JOURNAL OF THE SENATE

Sixty-eighth Legislative Assembly

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Bismarck, April 19, 2023

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

The prayer was offered by Pastor Brandon Vetter, Legacy United Methodist Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Beard, Chairman)** has carefully examined the Journal of the Sixty-fifth and Sixty-sixth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1650, line 55, replace "1265-1266" with "1070-1071"

Page 1651, line 41, after "amendments" insert "as printed on SJ 1328 through 1329,"

Page 1671, line 34, replace "1355-1356" with "1211"

Page 1671, line 42, replace "**engrossed**" with "**reengrossed**"

Page 1671, line 44, replace "1231-1232" with "1072"

Page 1671, line 46, replace "1072" with "1211"

Page 1683, line 41, replace "1149-1150" with "967-968"

Page 1684, line 35, replace "1388-1390" with "1390-1391"

Page 1684, line 41, replace "1331-1333" with "1332"

Page 1698, line 31, remove "SB"

Page 1698, line 32, remove "2150,"

Page 1699, remove lines 13 through 43

Page 1700, remove lines 2 through 46

Page 1701, remove lines 2 through 2 through 30

Page 1705, after line 8, insert:

"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 2150.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2150

Page 1, line 1, after "to" insert "create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to abortions; to"

Page 1, line 1, remove "12.1-31-12,"

Page 1, line 4, after "sections" insert "12.1-31-12,"

Page 1, line 6, after "to" insert "abortions,"

Page 1, remove lines 10 through 23

Page 2, remove lines 1 through 30

Page 3, replace lines 1 through 7 with:

"**SECTION 1.** A new chapter to title 12.1 of the North Dakota Century Code is created and enacted as follows:

Definitions.

As used in this chapter:

1. "Abortion" means the act of using, selling, or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman, including the elimination of one or more unborn children in a multifetal pregnancy, with knowledge the termination by those means will with reasonable likelihood cause the death of the unborn child. The use, sale, prescription, or means is not an abortion if done with the intent to:

   a. Remove a dead unborn child caused by spontaneous abortion;

   b. Treat a woman for an ectopic pregnancy; or

   c. Treat a woman for a molar pregnancy.

2. "Physician" means an individual licensed to practice medicine or osteopathy under chapter 43-17 or a physician who practices in the armed services of the United States or in the employ of the United States.

3. "Probable gestational age of the unborn child" means what, in reasonable medical judgment, will with reasonable probability be the gestational age of the unborn child.

4. "Reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

5. "Serious health risk" means a condition that, in reasonable medical judgment, complicates the medical condition of the pregnant woman so that it necessitates an abortion to prevent substantial physical impairment of a major bodily function, not including any psychological or emotional condition. The term may not be based on a claim or diagnosis that the woman will engage in conduct that will result in her death or in substantial physical impairment of a major bodily function.

Abortion prohibited - Penalty.

It is a class C felony for a person, other than the pregnant female upon whom the abortion was performed, to perform an abortion.

Exceptions.

This chapter does not apply to:

1. An abortion deemed necessary based on reasonable medical judgment which was intended to prevent the death or a serious health risk to the pregnant female.

2. An abortion to terminate a pregnancy that based on reasonable medical judgment resulted from gross sexual imposition, sexual imposition, sexual abuse of a ward, or incest, as those offenses are defined in chapter 12.1-20, if the probable gestational age of the unborn child is six weeks or less.

3. An individual assisting in performing an abortion if the individual was acting within the scope of that individual's regulated profession, was under the direction of or at the direction of a physician, and did not know the physician was performing an abortion in violation of this chapter."

Page 3, line 26, overstrike "or"

Page 3, line 27, after "pregnancy" insert "; or

c. Treat a woman for a molar pregnancy"

Page 6, line 11, overstrike "substantial"

Page 6, line 11, overstrike "physical impairment of a"

Page 6, line 12, overstrike "major bodily function, not including psychological or emotional conditions" and insert immediately thereafter "a serious health risk"

Page 6, line 12, overstrike "A condition"

Page 6, overstrike lines 13 through 15

Page 6, line 30, after "14." insert ""Serious health risk" means a condition that, in reasonable medical judgment, complicates the medical condition of the pregnant woman so that it necessitates an abortion to prevent substantial physical impairment of a major bodily function, not including any psychological or emotional condition. The term may not be based on a claim or diagnosis that the woman will engage in conduct that will result in her death or in substantial physical impairment of a major bodily function.

15."

Page 7, line 1, replace "15." with "16."

Page 9, line 19, remove "section 12.1-31-12,"

Page 9, line 29, replace "due to a medical emergency" with "to prevent a serious health risk"

Page 10, line 25, overstrike "avert" and insert immediately thereafter "prevent"

Page 10, line 26, overstrike "for which a twenty-four-hour delay will create grave peril of immediate"

Page 10, line 27, overstrike "and irreversible loss of major bodily function" and insert immediately thereafter "prevent a serious health risk"

Page 10, line 31, overstrike the comma

Page 10, line 31, overstrike "because the continuation of her pregnancy will impose on her a"

Page 11, line 1, overstrike "substantial risk of grave impairment of her physical"

Page 11, line 1, overstrike "health" and insert immediately thereafter "to prevent a serious health risk"

Page 15, line 16, overstrike "After the point in pregnancy when the unborn child may reasonably be expected to"

Page 15, line 17, overstrike "have reached viability,"

Page 15, line 17, remove "an"

Page 15, line 17, overstrike "abortion may be performed"

Page 15, overstrike line 18

Page 15, line 19, overstrike "the life of the woman"

Page 15, overstrike lines 22 through 26

Page 15, line 27, overstrike "concurrence is not required in the case of"

Page 15, line 27, remove "a medical"

Page 15, line 27, overstrike "emergency when the abortion"

Page 15, overstrike line 28

Page 15, line 29, overstrike "4."

Page 16, line 10, overstrike "5." and insert immediately thereafter "4."

Page 16, line 12, overstrike "6." and insert immediately thereafter "5."

Page 21, line 20, after "Sections" insert "12.1-31-12,"

Renumber accordingly"

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

REPORT OF CONFERENCE COMMITTEE

SB 2201, as engrossed: Your conference committee (Sens. K. Roers, Lee, Clemens and Reps. Beltz, M. Ruby, Dobervich) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1151, adopt amendments as follows, and place SB 2201 on the Seventh order:

That the House recede from its amendments as printed on page 1151 of the Senate Journal and page 1307 of the House Journal and that Engrossed Senate Bill No. 2201 be amended as follows:

Page 1, line 2, remove ", subdivision a of subsection 1 of section 19-24.1-14,"

Page 1, line 3, remove "sections 19-24.1-15 and 19-24.1-16"

Page 1, line 6, remove "regarding the administrative costs of medical marijuana"

Page 1, line 7, remove "compassion center certification and the impact of those costs on patients"

Page 1, remove lines 20 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 22

Page 4, line 19, overstrike "of"

Page 4, line 19, after "~~thousand~~" and insert "not to exceed"

Page 4, line 24, replace "study" with "consider studying"

Renumber accordingly

Engrossed SB 2201 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2279, as engrossed: Your conference committee (Sens. Luick, Myrdal, Lemm and Reps. Thomas, Headland, Christy) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1536-1539 and place SB 2279 on the Seventh order.

Engrossed SB 2279 was placed on the Seventh order of business on the calendar.

REQUEST

SEN. KLEIN REQUESTED that the Senate be on the Eighth Order, which request was granted.

MOTION

SEN. KLEIN MOVED that Engrossed HB 1118, which is on the Fourteenth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1118 was rereferred.

MOTION

SEN. KLEIN MOVED pursuant to Rule 509 that the Sixty-Second day be replaced by the Seventieth day, which motion prevailed.

CONSIDERATION OF VETOED MEASURE

HB 1416: AN ACT to create and enact section 26.1-36-12.7 of the North Dakota Century Code, relating to freedom of choice for health care services; and to provide for application.

ROLL CALL

The question being on the final passage of the enrolled bill, over the Governor's veto, which has been read, the roll was called and there were 36 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kessel; Klein; Larsen; Larson; Lee; Lemm; Luick; Magrum; Meyer; Myrdal; Paulson; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston

NAYS: Clemens; Kannianen; Krebsbach; Kreun; Mathern; Patten; Piepkorn; Roers, J.; Roers, K.; Rummel; Wobbema

The Senate overrode the Governor's veto of HB 1416, as enrolled.

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CONSIDERATION OF VETOED MEASURE

HB 1273: AN ACT to create and enact a new section to chapter 16.1-01 of the North Dakota Century Code, relating to the prohibition of ranked-choice and approval voting in elections; and to amend and reenact subsection 7 of section 11-09.1-05 and subsection 9 of section 40-05.1-06 of the North Dakota Century Code, relating to home rule powers.

ROLL CALL

The question being on the final passage of the enrolled bill, over the Governor's veto, which has been read, the roll was called and there were 28 YEAS, 19 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Beard; Boehm; Clemens; Conley; Davison; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Klein; Larsen; Larson; Lemm; Luick; Magrum; Meyer; Myrdal; Patten; Paulson; Rust; Schaible; Vedaa; Weber; Weston; Wobbema

NAYS: Barta; Bekkedahl; Braunberger; Burckhard; Cleary; Dever; Dwyer; Kessel; Krebsbach; Kreun; Lee; Mathern; Piepkorn; Roers, J.; Roers, K.; Rummel; Sickler; Sorvaag; Wanzek

The Senate sustained the Governor's veto of HB 1273, as enrolled.

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COMMUNICATION FROM GOVENOR DOUG BURGUM
APRIL 3, 2023

Pursuant to North Dakota Constitution Article VIII, Section 6(2)(c), Curtis Biller was appointed to the State Board of Higher Education.

Appointment to the State Board of Higher Education:
Curtis Biller (July 1, 2023 - June 30, 2027),

North Dakota Constitution Article VIII, Section 6(2)(c) requires that an appointee be confirmed by the Senate. I respectfully request that the Senate make the confirmations during the 2023 Legislative Session.

Thank you for your consideration.

COMMUNICATION FROM GOVERNOR DOUG BURGUM
APRIL 3, 2023

Pursuant to North Dakota Constitution Article VIII, Section 6(2)(c), Timothy Mihalick was appointed to the State Board of Higher Education.

Appointment to the State Board of Higher Education:
Timothy Mihalick (July 1, 2023 - June 30, 2027),

North Dakota Constitution Article VIII, Section 6(2)(c) requires that an appointee be confirmed by the Senate. I respectfully request that the Senate make the confirmations during the 2023 Legislative Session.

Thank you for your consideration.

MOTION

SEN. KLEIN MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your **Select Committee (Sen. Larsen, Chairman)** appointed to consider the nomination to State Board of Higher Education, do advise and consent to the appointment of Curtis Biller.

MOTION

SEN. LARSEN MOVED that the report be adopted.

ROLL CALL

The question being, "will the Senate advise and consent to the appointment of Curtis Biller to State Board of Higher Education," the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 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; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Braunberger

The Senate advises and consents to the appointment of Curtis Biller to State Board of Higher Education.

REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your **Select Committee (Sen. Patten, Chairman)** appointed to consider the nomination to State Board of Higher Education, do advise and consent to the appointment of Timothy Mihalick.

MOTION

SEN. AXTMAN MOVED that the report be adopted.

ROLL CALL

The question being, "will the Senate advise and consent to the appointment of Timothy Mihalick to State Board of Higher Education," 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

The Senate advises and consents to the appointment of Timothy Mihalick to State Board of Higher Education.

MOTION

SEN. KLEIN MOVED that the Confirmation Session be dissolved, which motion prevailed.

REQUEST

SEN. KLEIN REQUESTED that the Senate be on the Twelfth Order, which request was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KLEIN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1018, Reengrossed HB 1168, and Reengrossed HB 1522, which motion prevailed.

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on:

Engrossed HB 1018: Sens. Bekkedahl, Wanzek, Hogue
Reengrossed HB 1168: Sens. Rummel, Kannianen, Magrum
Reengrossed HB 1522: Sens. Weston, Lee, Cleary

CONSIDERATION OF MESSAGES FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2129 as printed on SJ pages 1698-1699, in the House amendments to Engrossed SB 2170 as printed on SJ pages 1659-1660, in the House amendments to Engrossed SB 2181 as printed on SJ pages 1701-1702, in the House amendments to SB 2198 as printed on SJ page 1660, in the House amendments to Engrossed SB 2328 as printed on SJ pages 1660-1661, in the House amendments to Reengrossed SB 2345 as printed on SJ page 1702, and in the House amendments to Engrossed SB 2371 as printed on SJ pages 1702-1705 and that a conference committee be appointed to meet with a like committee from the House on each of these measures, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEES

THE PRESIDENT APPOINTED as a Conference Committee on:
Reengrossed SB 2129: Sens. Cleary, Weston, Davison.
Engrossed SB 2170: Sens. Wobbema, Sickler, Piepkorn.
Engrossed SB 2181: Sens. K. Roers, Cleary, Dever.
SB 2198: Sens. Axtman, Larson, Piepkorn.
Engrossed SB 2328: Sens. Axtman, Conley, Lemm.
Reengrossed SB 2345: Sens. Lee, Hogan, Dever.
Engrossed SB 2371: Sens. Sickler, Paulson, Estenson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. ELKIN MOVED that the Senate do concur in the House amendments to Engrossed SB 2247 as printed on SJ page 1705, which motion prevailed on a voice vote.

Engrossed SB 2247, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2247: A BILL for an Act to create and enact chapter 15-10.6 of the North Dakota Century Code, relating to specified concepts at institutions of higher education.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: 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.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weston; Wobbema

NAYS: Axtman; Braunberger; Hogan; Mathern; Piepkorn; Roers, K.; Weber

Engrossed SB 2247 passed.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LARSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2150 as printed on SJ pages 1699-1701, which motion prevailed on a voice vote.

Engrossed SB 2150, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2150: A BILL for an Act to create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to abortions; to amend and reenact sections 14-02.1-01, 14-02.1-02, 14-02.1-02.1, 14-02.1-02.2, 14-02.1-03, 14-02.1-03.1, 14-02.1-04, and 14-02.1-07, and subsection 1 of section 43-17-31 of the North Dakota Century Code, relating to abortion and grounds for disciplinary action imposed against a physician; to repeal sections 12.1-31-12, 14-02.1-04.1, 14-02.1-04.2, 14-02.1-05.1, 14-02.1-05.2, and 14-02.1-05.3 of the North Dakota Century Code, relating to abortions, sex-selective abortions, genetic abnormality abortions, human dismemberment abortions, and abortions after a detectable heartbeat; to provide a penalty; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 5 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; Kreun; Larsen; Larson; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Braunberger; Hogan; Krebsbach; Lee; Piepkorn

Engrossed SB 2150, as amended, passed and the emergency clause was declared carried.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LEE MOVED that the conference committee report on SB 2227 as printed on SJ page 1708 be adopted, which motion prevailed on a voice vote.

SB 2227 was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2227: A BILL for an Act to amend and reenact sections 23-01-02 and 23-01-03 of the North Dakota Century Code, relating to the membership and duties of the health council.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Beard; Lemm; Magrum; Meyer; Myrdal

Engrossed SB 2227, as amended, passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LUICK MOVED that the conference committee report on Engrossed SB 2279 as printed on SJ page 1721 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2279 was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2279: A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for certain potato storage structures; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 17 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Boehm; Conley; Erbele; Estenson; Hogue; Kessel; Klein; Larson; Lemm; Luick; Meyer; Myrdal; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Axtman; Barta; Beard; Bekkedahl; Braunberger; Burckhard; Cleary; Clemens; Davison; Dever; Dwyer; Elkin; Hogan; Kannianen; Krebsbach; Kreun; Larsen; Lee; Magrum; Mathern; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag

Engrossed SB 2279, as amended, failed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LEE MOVED that the conference committee report on Engrossed SB 2201 as printed on SJ pages 1720-1721 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2201, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2201: A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 19-24.1-03, subsection 3 of section 19-24.1-04, subsection 2 of section 19-24.1-18, subdivision a of subsection 3 of section 19-24.1-18, and subsection 1 of section 19-24.1-24 of the North Dakota Century Code, relating to medical marijuana certification and application fees; 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, 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; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel;

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

NAYS: Meyer

Reengrossed SB 2201, as amended, passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. K. ROERS MOVED that the conference committee report on Reengrossed HB 1288 as printed on SJ pages 1708-1709 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1288, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1288: A BILL for an Act to create and enact a new subsection to section 48-01.2-20 and a new section to chapter 54-21 of the North Dakota Century Code, relating to notice requirements for construction manager at-risk contracts and state entities contracting for property management services; to amend and reenact section 54-21-24.1 of the North Dakota Century Code, relating to the lease of additional space by state agencies; 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, 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

Reengrossed HB 1288, as amended, passed.

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CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LARSEN MOVED that the conference committee report on Reengrossed HB 1465 as printed on SJ page 1709 be adopted, which motion prevailed on a voice vote.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2004, SB 2085, SB 2304.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2004

Page 1, line 1, after the semicolon insert "to create and enact section 54-10-31 and a new section to chapter 54-10 of the North Dakota Century Code, relating to audits of the department of financial institutions and an audit report review period;"

Page 1, line 2, after "sections" insert "11-13-02, 54-10-01, and"

Page 1, line 2, after "to" insert "the duties of the county auditor, the powers and duties of the state auditor, and"

Page 1, line 3, replace "and to declare an emergency" with "to provide for a legislative management study; and to provide for a legislative management report"

Page 1, replace lines 12 through 19 with:

"Salaries and wages	$13,123,559	$663,322	$13,786,881
Operating expenses	1,371,703	397,568	1,769,271
Capital assets	0	70,550	70,550
Information technology consultants	450,000	0	450,000

Total all funds	$14,945,262	$1,131,440	$16,076,702
Less estimated income	5,826,152	399,500	6,225,652
Total general fund	$9,119,110	$731,940	$9,851,050
Full-time equivalent positions	61.00	3.00	64.00"

Page 2, replace lines 2 through 8 with:

"Local government audit office furniture	$0	$9,000
Inflationary increases for travel and professional development	0	40,500
Audit software setup and migration	0	45,550
Capital equipment replacement	0	25,000
Total all funds	$0	$120,050
Less estimated income	0	18,500
Total general fund	$0	$101,550"

Page 2, replace lines 13 through 18 with:

"**SECTION 3. AMENDMENT.** Section 11-13-02 of the North Dakota Century Code is amended and reenacted as follows:

11-13-02. Duties of county auditor.

The county auditor shall:

1. Act as clerk of the board of county commissioners and keep an accurate record of the official proceedings of the board.

2. Prepare a financial statement of the county annually unless otherwise ordered by the board of county commissioners.

3. Upon receipt of any document, bond, or other paper required to be filed in the auditor's office, number and index the same and make the proper entries in the reception book.

4. Carefully preserve all documents, books, records, maps, and other papers required to be deposited or kept in the auditor's office.

5. Have recorded in the office of the recorder all bonds not issued by the state bonding fund that are required to be deposited in the auditor's office.

6. Perform and transact all county business without extra compensation.

7. Keep all books required to be kept by the board of county commissioners.

8. File and preserve in the auditor's office all accounts, vouchers, and other papers pertaining to the settlement of any and all accounts to which the county is a party, and copies of such papers certified under the hand and seal of the auditor shall be admitted as evidence in all courts in this state.

9. Perform all acts required of the auditor relative to the making out and delivering of notices of general and special elections, making abstracts of and canvassing the votes cast at an election, issuing certificates of election, and forwarding the abstract of votes cast to the secretary of state.

10. On or before August first of each odd-numbered year, report to the insurance commissioner the sound depreciated value of each county building or risk, and the contents therein.

11. On going out of office, deliver to the successor in office all moneys, books, records, documents, maps, papers, vouchers, and other property in the auditor's hands belonging to the county, and in case of the death of

the auditor, the auditor's personal representatives shall deliver the same to the auditor's successor.

12. Notify political subdivisions within the county on an annual basis that the state auditor may require political subdivisions to provide annual reports in lieu of an audit pursuant to section 54-10-14.

13. Do and perform all acts not enumerated in this section which the auditor is required to do by law.

SECTION 4. AMENDMENT. Section 54-10-01 of the North Dakota Century Code is amended and reenacted as follows:

54-10-01. Powers and duties of state auditor - Report.

1. The state auditor shall:

   a. Be vested with the duties, powers, and responsibilities involved in performing the postaudit of all financial transactions of state government, detecting and reporting any defaults, and determining that expenditures have been made in accordance with law and appropriation acts.

   b. Perform or provide for the audit of the general purpose financial statements and a review of the material included in the comprehensive annual financial report of the state in accordance with government auditing standards.

   c. ~~Perform~~Except for the audit of the department of financial institutions as outlined in section 54-10-31, perform or provide for audits of state agencies in accordance with government auditing standards and legislative audit and fiscal review committee guidelines developed under section 54-35-02.10. Except for the annual audit of the North Dakota lottery required by section 53-12.1-03, the state auditor shall audit each state agency once every two years. Audits may be conducted at more frequent intervals if requested by the governor or the legislative audit and fiscal review committee. The state auditor shall charge an amount equal to the cost of the audit and other services rendered by the state auditor to all agencies that receive and expend moneys from other than the general fund. This charge may be reduced for an agency that receives and expends both general fund and nongeneral fund moneys. State agencies shall use nongeneral fund moneys to pay for the cost of the audit. If nongeneral fund moneys are not available, the agency may, upon approval of the legislative assembly, or the budget section if the legislative assembly is not in session, use general fund moneys to pay for the audit. Any budget section action under this subdivision must comply with section 54-35-02.9.

   d. ~~Perform~~Except for the audit of the department of financial institutions as outlined in section 54-10-31, perform or provide for performance audits of state agencies, or the agencies' blended component units or discreetly presented component units, as determined necessary by the legislative assembly, or the legislative audit and fiscal review committee if the legislative assembly is not in session. When determining the necessity of a performance audit, the legislative audit and fiscal review committee shall consider:

      (1) The potential cost-savings or efficiencies that may be gained as a result of the performance audit;

      (2) The staff resources of the state auditor's office and of the state agency being audited which will be required to conduct the audit;

(3) The potential for discovery of noncompliance with state law or legislative intent regarding the program or agency; and

(4) The potential for the performance audit to identify opportunities for program improvements.

e. Report on the functions of the state auditor's office to the governor and the secretary of state in accordance with section 54-06-04 or more often as circumstances may require.

f. Perform work on mineral royalties for the federal government in accordance with section 1735(a) of the Mineral Lands and Mining Act [30 U.S.C. 1735 et seq.].

g. Provide quarterly reports to the legislative audit and fiscal review committee of all audits performed and fees charged.

h. Perform all other duties as prescribed by law.

2. The state auditor may:

a. Conduct any work required by the federal government.

b. Within the resources available to the state auditor, perform or provide for performance audits of state agencies as determined necessary by the state auditor.

c. Audit the International Peace Garden at the request of the board of directors of the International Peace Garden.

d. Contract with a private certified public accountant or other qualified professional to conduct or assist with an audit, review, or other work the state auditor is authorized to perform or provide for under this section. Before entering any contract, the state auditor shall present information to the legislative audit and fiscal review committee on the need for the contract and its estimated cost and duration. Except for performance audits conducted under subdivision d of subsection 1 or subdivision b of this subsection and except for audits of occupational or professional boards, the state auditor shall execute the contract and any executive branch agency, including higher education institutions, shall pay the fees of the contractor. For performance audits conducted under subdivision d of subsection 1 or subdivision b of this subsection, the state auditor may charge a state agency for the cost of a contract relating to an audit, subject to approval by the legislative assembly or the legislative audit and fiscal review committee if the legislative assembly is not in session. When considering a request, the legislative audit and fiscal review committee shall consider the effect of the audit cost on the agency being audited, the necessity of the contract, and the potential benefit to the state resulting from the contract. The state auditor shall notify the affected agency of the potential cost before requesting approval from the legislative assembly or the legislative audit and fiscal review committee.

3. Notwithstanding subdivision c of subsection 1 and subdivision d of subsection 2, the state auditor may not charge audit fees to an institution of higher education, agency, or office under the control of the state board of higher education, including passthrough grants, except for a proportional share of audit fees on federal programs or grants to the extent those audited federal programs or grants provide for allowable cost recovery. Institutions without an approved indirect cost recovery fund may not be assessed audit fees on closed federal programs."

Page 2, after line 24, insert:

"**SECTION 6.** Section 54-10-31 of the North Dakota Century Code is created and enacted as follows:

54-10-31. Department of financial institutions - Audit and reports.

Once every two years, the state banking board shall provide for an audit of the department of financial institutions by a certified public accountant. The state banking board may request the state auditor to conduct the audit. If the state auditor agrees to conduct the audit, the state auditor shall deposit any fees assessed for completion of the audit to the state auditor operating account.

SECTION 7. A new section to chapter 54-10 of the North Dakota Century Code is created and enacted as follows:

Audit report - Review period.

The state auditor shall provide the preliminary audit report, including all findings and recommendations, entity responses to the findings and recommendations, and any auditor responses, to the audited state entity, political subdivision, or occupational or professional board at least thirty days before the state auditor publishes the final audit report.

SECTION 8. LEGISLATIVE MANAGEMENT STUDY - LOCAL GOVERNMENT AUDIT SERVICES. During the 2023-24 interim, the legislative management shall consider studying local government audit services and the challenges of political subdivisions to obtain auditing services. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly."

Page 2, remove line 25

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2004 - State Auditor - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	$13,123,559	$16,417,905	($2,631,024)	$13,786,881
Operating expenses	1,371,703	1,894,071	(124,800)	1,769,271
Capital assets		70,550		70,550
Information technology consultants	450,000	450,000		450,000
Total all funds	$14,945,262	$18,832,526	($2,755,824)	$16,076,702
Less estimated income	5,826,152	8,161,731	(1,936,079)	6,225,652
General fund	$9,119,110	$10,670,795	($819,745)	$9,851,050
FTE	61.00	69.00	(5.00)	64.00

Department 117 - State Auditor - Detail of House Changes

	Adds Funding for Salary and Benefit Increases[1]	Removes Salary Funding for Funding Pool[2]	Removes Local Government Division Audit Positions[3]	Removes 1 FTE Communications Position[4]	Decreases Funding for Temporary Salaries[5]	Decreases One-Time Funding for Local Government Auditors[6]
Salaries and wages	$171,097	($1,467,289)	($868,074)	($166,758)	($300,000)	
Operating expenses			(72,300)			($12,000)
Capital assets						
Information technology consultants						
Total all funds	$171,097	($1,467,289)	($940,374)	($166,758)	($300,000)	($12,000)
Less estimated income	45,835	(873,040)	(940,374)	0	(150,000)	0
General fund	$125,262	($594,249)	$0	($166,758)	($150,000)	($12,000)
FTE	0.00	0.00	(4.00)	(1.00)	0.00	0.00

	Decreases One-Time Funding for Operating Expense Inflation[7]	Total House Changes
Salaries and wages		($2,631,024)
Operating expenses	($40,500)	(124,800)
Capital assets		
Information technology consultants		
Total all funds	($40,500)	($2,755,824)
Less estimated income	(18,500)	(1,936,079)
General fund	($22,000)	($819,745)
FTE	0.00	(5.00)

[1] Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates as follows:

	General Fund	Other Funds	Total
Salary increase	$134,477	$47,728	$182,205
Health insurance adjustment	(9,215)	(1,893)	(11,108)
Total	$125,262	$45,835	$171,097

The Senate provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

[2] Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Office of Management and Budget for a transfer from the new and vacant FTE funding pool.

	General Fund	Other Funds	Total
New FTE positions	($218,672)	($596,631)	($815,303)
Vacant FTE positions	(375,577)	(276,409)	(651,986)
Total	($594,249)	($873,040)	($1,467,289)

[3] Funding from special funds in the agency's operating fund is removed for local government audit positions and related ongoing operating expenses as follows:

- 1 FTE local government audit manager position ($308,364);
- 1 FTE local government auditor II position ($207,740);
- 2 FTE local government auditor I positions ($351,970); and
- Ongoing operating expenses of $72,300 related to additional local government auditors.

[4] Funding is removed for 1 FTE communications position to repurpose the position to 1 FTE education coordinator position added by the Senate.

[5] Funding for temporary salaries for internships is reduced to provide a total of $200,000, of which $100,000 is from the general fund and $100,000 is from special funds in the agency's operating fund.

[6] One-time funding for operating expenses related to local government auditor positions is reduced to provide a total of $9,000.

[7] One-time funding, including funding from federal and special funds, is reduced for operating expenses related to travel and professional development inflationary increases, to provide a total of $40,500.

In addition, this amendment:

- Removes the section related to the refund of local government audit fees;
- Adds a section to require county auditors to notify political subdivisions annually that the State Auditor may require the political subdivisions to provide annual reports in lieu of an audit;
- Adds a section to amend the powers and duties of the State Auditor to allow the Department of Financial Institutions to contract with a certified public accountant for an audit, require the State Auditor to provide quarterly reports to the Legislative Audit and Fiscal Review Committee, and exempt the institutions under the control of the

State Board of Higher Education from certain audit fees;
- Adds a section to require the State Banking Board provide for an audit of the Department of Financial Institutions once every 2 years;
- Adds a section to require the State Auditor to provide a preliminary audit report to audit clients at least 30 days prior to publishing the report;
- Adds a section to provide for a Legislative Management study of local government audit services; and
- Removes the emergency clause related to the refund of local government audit fees.

HOUSE AMENDMENTS TO SENATE BILL NO. 2085

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

Page 1, line 1, after "23-47-02" insert "and 39-21-41.4"

Page 1, line 2, after the second "system" insert "and safety belt usage by emergency medical services personnel; and to provide for a legislative management study"

Page 2, after line 18, insert:

"SECTION 2. AMENDMENT. Section 39-21-41.4 of the North Dakota Century Code is amended and reenacted as follows:

39-21-41.4. Use of safety belts required in certain motor vehicles - Enforcement - Evidence.

Subject to the limitations of this section and section 39-21-41.5, a driver may not operate upon a highway a motor vehicle designed for carrying fewer than eleven passengers, which was originally manufactured with safety belts unless each front seat occupant is wearing a properly adjusted and fastened safety belt. This section does not apply to a child in a child restraint or safety belt in accordance with section 39-21-41.2; to drivers of implements of husbandry; to operators of farm vehicles as defined in subsection 5 of section 39-04-19; to rural mail carriers while on duty delivering mail; to an occupant with a medical or physically disabling condition that prevents appropriate restraint in a safety belt, if a qualified physician, physician assistant, or advanced practice registered nurse states in a signed writing the nature of the condition and the reason restraint is inappropriate; <u>to an occupant who is an emergency medical services personnel, during the provision of direct patient care;</u> or when all front seat safety belts are in use by other occupants. A physician, physician assistant, or advanced practice registered nurse who, in good faith, provides a statement that restraint would be inappropriate is not subject to civil liability. A violation for not wearing a safety belt under this section is not, in itself, evidence of negligence. The fact of a violation of this section is not admissible in any proceeding other than one charging the violation.

SECTION 3. LEGISLATIVE MANAGEMENT STUDY - EMERGENCY MEDICAL SERVICES. During the 2023-24 interim, the legislative management shall conduct a comprehensive study of the delivery of emergency medical services in the state. The study must include consideration of funding, taxation, access critical areas, demographics, volunteer training, volunteer retention, systems approach to rural areas, employment options, including access to a public safety pension, and educational reimbursements. The study shall also include consideration of distressed ambulance services, which are ambulance services that have indicated an intention to close or change their license level, or an ambulance service that fails to meet performance standards as established by the department of health and human services. The legislative management shall report its findings and recommendations, together with any legislation to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2304

Page 1, line 1, after "to" insert "create and enact a new section to chapter 53-06.1 and a new subsection to section 53-06.1-15.1 of the North Dakota Century Code, relating to alcoholic beverage establishment requirements and the authority of the attorney general to impose fines for gaming violations; and to"

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

Page 1, line 1, after "53-06.1-01" insert "and 53-06.1-03, and subsections 2 and 5 of section 53-06.1-11"

Page 1, line 2, after "establishments" insert ", the maximum number of gaming sites allowed, the maximum number of pull tab devices allowed at a site, approval for a gaming site authorization and licensure, modification of allowable expense limits, and rent limits for electronic pull tab devices"

Page 1, line 11, after "establishment" insert "licensed under chapter 5-02"

Page 1, line 12, after "consumed" insert "by guests on the premises"

Page 1, line 12, replace "This" with "The term"

Page 1, line 12, replace "an off-sale" with "a"

Page 1, line 13, after "store" insert "licensed for off sale only"

Page 1, line 13, remove "An alcoholic beverage"

Page 1, remove lines 14 through 16

Page 3, line 10, after "17." insert ""Off sale" means the sale of alcoholic beverages that are to be consumed off the licensed premises.

18. "On sale" means the sale of alcoholic beverages that are meant to be consumed on the licensed premises.

19."

Page 3, line 13, replace "18." with "20."

Page 3, line 15, replace "19." with "21."

Page 3, line 16, replace "20." with "22."

Page 3, line 19, replace "21." with "23."

Page 3, line 27, replace "22." with "24."

Page 4, line 4, replace "23." with "25."

Page 4, line 7, replace "24." with "26."

Page 4, after line 11, insert:

"**SECTION 2. 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 a lease for a gaming site location.

b. After securing a lease for a gaming site location, 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,~~The approved authorization 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~~:

(1) 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~~;

(2) 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~~;

(3) May charge a one hundred dollar fee for a site authorization; ~~and~~

~~b.~~ (4) May not require a site to enter a lease with a specific organization as a condition of receiving a site authorization;

(5) May not deny approval of a site authorization because an organization has not previously conducted gaming at that site;

(6) May deny approval of a site authorization if an application is incomplete or if granting approval would violate a local ordinance related to a limitation on the number of site authorizations for which an organization may be approved or whether the organization is public-spirited. An ordinance that places a condition on how charitable funds may be used may not have an effect on the approval of a site authorization; and

(7) May deny approval of a site authorization if the organization is not compliant with statute or rule.

c. 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. The attorney general shall issue a license to an eligible organization that has obtained approval of site authorization under subdivision b, applied, paid the requisite fee, and demonstrated it qualifies as an eligible organization.

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 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.

SECTION 3. A new section to chapter 53-06.1 of the North Dakota Century Code is created and enacted as follows:

Alcoholic beverage establishment - Requirements.

1. An alcoholic beverage establishment:

a. May not interfere with the organization's operation of gaming;

b. May not limit the gaming hours of operation, except to limit gaming to the alcoholic beverage establishment's hours of operation;

c. May not receive any compensation from gaming proceeds other than rent under this chapter. Compensation includes any financial benefit, direct or indirect, from gaming proceeds;

d. May not require an organization to donate net proceeds to any organization or for any purpose as a condition of conducting gaming on the premises;

e. May not directly conduct gaming as part of the alcoholic beverage establishment's business;

f. May donate a gift certificate, cash, or merchandise intended to be used as a prize to an organization;

g. May not give a free or discounted game piece, chip, or play of a game, except for discounts allowed for bingo and raffle activity;

h. May offer free or discounted food or beverages in the normal course of business;

i. At its own expense, may advertise gaming on promotional drink tickets; and

j. If advertising charitable gaming conducted on the premises, shall include the gaming organization's name. An abbreviation of the organization's name may be used.

2. Upon the request of the organization, an alcoholic beverage establishment:

a. May sell a gift certificate or merchandise to be used as a gaming prize for no more than fair market value; and

b. May assist in redeeming winning pull tabs, credit ticket vouchers, or paying prize board cash prizes involving a dispensing device. If the organization provides the alcoholic beverage establishment temporary loan funds for this purpose, a written agreement must:

(1) Be signed by the organization and the alcoholic beverage establishment;

(2) Provide for the immediate repayment of the loan if the organization discontinues using a device at the site; and

(3) Provide the alcoholic beverage establishment is liable for a loss or theft of the loaned funds.

3. An owner of the alcoholic beverage establishment or a member of the owner's household or an individual who is an officer or board member or involved in the management of the establishment may not:

a. Loan money or provide gaming equipment to the organization;

b. Interfere or attempt to influence an organization's selection of games, determination of prizes, disbursement of net proceeds, selection of a gaming equipment distributor, or the method for which games are conducted;

c. Require an organization's employee to assist, with or without compensation, in an alcoholic beverage establishment's business at the site. However, the organization's employee may voluntarily order beverages for customers; or

d. Count drop box cash.

4. An owner or employee of the alcoholic beverage establishment may not play pull tabs or prize boards, which involve a dispensing device, or electronic pull tabs while on duty or for three hours after ending duty.

5. An employee of a licensed organization may patronize the alcoholic beverage establishment.

SECTION 4. AMENDMENT. Subsection 2 of section 53-06.1-11 of the North Dakota Century Code is amended and reenacted as follows:

2. Allowable expenses may be deducted from adjusted gross proceeds. The allowable expense limit is ~~sixty~~:

   a. Sixty percent of the adjusted gross proceeds per quarter if the total adjusted gross proceeds for the quarter are more than one hundred thousand dollars; and

   b. Sixty-three percent of the adjusted gross proceeds per quarter if the total adjusted gross proceeds for the quarter are equal to or less than one hundred thousand dollars.

SECTION 5. AMENDMENT. Subsection 5 of section 53-06.1-11 of the North Dakota Century Code is amended and reenacted as follows:

5. For a site where bingo is not the primary game:

   a. If twenty-one or paddlewheels is conducted, the monthly rent may not exceed two hundred dollars multiplied by the necessary number of tables based on criteria prescribed by gaming rule. For each twenty-one table with a wager greater than five dollars, an additional amount up to one hundred dollars may be added to the monthly rent. If pull tabs is also conducted involving only a jar bar, the monthly rent for pull tabs may not exceed an additional one hundred seventy-five dollars. If pull tabs is conducted involving only a dispensing device or a jar bar and dispensing device, the monthly rent for pull tabs may not exceed an additional three hundred twenty-five dollars.

   b. If twenty-one and paddlewheels are not conducted but pull tabs is conducted involving either a jar bar or dispensing device, the monthly rent may not exceed four hundred dollars.

   c. If pull tabs is conducted using one or more electronic pull tab devices, the monthly rent may not exceed ~~an additional~~ one hundred fifty dollars per machine for the first five machines in the same venue. For each additional machine in the same venue beyond five, the monthly rent may not exceed ~~an additional fifty~~one hundred dollars per machine up to a maximum of one thousand ~~one~~two hundred ~~twenty-five~~fifty dollars per month for all electronic pull tab devices in a single venue. Notwithstanding the foregoing maximum rent amount, if a gaming employee is not onsite to administer the proceeds, the rent may include an additional fifty dollars per machine for alcoholic beverage establishment employee assistance for up to five machines, resulting in a maximum of one thousand five hundred dollars per month.

SECTION 6. A new subsection to section 53-06.1-15.1 of the North Dakota Century Code is created and enacted as follows:

Impose a monetary fine on an owner of an authorized alcoholic beverage establishment where a licensed gaming activity is conducted or has been conducted for failure to comply with section 3 of this Act or administrative rules that relate to subdivision b of subsection 2 of section 3 of this Act. The monetary fine for each violation by an authorized site owner may not exceed five thousand dollars. An authorized alcoholic beverage establishment subject to a monetary fine under this section may appeal under chapter 28-32."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2150 and SB 2247.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2129, SB 2170, SB 2181, SB 2198, SB 2328, SB 2345, and SB 2371, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2129: Sens. Cleary; Weston; Davison
SB 2170: Sens. Wobbema; Sickler; Piepkorn
SB 2181: Sens. K. Roers; Cleary; Dever
SB 2198: Sens. Axtman; Larson; Piepkorn
SB 2328: Sens. Axtman; Conley; Lemm
SB 2345: Sens. Lee; Dever; Hogan
SB 2371: Sens. Sickler; Paulson; Estenson

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has appointed as a conference committee to act with a like committee from the Senate on:

SB 2016: Reps. Brandenburg; Pyle; Monson
SB 2168: Reps. Koppelman; Timmons; Weisz
SB 2169: Reps. Christensen; Koppelman; Dakane
SB 2219: Reps. Koppelman; Grueneich; Dobervich
SB 2330: Reps. Bosch; Headland; Dockter

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2238: Reps. Kreidt; Strinden; B. Anderson

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has appointed as a conference committee to act with a like committee from the House on:

HB 1018: Sens. Bekkedahl; Wanzek; Hogue
HB 1168: Sens. Rummel; Kannianen; Magrum
HB 1522: Sens. Weston; Lee; Cleary

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has appointed Rep. Brandenburg to replace Rep. Bellew on the Conference Committee on HB 1013.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has appointed Rep. B. Anderson to replace Rep. Nelson on the Conference Committee on HB 1415.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1465.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2201, SB 2227.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1288.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently failed to pass: SB 2279.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1515.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2002, SB 2006, SB 2008, SB 2022, SB 2096, SB 2142.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2380.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: Your signature is respectfully requested on: HB 1061, HB 1102, HB 1170, HB 1176, HB 1207, HB 1210, HB 1324, HB 1333, HB 1383, HB 1418, HB 1439.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: Your signature is respectfully requested on: HB 1528.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: SB 2002, SB 2006, SB 2008, SB 2022, SB 2096, SB 2142.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: SB 2380.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2002, SB 2006, SB 2008, SB 2022, SB 2096, SB 2142.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2380.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1061, HB 1102, HB 1170, HB 1176, HB 1207, HB 1210, HB 1324, HB 1333, HB 1383, HB 1418, HB 1439.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1528.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: HB 1061, HB 1102, HB 1170, HB 1176, HB 1207, HB 1210, HB 1324, HB 1333, HB 1383, HB 1418, HB 1439, HB 1528.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS
The following bills were delivered to the Governor for approval on April 18, 2023: SB 2002, SB 2006, SB 2008, SB 2022, SB 2096, SB 2142.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS
The following bill was delivered to the Governor for approval on April 19, 2023: SB 2380.

COMMUNICATION FROM GOVERNOR DOUG BURGUM
This is to inform you that on April 14, 2023, I have signed the following: SB 2140.

COMMUNICATION FROM GOVERNOR DOUG BURGUM
This is to inform you that on April 18, 2023, I have signed the following: SB 2007, SB 2011, SB 2014, SB 2054, SB 2274, SB 2295, and SB 2311.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has overridden the Governor's veto on HB 1416. The vote was 90 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING, and your favorable consideration is requested.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has overridden the Governor's veto on HB 1416. The vote was 36 YEAS, 11 NAYS, 0 ABSENT AND NOT VOTING.

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

MR. SPEAKER: The Senate has sustained the Governor's veto on HB 1273. The vote was 28 YEAS, 19 NAYS, 0 ABSENT AND NOT VOTING.

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, April 20, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1539, as engrossed: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1539 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

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

Page 1, line 1, remove "and 54-52.1-04.16"

Page 1, line 2, remove "and the"

Page 1, remove line 3

Page 1, line 4, remove "drug coverage performance audit; and to provide for a legislative management report"

Page 1, line 14, remove "<u>, acting through the chairman,</u>"

Page 2, line 10, overstrike "may"

Page 3, line 6, replace "<u>may</u>" with "<u>shall</u>"

Page 3, remove lines 12 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 5

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2029, as engrossed: Your conference committee (Sens. K. Roers, Estenson, Cleary and Reps. Steiner, Rohr, Schauer) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1334-1335, adopt amendments as follows, and place SB 2029 on the Seventh order:

That the House recede from its amendments as printed on pages 1334 and 1335 of the Senate Journal and pages 1493 and 1494 of the House Journal and that Engrossed Senate Bill No. 2029 be amended as follows:

Page 2, line 27, remove the overstrike over "~~fifty million dollars~~"

Page 2, line 27, remove "<u>an amount equal</u>"

Page 2, remove line 28

Page 2, line 29, remove "<u>most recently adjourned special or regular session of the legislative assembly</u>"

Page 2, line 30, remove the overstrike over "~~fifty~~"

Page 2, line 31, remove the overstrike over "~~million dollars of funds~~"

Page 2, line 31, remove "an amount equal to two percent of the current biennial state"

Page 3, line 1, remove "general fund budget"

Page 3, line 3, after "governor" insert ". The director of the office of management and budget shall notify the members of the legislative assembly of any requests submitted which, if approved, would exceed the limit under this subsection"

Page 3, line 5, remove the overstrike over "~~fifty million dollars~~"

Page 3, line 5, remove "an"

Page 3, remove lines 6 and 7

Page 3, line 8, remove "assembly"

Page 4, line 13, after "~~five~~" insert "twenty"

Page 4, line 13, remove the overstrike over "~~million dollars~~"

Page 4, line 13, remove "an"

Page 4, remove lines 14 and 15

Page 4, line 16, remove "assembly"

Page 4, line 17, after "~~five~~" insert "twenty"

Page 4, line 17, remove the overstrike over "~~million dollars~~"

Page 4, line 17, remove "an amount equal to one percent of the current biennial"

Page 4, line 18, remove "state general fund budget"

Page 4, line 20, after "governor" insert ". The director of the office of management and budget shall notify the members of the legislative assembly of any requests submitted which, if approved, would exceed the limit under this subsection"

Renumber accordingly

Engrossed SB 2029 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2092: Your conference committee (Sens. Barta, Larsen, Klein and Reps. Ostlie, Warrey, Wagner) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 967-968, adopt amendments as follows, and place SB 2092 on the Seventh order:

That the House recede from its amendments as printed on pages 967 and 968 of the Senate Journal and pages 1149 and 1150 of the House Journal and that Senate Bill No. 2092 be amended as follows:

Page 6, line 31, remove ", if"

Page 7, line 1, replace "any, due members who failed" with ". The board of directors of the credit union or the liquidating agent if appointed shall report money in the account of a member who failed"

Page 7, line 1, remove "in"

Page 7, remove lines 2 and 3

Page 7, line 4, replace "creditors who failed to cash" with an underscored comma

Page 7, line 4, after "checks" insert "not cashed"

Page 7, line 4, after "days" insert ", and any unpaid claims to the unclaimed property division of the board of university and school lands pursuant to chapter 47-30.2"

Page 7, remove lines 5 through 10

Renumber accordingly

SB 2092 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1515, as engrossed: Your conference committee (Sens. Lemm, Weston, Luick and Reps. Fisher, Henderson, Finley-DeVille) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1563, adopt further amendments as follows, and place HB 1515 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1563 of the House Journal and page 1295 of the Senate Journal and that Engrossed House Bill No. 1515 be further amended as follows:

Page 1, line 11, after "to" insert "any other provision of this chapter,"

Page 1, line 12, after the fourth underscored comma, insert "or"

Renumber accordingly

Engrossed HB 1515 was placed on the Seventh order of business on the calendar.

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

Shanda Morgan, Secretary