

JOURNAL OF THE SENATE

Sixty-eighth Legislative Assembly

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Bismarck, January 9, 2023

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

The prayer was offered by Pastor Lisa Ahlness, Lutheran Church of the Cross, 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 Second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 145, line 14, after "Agriculture" insert "and Veterans Affairs"

Page 149, replace line 49, with "SB 2150: A BILL for an Act to amend and reenact sections 12.1-31-12, 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 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 sex-selective abortions, genetic abnormality abortions, human dismemberment abortions, and abortions after a detectable heartbeat; to provide a penalty; and to declare an emergency."

Page 150, replace line 12, with "SB 2153: A BILL for an Act to amend and reenact section 23-35-02 of the North Dakota Century Code, relating to the core functions of public health units."

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

MOTION

SEN. KLEIN MOVED that SB 2070 be returned to the Senate floor from the **Judiciary Committee** and be rereferred to the **Education Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2070 was rereferred.

MOTION

SEN. KLEIN MOVED that SB 2032 and SB 2033 be returned to the Senate floor from the **Workforce Development Committee** and be rereferred to the **Education Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2032 and SB 2033 were rereferred.

MOTION

SEN. KLEIN MOVED that SB 2139 be returned to the Senate floor from the **Judiciary Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2139 was rereferred.

MOTION

SEN. KLEIN MOVED that SB 2049, which is on the Eleventh order, be rereferred to the **State and Local Government Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2049 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2074: SEN. BEARD (Energy and Natural Resources Committee) MOVED that the

amendments on SJ page 149 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2034: SEN. CLEARY (Human Services Committee) MOVED that the amendments on SJ page 148 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2051: SEN. K. ROERS (Human Services Committee) MOVED that the amendments on SJ pages 148-149 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2072: A BILL for an Act to amend and reenact section 32-09.1-05 of the North Dakota Century Code, relating to service of garnishment.

ROLL CALL

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

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

SB 2072 passed.

SECOND READING OF SENATE BILL

SB 2086: A BILL for an Act to amend and reenact section 50-06-44 of the North Dakota Century Code, relating to evidence-based alcohol and drug education programs and program certification.

ROLL CALL

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

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

SB 2086 passed.

SECOND READING OF SENATE BILL

SB 2080: A BILL for an Act to amend and reenact subsection 2 of section 14-15-11 of the North Dakota Century Code, relating to a licensed child-placing agency investigation.

ROLL CALL

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

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary;

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

SB 2080 passed.

SECOND READING OF SENATE BILL

SB 2085: A BILL for an Act to amend and reenact section 23-47-02 of the North Dakota Century Code, relating to system registries for a comprehensive emergency cardiovascular medical system.

ROLL CALL

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

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

SB 2085 passed.

SECOND READING OF SENATE BILL

SB 2102: A BILL for an Act to amend and reenact subdivision n of subsection 2 of section 12-60-24 and sections 19-24.1-01 and 23-01-08.1 of the North Dakota Century Code, relating to fingerprint-based criminal history record checks for the department of health and human services, and compassion centers.

ROLL CALL

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

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

SB 2102 passed.

SECOND READING OF SENATE BILL

SB 2050: A BILL for an Act to create and enact a new section to chapter 54-24.2 of the North Dakota Century Code, relating to the ability of the state librarian to recalculate grant payments to public libraries; to amend and reenact sections 40-38-09, 54-24-09, 54-24.2-03, and 54-24.4-05 of the North Dakota Century Code, relating to the public annual report, distribution of state publications to libraries, the computation of mill levies, and the duties of the library coordinating council; to repeal sections 40-38-10 and 54-24.2-02.2 of the North Dakota Century Code, relating to a political subdivision's ability to establish a library without an election and local maintenance efforts of public libraries; 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; 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; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston

NAYS: Boehm; Myrdal; Wobbema

SB 2050 passed.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2055, SB 2060, SB 2067, SB 2090, SB 2092, SB 2105, SB 2119.

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

MADAM PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1026, HB 1042, HB 1055, HB 1056, HB 1057, HB 1060, HB 1085, HB 1087, HB 1100, HB 1101.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fifth and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, January 10, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2027: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2027 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2029: 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). SB 2029 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 3, after the second "funds" insert "; and to declare an emergency"

Page 4, after line 20, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2056: Industry and Business Committee (Sen. Larsen, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2056 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2083: 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). SB 2083 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 24, replace "private providers' clients" with "correctional facility providers"

Page 3, line 11, replace "private providers' clients" with "correctional facility providers"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2094: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2094 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 22, replace "means" with "includes"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2097: 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). SB 2097 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 14, remove the second "and"

Page 1, line 15, replace the underscored period with ":

- f. Director of department of land trust;
- g. Director of department of mineral resources;
- h. The county commission of any county impacted;
- i. The legislators of any district impacted; and
- j. The grazing associations impacted."

Page 1, line 18, after "3." insert "The county commission shall hold a public hearing regarding the potential designation.

4."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2117: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2117 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

FIRST READING OF SENATE BILLS

Sens. Dever, Magrum and Reps. Dobervich, Karls, Klemin, Meier introduced:

SB 2163: A BILL for an Act to amend and reenact section 16.1-06-09 of the North Dakota Century Code, relating to language on voting ballots.

Was read the first time and referred to the **State and Local Government Committee**.

Sen. Dever and Reps. Brandenburg, Hatlestad, D. Johnson, Monson, Schauer introduced:

SB 2164: A BILL for an Act to amend and reenact subsection 1 of section 54-52-03 of the North Dakota Century Code, relating to members of the public employees retirement board.

Was read the first time and referred to the **State and Local Government Committee**.

Sens. Patten, Kannianen, Kessel and Reps. Bosch, Novak, Porter introduced:

SB 2165: A BILL for an Act to amend and reenact subsection 5 of section 17-07-01 of the North Dakota Century Code, relating to duties of the energy policy commission; to provide an appropriation; and to provide for a transfer.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

Sens. Clemens, Paulson, Piepkorn and Reps. Koppelman, Satrom introduced:

SB 2166: A BILL for an Act to provide an appropriation for a grant for substance use disorder and mental health recovery services.

Was read the first time and referred to the **Human Services Committee**.

Sens. Kannianen, Elkin, Paulson and Reps. Fegley, Finley-DeVillie, J. Olson introduced:

SB 2167: A BILL for an Act to amend and reenact sections 15.1-23-02 and 15.1-23-15 of the North Dakota Century Code, relating to home education.

Was read the first time and referred to the **Education Committee**.

Sens. Rummel, Kessel, Sickler and Reps. Klemin, Lefor, Steiner introduced:

SB 2168: A BILL for an Act to create and enact a new subsection to section 39-06.1-06 of the North Dakota Century Code, relating to the amount of fees for speeding violations; to amend and reenact subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to city fines and penalties; and to provide a penalty.

Was read the first time and referred to the **Transportation Committee**.

Sens. Rummel, Kessel, Sickler and Reps. Klemin, Lefor, Steiner introduced:

SB 2169: A BILL for an Act to create and enact a new subsection to section 39-06.1-06 of the North Dakota Century Code, relating to the amount of fees for certain traffic offenses; to amend and reenact subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to city fines and penalties; and to provide a penalty.

Was read the first time and referred to the **Transportation Committee**.

Sens. Magrum, Elkin and Reps. J. Johnson, Kasper, Koppelman introduced:

SB 2170: A BILL for an Act to create and enact a new section to chapter 34-07 of the North Dakota Century Code, relating to minors working in construction.

Was read the first time and referred to the **Workforce Development Committee**.

Sens. Dever, K. Roers introduced:

SB 2171: A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to public employees retirement system health benefits; and to amend and reenact subdivision a of subsection 2 of section 54-52.1-18 of the North Dakota Century Code, relating to public employees retirement system health benefits.

Was read the first time and referred to the **State and Local Government Committee**.

Sens. Klein, Larsen, Vedaa and Reps. Kasper, Louser introduced:

SB 2172: A BILL for an Act to create and enact a new chapter to title 26.1 of the North Dakota Century Code, relating to the interstate insurance product regulation compact.

Was read the first time and referred to the **Industry and Business Committee**.

Sens. Klein, Burckhard, Larsen and Reps. Kasper, Louser introduced:

SB 2173: A BILL for an Act to create and enact chapter 26.1-58 of the North Dakota Century Code, relating to the sale and regulation of travel insurance; and to amend and reenact section 26.1-26-54 of the North Dakota Century Code, relating to the licensing of limited lines travel insurance producers.

Was read the first time and referred to the **Industry and Business Committee**.

Sens. Vedaa, Hogue, Kannianen, Paulson and Reps. Louser, Thomas introduced:

SB 2174: A BILL for an Act to amend and reenact section 51-35-02 of the North Dakota Century Code, relating to scrap metal dealers; and to provide a penalty.

Was read the first time and referred to the **Transportation Committee**.

Sen. Vedaa and Reps. Louser, Thomas introduced:

SB 2175: A BILL for an Act to amend and reenact section 65-05-09.1 of the North Dakota Century Code, relating to notice of social security offset.

Was read the first time and referred to the **Industry and Business Committee**.

Sens. Vedaa, Larsen, Paulson and Reps. Kasper, M. Ruby introduced:

SB 2176: A BILL for an Act to create and enact a new section to chapter 57-40.3 of the North Dakota Century Code, relating to motor vehicle purchase price adjustments and the provision of a motor vehicle excise tax credit against the purchase price of a replacement vehicle; to amend and reenact subsection 5 of section 57-40.3-01 of

the North Dakota Century Code, relating to the purchase price of a motor vehicle; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Kreun, Elkin, Meyer and Reps. D. Anderson, Hatlestad, O'Brien introduced:

SB 2177: A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to an optional residential property tax freeze for seniors; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Kannianen, Kessel, Rust and Reps. Fegley, Hatlestad, Longmuir introduced:

SB 2178: A BILL for an Act to amend and reenact section 57-15-19.2 of the North Dakota Century Code, relating to township special road fund limitations.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Magrum, Clemens and Reps. Holle, S. Olson, Rohr introduced:

SB 2179: A BILL for an Act to create and enact a new section to chapter 20.1-05 of the North Dakota Century Code, relating to firearms and ammunition used for hunting big game.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

Sens. Klein, Magrum, Myrdal and Reps. Monson, Vigesaa, Weisz introduced:

SB 2180: A BILL for an Act to amend and reenact subsection 1 of section 54-10-01, sections 54-10-14, 54-10-15, and 54-10-27 of the North Dakota Century Code, relating to the annual comprehensive financial report, audits of state agencies, reports, financial audits, and petitions.

Was read the first time and referred to the **Industry and Business Committee**.

Sens. K. Roers, Cleary, Mathern and Reps. O'Brien, Rohr, M. Ruby introduced:

SB 2181: A BILL for an Act to amend and reenact sections 50-09-29, 50-24.1-02.6, and 50-24.1-41 of the North Dakota Century Code, relating to public assistance for pregnant women.

Was read the first time and referred to the **Human Services Committee**.

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

Shanda Morgan, Secretary

