Page 1, after line 11, insert:

"4. "Preventative services" means services to prevent a disease, disability, or other health condition or the progression of a disease, disability, or other health condition which are provided to an individual:

a. With a chronic condition;

b. At risk for a chronic condition who is unable to self-manage the chronic condition; or

c. With a documented barrier that affects the individual's health."

Page 1, line 16, remove "certification standards for an applicant seeking"

Page 1, line 17, replace "certification as a community health worker" with "and implement a method for certifying community health workers, including:

a. Community health representatives; and

b. Other qualified individuals"

Page 1, line 23, remove "**- REPORT TO**"

Page 1, line 24, remove "**LEGISLATIVE MANAGEMENT**"

Page 2, line 4, remove "appointed by the"

Page 2, line 5, replace "department of health and human services must include representatives of the" with "is comprised of"

Page 2, line 6, remove "Department of health and human services, including the division of health equity"

Page 2, line 7, replace "and division of aging services" with "One representative of the medical services division of the department of health and human services, appointed by the department of health and human services"

Page 2, line 8, replace "Department of career and technical education" with "One representative of the public health division of the department of health and human services, appointed by the department of health and human services"

Page 2, line 9, replace "State board of higher education" with "One representative of the local public health units, appointed by the state association of city and county health officials"

Page 2, line 10, replace "Insurance department" with "One representative of the tribal nations in the state, appointed by the Indian affairs commissioner"

Page 2, line 11, remove "University of North Dakota school of medicine and health sciences center for"

Page 2, line 12, replace "rural health" with "One representative of the university of North Dakota school of medicine and health sciences center for rural health, appointed by the dean of the school of medicine and health sciences"

Page 2, line 13, remove "University of North Dakota and North Dakota state university schools of public"

Page 2, line 14, replace "health" with "One representative of the hospitals in this state, appointed by the North Dakota hospital association"

Page 2, line 15, replace "Private health insurers operating in the state" with "One representative of the federally qualified health care centers, appointed by the community health care association of the Dakotas"

Page 2, line 15, after the semicolon insert "and"

Page 2, line 16, remove "Health care sector, including qualified service providers, community health"

Page 2, removes lines 17 through 21

Page 2, line 22, replace "m. North Dakota emergency medical services association" with "One representative of the emergency medical services profession, appointed by the North Dakota emergency medical services association"

Page 2, line 27, after "reimbursement" insert ", including reimbursement to a federally qualified health center"

Page 2, line 28, remove "Develop a plan for a North Dakota community health worker collaborative."

Page 2, line 29, remove "c."

Page 3, line 1, replace "d." with "c."

Page 3, line 4, after "collaborative" insert an underscored period

Page 3, line 5, replace "e." with "d."

Page 3, after line 6, insert:

"**SECTION 5. DEPARTMENT OF HEALTH AND HUMAN SERVICES - COMMUNITY HEALTH WORKERS - MEDICAID STATE PLAN AMENDMENT.** During the 2023-25 biennium, the department of health and human services shall seek a Medicaid state plan amendment to authorize the reimbursement of certified community health workers. Upon amendment of the Medicaid state plan, the commissioner of the department of health and human services shall certify this fact to legislative management."

Page 3, line 9, replace "$50,000" with "$100,000"

Page 3, line 12, replace "biennium" with "period"

Page 3, line 12, remove "July 1,"

Page 3, line 13, replace "2023," with "with the effective date of this section"

Page 3, after line 13, insert:

"**SECTION 7. EMERGENCY.** Sections 4 and 6 of this Act are declared to be emergency measures."

Renumber accordingly

**CONSIDERATION OF AMENDMENTS**

**HB 1028, as engrossed: SEN. K. ROERS (Human Services Committee) MOVED** that the amendments on SJ pages 1174-1178 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Engrossed HB 1028 was rereferred to the **Appropriations Committee**.

**MOTION**

**SEN. KLEIN MOVED** that HB 1111 be moved to the top of the calendar, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1111, as engrossed: SEN. K. ROERS (Human Services Committee) MOVED** that the amendments on SJ page 1179 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 1111:** A BILL for an Act to create and enact a new section to chapter 23-12 of the North Dakota Century Code, relating to international health regulations.

**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 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Braunberger; Hogan; Mathern; Piepkorn

Engrossed HB 1111, as amended, passed.

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**MOTION**

**SEN. KLEIN MOVED** that HB 1457 be moved to the top of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1457:** A BILL for an Act to amend and reenact section 27-20.3-24 of the North Dakota Century Code, relating to creating a preference for foster home families in the adoption process.

**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 5 YEAS, 42 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Beard; Cleary; Estenson; Larsen; Magrum

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

Engrossed HB 1457 failed.

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**POINT OF PERSONAL PRIVILEGE**

**SEN. CLEMENS** rose on a point of personal privilege.

**REMARKS OF SENATOR CLEMENS**

**MR. PRESIDENT:** VIETNAM VETERANS DAY

The US actions in Vietnam began slowly with the deployment of advisors in the early 1950's and expanded incrementally to include the deployment of combat forces in July 1965. the conflict continued until January 1973, when representatives of the United States, north and south Vietnam, and the Vietcong, signed a peace agreement in Paris. US forces returned home over the next few months, with the last military unit leaving on March 29, 1973. Today is the 50th anniversary of that date.

In the course of the war, over 58,000 Americans died and approximately 1,500 remain missing or unaccounted for. About 237 soldiers from North Dakota lost their lives, many more wounded and 9 still reported as missing or not returned.

Today on Vietnam Veterans' Day, we remember all those who have served and continue to serve.

**REQUEST**

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

**POINT OF PERSONAL PRIVILEGE**

**SEN. DEVER** rose on a point of personal privilege.

**REMARKS OF SENATOR DEVER**

**MR. PRESIDENT:** It is not the Soldier or the Sailor; it is not the Airman or the Marine who decide when and where we go to war. When the call to arms is issued, they are the ones who step forward.

They act out of love for country and a real sense of duty. They leave their loved ones at home and put themselves in harm's way for love of liberty.

Today, we commemorate the end of the Vietnam War and honor those who served there.

It was a difficult time for our country. It was a time of protest and riots. It somehow became okay to say "Hell no, we won't go!"

The soldiers and the sailors and the airmen and the marines went. One of the benefits of military service is the limited wardrobe they provide. The uniform is worn in battle and in peace and with honor.

When they returned from facing the enemy, many were advised that they should take that uniform off before they went to the airport. They bore the brunt of an angry country.

It wasn't until our country was attacked on our own soil on 911 that we came together as a country and recognized the appreciation that we should have and should have had for those who serve.

At public events, speakers began asking that all veterans stand and be recognized. At first, I didn't stand. I thought, "They don't need to honor me in that way, I was a Vietnam Era vet but I served in the Cold War, stationed in West Berlin."

Then I realized that it is good for the country. This country was founded as an exercise in self-government. It has existed, it exists today, and will only continue to exist if, and to the extent that the citizens recognize their responsibility to it. One of the ways they do that is in their recognition of sacrifices that many make to defend it.

No-one loves peace more than those who put themselves forward and fight for it. There are two people in our chamber who served in Vietnam – Asst. Sergeant at Arms Lyle Lauf and Senator Dave Clemens. Mister President, I say to them, "Thank you for your service and welcome home!"

**REQUEST**

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

**CONSIDERATION OF AMENDMENTS**

**HB 1205, as engrossed: SEN. MYRDAL (Judiciary Committee) MOVED** that the amendments on SJ pages 1180-1181 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 1205:** A BILL for an Act to create and enact a new section to chapter 12.1-27.1 of the North Dakota Century Code, relating to prohibiting public libraries from maintaining explicit sexual material; to provide for a legislative management report; 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 39 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Braunberger; Hogan; Krebsbach; Lee; Mathern; Piepkorn; Weber

**ABSENT AND NOT VOTING:** Roers, K.

Engrossed HB 1205, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1265, as engrossed: SEN. WOBBEMA (Education Committee) MOVED** that the amendments on SJ page 1181 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**THE SENATE RECOGNIZED THE PRESENCE OF:**

former Senator Larry Robinson

**SECOND READING OF HOUSE BILL**

**HB 1265:** A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to growth and development and human sexuality curriculum.

**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 37 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Barta; Beard; Bekkedahl; Boehm; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogue; Kannianen; Kessel; Klein; Kreun; Larsen; Larson; Lemm; Luick; Magrum; Meyer; Myrdal; Patten; Paulson; Roers, J.; Rust; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

**NAYS:** Axtman; Braunberger; Hogan; Krebsbach; Lee; Mathern; Piepkorn; Rummel; Schaible

**ABSENT AND NOT VOTING:** Roers, K.

Engrossed HB 1265, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1511, as engrossed: SEN. MAGRUM (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 1183-1184 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 1511:** A BILL for an Act to create and enact a new subdivision to subsection 3 of section 54-35-26, a new section to chapter 57-39.2, a new subdivision to subsection 3 of section 57-40.2-03.3, and a new section to chapter 57-61 of the North Dakota Century Code, relating to evaluation of economic development tax incentives, a sales and use tax exemption for materials used to construct or expand a coal processing facility that utilizes coal as a feedstock, and severance and sales and use tax exemptions for coal used in a coal processing facility that utilizes coal as a feedstock; 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 44 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Barta; Beard; Bekkedahl; Boehm; 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; Roers, J.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

**NAYS:** Braunberger; Piepkorn

**ABSENT AND NOT VOTING:** Roers, K.

Engrossed HB 1511, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1455, as engrossed: SEN. RUMMEL (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 1181-1183 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 1455:** A BILL for an Act to create and enact a new subdivision to subsection 3 of section 54-35-26, a new section to chapter 57-39.2, and a new subdivision to subsection 3 of section 57-40.2-03.3 of the North Dakota Century Code, relating to evaluation of economic development tax incentives and a sales and use tax exemption for raw materials, single-use product contact systems, and reagents used for biologic manufacturing; 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 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Braunberger; Hogan; Magrum; Piepkorn

**ABSENT AND NOT VOTING:** Roers, K.

Engrossed HB 1455, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1165: SEN. LEE (Human Services Committee) MOVED** that the amendments on SJ page 1179 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 1165:** A BILL for an Act to create and enact three new sections to chapter 23-01 of the North Dakota Century Code, relating to powers and duties of the department of health and human services public health division, central public health laboratory, and surge staffing; to amend and reenact subdivision p of subsection 1 of section 11-16-01, section 14-13-03, subsection 2 of section 15-52-03, section 16.1-02-06, subsection 2 of section 19-24.1-38, sections 23-01-03.1, 23-01-03.3, 23-01-04.3, 23-01-05, and 23-01-05.1, subsection 3 of section 23-01-05.3, sections 23-01-05.4, 23-01-08, 23-01-08.1, and 23-01-12, subsection 3 of section 23-01-44, sections 23-01.2-01, 23-01.2-03, and 23-01.2-04, subsection 8 of section 23-01.3-01, subsection 1 of section 23-01.3-06, section 23-01.3-08, subsections 8, 17, and 21 of section 23-02.1-01, sections 23-02.1-02 and 23-02.1-03, subsection 4 of section 23-07-02.3, sections 23-07-15, 23-07.2-01, and 23-09.4-08, subsection 4 of section 23-10-03, section 23-10-06, subsection 2 of section 23-10-06.1, sections 23-10-12, 23-16-05, 23-16-06, 23-16-10, 23-16-11, 23-17-08, 23-17.6-01, 23-17.6-02, 23-17.6-04, 23-17.6-06, 23-17.7-03, 23-23-03, 23-24-01, 23-24-02, 23-24-02.1, 23-24-06, 23-27-03, and 23-27-04.7, subsection 3 of section 23-27-04.9, sections 23-35.1-02, 23-35.1-03, and 23-36-08, subsection 1 of section 23-38.1-02, section 23-43-01, subsection 3 of section 23-43-05, section 23-46-02, subsection 1 of section 23-47-03, subsection 7 of section 25-01-01, subsection 1 of section 25-01-01.1, subsection 3 of section 25-02-01.1, sections 25-03.1-34.1, 25-03.3-01, 25-03.3-12, 25-03.3-13, 25-03.3-14, 25-03.3-17, 25-03.3-18, 25-03.3-18.1,

25-03.3-24, 25-04-08.1, and 25-11-02, subsection 2 of section 37-17.4-01, sections 43-10-02, 43-12.3-01, 43-12.3-02, 43-12.3-03, 43-12.3-04, 43-12.3-05, 43-12.3-06, and 43-12.3-07, subsection 14 of section 43-15-10, sections 43-28.1-01, 43-28.1-03, 43-28.1-05, 43-28.1-07, 43-28.1-08, 43-28.1-09, 43-29.1-01, and 43-29.1-02, subsection 1 of section 43-29.1-03, sections 43-29.1-04, 43-29.1-05, and 43-29.1-06, subsection 5 of section 43-29.1-07, section 43-29.1-08, 43-34-02, 43-38-01, 43-38-02, and 43-38-03, subsection 1 of section 43-43-01, sections 43-43-03 and 43-43-05, subsection 10 of section 50-01.1-06, sections 50-06-01.1, 50-06-01.3, and 50-06-01.4, subsection 3 of section 50-06-05.3, sections 50-06-05.5, 50-06-05.8, 50-06-06.6, 50-06-30, 50-06-31, and 50-06-32, subsection 1 of section 50-06-43.2, subsection 4 of section 50-06.1-01, subsection 7 of section 50-10.1-03, subsection 1 of section 50-11.1-25, sections 50-21-02, 50-21-04, and 50-24.6-02, subsection 3 of section 50-25.1-04.1, subsection 1 of section 50-28-04, subsection 1 of section 50-28-05, subsection 2 of section 50-35-01, section 54-44.3-31, subsection 1 of section 54-07-01.2, section 54-46-13, subsection 1 of section 54-59-25, and sections 54-59-33 and 57-60-03 of the North Dakota Century Code, relating to the powers and duties of the department of health and human services, state health officer, state health council and the executive director of the department of health and human services; and to repeal sections 23-01-01, 23-01-06, and 23-07-07 of the North Dakota Century Code, relating to the health division, a biennial report, and reporting sexually transmitted diseases.

**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; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

**NAYS:** Magrum

**ABSENT AND NOT VOTING:** Roers, K.

HB 1165, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1536, as engrossed: SEN. HOGAN (Human Services Committee) MOVED** that the amendments on SJ pages 1184-1193 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 1536:** A BILL for an Act to create and enact sections 27-20.3-19.1, 27-20.3-19.2, 27-20.3-19.3, 27-20.3-19.4, and 27-20.3-19.5 of the North Dakota Century Code, relating to adopting a state Indian child welfare act; to amend and reenact section 27-20.3-19 of the North Dakota Century Code, relating to Indian child welfare; and to provide for a legislative management study.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Roers, K.

Engrossed HB 1536, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1413, as engrossed: SEN. WESTON (Human Services Committee) MOVED** that the amendments on SJ page 1181 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1413:** A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to out-of-pocket expenses for health care services.

**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 25 YEAS, 21 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Barta; Beard; Boehm; Braunberger; Cleary; Conley; Davison; Dever; Elkin; Klein; Kreun; Larson; Lemm; Luick; Magrum; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Rust; Schaible; Sorvaag; Wanzek

**NAYS:** Bekkedahl; Burckhard; Clemens; Dwyer; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Krebsbach; Larsen; Lee; Mathern; Meyer; Rummel; Sickler; Vedaa; Weber; Weston; Wobbema

**ABSENT AND NOT VOTING:** Roers, K.

Engrossed HB 1413, as amended, passed.

**********

**CONSIDERATION OF AMENDMENTS**

**HB 1095, as engrossed: SEN. LEE (Human Services Committee) MOVED** that the amendments on SJ pages 1178-1179 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 1095:** A BILL for an Act to create and enact chapter 26.1-36.11 of the North Dakota Century Code, relating to the inclusion of comprehensive medication management services in health benefit plans.

**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 39 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Clemens; Estenson; Kannianen; Larsen; Lemm; Luick; Wobbema

**ABSENT AND NOT VOTING:** Roers, K.

Engrossed HB 1095, as amended, passed.

**********

**CONSIDERATION OF AMENDMENTS**

**HB 1368, as engrossed: SEN. BOEHM (Industry and Business Committee) MOVED** that the amendments on SJ pages 1199-1200 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 1368:** A BILL for an Act to create and enact a new section to chapter 54-06 and a new section to chapter 54-44.4 of the North Dakota Century Code, relating to contracts with companies that boycott Israel and a prohibition on investments.

**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 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Braunberger; Hogan; Piepkorn

**ABSENT AND NOT VOTING:** Roers, K.

Engrossed HB 1368, as amended, passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. BEKKEDAHL MOVED** that the Senate do concur in the House amendments to Engrossed SB 2183 as printed on SJ pages 1049-1050, which motion prevailed on a voice vote.

Engrossed SB 2183, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2183:** A BILL for an Act to provide an appropriation to the adjutant general for snow removal grants; to provide for a report; and to declare an emergency.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Roers, K.

Reengrossed SB 2183 passed and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. ELKIN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2223 as printed on SJ page 1050, which motion prevailed on a voice vote.

Engrossed SB 2223, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2223:** A BILL for an Act to amend and reenact section 15.1-08-02 of the North Dakota Century Code, relating to the residency requirement for military installation school board members; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has

committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Roers, K.

Reengrossed SB 2223 passed and the emergency clause was declared carried.

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**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** The Senate has passed, unchanged: HB 1140, HB 1318.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1288, HB 1376, HB 1440, HB 1501.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1313.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1321.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1256, HB 1513.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**
**MADAM PRESIDENT:** The House has passed, unchanged: SB 2065, SB 2076, SB 2113, SB 2221, SB 2289, SB 2363.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**
**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2261, SB 2364.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2261**

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

Page 1, line 1, after "17-04-07" insert "and 35-27-13"

Page 1, after line 11, insert:

"**SECTION 2. AMENDMENT.** Section 35-27-13 of the North Dakota Century Code is amended and reenacted as follows:

**35-27-13. How lien perfected - Construction lien recorded.**

Every person desiring to perfect the person's lien shall record with the recorder of the county in which the property to be charged with the lien is situated, within ninety days after all the person's contribution is done, and having complied with the provisions of this chapter, a lien describing the property and stating the amount due, the dates of the first and last contribution, and the person with which the claimant contracted. Unless the owner of the freehold estate also is the owner of the leasehold for wind turbines or an electric energy conversion facility for which the labor, materials, or services were supplied, if a recorded lien is for a wind turbine or associated facility under section 17-04-07, the recorded lien must contain the following statement in at least sixteen-point type:

The lien in this chapter attaches only to the leasehold for an electric energy conversion facility or wind turbines for which labor, materials, or services were supplied. This lien does not attach to or encumber the real property or freehold estate."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2364**

Page 1, line 9, replace "water pipelines" with "facilities authorized by law"

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**
**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2026, SB 2034.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2026**

Page 1, line 1, replace "a contingent" with "an"

Page 1, line 4, remove "**CONTINGENT**"

Page 1, line 6, replace "$5,000,000" with "$4,000,000"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2026 - DHHS - Other - House Action**

| | Base Budget | Senate Version | House Changes | House Version |
|---|---|---|---|---|
| State Hospital building demolition | | $5,000,000 | ($1,000,000) | $4,000,000 |
| Total all funds | $0 | $5,000,000 | ($1,000,000) | $4,000,000 |
| Less estimated income | 0 | 0 | 0 | 0 |
| General fund | $0 | $5,000,000 | ($1,000,000) | $4,000,000 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 |

**Department 325 - DHHS - Other - Detail of House Changes**

| | Adjust Funding for State Hospital Building Demolition[1] | Total House Changes |
|---|---|---|
| State Hospital building demolition | ($1,000,000) | ($1,000,000) |
| Total all funds | ($1,000,000) | ($1,000,000) |
| Less estimated income | 0 | 0 |
| General fund | ($1,000,000) | ($1,000,000) |
| FTE | 0.00 | 0.00 |

[1] Funding is adjusted from the general fund from $5 million to $4 million for the demolition of unused buildings on the State Hospital campus.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2034**

Page 1, line 2, after "cabinet" insert "; and to declare an emergency"

Page 2, line 10, remove "and one legislative"

Page 2, remove line 11

Page 2, line 12, replace "officer of the cabinet is not a member," with ". The children's cabinet shall select one of its members"

Page 3, after line 7, insert:

"6. A member of the cabinet who is not a state employee is entitled to reimbursement for mileage and expenses as provided by law for state officers and employees, to be paid by the department. A state employee who is a member of the cabinet is entitled to receive that employee's regular salary and is entitled to reimbursement for mileage and expenses to be paid by the employing agency. A member of the cabinet who is a member of the legislative assembly is entitled to receive per diem compensation at the rate provided under section 54-35-10 for each day performing official duties of the cabinet. The legislative council shall pay the per diem compensation and reimbursement for travel and expenses as provided by law for any member of the cabinet who is a member of the legislative assembly.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**
**MADAM PRESIDENT:** The House has amended and subsequently failed to pass: SB 2197, SB 2288.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**
**MADAM PRESIDENT:** The House has failed to pass, unchanged: SB 2064, SB 2313, SB 2319.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**
**MADAM PRESIDENT:** Your signature is respectfully requested on: HB 1136.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**
**MR. SPEAKER:** The President has signed: HB 1136.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Thursday, March 30, 2023, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1040, as reengrossed: State and Local Government Committee (Sen. K. Roers, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1040 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

**REPORT OF STANDING COMMITTEE**

**HB 1070, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1070 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 3, after "fund" insert "; to amend and reenact subsection 12 of section 54-16-04.1, relating to emergency commission authorizations"

Page 3, after line 18, insert:

"**SECTION 2. AMENDMENT.** Subsection 12 of section 54-16-04.1 of the North Dakota Century Code is amended and reenacted as follows:

12. Subsections 10 and 11 do not apply to federal highway administration emergency relief funding received by the state or to disaster or emergency recovery funding received by the state pursuant to ~~section 37-17.1-23~~chapter 37-17.1."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENTS:**

This amendment clarifies the Emergency Commission authorization for disaster or emergency recovery funding.

**REPORT OF STANDING COMMITTEE**

**HB 1095, as engrossed: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1095 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 26, after "to" insert "eligible"

Page 2, line 26, after "enrollees" insert "who elect to participate in a comprehensive medication management program"

Page 2, line 30, after "provider" insert ", if applicable, and"

Page 3, line 2, remove "The enrollee had three or more hospital admissions in the preceding year;"

Page 3, line 3, remove "c."

Page 3, line 4, replace "Congestive heart" with "Heart"

Page 3, line 9, replace "d." with "c."

Page 3, line 11, remove "; and"

Page 3, line 12, remove "e. Additional criteria identified by the commissioner and adopted by rule"

Page 3, line 17, after "carrier" insert "network's or health carrier's affiliate'"

Page 3, line 28, replace "medical" with "pharmacy"

Page 4, line 3, remove "The health carrier shall audit quarterly at least twenty-five percent of provider"

Page 4, remove lines 4 and 5

Page 4, line 6, remove "c."

Page 4, line 9, replace "d." with "c."

Page 4, line 11, replace "e." with "d."

Page 4, line 14, remove "Gender;"

Page 4, line 15, remove "(3)"

Page 4, line 16, replace "(4)" with "(3)"

Page 4, line 17, replace "(5)" with "(4)"

Page 4, line 18, replace "(6)" with "(5)"

Page 4, line 24, after "recommendations" insert "for the implementation of comprehensive medication management and"

Page 4, line 28, after the first underscored comma insert "provider directories,"

Page 4, line 28, remove "and"

Page 4, line 28, after "requirements" insert ", billing standards, and potential cost-savings and cost increases to consumers"

Page 5, line 10, after "An" insert "organization representing"

Page 5, line 10, replace "nurse" with "nurses"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1119: Finance and Taxation Committee (Sen. Kannianen, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1119 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

**REPORT OF STANDING COMMITTEE**

**HB 1158, as amended: Appropriations Committee (Sen. Bekkedahl, Chairman)** recommends **DO PASS** (13 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1158, as amended, was placed on the Fourteenth order on the calendar. This bill affects workforce development.

**REPORT OF STANDING COMMITTEE**

**HB 1167, 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 1167 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

**REPORT OF STANDING COMMITTEE**

**HB 1245, 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 1245 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 3, replace "February" with "March"

Page 2, line 6, after "year" insert ", including the amount in each fund which is committed for a specific use"

Page 2, line 7, remove "the state auditor is conducting or has completed"

Page 2, line 7, replace "of the county" with "is complete"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1268, as engrossed: Judiciary Committee (Sen. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1268 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 14-07.1-02 of the North Dakota Century Code, relating to the definition of domestic violence and stalking; to"

Page 1, line 1, remove "section 14-07.1-01 and"

Page 1, line 2, remove "the definition of stalking and"

Page 1, remove lines 5 through 24

Page 2, remove lines 1 through 7

Page 2, after line 15, insert:

"**SECTION 2.** A new subsection to section 14-07.1-02 of the North Dakota Century Code is created and enacted as follows:

As used in this section and in section 14-07.1-03:

a. "Domestic violence" has the meaning provided in section 14-07.1-01 and includes stalking.

b. "Stalking" has the meaning provided for in the term "stalk" in section 12.1-17-07.1."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1278, as engrossed: Industry and Business Committee (Sen. Larsen, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1278 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

**REPORT OF STANDING COMMITTEE**

**HB 1296, as engrossed: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1296 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

**REPORT OF STANDING COMMITTEE**

**HB 1341, as engrossed: Energy and Natural Resources Committee (Sen. Patten, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1341 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 6, replace "study" with "consider studying"

Page 1, line 7, replace "may" with "must"

Page 1, line 10, replace "possessed" with "restricted"

Page 1, line 13, remove "the tax"

Page 1, line 14, remove "commissioner,"

Page 1, line 14, after the second comma insert "the commissioner of higher education, and representatives of"

Page 1, line 16, remove "and"

Page 1, line 16, after "association" insert ", and the national rifle association"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1360, as engrossed: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1360 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

**REPORT OF STANDING COMMITTEE**

**HB 1387: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1387 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

**REPORT OF STANDING COMMITTEE**

**HB 1429, 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 1429 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 5, after the semicolon insert "to provide an appropriation;"

Page 1, line 15, after "board" insert ", or any other state entity investing public funds,"

Page 1, line 18, after "board" insert ", or other state entity,"

Page 1, remove lines 22 and 23

Page 1, line 24, replace "refusing" with "Refusing"

Page 1, line 24, after "insure" insert "or charging a different rate"

Page 2, line 2, after "factors" insert ", unless the refusal or different rate is the result of the application of sound underwriting and actuarial principles related to actual or reasonably anticipated loss experience"

Page 2, line 12, remove "**DIVESTMENT OF COMPANIES**"

Page 2, line 13, replace "**THAT BOYCOTT ENERGY OR COMMODITIES**" with "**ENVIRONMENTAL, SOCIAL, AND GOVERNANCE TRENDS**"

Page 2, line 13, remove "During the 2023-24 interim, the legislative"

Page 2, replace lines 14 through 26 with:

"1. During the 2023-24 interim, the legislative management shall study environmental, social, and governance trends, laws, and policies that impact businesses and industries of this state. The study must include input from representatives from state government and industry with expertise in the areas of energy, agriculture, investment, insurance, economic development, finance, procurement, and contracting, and laws related to these areas.

2. The study must identify laws and regulations enacted by the federal government and other state governments related to environmental, social, and governance policies and trends which impact the state's energy and production agriculture industries. The study also must examine corporate environmental, social, and governance policies and trends impacting the state's energy and production agriculture industries, including finance, lending, insurance, and boycotts of energy or production agriculture commodities.

3. The study may identify industry-specific public policy strategies for immediate and long-term implementation to help the state continue to be a global leader in energy and agriculture. Strategies may include marketing and advocacy for state industries, exploration of emerging technology and practices, and examination of investment policy.

4. The legislative management shall report its findings and recommendations, together with any legislation and appropriation requests required to implement the recommendations, to the sixty-ninth legislative assembly.

**SECTION 4. APPROPRIATION - LEGISLATIVE MANAGEMENT - ENVIRONMENTAL, SOCIAL, AND GOVERNANCE TRENDS STUDY.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $45,000, or so much of the sum as may be necessary, to the legislative management for the purpose of defraying costs associated with the study of current environmental, social, and governance policies, trends, and issues that impact citizens, businesses, and industries of this state, for the biennium beginning July 1, 2023, and ending June 30, 2025."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1484, as engrossed: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1484 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

**REPORT OF STANDING COMMITTEE**

**HB 1497, as engrossed: Judiciary Committee (Sen. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1497 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, after "to" insert "amend and reenact section 53-06.1-03 of the North Dakota Century Code, relating to the maximum number of gaming sites allowed and the maximum number of electronic pull tab devices allowed at a site; and to"

Page 1, line 1, remove "of the state's charitable gaming"

Page 1, line 2, remove "industry"

Page 1, after line 3, insert:

"**SECTION 1. AMENDMENT.** Section 53-06.1-03 of the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-03. Permits, site authorization, and licenses - Organization requirements - Site inspection.**

1. Except as authorized by the attorney general, an organization that has its license suspended or revoked, or has relinquished or not renewed its license and not disbursed its net proceeds, is ineligible for a license or permit. Only one of two or more closely related organizations may have a license or permit at one time. A college or university fraternity, sorority, or club is not closely related to an educational organization. An organization shall apply for a permit as follows:

   a. An organization recognized as a public-spirited organization by the governing body of a city or county may apply for permits. A local permit may allow the organization to conduct only raffles, bingo, or sports pools. A restricted event permit may allow the organization to conduct only raffles, bingo, sports pools, paddlewheels, twenty-one, and poker. The organization or closely related organizations as a whole may only award a primary prize that does not exceed eight thousand dollars and total prizes of all games do not exceed forty thousand dollars per year. These maximum prize amounts do not apply to raffles conducted under chapter 20.1-08. The determination of what is a "public-spirited organization" is within the sole discretion of the governing body. An organization shall disclose on the application its intended use of the net income from the gaming activity. A governing body may issue a permit for games to be held at designated times and places.

   b. An organization shall apply to the governing body of the city or county in which the proposed site is located. Application must be made on a form prescribed by the attorney general. Approval may be granted at the discretion of the governing body. A governing body may establish a fee not to exceed twenty-five dollars for each permit. A permit must be on a fiscal year basis from July first to June thirtieth or on a calendar-year basis.

   c. An organization that has a local permit or a restricted event permit may use the net income from the gaming activity for any purpose that does not violate this chapter or gaming rules, unless the

organization is a state political party or legislative district party committee, the organization may use the net income from a raffle for a political purpose. For purposes of this subdivision, a public-spirited use includes a political purpose.

d. An organization that has a restricted event permit is restricted to one event per year and:

(1) May not pay remuneration to employees for personal services;

(2) Shall use chips as wagers;

(3) Shall redeem a player's chips for merchandise prizes or cash;

(4) Shall disburse net income to eligible uses referenced in subdivision c, if applicable, and in section 53-06.1-11.1; and

(5) Shall file a report prescribed by the attorney general with the governing body and attorney general.

2. An eligible organization shall apply for a license to conduct only bingo, electronic quick shot bingo, raffles, calcuttas, pull tabs, punchboards, twenty-one, paddlewheels, poker, or sports pools by:

a. First securing approval for a site authorization from the governing body of the city or county in which the proposed site is located. Approval, which may be granted at the discretion of the governing body, must be recorded on a site authorization form that is to accompany the license application to the attorney general for final approval. A governing body may not require an eligible organization to donate net proceeds to the city, county, or related political subdivision or for community programs or services within the city or county as a condition for receiving a site authorization from the city or county. A governing body may limit the number of tables for the game of twenty-one per site and the number of sites upon which a licensed organization may conduct games within the city or county. A governing body may charge a one hundred dollar fee for a site authorization; and

b. Annually applying for a license from the attorney general before July first on a form prescribed by the attorney general and remitting a one hundred fifty dollar license fee for each city or county that approves a site authorization. However, the attorney general may allow an organization that only conducts a raffle or calcutta in two or more cities or counties to annually apply for a consolidated license and remit a one hundred fifty dollar license fee for each city or county in which a site is located. An organization shall document that it qualifies as an eligible organization. If an organization amends its primary purpose as stated in its articles of incorporation or materially changes its basic character, the organization shall reapply for licensure.

3. A licensed organization or organization that has a permit shall conduct games as follows:

a. Only one licensed organization or organization that has a permit may conduct games at an authorized site on a day, except that a raffle may be conducted for a special occasion by another licensed organization or organization that has a permit when one of these conditions is met:

(1) When the area for the raffle is physically separated from the area where games are conducted by the regular organization.

(2) Upon request of the regular organization and with the approval of the alcoholic beverage establishment, the regular organization's license or permit is suspended for that specific time of day by the attorney general.

b. Except for a temporary site authorized for fourteen or fewer consecutive days for not more than two events per quarter or a licensed organization authorized on or before January 1, 2023, to conduct gaming at more than fifteen sites, a licensed organization, including any of the organization's affiliates, may not have more than ~~twenty-five~~fifteen sites ~~unless granted a waiver by the attorney general. If the attorney general finds that there is no other licensed organization interested in conducting gaming at a site for which a waiver is being sought, the attorney general may approve the waiver for no more than five sites~~.

c. Games of electronic quick shot bingo, pull tabs, punchboards, twenty-one, paddlewheels, poker, and sports pools may be conducted only during the hours when alcoholic beverages may be dispensed according to applicable regulations of the state, county, or city.

d. An organization may not permit a person under twenty-one years of age to directly or indirectly play pull tabs, punchboards, twenty-one, calcuttas, sports pools, paddlewheels, or poker. An organization may not permit an individual under eighteen years of age to directly or indirectly play electronic quick shot bingo. An organization may not permit an individual under eighteen years of age to directly or indirectly play bingo unless the individual is accompanied by an adult, bingo is conducted by an organization that has a permit, or the game's prize structure does not exceed that allowed for a permit.

e. An organization may not install more than ten electronic pull tab devices at a site.

f. An organization with more than fifteen licensed sites under subdivision b may not increase its number of sites beyond the number of sites licensed as of January 1, 2023.

4. A permit, or site authorization and license, must be displayed at a site.

5. The attorney general may issue a conditional license to an eligible organization whose regularly issued license has expired or been suspended, revoked, or relinquished. The attorney general shall designate the time period for which the conditional license is valid and may impose any conditions.

6. A governing body or local law enforcement official may inspect a site's gaming equipment and examine or cause to be examined any gaming-related books and records of a licensed organization or organization that has a permit."

Page 1, line 5, replace "consider studying" with "study"

Page 1, line 10, remove "and"

Page 1, line 11, after "e.", insert "An evaluation of restricting the placement of electronic pull tab devices to a designated area within an alcoholic beverage establishment, including:

(1) Limiting the permissible locations of electronic pull tab devices based on gross sales of alcohol;

(2) Creating barriers to limit the visibility and audibility of electronic pull tab devices; and

(3) Preventing minors from accessing electronic pull tab devices; and

f."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1502, as engrossed: Human Services Committee (Sen. Lee, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1502 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

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

**Shanda Morgan, Secretary**