

JOURNAL OF THE SENATE

Sixty-sixth Legislative Assembly

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Bismarck, January 9, 2019

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

The prayer was offered by Rev. Kari Bitz, Cord of 3 Ministries, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

MOTION

SEN. KLEIN MOVED that SB 2181 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 2181 was rereferred.

MOTION

SEN. KLEIN MOVED that SB 2072 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2076: A BILL for an Act to create and enact chapter 26.1-10.3 of the North Dakota Century Code, relating to corporate governance; and to provide a penalty.

ROLL CALL

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

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

SB 2076 passed.

SECOND READING OF SENATE BILL

SB 2077: A BILL for an Act to amend and reenact section 26.1-02.1-05 of the North Dakota Century Code, relating to the penalties and restitution for insurance fraud; to provide a penalty; 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: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

SB 2077 passed.

SECOND READING OF SENATE BILL

SB 2083: A BILL for an Act to amend and reenact subsection 8 of section 10-04-06, subsection 1 of section 10-04-08.4, and subsection 8 of section 10-04-10 of the North Dakota Century Code, relating to the manual exemption from registration of securities, and refund of filing and registration fees.

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: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

SB 2083 passed.

SECOND READING OF SENATE BILL

SB 2093: A BILL for an Act to amend and reenact sections 6-01-09, 6-05-03, and 6-05-28, subsection 3 of section 6-08.1-01, sections 13-04.1-04.1, 13-05-04.1, and 13-08-06, subsection 1 of section 13-09-10, and section 13-11-08 of the North Dakota Century Code, relating to the examination of technology service providers, the capital requirement for trust companies, the examination of trust companies, the definition of a financial institution, surety bond requirements for money brokers and collection agencies, notice requirement for deferred presentment service providers, fees for money transmitters, and reporting requirements for debt-settlement providers; and to repeal sections 13-04.1-05.1, 13-05-05.2, 13-08-05.2, and 13-09-10.1 of the North Dakota Century Code, relating to automatic renewal of license in 2009 for money brokers, automatic renewal of license in 2014 for collection agencies, deferred presentment service providers, and money transmitters.

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: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

SB 2093 passed.

SECOND READING OF SENATE BILL

SB 2042: A BILL for an Act to amend and reenact section 57-51-15 of the North Dakota Century Code, relating to reporting requirements for schools and counties receiving oil and gas gross production tax allocations.

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: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever;

Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

SB 2042 passed.

SECOND READING OF SENATE BILL

SB 2111: A BILL for an Act to amend and reenact sections 14-09-34 and 34-15-04 of the North Dakota Century Code, relating to electronic remittal of funds withheld under an income withholding order and new hire reporting; and to provide for 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: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

SB 2111 passed.

SECOND READING OF SENATE BILL

SB 2070: A BILL for an Act to amend and reenact subsection 1 of section 30.1-13-03 of the North Dakota Century Code, relating to priority among persons seeking appointment as personal representative.

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: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

SB 2070 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 2035, SB 2038, SB 2064, SB 2066, SB 2068, SB 2069, SB 2071, SB 2074, SB 2078, SB 2079, SB 2080, SB 2082, SB 2087, SB 2088, SB 2103.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2085.

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

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1026, HB 1044, HB 1051, HB 1058, HB 1059, HB 1062, HB 1081.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, January 10, 2019, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2029: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2029 was placed on the Sixth order on the calendar.

Page 2, line 10, remove "The department is authorized"

Page 2, remove line 11

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2040: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2040 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "exclusion" with "treatment"

Page 1, line 2, replace "from consideration in" with "when calculating"

Page 1, line 3, after "against" insert "the formation of a"

Page 1, line 3, replace "districts" with "district"

Page 1, line 10, remove "not including property owned"

Page 1, line 11, remove "by a political subdivision."

Page 1, line 16, remove "not including property owned by a political subdivision."

Page 1, line 22, after the period insert "Property owned by a political subdivision is not included when determining whether the protests contain the names of the owners of a majority of the area included within the improvement district unless the political subdivision filed a protest."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2051: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2051 was placed on the Sixth order on the calendar.

Page 5, line 25, after "**services**" insert "**- Limitation**"

Page 6, line 6, after the underscored period insert "Public funds may not be used to provide services under this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2059: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2059 was placed on the Sixth order on the calendar.

Page 2, line 4, remove "The board may not issue a physician an exemption"

Page 2, remove lines 5 through 7

Page 2, line 8, replace "5." with "4."

Page 2, line 11, replace "6." with "5."

Page 2, line 11, replace "shall" with "may"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2063: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2063 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2098: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2098 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2114: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2114 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2118: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2118 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Clemens, Dever, G. Lee and Reps. Adams, Satrom, Strinden introduced:

SB 2186: A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota Century Code, relating to requiring schools to post information regarding child abuse and neglect.

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

Sens. J. Lee, Mathern, Sorvaag and Reps. Dockter, Holman, Mitskog introduced:

SB 2187: A BILL for an Act to amend and reenact subsection 7 of section 57-40.3-04 of the North Dakota Century Code, relating to a motor vehicle excise tax exemption for motor vehicles used to transport the elderly or disabled; and to provide an effective date.

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

Sens. Davison, Meyer and Reps. Bosch, Dockter introduced:

SB 2188: A BILL for an Act to amend and reenact section 48-09-01 of the North Dakota Century Code, relating to bid requirements for park districts.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Cook, Kannianen, Meyer and Reps. Hatlestad, Porter introduced:

SB 2189: A BILL for an Act to amend and reenact sections 57-02-51 and 57-11-01 of the North Dakota Century Code, relating to the meeting of the board of equalization of a city.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Kannianen, Cook, Luick and Reps. Fegley, Jones, Longmuir introduced:

SB 2190: A BILL for an Act to repeal section 11-14-11 of the North Dakota Century Code, relating to reports to township clerks.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Cook, Bekkedahl and Reps. Dockter, Hatlestad introduced:

SB 2191: A BILL for an Act to amend and reenact sections 57-39.2-02.2 and 57-40.2-02.3 of the North Dakota Century Code, relating to the application of sales and use tax to certain sellers located outside this state; and to provide an effective date.

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

Sens. Bekkedahl, Meyer, Wardner and Reps. Lefor, Schreiber-Beck, Zubke introduced:
SB 2192: A BILL for an Act to create and enact chapter 11-09.2 of the North Dakota Century Code, relating to county lodging and restaurant tax; and to provide an effective date.
Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Wardner, Bekkedahl, Meyer and Reps. Lefor, Schreiber-Beck, Zubke introduced:
SB 2193: A BILL for an Act to amend and reenact sections 40-57.3-01, 40-57.3-01.1, and 40-57.3-02 of the North Dakota Century Code, relating to city lodging and restaurant tax and visitors' committee membership.
Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Dwyer, Cook and Reps. Heinert, Porter introduced:
SB 2194: A BILL for an Act to amend and reenact subdivision c of subsection 2 of section 39-06-14.1 of the North Dakota Century Code, relating to motorcycle operator's licenses and motorized bicycles.
Was read the first time and referred to the **Transportation Committee**.

Sens. Marcellais, Dever, G. Lee and Reps. Laning, M. Ruby, Trottier introduced:
SB 2195: A BILL for an Act to provide an appropriation for veterans' spouses and dependents burial fees at the veterans' cemetery.
Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Anderson, J. Lee and Rep. Tveit introduced:
SB 2196: A BILL for an Act to create and enact a new chapter to title 23 of the North Dakota Century Code, relating to creation of a drug fatalities review panel.
Was read the first time and referred to the **Human Services Committee**.

Sens. Unruh, Erbele, Poolman and Reps. Headland, Howe, Pyle introduced:
SB 2197: A BILL for an Act to amend and reenact subsection 4 of section 6-09-15.5 and subsection 1 of section 6-09.11-03 of the North Dakota Century Code, relating to loans for family farmers.
Was read the first time and referred to the **Agriculture Committee**.

Sens. J. Lee, Anderson, Mathern and Reps. Roers Jones, Schreiber-Beck introduced:
SB 2198: A BILL for an Act to amend and reenact sections 23-01-44 and 50-06-01 of the North Dakota Century Code, relating to duties of the department of human services behavioral health division.
Was read the first time and referred to the **Human Services Committee**.

Sen. Wardner introduced:
SB 2199: A BILL for an Act to amend and reenact section 15.1-13-17 of the North Dakota Century Code, relating to teaching licensing in areas of documented shortages of teachers.
Was read the first time and referred to the **Education Committee**.

Sens. Wardner, Heckaman and Reps. Boschee, Pollert introduced:
SB 2200: A BILL for an Act to amend and reenact subsection 1 of section 10-06.1-01 of the North Dakota Century Code, relating to the definition of farming or ranching.
Was read the first time and referred to the **Agriculture Committee**.

Sens. Klein, Erbele, Unruh and Reps. D. Anderson, Brandenburg, J. Nelson introduced:
SB 2201: A BILL for an Act to amend and reenact section 20.1-03-07.1 and subsection 30 of section 20.1-03-12 of the North Dakota Century Code, relating to nonresident waterfowl hunting licenses.
Was read the first time and referred to the **Energy and Natural Resources Committee**.

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

Shanda Morgan, Secretary