

JOURNAL OF THE SENATE

Sixty-sixth Legislative Assembly

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Bismarck, March 11, 2019

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

The prayer was offered by Pastor Paul Herr, Century Baptist Church, 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 Fortieth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 861, after line 21, insert:

"REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Klein, Chairman)** has unanimously approved the introduction of a bill for an act to amend and reenact section 57-51.1-07 of the North Dakota Century Code, relating to the allocation of oil extraction tax; to provide an effective date; and to declare an emergency.

The bill will be SB 2362."

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

POINT OF PERSONAL PRIVILEGE

SEN. WANZEK rose on a point of personal privilege.

REMARKS OF SENATOR WANZEK

MR. PRESIDENT: The Jamestown Blue Jay boys basketball team made history last Saturday night at Bismarck Civic Center. Jamestown completed a perfect Class A season, becoming the first ever West Region team to go undefeated in achieving a state championship in boys basketball. Only three other teams, all Eastern Dakota Conference members, have gone undefeated to a State Class A title in ND high school basketball history, Fargo North (2002), Fargo South (1989) and Wahpeton (1941). Now we can add Jamestown to that exclusive list. This is Jamestown's 1st title in 26 years since 1993, my first legislative session.

Jamestown started hot and led by as many as 20 points in the first half and finished the game, victorious at 66-49. For those who followed the Blue Jays this season, know this group of young men were a team in the truest sense of the word. While there were individual accomplishments, mainly from tournament MVP Mason Walters, all tournament member Bowden Skunberg, or their senior leader Jared Kallenbach, each and everyone of the student-athlete teammates were committed first to their collective success. These players not only accepted their roles, they embraced them. They worked together to achieve a shared goal. This is a lesson for our young people, but also an inspirational reminder for all of us.

And lastly, one cannot end this commendation without highlighting the Blue Jays' young, dynamic 2nd year class A coach of the year in ND, Jacoby Lloyd. What a fantastic job of teaching and coaching he provided in motivating these young men to reach their lofty goal of an undefeated state team championship season!

Congratulations to Coach Lloyd, his coaching assistants and the 19 young men of the Jamestown Blue Jays. This is a legacy that will remain within their memory throughout their lives. The community of Jamestown could not be prouder of their Blue Jays.

Mr. President, Title town has taken flight and soared high with the wind under its wings and has landed in Jamestown.

MOTION

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

POINT OF PERSONAL PRIVILEGE

SEN. GRABINGER rose on a point of personal privilege.

REMARKS OF SENATOR GRABINGER

MR. PRESIDENT: I don't know if you were able to join the masses of blue at the state Class A basketball tournament held right here in the Capitol City this past weekend, but if you were, you had the opportunity to see perfection personified.

You see, a remarkable team of young men have forged an indelible accomplishment that is a testament to their character.

They actually began on this road to perfection from the 3rd grade. They worked tirelessly to improve to the point that they achieved this success after having come off a 2-19 season just two years ago, and a mediocre year last year.

The work these young men put in to do this included many hours of practice, one heck of a lot of fortitude, awesome coaching, and the best fan support around. I want to congratulate these young men, their great coaching staff, and fans.

Mr. President, we should all join in applauding the coach of this team who was selected Coach of the Year, and two of his players being unanimous selections to the all tournament team. One, Mason Walters, being the MVP, who is going to the University at Jamestown next year. This capped off the perfect season and they did this with pure class, a stunning offense, and a stifling defense.

Others may talk of luck or of all things magic to reach this level of perfection, but not this time. These Jamestown Blue Jays did it the old-fashioned way. They earned it, and the Buffalo City could not be prouder of their accomplishment.

MOTION

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

CONSIDERATION OF AMENDMENTS

HB 1115, as engrossed: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ page 883 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Engrossed HB 1115 was rereferred to the **Appropriations Committee**.

SECOND READING OF HOUSE BILL

HB 1064: A BILL for an Act to create and enact a new section to chapter 54-57 of the North Dakota Century Code, relating to office of administrative hearings case processing, tracking, and reporting; and to provide for a 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 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; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Mathern

ABSENT AND NOT VOTING: Bekkedahl; Osland

Engrossed HB 1064, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1251: A BILL for an Act to create and enact a new section to chapter 47-10 of the North Dakota Century Code, relating to property disclosure requirements.

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 41 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Erbele; Fors; Grabinger; Heckaman; Hogan; Holmberg; Kannianen; 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: Elkin; Hogue; Klein; Oehlke

ABSENT AND NOT VOTING: Bekkedahl; Osland

Engrossed HB 1251, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1335: 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 student dress code policies; 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 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 1335 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1037: A BILL for an Act to amend and reenact subsection 2 of section 16.1-08.1-03.1 of the North Dakota Century Code, relating to campaign finance disclosure statements for measure committees.

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 1037 passed.

SECOND READING OF HOUSE BILL

HB 1036: A BILL for an Act to amend and reenact section 16.1-01-17 of the North Dakota Century Code, relating to fiscal impacts of referred measures.

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, 2 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; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Larsen, O.; Mathern

ABSENT AND NOT VOTING: Bekkedahl; Osland

HB 1036 passed.

SECOND READING OF HOUSE BILL

HB 1288: A BILL for an Act to amend and reenact section 18-01-03.1 of the North Dakota Century Code, relating to duties of the fire marshal to provide education regarding fire safety code requirements.

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 1288 passed.

SECOND READING OF HOUSE BILL

HB 1180: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to exempting sports cars from the number plate display requirements.

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 9 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Klein; Larsen, O.; Lee, G.; Oban; Poolman; Schaible; Unruh; Vedaa

NAYS: Anderson; Bakke; Burckhard; Clemens; Cook; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Krebsbach; Kreun; Larson, D.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oehlke; Patten; Piepkorn; Robinson; Roers, J.; Roers, K.; Rust; Sorvaag; Wanzek; Wardner

ABSENT AND NOT VOTING: Bekkedahl; Osland

Engrossed HB 1180 failed.

SECOND READING OF HOUSE BILL

HB 1447: A BILL for an Act to amend and reenact section 39-04-10.6 of the North Dakota Century Code, relating to the display of a number plate on a motor vehicle owned by a collector.

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 15 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Cook; Elkin; Fors; Grabinger; Holmberg; Kannianen; Klein; Larsen, O.; Meyer; Oban; Poolman; Schaible; Sorvaag; Unruh; Vedaa

NAYS: Anderson; Bakke; Burckhard; Clemens; Davison; Dever; Dotzenrod; Dwyer; Erbele; Heckaman; Hogan; Hogue; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Myrdal; Oehlke; Patten; Piepkorn; Robinson; Roers, J.; Roers, K.; Rust; Wanzek; Wardner

ABSENT AND NOT VOTING: Bekkedahl; Osland

HB 1447 failed.

SECOND READING OF HOUSE BILL

HB 1198: A BILL for an Act to amend and reenact section 39-10-03 of the North Dakota Century Code, relating to class A authorized emergency vehicles.

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 1198 passed.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, unchanged: HB 1044, HB 1048, HB 1052,

HB 1099, HB 1127, HB 1136, HB 1169, HB 1176, HB 1378, HB 1387.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1092, HB 1338.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1452.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2066, SB 2075, SB 2093, SB 2191, SB 2235, SB 2283.

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

MR. PRESIDENT: The House has passed, the emergency clause failed, unchanged: SB 2098.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2035, SB 2078, SB 2100, SB 2120, SB 2241.

HOUSE AMENDMENTS TO SENATE BILL NO. 2035

Page 1, line 4, after the second comma insert "and"

Page 1, line 4, remove "and section 11-11-11 of"

Page 3, remove lines 28 through 31

Page 4, remove lines 1 through 9

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2078

Page 1, line 1, replace "section" with "sections 54-44.6-08 and"

Page 1, line 2, remove "records management; and to repeal sections 54-44.6-08, 54-46-10, and 54-46-13 of"

Page 1, line 3, remove "the North Dakota Century Code, relating to the authority to adopt rules for"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 54-44.6-08 of the North Dakota Century Code is amended and reenacted as follows:

54-44.6-08. Rules.

The manager may adopt any rules in accordance with chapter 28-32 necessary to effectuate the purposes of this chapter."

Page 1, remove lines 16 and 17

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2100

Page 1, line 2, replace "solar" with "renewable"

Page 1, line 7, overstrike "wind" and insert immediately thereafter "renewable"

Page 1, remove lines 22 and 23

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2120

Page 1, line 11, replace "twelve" with "eight"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2241

Page 1, line 5, replace "study" with "consider studying"

Renumber accordingly

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1038, HB 1051, HB 1062, HB 1073, HB 1088, HB 1120, HB 1188, HB 1240, HB 1376, HB 1498.

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

MR. SPEAKER: The President has signed: HB 1038, HB 1051, HB 1062, HB 1073, HB 1088, HB 1120, HB 1188, HB 1240, HB 1376, HB 1498.

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

MR. PRESIDENT: The Speaker has signed: HB 1027, HB 1089, HB 1132, HB 1147, HB 1150, HB 1156, HB 1250, HB 1281, HB 1433.

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

MR. PRESIDENT: The Speaker has signed: HCR 3001.

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 12, 2019, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1034: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1034 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1107: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1107 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1137, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1137 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1138, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1138 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1139: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1139 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1140: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1140 was placed

on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1142: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1142 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1181, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1181 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1195, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1195 was placed on the Sixth order on the calendar.

Page 4, line 19, remove "A business that complies in good faith with the provisions of this"

Page 4, remove line 20

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1355, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1355 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1515, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1515 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3044: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3044 was placed on the Fourteenth order on the calendar.

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

Shanda Morgan, Secretary