

## JOURNAL OF THE SENATE

## Sixty-sixth Legislative Assembly

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Bismarck, January 10, 2019

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

The prayer was offered by Pastor Rich Wyatt, Living Hope Nazarene, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

## MOTION

**SEN. KLEIN MOVED** that SB 2149 be returned to the Senate floor from the **Human Services Committee**, which motion prevailed.

## MOTION

**SEN. KLEIN MOVED** that SB 2149 be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2149 was rereferred.

## CONSIDERATION OF AMENDMENTS

**SB 2029: SEN. ANDERSON (Human Services Committee) MOVED** that the amendments on SJ page 162 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2029 was rereferred to the **Appropriations Committee**.

## CONSIDERATION OF AMENDMENTS

**SB 2040: SEN. COOK (Finance and Taxation Committee) MOVED** that the amendments on SJ page 162 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. HOGAN (Human Services Committee) MOVED** that the amendments on SJ page 162 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2059: SEN. ANDERSON (Human Services Committee) MOVED** that the amendments on SJ pages 162-163 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 sections 30.1-27-01, 30.1-27-02, 30.1-27-05, 30.1-27-06, 30.1-27-07, 30.1-27-08, 30.1-27-09, and 30.1-27-11 of the North Dakota Century Code, relating to guardianship of minors; and to repeal sections 30.1-27-03, 30.1-27-04, 30.1-27-10, and 30.1-27-12 of the North Dakota Century Code, relating to guardianships of minors.

## 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 2072 passed.

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#### SECOND READING OF SENATE BILL

**SB 2073:** A BILL for an Act to create and enact chapter 27-20.1 of the North Dakota Century Code, relating to guardianships of children; to amend and reenact subsection 11 of section 27-20-02, section 27-20-03, subsection 1 of section 27-20-06, sections 27-20-46, 27-20-48.1, and subsection 1 of section 27-20-49 of the North Dakota Century Code, relating to guardianships of children; and to repeal sections 27-20-48.2, 27-20-48.3, and 27-20-48.4 of the North Dakota Century Code, relating to guardianships of children.

#### 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 2073 passed.

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#### SECOND READING OF SENATE BILL

**SB 2063:** A BILL for an Act to create and enact chapter 32-29.4 of the North Dakota Century Code, relating to adoption of the Uniform Family Law Arbitration Act.

#### 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 2063 passed.

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#### SECOND READING OF SENATE BILL

**SB 2098:** A BILL for an Act to amend and reenact section 6-09-44 of the North Dakota Century Code, relating to the Bank of North Dakota residential mortgage loan program; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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 2098 passed and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2114:** A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota Century Code, relating to the penalty for individuals under twenty-one years of age using alcoholic beverages or entering licensed premises; 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 2114 passed.

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### SECOND READING OF SENATE BILL

**SB 2118:** A BILL for an Act to create and enact section 26.1-36-49 of the North Dakota Century Code, relating to short-term limited-duration health insurance plans; and to amend and reenact subsections 2 and 3 of section 26.1-36.4-02 of the North Dakota Century Code, relating to short-term limited-duration health insurance plans.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 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; 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

**NAYS:** Larsen, O.

SB 2118 passed.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2042, SB 2070, SB 2076, SB 2077, SB 2083, SB 2093, SB 2111.

### 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 1039.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1078.

### 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 12:30 p.m., Friday, January 11, 2019, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2027: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2027 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2031: 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 2031 was placed on the Sixth order on the calendar.

Page 1, line 2, after "services" insert "; and to expand Medicaid providers for targeted case management"

Page 1, after line 13, insert:

**"SECTION 2. TARGETED CASE MANAGEMENT - SERIOUS EMOTIONAL DISTURBANCE.** Beginning on or after October 1, 2019, the department of human services, medical services division, shall expand the types of providers recognized as Medicaid providers of targeted case management for individuals with a serious emotional disturbance. If the expansion results in expenditures that exceed the amount appropriated to the department of human services for this service, and the department of human services certified this to the sixty-seventh legislative assembly, the department shall request deficiency funding for the purpose of expanding the types of providers recognized as Medicaid providers of targeted case management services for individuals with severe emotional disturbance, for the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 3. TARGETED CASE MANAGEMENT - SERIOUS MENTAL ILLNESS.** Beginning on or after October 1, 2019, the department of human services, medical services division, shall expand the types of providers recognized as Medicaid providers of targeted case management of individuals with a serious mental illness. If the expansion results in expenditures that exceed the amount appropriated to the department of human services for this service, and the department of human services certifies this to the sixtyseventh legislative assembly, the department shall request deficiency funding for the purpose of expanding the types of providers recognized as Medicaid providers of targeted case management services for individuals with severe mental illness, for the biennium beginning July 1, 2019, and ending June 30, 2021."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2034: Judiciary Committee (Sen. D. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2034 was placed on the Sixth order on the calendar.

Page 1, line 3, remove ", subdivision c of"

Page 1, line 4, remove "subsection 1 of section 62.1-02-01"

Page 3, remove lines 18 through 29

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2036: Judiciary Committee (Sen. D. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2036 was placed on the Sixth order on the calendar.

Page 1, line 8, after the third comma insert "and"

Page 1, line 8, remove the fourth comma

Page 1, line 8, replace "61-21.1-02" with "chapter 61-21.1"

Page 11, line 17, after the third comma insert "and"

Page 11, line 17, remove the fourth comma

Page 11, line 18, replace "61-21.1-02" with "chapter 61-21.1"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2053, as engrossed: Judiciary Committee (Sen. D. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2053 was placed on the Sixth order on the calendar.

Page 1, line 3, after "superintendent" insert "or designee of a school"

Page 2, line 3, overstrike "or"

Page 2, line 3, after "principal" insert ", or designee"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2105: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2105 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2106: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2106 was rereferred to the **Appropriations Committee**.

#### **REPORT OF STANDING COMMITTEE**

**SB 2112: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2112 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2119: Transportation Committee (Sen. Rust, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2119 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2139: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2139 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2144: Agriculture Committee (Sen. Luick, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2144 was placed on the Eleventh order on the calendar.

#### **FIRST READING OF SENATE BILLS**

Sens. Myrdal, Bakke, Dwyer and Reps. Buffalo, Satrom, Vetter introduced:

**SB 2203: A BILL** for an Act to amend and reenact section 12.1-31-01.2 of the North Dakota Century Code, relating to sexual assault restraining orders.

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

Sens. Dever, Heckaman and Reps. Heinert, Keiser, Meier, J. Nelson introduced:

**SB 2204: A BILL** for an Act to create and enact a new section to chapter 54-07 of the North

Dakota Century Code, relating to establishing a commission on children's health and well-being; to provide a report to the legislative management; and to provide an expiration date.

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

Sens. Hogan, Mathern, Myrdal and Reps. Satrom, Schauer, Westlind introduced:

**SB 2206:** A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to alcohol breath analyzers; to provide a penalty; and to provide an effective date.

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

Sens. Wanzek, Dotzenrod, Luick and Reps. Brandenburg, D. Johnson, Mitskog introduced:

**SB 2207:** A BILL for an Act to amend and reenact section 17-06-02 of the North Dakota Century Code, relating to the removal of term limits for members of the North Dakota ethanol council.

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

Sens. J. Lee, Mathern, K. Roers and Reps. Nathe, Schreiber-Beck, Tveit introduced:

**SB 2208:** A BILL for an Act to amend and reenact sections 23-06-03 and 23-06-31 of the North Dakota Century Code, relating to authority to and immunity for disposition of the dead.

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**