JOURNAL OF THE SENATE - SPECIAL SESSION

Sixty-eighth Legislative Assembly

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Bismarck, October 25, 2023

The Senate convened at 8:30 a.m., with President Miller presiding.

The prayer was offered by Chaplain Alice Delzer, AMVETS Ladies' Auxiliary, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

SECOND READING OF HOUSE BILL

HB 1548: A BILL for an Act to amend and reenact sections 15-39.1-10.3, 54-52-01, 54-52-02.5, 54-52-02.9, 54-52-02.11, 54-52-02.12, 54-52-02.15, 54-52-05, 54-52-14.3, 54-52-17.2, 54-52.2-09, 54-52.6-01, 54-52.6-02, 54-52.6-02.1, 54-52.6-02.2, 54-52.6-03, 54-52.6-05, 54-52.6-05.1, 54-52.6-08, 54-52.6-09, 54-52.6-09.6, 54-52.6-10, 54-52.6-13, 54-52.6-15, 54-52.6-19, 54-52.6-22, and 54-52.6-23 of the North Dakota Century Code, relating to the public employees retirement system retirement plans; to provide an exemption; to provide a contingent effective date; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; Gerhardt; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larson; Luick; Magrum; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Braunberger; Hogan; Lee; Lemm; Mathern

Engrossed HB 1548 passed.

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SECOND READING OF HOUSE BILL

HB 1541: A BILL for an Act to provide an appropriation to the legislative assembly for the payment of dues and costs related to a special legislative session and the legislative council for the payment of fees, employer retirement contributions, and legislative council salaries and wages; to amend and reenact section 24-02-37.3 of the North Dakota Century Code, as amended by section 10 of House Bill No. 1012, as approved by the sixty-eighth legislative assembly, relating to budget section approval limits for the flexible transportation fund; to provide for a legislative management study; to provide for a legislative management report; to provide for retroactive application; and to provide an effective date.

MOTION

SEN. MAGRUM MOVED that Engrossed HB 1541 be amended as follows.

Page 1, line 2, remove "fees and"

Page 1, remove lines 14 through 24

Page 2, remove lines 1 through 3

Renumber accordingly

REQUEST

SEN. MAGRUM REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1541, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1541, the roll was called and there were 14 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Beard; Boehm; Cleary; Estenson; Hogue; Klein; Krebsbach; Larson; Luick; Magrum; Myrdal; Paulson; Piepkorn; Wobbema

NAYS: Axtman; Barta; Bekkedahl; Braunberger; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Gerhardt; Hogan; Kannianen; Kessel; Kreun; Lee; Lemm; Mathern; Meyer; Patten; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston

The proposed amendments to Engrossed HB 1541 failed on a recorded roll call vote.

HB 1541: A BILL for an Act to provide an appropriation to the legislative assembly for the payment of dues and costs related to a special legislative session and the legislative council for the payment of fees, employer retirement contributions, and legislative council salaries and wages; to amend and reenact section 24-02-37.3 of the North Dakota Century Code, as amended by section 10 of House Bill No. 1012, as approved by the sixty-eighth legislative assembly, relating to budget section approval limits for the flexible transportation fund; to provide for a legislative management study; to provide for a legislative management report; to provide for retroactive application; and to provide an effective date.

ROLL CALL

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

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

NAYS: Beard; Boehm; Estenson; Magrum; Paulson

HB 1541 passed.

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SECOND READING OF HOUSE BILL

HB 1543: A BILL for an Act to provide an appropriation to the department of health and human services, department of career and technical education, and Bismarck state college for facility-related projects; to authorize the issuance of revenue bonds for a Bismarck state college facility project; to provide for a legislative management report; to provide for retroactive application; and to provide an effective date.

ROLL CALL

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

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

Engrossed HB 1543 passed.

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SECOND READING OF HOUSE BILL

HB 1542: A BILL for an Act to provide an appropriation to the judicial branch for employer retirement contribution funding; to provide for retroactive application; and to provide an effective date.

ROLL CALL

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

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

HB 1542 passed.

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SECOND READING OF HOUSE BILL

HB 1544: A BILL for an Act to provide an appropriation to the department of commerce for workforce development grants and to defray the expenses of the office of legal immigration; to create and enact subsection 6 of section 10-30.5-02 of the North Dakota Century Code, relating to use of the North Dakota development fund; to provide for a legislative management report; to provide for retroactive application; and to provide an effective date.

ROLL CALL

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

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

NAYS: Beard; Boehm; Elkin; Estenson; Magrum; Myrdal; Paulson

HB 1544 passed.

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SECOND READING OF HOUSE BILL

HB 1545: A BILL for an Act to provide an exemption relating to refinancing loans from the infrastructure revolving loan fund; to provide for retroactive application; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 3 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; Gerhardt; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Patten; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston

NAYS: Myrdal; Paulson; Wobbema

HB 1545 passed.

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SECOND READING OF HOUSE BILL

HB 1546: A BILL for an Act to amend and reenact section 54-63.1-04 of the North Dakota Century Code, relating to the clean sustainable energy authority's fertilizer development incentive program; to provide for retroactive application; and to provide an effective date.

ROLL CALL

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

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

NAYS: Beard; Boehm; Clemens; Estenson; Magrum; Paulson; Sickler

HB 1546 passed.

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MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 10:10 a.m., which motion prevailed.

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

SECOND READING OF HOUSE BILL

HB 1547: A BILL for an Act to amend and reenact section 54-52-03 of the North Dakota Century Code, relating to the membership of the public employees retirement system board; to provide for duties of the public employees retirement system and public employees retirement system board; to provide for a transition; to provide an exemption; to provide for retroactive application; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Burckhard; Conley; Davison; Dwyer; Elkin; Erbele; Gerhardt; Hogue; Kannianen; Kessel; Klein; Kreun; Luick; Magrum; Meyer; Myrdal; Patten; Paulson; Roers, J.; Roers, K.; Rummel; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Braunberger; Cleary; Clemens; Dever; Estenson; Hogan; Krebsbach; Larson; Lee; Lemm; Mathern; Piepkorn; Rust

Engrossed HB 1547 passed.

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SECOND READING OF HOUSE BILL

HB 1549: A BILL for an Act to amend and reenact subsection 1 of section 57-38-30.3 of the North Dakota Century Code, relating to income tax relief; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 16 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Cleary; Clemens; Conley; Erbele; Gerhardt; Hogue; Kannianen; Larson; Meyer; Roers, J.; Roers, K.; Sickler; Vedaa; Wanzek

NAYS: Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Davison; Dever; Dwyer; Elkin; Estenson; Hogan; Kessel; Klein; Krebsbach; Kreun; Lee; Lemm; Luick; Magrum; Mathern; Myrdal; Patten; Paulson; Piepkorn; Rummel; Rust; Schaible; Sorvaag; Weber; Weston; Wobbema

HB 1549 failed.

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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 First Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 2377, line 13, after “Recording Clerk” add "/Asst. Secretary”

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

MOTION

SEN. KLEIN MOVED that a committee of three be appointed to notify the House that the Senate has completed its business and is about to adjourn sine die, which motion prevailed.

The President appointed Sens. Kessel, Meyer, and Braunberger.

MOTION

SEN. KLEIN MOVED that a committee of three be appointed to notify the Governor that the Senate has completed its business and is about to adjourn Sine Die, which motion prevailed.

The President appointed Sens. Weber, Gerhardt, and Piepkorn.

REQUEST

SEN. KLEIN REQUESTED that the Senate stand at ease until the committees returns, which request was granted.

REQUEST

SEN. KESSEL REQUESTED that the committee appointed to notify the House that the Senate has completed its business and is about to adjourn, be discharged as the Senate has completed its task, which request was granted.

REQUEST

SEN. WEBER REQUESTED that the committee appointed to notify the Governor that the Senate has completed its business and is about to adjourn, be discharged as the Senate has completed its task, which request was granted.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1541, HB 1542, HB 1543, HB 1544, HB 1545, HB 1546, HB 1547, HB 1548.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1549.

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

MADAM PRESIDENT: The House has passed, unchanged: SB 2393, SB 2394, SB 2395, SB 2396, SB 2397, SB 2398.

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

MADAM PRESIDENT: The House has passed, unchanged: SCR 4021.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2393, SB 2394, SB 2395, SB 2396, SB 2397, SB 2398.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SCR 4021.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: Your signature is respectfully requested on: HB 1541, HB 1542, HB 1543, HB 1544, HB 1545, HB 1546, HB 1547, HB 1548.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: SB 2393, SB 2394, SB 2395, SB 2396, SB 2397, SB 2398.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: SCR 4021.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2393, SB 2394, SB 2395, SB 2396, SB 2397, SB 2398.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SCR 4021.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1541, HB 1542, HB 1543, HB 1544, HB 1545, HB 1546, HB 1547, HB 1548.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: HB 1541, HB 1542, HB 1543, HB 1545, HB 1546, HB 1547, HB 1548.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS
The following bills were delivered to the Governor for approval on October 25, 2023: SB 2393, SB 2394, SB 2395, SB 2396, SB 2397, SB 2398.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS
The following resolution was delivered to the Secretary of State for filing on October 25, 2023: SCR 4021.

COMMUNICATION FROM GOVERNOR DOUG BURGUM
This is to inform you that on October 25, 2023, I have signed the following: SB 2393, SB 2394, SB 2395, SB 2396, SB 2397, and SB 2398.

MOTION
SEN. HOGUE MOVED that the Senate be on the Fourth, Fifteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned sine die, which motion prevailed.

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

Shanda Morgan, Secretary