

**JOURNAL OF THE SENATE**

**Sixty-seventh Legislative Assembly**

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**Bismarck, January 22, 2021**

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

The prayer was offered by Chaplain Merle Hoots, Baptist Health Care Center, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

**CONSIDERATION OF AMENDMENTS**

**SB 2131: SEN. LEE (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**SB 2142: SEN. K. ROERS (Government and Veterans Affairs Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**SB 2033: SEN. SCHAIBLE (Education Committee) MOVED** that the amendments 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 2072:** A BILL for an Act to amend and reenact section 26.1-04-01, subsection 8 of section 26.1-04-03, section 26.1-25-16, and subdivision a of subsection 4 of section 26.1-36-09.8 of the North Dakota Century Code, relating to unfair trade practices and the use of rebates in the business of insurance; 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 28 YEAS, 19 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dwyer; Hogue; Holmberg; Kannianen; Klein; Kreun; Larsen, D.; Luick; Marcellais; Meyer; Oban; Patten; Poolman; Roers, J.; Roers, K.; Rust; Unruh Bell; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Bakke; Dever; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Krebsbach; Larsen, O.; Larson, D.; Lee; Lemm; Mathern; Myrdal; Oehlke; Piepkorn; Schaible; Sorvaag

Engrossed SB 2072 passed but the emergency clause failed.

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**SECOND READING OF SENATE BILL**

**SB 2074:** A BILL for an Act to amend and reenact subsection 1 of section 26.1-36.4-09 of the North Dakota Century Code, relating to health insurance utilization reports.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed SB 2074 passed.

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#### SECOND READING OF SENATE BILL

**SB 2174:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 and a new section to chapter 54-61 of the North Dakota Century Code, relating to criminal history record checks by the commission on legal counsel for indigents.

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

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Hogue; Larsen, O.

Engrossed SB 2174 passed.

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#### SECOND READING OF SENATE BILL

**SB 2143:** A BILL for an Act to amend and reenact section 20.1-05-06 of the North Dakota Century Code, relating to wearing fluorescent pink or certain camouflage patterns while hunting big game.

#### 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, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Heitkamp; Larsen, D.; Larsen, O.; Myrdal

SB 2143 passed.

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#### SECOND READING OF SENATE BILL

**SB 2026:** A BILL for an Act to amend and reenact section 39-12-23 of the North Dakota Century Code, relating to a governor's order authorizing excess limits regarding road trains.

#### 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 30 YEAS, 17 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bekkedahl; Burckhard; Conley; Davison; Dever; Elkin; Erbele; Heitkamp; Hogue; Kannianen; Klein; Kreun; Larsen, O.; Lee; Lemm; Luick; Meyer; Myrdal; Oban; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Bakke; Clemens; Dwyer; Fors; Heckaman; Hogan; Holmberg; Krebsbach; Larsen, D.; Larson, D.; Marcellais; Mathern; Oehlke; Patten; Piepkorn; Poolman; Unruh Bell

SB 2026 passed.

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

**SB 2168:** A BILL for an Act to amend and reenact subsection 2 of section 15-10-17 of the North Dakota Century Code, relating to jurisdiction and authority of law enforcement officers employed by institutions of higher education.

#### **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, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Fors

Engrossed SB 2168 passed.

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

**SB 2138:** A BILL for an Act to amend and reenact subsection 2 of section 10-33-75 of the North Dakota Century Code, relating to remote communication for nonprofit corporations; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber; Wobbema

SB 2138 passed and the emergency clause was declared carried.

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

**SB 2153:** A BILL for an Act to amend and reenact section 5-02-05 of the North Dakota Century Code, relating to prohibiting the dispensing of alcoholic beverages on certain days.

#### **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 20 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Heckaman; Hogan; Holmberg; Kannianen; Larsen, D.; Lee; Marcellais; Mathern; Meyer; Oban; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Schaible; Unruh Bell

**NAYS:** Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogue; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lemm; Luick; Myrdal; Oehlke; Rust; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

SB 2153 failed.

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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 2061, SB 2135, SB 2148, SB 2150, SB 2152, SB 2167, SB 2197.

**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 2136.

**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 1077, HB 1079, HB 1089, HB 1110, HB 1127, HB 1151.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1326.

**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 25, 2021, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2069: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2069 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "If a" and insert immediately thereafter "Upon the close of an application period, a"

Page 1, line 9, overstrike "receives applications from three or more applicants who meet the"

Page 1, overstrike line 10

Page 1, line 11, overstrike "three" and insert immediately thereafter "may designate one"

Page 1, line 12, overstrike "may issue" and insert immediately thereafter "issues"

Page 1, line 12, overstrike "However, if the"

Page 1, overstrike lines 13 and 14

Page 1, line 15, overstrike "designate any finalist."

Page 1, line 19, overstrike "If, by the"

Page 1, overstrike lines 20 and 21

Page 1, line 22, overstrike "related to the applications are open to the public"

Page 1, line 22, remove ", unless the public entity or other person"

Page 1, line 23, remove "decides not to consider the applications further."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2100: Transportation Committee (Sen. Clemens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2100 was placed on the Sixth order on the calendar.

Page 1, line 2, after the comma insert "a new paragraph to subdivision a of subsection 3 of section 39-06.1-10,"

Page 1, line 3, after "fees" insert ", entries against driving record,"

Page 2, line 10, overstrike "hearing official"

Page 2, line 11, overstrike "before whom the person was to appear" and insert immediately thereafter "office of the prosecutor where the matter is pending"

Page 3, line 21, remove "hearing official to whom the person was"

Page 3, line 22, replace "to appear" with "office of the prosecutor where the matter is pending"

Page 4, after line 20, insert:

**"SECTION 10.** A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

	<u>Driving in violation of the conditions of a class D instruction</u>	<u>2</u>
<u>points</u>	<u>permit."</u>	

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2118: Energy and Natural Resources Committee (Sen. Kreun, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2118 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2157: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2157 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2172: Energy and Natural Resources Committee (Sen. Kreun, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2172 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2184: Energy and Natural Resources Committee (Sen. Kreun, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2184 was placed on the Eleventh order on the calendar.

#### FIRST READING OF SENATE BILLS

Sens. Rust, Bekkedahl, J. Roers and Reps. B. Anderson, Longmuir introduced:

**SB 2285:** A BILL for an Act to amend and reenact section 43-01-18 of the North Dakota Century Code, relating to fees chargeable by an abstractor.

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

Sens. Oban, Patten, Vedaa and Reps. Rohr, M. Ruby, Schneider introduced:

**SB 2286:** A BILL for an Act to amend and reenact subsection 2 of section 54-16-00.1 of the North Dakota Century Code, relating to the definition of a state officer.

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

Sens. Wardner, Anderson, Bell and Reps. Delzer, Kreidt, Nehring introduced:

**SB 2287:** A BILL for an Act to provide for an insurance commissioner study of lignite coal industry insurance; and to provide for a report to the legislative management.

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

Sens. Dwyer, Kannianen, J. Roers and Reps. Fisher, B. Koppelman, Steiner introduced:

**SB 2288:** A BILL for an Act to create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an education scholarship tax credit; and to provide an effective date.

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

#### **FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

Sens. Wardner, Heckaman and Reps. Boschee, Pollert introduced:

**SCR 4008:** A concurrent resolution declaring February 11, 2021, as Giving Hearts Day in North Dakota.

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

Sens. Wardner, Bekkedahl, Patten and Reps. Hatlestad, Kempenich, Zubke introduced:

**SCR 4009:** A concurrent resolution recognizing the cooperative efforts of the rotary clubs and districts, and the citizens of multiple states from southern Texas to the far northern reaches of North Dakota and Saskatchewan, in the completion of marking the North Dakota segment of the Great Western Cattle Trail on June 27, 2021, and acknowledging the legendary role of the Great Western Cattle Trail in the history of the United States.

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

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

**Shanda Morgan, Secretary**