

JOURNAL OF THE SENATE

Sixty-sixth Legislative Assembly

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Bismarck, March 4, 2019

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

The prayer was offered by Pastor Randy Upgren, Inspire Family Fellowship, Bismarck.

The roll was called and all members were present except Senators Bekkedahl and Osland.

A quorum was declared by the President.

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 Thirty-third Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 774, line 29, remove "and amended"

Page 775, line 4, remove "and amended"

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

POINT OF PERSONAL PRIVILEGE

SEN. BURCKHARD rose on a point of personal privilege.

REMARKS OF SENATOR BURCKHARD

MR. PRESIDENT: The title of this floor speech is "Hang Another Championship Banner in Magic Town".

The Minot High boys won their second straight swimming and diving championship this past weekend. Winning championships in "Magic Town" is not unusual, Mr. President. In fact, this championship banner will hang near the other 26 boys swimming and diving championship banners the young men of Minot High have won in the school's history.

Coming from this District 5 Senator who earned a "D" in swimming at Minot State, home of the MSU Beavers, I have a real appreciation for the hard work and dedication it takes to win a swimming championship. In fact, Mr. President, Minot High dominated with a team score of 438, more than a "Century of points" ahead of the second place finisher. Five members of the Minot High swim team were named to the First Team. Those names included Steve Novak, Griffin Schaeffer, William Walker-Rozo, Jack Wolsky and Dominic Yoder.

So, Mr. President, let's tip our "Magician Top Hat" to all the student athletes in North Dakota and shout a "hip hip hooray" to the Boys Swimming and Diving Team of Magic Town, better known as "Title Town".

MOTION

SEN. KLEIN MOVED that the remarks of Sen. Burckhard be printed in the Journal, which motion prevailed.

POINT OF PERSONAL PRIVILEGE

SEN. LUICK rose on a point of personal privilege.

REMARKS OF SENATOR LUICK

MR. PRESIDENT: True grit and determination carried the Kindred Vikings Class B Women's Basketball Team to an outstanding victory this weekend for the ND title. Defeating the Rugby Panthers was far from an easy task. Not scoring until the opponent had 11 points seemed daunting, but the will to compete, the desire to win, and with sheer teamwork, the ladies

pulled it all together and came away with a "state championship".

Mr. President, Kindred High School, the City of Kindred, the surrounding communities and the entire District 25 represented area are proud of these young ladies and congratulate them on a very well run season.

And, Mr. President, I had mentioned young, and I will add, that they are indeed a "young team" with only 1 senior girl on the roster this year.

MOTION

SEN. KLEIN MOVED that the remarks of Sen. Luick be printed in the Journal, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1369, as engrossed: SEN. BAKKE (Transportation Committee) MOVED that the amendments on SJ page 823 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4017: A concurrent resolution directing the Legislative Management to consider studying the dichotomy between the archaeological discipline on cultural resources and the knowledge and expertise of tribal elders and tribal historic preservation officers to educate local, state, and federal agencies and the public; and the facilitation of effective consultation and cooperation for historic and prehistoric site identification and registration and the betterment of North Dakota and its citizens.

REQUEST

SEN. GRABINGER REQUESTED a recorded roll call vote on the adoption of SCR 4017, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 27 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Davison; Dotzenrod; Dwyer; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Krebsbach; Larsen, O.; Lee, J.; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Vedaa; Wanzek; Wardner

NAYS: Burckhard; Clemens; Cook; Dever; Elkin; Erbele; Klein; Kreun; Larson, D.; Lee, G.; Luick; Myrdal; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh

ABSENT AND NOT VOTING: Bekkedahl; Osland

SCR 4017 was declared adopted on a recorded roll call vote.

SECOND READING OF HOUSE BILL

HB 1067: A BILL for an Act to amend and reenact sections 21-02-11 and 21-03-25 of the North Dakota Century Code, relating to municipal bid requirements and certificates of indebtedness.

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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; 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; Patten; Piepkorn; Poolman; Robinson;

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

ABSENT AND NOT VOTING: Bekkedahl; Osland

Engrossed HB 1067, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1134: A BILL for an Act to create and enact two new sections to chapter 4.1-41 of the North Dakota Century Code, relating to commercial feed and prohibited acts; to amend and reenact sections 4.1-41-01, 4.1-41-02, 4.1-41-04, 4.1-41-05, 4.1-41-06, 4.1-41-07, 4.1-41-09, 4.1-41-10, 4.1-41-11, 4.1-41-13, 4.1-41-16, and 4.1-41-18 of the North Dakota Century Code, relating to commercial feed; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; 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; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Bekkedahl; Osland

Engrossed HB 1134 passed.

SECOND READING OF HOUSE BILL

HB 1385: A BILL for an Act to amend and reenact section 15.1-07-20 of the North Dakota Century Code, relating to mandatory safety training for school bus drivers.

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, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; 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; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Larsen, O.

ABSENT AND NOT VOTING: Bekkedahl; Osland

Engrossed HB 1385 passed.

SECOND READING OF HOUSE BILL

HB 1404: A BILL for an Act create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to designating state highway 22 as the veterans memorial highway; and to provide a continuing appropriation.

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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; 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; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Bekkedahl; Osland

HB 1404 passed.

SECOND READING OF HOUSE BILL

HB 1327: A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to the fee for failure to stop at a stop sign; 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 39 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Elkin; Hogue; Holmberg; Oehlke; Unruh; Vedaa

ABSENT AND NOT VOTING: Bekkedahl; Osland

Engrossed HB 1327 passed.

SECOND READING OF HOUSE BILL

HB 1400: A BILL for an Act to create and enact section 4.1-31-05.1 and a new section to chapter 19-02.1 of the North Dakota Century Code, relating to misrepresenting nonmeat as a meat food product; to amend and reenact section 4.1-31-01 of the North Dakota Century Code, relating to the definition of meat and the nomenclature of edible meat products; 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 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; 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; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Oehlke

ABSENT AND NOT VOTING: Bekkedahl; Osland

Engrossed HB 1400 passed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3024: A concurrent resolution urging Congress to amend federal law, policies, and regulations relating to food safety and labeling to allow for standards and criteria to

differentiate food products derived from animal products from those derived from laboratory-produced, cell-cultured meat products.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3024 was declared adopted on a voice vote.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1026, HB 1059, HB 1103, HB 1146, HB 1166, HB 1201, HB 1276, HB 1312, HCR 3026, HCR 3030, HCR 3032.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1149, HB 1360.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1095, HB 1098.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1113.

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: HCR 3048.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2038, SB 2080, SB 2091, SB 2092, SB 2123, SB 2167, SB 2177.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2056.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2083, SB 2145.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1100, HB 1109, HB 1110, HB 1112, HB 1116, HB 1118, HB 1183, HB 1204, HB 1214, HB 1244, HB 1344.

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

MR. PRESIDENT: The Speaker has signed: SB 2083, SB 2145.

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

MR. SPEAKER: The President has signed: HB 1076, HB 1100, HB 1109, HB 1110, HB 1112, HB 1116, HB 1118, HB 1183, HB 1204, HB 1214, HB 1244, HB 1344.

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

MR. PRESIDENT: The Speaker has signed: HB 1028, HB 1039, HB 1041, HB 1068, HB 1069, HB 1070, HB 1072, HB 1075, HB 1080, HB 1081, HB 1083, HB 1084, HB 1085, HB 1087, HB 1091, HB 1093, HB 1094.

MOTION

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

MOTION

SEN. KLEIN MOVED that the Senate be on the Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, March 5, 2019, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1078: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1078 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1117, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1117 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1164: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1164 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1185: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1185 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1220, as engrossed: Agriculture Committee (Sen. Luick, Chairman) recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1220 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1255: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1255 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1282, as engrossed: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1282 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4015: Government and Veterans Affairs Committee (Sen. Davison, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SCR 4015 was placed on the Sixth order on the calendar.

Page 1, line 2, after "petitions" insert ", legislative measures,"

Page 1, line 6, remove "and allocation"

Page 1, line 7, remove "and"

Page 1, line 7, after "required" insert "for the legislative assembly to place a constitutional amendment on the ballot, and the percentage of votes required"

Page 1, line 18, remove "At least fifty"

Page 1, remove lines 19 and 20

Page 1, line 21, remove "population to the total resident population of the state."

Page 2, line 6, overstrike "a majority" and insert immediately thereafter "sixty percent"

Renumber accordingly

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3048: A concurrent resolution directing the Legislative Management to consider studying the feasibility and desirability of establishing a wind reclamation fund. 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

