

## JOURNAL OF THE SENATE

## Sixty-sixth Legislative Assembly

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Bismarck, January 18, 2019

The Senate convened at 12:30 p.m., with President Pro Tempore Hogue presiding.

The prayer was offered by Pastor Matt Thompson, Holy Cross Lutheran Church, Bismarck and St. John's Lutheran Church, McClusky.

The roll was called and all members were present except Senators Oehlke and Sorvaag.

A quorum was declared by the President Pro Tempore.

## CORRECTION AND REVISION OF THE JOURNAL

**MR. PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Anderson, Chairman)** has carefully examined the Journal of the Ninth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

page 228, line 10, replace "(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING)" with (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING)"

page 228, line 21, replace "year" with "hour"

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

## CONSIDERATION OF AMENDMENTS

**SB 2025: SEN. OBAN (Education Committee) MOVED** that the amendments on SJ pages 227-228 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2167: SEN. BURCKHARD (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 228 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2198: SEN. ANDERSON (Human Services Committee) MOVED** that the amendments on SJ page 228 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2206: SEN. LUICK (Judiciary Committee) MOVED** that the amendments on SJ pages 228-229 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

## SECOND READING OF SENATE BILL

**SB 2052:** A BILL for an Act to create and enact a new section to chapter 15.1-09 and a new section to chapter 57-15 of the North Dakota Century Code, relating to school district safety plans and levy authority for a school safety plan; to amend and reenact section 57-15-14.2 of the North Dakota Century Code, relating to school district levies for a school safety plan; to provide an effective date; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; 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; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Clemens; Cook; Larsen, O.

**ABSENT AND NOT VOTING:** Sorvaag

Engrossed SB 2052 passed and the emergency clause was declared carried.

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#### **SECOND READING OF SENATE BILL**

**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.

#### **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, 0 NAYS, 0 EXCUSED, 1 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; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Sorvaag

SB 2200 passed.

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#### **SECOND READING OF SENATE BILL**

**SB 2172:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 62.1-02-04 of the North Dakota Century Code, relating to possession of a firearm or dangerous weapon in a liquor establishment; to amend and reenact subdivision m of subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to possession of a firearm or dangerous weapon at a public gathering; and to provide a penalty.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Sorvaag

Engrossed SB 2172 passed.

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#### **SECOND READING OF SENATE BILL**

**SB 2120:** A BILL for an Act to amend and reenact section 39-22-18 of the North Dakota Century Code, relating to retail motor vehicle sales.

**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 45 YEAS, 1 NAYS, 0 EXCUSED, 1 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; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Larsen, O.

**ABSENT AND NOT VOTING:** Sorvaag

SB 2120 passed.

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**SECOND READING OF SENATE BILL**

**SB 2152:** A BILL for an Act to amend and reenact sections 4.1-37-02, 4.1-37-03, and 4.1-37-04 of the North Dakota Century Code, relating to the licensing of anhydrous ammonia storage tanks and mobile storage containers.

**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 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; 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; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Elkin; Kannianen; Larsen, O.

**ABSENT AND NOT VOTING:** Sorvaag

SB 2152 passed.

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**SECOND READING OF SENATE BILL**

**SB 2140:** A BILL for an Act to amend and reenact section 62.1-04-04 of the North Dakota Century Code, relating to producing a concealed weapon license upon request.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 1 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; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Mathern; Piepkorn

**ABSENT AND NOT VOTING:** Sorvaag

Engrossed SB 2140 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 2191, SB 2203.

**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 2056.

**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 1097, HB 1162, HB 1173, HCR 3022.

**MOTION**

**SEN. KLEIN MOVED** that the absent member be excused, which motion prevailed.

**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., Monday, January 21, 2019, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2060: Transportation Committee (Sen. Rust, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2060 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2067: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2067 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2081: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2081 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2095: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2095 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2129: Transportation Committee (Sen. Rust, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2129 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2133: Transportation Committee (Sen. Rust, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2133 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2135: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2135 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2143: Education Committee (Sen. Schaible, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2143 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2151: Transportation Committee (Sen. Rust, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2151 was placed on the Sixth order on the calendar.

Page 1, line 20, overstrike "calendar year" and insert immediately thereafter "twelve-month period"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2171: Education Committee (Sen. Schaible, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2171 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2188: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2188 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2190: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2190 was placed on the Eleventh order on the calendar.

**FIRST READING OF SENATE BILLS**

Sens. Dwyer, Marcellais introduced:

**SB 2316:** A BILL for an Act to amend and reenact section 15.1-18-10 of the North Dakota Century Code, relating to allowing individuals who do not have a teaching license to teach driver education upon meeting certain criteria.

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

Sens. Poolman, J. Lee, Wanzek and Reps. Devlin, Pollert, Satrom introduced:

**SB 2317:** A BILL for an Act to create and enact a new section to chapter 23-16 of the North Dakota Century Code, relating to licensure of pediatric subacute care facilities as nursing facilities; and to amend and reenact sections 23-09.3-02, 23-09.3-10, 25-18-15, 50-06-06.4, and 50-06-38, and subdivision a of subsection 24 of section 57-39.2-04 of the North Dakota Century Code, relating to licensure of pediatric subacute care facilities as nursing facilities.

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

Sens. Holmberg, Kreun, J. Lee and Reps. Becker, Lefor, Mock introduced:

**SB 2318:** A BILL for an Act to provide a statement of legislative intent regarding campus broadband services and a report to the legislative management.

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

Sens. Heckaman, Hogan, Oehlke and Rep. Klemin introduced:

**SB 2319:** A BILL for an Act to create and enact a new section to chapter 38-01 of the North Dakota Century Code, relating to indemnity agreements in oil and gas production contracts.

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

Sens. Holmberg, Davison and Reps. Becker, K. Koppelman, Mock, Schreiber-Beck introduced:

**SB 2320:** A BILL for an Act to create and enact chapter 15-10.4 of the North Dakota Century Code, relating to free speech at institutions under the control of the state board of higher education; and to provide a penalty.

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

Sens. Klein, Burckhard, Heckaman and Reps. Boe, Fegley, Vigasaa introduced:

**SB 2321:** A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to a registration fee to defray the cost of plates for volunteer emergency responders and firefighters; to amend and reenact section 39-04-10.16 of the North Dakota Century Code, relating to special vehicle license

plates for volunteer emergency responders and firefighters; and to declare an emergency.

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

Sens. Piepkorn, Grabinger, Mathern and Reps. Adams, Hager, Schneider introduced:

**SB 2322:** A BILL for an Act to create and enact chapter 49-20.1 of the North Dakota Century Code, relating to net metering of electricity.

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

Sens. Oban, Davison, Meyer and Reps. P. Anderson, C. Johnson, Vetter introduced:

**SB 2323:** A BILL for an Act to amend and reenact sections 43-13-19, 43-13-20, 43-13-21.1, 43-13-22, and 43-13-26.1 of the North Dakota Century Code, relating to optometry licenses; and to repeal section 43-13-23, 43-13-24, 43-13-25, 43-13-26, and 43-13-32 of the North Dakota Century Code, relating to the state board of optometry.

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

Sen. Heckaman and Rep. Boschee introduced:

**SB 2324:** A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to a nonpartisan, advisory redistricting commission.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Kreun, Meyer, Schaible and Reps. O'Brien, Owens, Schreiber-Beck introduced:

**SB 2325:** A BILL for an Act to amend and reenact section 52-02.1-02 of the North Dakota Century Code, relating to new job training for certain businesses.

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

Sens. Dwyer, Luick and Reps. Klemin, Lefor introduced:

**SB 2326:** A BILL for an Act to create and enact a new subsection to section 10-19.1-26, a new subsection to section 10-32.1-08, a new section to chapter 43-51 of the North Dakota Century Code, relating to general powers of a corporation and limited liability company and registration requirements; and to amend and reenact sections 10-06.1-17, subsection 4 of section 10-15-53.1, subsection 1 of section 10-19.1-47, subsection 3 of section 10-19.1-146, subsection 2 of section 10-31-02.2, subsections 5 and 6 of section 10-31-13, subsection 3 of section 10-32.1-89, subsection 3 of section 10-33-139, section 10-35-29, subsection 3 of section 10-36-07, section 43-54-05, subsection 3 of section 45-10.2-108, section 45-11-04.1, subsection 4 of section 45-22-03, and subsection 3 of section 45-22-21.1, and section 47-22-05 of the North Dakota Century Code, relating to registration and reports of corporations, limited liability companies, and partnerships.

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

Sens. Anderson, Cook and Reps. Porter, Toman introduced:

**SB 2327:** A BILL for an Act to create and enact a new subsection to section 43-15.3-13 of the North Dakota Century Code, relating to license exception for outsourcing facility regarding certain sales.

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

Sens. Klein, Elkin, Holmberg, Luick and Reps. D. Johnson, Schreiber-Beck introduced:

**SB 2328:** A BILL for an Act to create and enact a new chapter to title 4.1 of the North Dakota Century Code, relating to the agricultural products utilization commission; to repeal chapter 54-60.3 of the North Dakota Century Code, relating to the agricultural products utilization commission; and to provide a report.

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

Sens. Elkin, Klein, Luick, Myrdal and Rep. D. Johnson introduced:

**SB 2329:** A BILL for an Act to create and enact a new section to chapter 4.1-01 of the North Dakota Century Code, relating to the transfer of the international business and trade office from the department of commerce to the agriculture commissioner; and to repeal section 54-60-16 of the North Dakota Century Code, relating to the international business and trade office.

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

Sens. Kreun, Bakke, Meyer and Reps. O'Brien, Owens, Sanford introduced:

**SB 2330:** A BILL for an Act to provide for a childhood trauma and violence pilot program.

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

Sens. Erbele, Dotzenrod, Wardner and Reps. Mock, Brandenburg introduced:

**SB 2331:** A BILL for an Act to amend and reenact section 57-33.2-18 of the North Dakota Century Code, relating to allocation of wind generation tax revenue.

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

Sens. Mathern, Dotzenrod, Heckaman, Oban and Reps. Boschee, Jones introduced:

**SB 2332:** A BILL for an Act to amend and reenact section 38-08-06.4 of the North Dakota Century Code, relating to restricting the flaring of gas.

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

Sens. Myrdal, Elkin, Hogue and Rep. Monson introduced:

**SB 2333:** A BILL for an Act to create and enact a new section to chapter 16.1-11 of the North Dakota Century Code, relating to removing the name of a candidate from a primary election ballot.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Kreun, Bekkedahl, Meyer and Reps. Beadle, Blum, Schreiber-Beck introduced:

**SB 2334:** A BILL for an Act to create and enact a new chapter to title 15 of the North Dakota Century Code, relating to the creation of a senior year tuition waiver program for students attending North Dakota university system institutions.

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

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

**Shanda Morgan, Secretary**

