

JOURNAL OF THE SENATE

Sixty-sixth Legislative Assembly

* * * * *

Bismarck, March 14, 2019

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

The prayer was offered by Pastor Selva Periannan, Good Shepherd Lutheran Church, Bismarck.

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

A quorum was declared by the President.

MOTION

SEN. KLEIN MOVED that Engrossed HB 1248 be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1248 was rereferred.

SECOND READING OF HOUSE BILL

HB 1066: A BILL for an Act to create and enact a new section to chapter 2-05 and sections 57-51.1-07.7 and 57-51.1-07.8 of the North Dakota Century Code, relating to infrastructure funds; to amend and reenact subsection 5 of section 57-51-01 and sections 57-51-15, 57-51.1-07.3, and 57-51.1-07.5 of the North Dakota Century Code, relating to oil and gas tax revenue allocations; to provide a continuing appropriation; to provide for a report; 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 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; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Osland

Engrossed HB 1066 passed.

SECOND READING OF HOUSE BILL

HB 1395: A BILL for an Act to amend and reenact section 14-09-22 of the North Dakota Century Code, relating to requiring evaluations for individuals convicted of child abuse; 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; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Osland

Engrossed HB 1395, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1161: A BILL for an Act to create and enact a new section to chapter 51-28 of the North Dakota Century Code, relating to prohibiting inaccurate information from being entered into a telephone caller identification system with the intent to defraud; 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; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Osland

Engrossed HB 1161, as amended, passed.

MOTION

SEN. KLEIN MOVED that Engrossed HB 1395, as amended, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1395, as amended, was rereferred.

SECOND READING OF HOUSE BILL

HB 1393: A BILL for an Act to create and enact section 12.1-17-01.2 of the North Dakota Century Code, relating to domestic violence; to amend and reenact subsection 4 of section 12-60-16.4, section 12.1-17-01, subsection 6 of section 12.1-17-07.1, sections 12.1-17-13 and 12.1-32-07, and subsection 3 of section 12.1-38-01 of the North Dakota Century Code, relating to simple assault; 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; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Osland

Engrossed HB 1393, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1234: A BILL for an Act to amend and reenact sections 29-06-05.2 and 29-06-15 of the North Dakota Century Code, relating to the authority of federal agents.

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

NAYS: Larsen, O.

ABSENT AND NOT VOTING: Osland

Engrossed HB 1234, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1517: A BILL for an Act to create and enact a new section to chapter 25-04 and a new section to chapter 50-06 of the North Dakota Century Code, relating to program management for residents of the life skills and transition center and regional crisis support services for individuals with an intellectual or developmental disability; to amend and reenact subsection 4 of section 50-06-37 of the North Dakota Century Code, relating to the assessment of intellectual or developmental disabilities; and to provide for a report to the legislative management.

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

ABSENT AND NOT VOTING: Osland

Engrossed HB 1517, as amended, passed.

MOTION

SEN. KLEIN MOVED that Engrossed HB 1517, as amended, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1517, as amended, was rereferred.

SECOND READING OF HOUSE BILL

HB 1442: A BILL for an Act to create and enact a new section to chapter 39-07 of the North Dakota Century Code, relating to requiring reasonable suspicion for certain traffic stops.

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 10 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Elkin; Fors; Hogue; Kannianen; Kreun; Larsen, O.; Meyer; Myrdal; Roers, K.; Unruh

NAYS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever;

Dotzenrod; Dwyer; Erbele; Grabinger; Heckaman; Hogan; Holmberg; Klein; Krebsbach; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Osland

HB 1442 failed.

SECOND READING OF HOUSE BILL

HB 1135: A BILL for an Act to amend and reenact subsections 9 and 10 of section 39-01-15 and section 39-04-10.2 of the North Dakota Century Code, relating to parking spaces for the mobility impaired; 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 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; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Osland

Engrossed HB 1135 passed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3009: A concurrent resolution recognizing the 100th anniversary of the ratification of the 19th Amendment to the United States Constitution, which provided women the right to vote, and urging Congress to continue working to provide equal rights to women.

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

HCR 3009 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3005: A concurrent resolution urging Congress and the President of the United States to protect American consumers by advancing a coordinated effort to address, promote, and provide an effective and innovative solution to combat illegal, unsolicited, and unwanted robocalls and "call spoofing".

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

HCR 3005, as amended, was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3014: A concurrent resolution congratulating Carson Wentz for his outstanding season, culminating with a 2018 National Football League Super Bowl Championship for the Philadelphia Eagles.

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

HCR 3014 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3029: A concurrent resolution urging Congress to pass a federal prohibition on abortions performed 20 weeks postfertilization.

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

HCR 3029 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 1105, HB 1172, HB 1284, HB 1291, HB 1425, HB 1465.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1033, HB 1195.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1162, HB 1358, HB 1363.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2067, SB 2096, SB 2147, SB 2157, SB 2171, SB 2194, SB 2205, SB 2244, SB 2262, SB 2326, SCR 4009, SCR 4011.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2151, SB 2225.

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2260.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2027, SB 2069, SB 2082, SB 2112, SB 2133, SB 2154, SB 2155, SB 2170, SB 2178, SB 2200, SB 2208, SB 2267, SB 2327, SCR 4010.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1034, HB 1107, HB 1137, HB 1138, HB 1139, HB 1140, HB 1142, HB 1181, HB 1355, HCR 3044, HCR 3057.

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

MR. PRESIDENT: The Speaker has signed: SB 2027, SB 2069, SB 2082, SB 2112, SB 2133, SB 2154, SB 2155, SB 2170, SB 2178, SB 2200, SB 2208, SB 2267, SB 2327, SCR 4010.

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

MR. SPEAKER: The President has signed: HB 1034, HB 1107, HB 1137, HB 1138, HB 1139, HB 1140, HB 1142, HB 1181, HB 1355, HCR 3044, HCR 3057.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on March 13, 2019, I have signed the following: SB 2066.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on March 14, 2019, I have signed the following: SB 2063, SB 2068, SB 2074, SB 2075, SB 2077, SB 2093, SB 2098, SB 2118, SB 2143, SB 2191, SB 2235, SB 2246, SB 2253, SB 2272, SB 2283, and SB 2350.

MOTION

SEN. KLEIN MOVED that the absent member 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 12:30 p.m., Friday, March 15, 2019, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1055, as engrossed: Transportation Committee (Sen. Rust, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1055 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1102, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1102 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1108: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1108 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1126, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1126 was placed on the Sixth order on the calendar.

Page 1, line 19, after the underscored period insert "A basic care facility continues to be responsible for the care and services of every resident."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1179, as engrossed: 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). Engrossed HB 1179 was placed on the Sixth order on the calendar.

Page 4, line 7, replace "subsections 3 or 7" with "this section"

Page 4, line 11, remove "de novo."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1265, as engrossed: Government and Veterans Affairs Committee (Sen. Davison, Chairman) recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1265 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1298, as engrossed: Government and Veterans Affairs Committee (Sen. Davison, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1298 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1336: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1336 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1349, as reengrossed: Agriculture Committee (Sen. Luick, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1349 was rereferred to

the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1392, as engrossed: Government and Veterans Affairs Committee (Sen. Davison, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1392 was placed on the Fourteenth order on the calendar.

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

Shanda Morgan, Secretary

