

JOURNAL OF THE SENATE

Sixty-sixth Legislative Assembly

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Bismarck, February 1, 2019

The Senate convened at 12:30 p.m., with President Sanford presiding.

The prayer was offered by Pastor Bob GrayEagle, Prairie Family Church, Bismarck.

The roll was called and all members were present except Senator Robinson.

A quorum was declared by the President.

MOTION

SEN. KLEIN MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Klein, Chairman)** appointed to consider the nomination to Commissioner of Financial Institutions, do advise and consent to the appointment of I. Lise Kruse.

MOTION

SEN. VEDAA MOVED that the report be adopted.

ROLL CALL

The question being, "will the Senate advise and consent to the appointment of I. Lise Kruse to Commissioner of Financial Institutions," 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; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Robinson

The Senate advises and consents to the appointment of I. Lise Kruse to Commissioner of Financial Institutions.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. D. Larson, Chairman)** appointed to consider the nomination to North Dakota Gaming Commission, do advise and consent to the appointment of Markus Powell.

MOTION

SEN. MYRDAL MOVED that the report be adopted.

ROLL CALL

The question being, "will the Senate advise and consent to the appointment of Markus Powell to North Dakota Gaming Commission," 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; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Robinson

The Senate advises and consents to the appointment of Markus Powell to North Dakota Gaming Commission.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. D. Larson, Chairman)** appointed to consider the nomination to North Dakota Gaming Commission, do advise and consent to the appointment of Mike Seminary.

MOTION

SEN. DWYER MOVED that the report be adopted.

ROLL CALL

The question being, "will the Senate advise and consent to the appointment of Mike Seminary to North Dakota Gaming Commission," 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; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Larsen, O.

ABSENT AND NOT VOTING: Robinson

The Senate advises and consents to the appointment of Mike Seminary to North Dakota Gaming Commission.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Davison, Chairman)** appointed to consider the nomination to North Dakota Board of Higher Education, do advise and consent to the appointment of Nick Hacker.

MOTION

SEN. ROBINSON MOVED that the report be adopted.

ROLL CALL

The question being, "will the Senate advise and consent to the appointment of Nick Hacker to North Dakota Board of Higher Education," 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; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Robinson

The Senate advises and consents to the appointment of Nick Hacker to North Dakota Board of Higher Education.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Davison, Chairman)** appointed to consider the nomination to North Dakota Board of Higher Education, do advise and consent to the appointment of Tim Mihalich.

MOTION

SEN. OEHLKE MOVED that the report be adopted.

ROLL CALL

The question being, "will the Senate advise and consent to the appointment of Tim Mihalich to North Dakota Board of Higher Education," 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; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Robinson

The Senate advises and consents to the appointment of Tim Mihalich to North Dakota Board of Higher Education.

MOTION

SEN. KLEIN MOVED that the Confirmation Session be dissolved, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2101: SEN. ELKIN (Education Committee) MOVED that the amendments on SJ page 361 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2347: SEN. K. ROERS (Human Services Committee) MOVED that the amendments on SJ pages 367-368 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

MOTION

SEN. KLEIN MOVED that after action taken on the Sixth order, SB 2225 and SB 2245 be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2225: SEN. ANDERSON (Human Services Committee) MOVED that the amendments on SJ pages 361-362 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 2225: A BILL for an Act to amend and reenact section 14-09-10 of the North Dakota Century Code, relating to familial duty to support for health services; to repeal section 50-01-19 of the North Dakota Century Code, relating to familial duty to support for county welfare; to provide for application; 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 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; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Robinson

Engrossed SB 2225 passed and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2245: SEN. HOGAN (Human Services Committee) MOVED that the amendments on SJ pages 362-367 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 2245: A BILL for an Act to amend and reenact sections 50-11.1-02 and 50-11.1-04, subsection 10 of section 50-11.1-06.2, subsection 1 of section 50-11.1-07.2, sections 50-11.1-07.3 and 50-11.1-07.5, and subsection 3 of section 50-11.1-17 of the North Dakota Century Code, relating to early childhood services.

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; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Robinson

Engrossed SB 2245 passed.

CONSIDERATION OF AMENDMENTS

SB 2340: SEN. ANDERSON (Political Subdivisions Committee) MOVED that the amendments on SJ page 367 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 2339: A BILL for an Act to amend and reenact section 43-45-05.1 of the North Dakota Century Code, relating to qualification for addiction counseling licensure for an applicant licensed in another jurisdiction.

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; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Robinson

SB 2339 passed.

SECOND READING OF SENATE BILL

SB 2218: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to records of individuals who provide information to public social service agencies.

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; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Robinson

SB 2218 passed.

SECOND READING OF SENATE BILL

SB 2338: A BILL for an Act to create and enact sections 57-39.2-02.3 and 57-40.2-02.4 of the North Dakota Century Code, relating to collection of sales and use tax by marketplace facilitators; to amend and reenact subsection 22 of section 57-39.2-01, and subsections 6 and 7 of section 57-40.2-01 of the North Dakota Century Code, relating to the definition of retailer and retail sale; 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, 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; Larson, D.; Lee, G.; Lee, J.; Luick; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Larsen, O.; Marcellais

ABSENT AND NOT VOTING: Robinson

SB 2338 passed.

MOTION

SEN. KLEIN MOVED that SB 2347 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2347 was rereferred.

SECOND READING OF SENATE BILL

SB 2170: A BILL for an Act to amend and reenact section 43-48-03 of the North Dakota Century Code, relating to clinical laboratory personnel exemptions.

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; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Robinson

Engrossed SB 2170 passed.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 40 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bakke; Davison; Hogan; Kreun; Mathern; Meyer

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

ABSENT AND NOT VOTING: Robinson

Engrossed SB 2330 failed.

SECOND READING OF SENATE BILL

SB 2243: A BILL for an Act to amend and reenact subsection 3 of section 50-24.6-04 of the North Dakota Century Code, relating to prior authorization for medical assistance.

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; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Robinson

Engrossed SB 2243 passed.

SECOND READING OF SENATE BILL

SB 2247: A BILL for an Act to amend and reenact section 50-06-37 of the North Dakota Century Code, relating to the developmental disabilities system reimbursement project; to provide a statement of legislative intent; and to provide for a legislative management report.

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 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; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Larsen, O.

ABSENT AND NOT VOTING: Robinson

Engrossed SB 2247 passed.

SECOND READING OF SENATE BILL

SB 2290: A BILL for an Act to amend and reenact section 50-24.6-04 of the North Dakota Century Code, relating to authorization of a Medicaid step therapy program based on the Medicare part B step therapy program; and to provide a contingent effective date.

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; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Robinson

Engrossed SB 2290 passed.

SECOND READING OF SENATE BILL

SB 2045: A BILL for an Act to create and enact a new section to chapter 54-52.2 of the North Dakota Century Code, relating to contributions to the deferred compensation plan; and to amend and reenact subsection 7 of section 39-03.1-08.2 and sections 54-52.1-03.3 and 54-52.1-04.2 of the North Dakota Century Code, relating to the highway patrolmen's retirement system, the retiree health credit, and prescription coverage under a self-insured plan.

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; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Robinson

Engrossed SB 2045 passed.

MOTION

SEN. KLEIN MOVED that SB 2288 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

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; to amend and reenact

subsections 21, 22, and 23 of section 57-39.2-01, subdivision e of subsection 1 of section 57-39.2-02.1, and subsection 22 of section 57-39.2-04 of the North Dakota Century Code, relating to references to tourist court accommodations; and to provide an effective date.

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; 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; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Dever; Larsen, O.

ABSENT AND NOT VOTING: Robinson

Engrossed SB 2192 passed.

SECOND READING OF SENATE BILL

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, subsections 21, 22, and 23 of section 57-39.2-01, subdivision e of subsection 1 of section 57-39.2-02.1, and subsection 22 of section 57-39.2-04 of the North Dakota Century Code, relating to city lodging and restaurant tax and visitors' committee membership and references to tourist court accommodations.

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 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; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Larsen, O.

ABSENT AND NOT VOTING: Robinson

Engrossed SB 2193 passed.

SECOND READING OF SENATE BILL

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; 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 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; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Robinson

Engrossed SB 2327 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2248: A BILL for an Act to create and enact a new subsection to section 16.1-08.1-06 of the North Dakota Century Code, relating to issuance of press release by secretary of state regarding contribution statements.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 12 YEAS, 34 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bakke; Bekkedahl; Clemens; Erbele; Grabinger; Hogue; Klein; Larsen, O.; Marcellais; Mathern; Piepkorn; Wardner

NAYS: Anderson; Burckhard; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Fors; Heckaman; Hogan; Holmberg; Kannianen; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek

ABSENT AND NOT VOTING: Robinson

SB 2248 failed.

SECOND READING OF SENATE BILL

SB 2281: A BILL for an Act to amend and reenact section 12.1-05-05 of the North Dakota Century Code, relating to limitations on permissible use of force on a child.

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 27 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bakke; Bekkedahl; Cook; Dever; Dotzenrod; Dwyer; Grabinger; Heckaman; Hogan; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Oban; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Unruh; Wardner

NAYS: Anderson; Burckhard; Clemens; Davison; Elkin; Erbele; Fors; Hogue; Holmberg; Kannianen; Klein; Larsen, O.; Myrdal; Oehlke; Osland; Schaible; Sorvaag; Vedaa; Wanzek

ABSENT AND NOT VOTING: Robinson

SB 2281 passed.

SECOND READING OF SENATE BILL

SB 2254: A BILL for an Act to create and enact a new section to chapter 17-04 of the North Dakota Century Code, relating to liens and wind energy property rights.

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; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Robinson

SB 2254 passed.

SECOND READING OF SENATE BILL

SB 2139: A BILL for an Act to amend and reenact sections 61-02-01.3, 61-02-01.4, 61-02-02, and 61-02-14 of the North Dakota Century Code, relating to cost-sharing and duties of the state water commission.

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 41 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Cook; Kreun; Oehlke; Schaible; Unruh

ABSENT AND NOT VOTING: Robinson

SB 2139 passed.

SECOND READING OF SENATE BILL

SB 2251: A BILL for an Act to amend and reenact subsection 2 of section 39-04-36 of the North Dakota Century Code, relating to the transfer of a registered vehicle; and to provide a contingent effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 24 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Burckhard; Davison; Dever; Elkin; Fors; Heckaman; Holmberg; Kannianen; Krebsbach; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Meyer; Myrdal; Oehlke; Piepkorn; Roers, K.; Schaible; Sorvaag; Vedaa; Wanzek

NAYS: Anderson; Bakke; Bekkedahl; Clemens; Cook; Dotzenrod; Dwyer; Erbele; Grabinger; Hogan; Hogue; Klein; Kreun; Mathern; Oban; Osland; Patten; Poolman; Roers, J.; Rust; Unruh; Wardner

ABSENT AND NOT VOTING: Robinson

SB 2251 passed.

MOTION

SEN. KLEIN MOVED that SB 2251 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2251 was rereferred.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2222, SB 2326, SB 2343.

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 1346, HB 1368, HB 1415, HB 1502, HB 1546.

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, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, February 4, 2019, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2048: 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 2048 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2090: Energy and Natural Resources Committee (Sen. Unruh, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2090 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2096: Government and Veterans Affairs Committee (Sen. Davison, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2096 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2109: Energy and Natural Resources Committee (Sen. Unruh, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2109 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "61-20" with "61-30"

Page 3, line 9, replace "61-20" with "61-30"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2130: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2130 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "consider studying" with "study, in coordination with the state auditor,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2166: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2166 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2174: Energy and Natural Resources Committee (Sen. Unruh, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2174 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2226: 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 2226 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2244: 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 2244 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "twenty" with "ten"

Page 1, line 19, replace "forty" with "thirty"

Page 1, line 20, replace "fifty" with "thirty"

Page 2, line 2, replace "forty" with "thirty"

Page 2, line 3, replace "fifty" with "thirty"

Page 2, line 4, "remove "one hundred"

Page 2, line 4, overstrike "fifty" and insert immediately thereafter "one hundred"

Page 2, line 9, remove "one hundred"

Page 2, line 9, overstrike "fifty" and insert immediately thereafter "one hundred"

Page 2, line 12, replace "ten" with "five"

Page 2, line 14, replace "ten" with "six"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2268: Transportation Committee (Sen. Rust, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2268 was placed on the Sixth order on the calendar.

Page 2, line 17, after "lend" insert "or transfer"

Page 2, line 19, after the underscored period insert "Bonds issued for this purpose are payable in each biennium solely from amounts the legislative assembly may appropriate for debt service for a biennium or from a reserve fund established for the bonds. This section may not be construed to require the state to appropriate funds sufficient to make debt service payments with respect to the bonds or replenish a related reserve fund. The bonds are not a debt of the department of transportation or the state, and the full faith, credit, and taxing powers of the state are not pledged to the payment of the bonds. Upon the date appropriated funds and reserves are no longer sufficient to pay debt service on bonds, the obligation of the public finance authority, with respect to the bonds, terminates and the bonds are no longer outstanding. In addition to providing funds for transfers to the department of transportation, the public finance authority may use the bond proceeds to pay the costs of issuance of the bonds and establish a reserve fund for the bonds."

Page 5, line 16, remove "- Legacy fund earnings"

Page 5, line 18, remove "of moneys derived from the earnings of the legacy fund, as"

Page 5, line 19, remove "defined under section 21-10-12,"

Page 6, line 18, remove "A highway project is not eligible for funding under this section if the project is included"

Page 6, remove lines 19 through 21

Page 6, line 22, remove "5."

Page 7, line 1, replace "6." with "5."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2279: 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 2279 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2321: 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 2321 was placed on the Sixth order on the calendar.

Page 1, line 9, after "**responders**" insert "**and volunteer firefighters**"

Page 2, line 10, after "dollars" insert ", and upon payment of applicable registration fees."

Page 2, line 14, after "dollars" insert ", and upon payment of applicable registration fees."

Page 2, line 18, after "**responders**" insert "**and volunteer firefighters**"

Page 2, line 22, replace "one dollar" with "two dollars"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2325: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2325 was placed on the Sixth order on the calendar.

Page 1, line 2, after "businesses" insert "; and to declare an emergency"

Page 2, line 12, remove ", a business that otherwise qualifies as a primary sector"

Page 2, replace lines 13 through 18 with: "and section 52-02.1-04, an employer that is not a primary sector business, but contracts to provide employees to a primary sector business, may qualify for program services if:

- a. The employer and the primary sector business are parties to the same agreement under this section; and
- b. The agreement under this section designates the employer as the recipient of the program services.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

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

Shanda Morgan, Secretary

