

JOURNAL OF THE SENATE

Sixty-sixth Legislative Assembly

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Bismarck, January 16, 2019

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

The prayer was offered by Pastor Matt Anderson, Surprise Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

MOTION

SEN. KLEIN MOVED that SB 2162 be moved to the bottom of the calendar, which motion prevailed.

MOTION

SEN. KLEIN MOVED that SB 2295 be returned to the Senate floor from the **Finance and Taxation Committee**, which motion prevailed.

MOTION

SEN. KLEIN MOVED that SB 2295 be rereferred to the **Energy and Natural Resources Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2295 was rereferred.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Employment (Sen. Dever, Chairman)** recommends the following Senate employees for the Sixty-sixth Legislative Assembly.

2019 SENATE EMPLOYEES

	<u>Secretary of the Senate</u>	
Shanda Morgan		Bismarck
	<u>Assistant Secretary of the Senate</u>	
Jeb Oehlke		Devils Lake
	<u>Journal Reporter</u>	
Eileen Giese		Bismarck
	<u>Calendar Clerk</u>	
Joe Wolf		Bismarck
	<u>Bill Clerk</u>	
Audrey Grafsgaard		Bismarck
	<u>Recording Clerk</u>	
Kim Schneider		Bismarck
	<u>Sergeant-at-Arms</u>	
Jack Eiseman		Bismarck
	<u>Deputy Sergeant-at-Arms</u>	
Mark Johnson		Bismarck
	<u>Assistant Sergeants-at-Arms</u>	
Lyle Lauf		Bismarck
Noreen Steckler		Bismarck
	<u>Administrative Assistant to the Majority Leader</u>	
Renaë Doan		McKenzie
	<u>Staff Assistant to the Majority Leader</u>	
Luke Schields		Dickinson
	<u>Administrative Assistant to the Minority Leader</u>	
Kathy Wachter		Bismarck
	<u>Staff Assistant to the Minority Leader</u>	
Taryn Steckler		Jamestown
	<u>Communications Director (both houses)</u>	

Chris VandeVenter		Bismarck
	<u>Chief Committee Clerk</u>	
Carie Winings		Bismarck
	<u>Assistant Committee Clerk</u>	
Florence Mayer		Bismarck
	<u>Appropriations Committee Clerk</u>	
Alice Delzer		Mandan
	<u>Assistant Appropriations Committee Clerk</u>	
Rose Laning		Bismarck
	<u>Committee Clerks</u>	
Mary Jo Wocken		Bismarck
Pam Dever		Bismarck
Elizabeth Stenehjem		Bismarck
Daniel Johnston		Kathryn
Justin Valez		Bismarck
Lynn Wolf		Hazleton
Meghan Pegal		Fargo
Amy Crane		Bismarck
Marne Johnson		Bismarck
Alicia Larsgaard		Horace
	<u>Chief Page and Bill Book Clerk</u>	
Linda Lang		Mandan
	<u>Pages and Bill Book Clerks</u>	
Jenna Vanhorne		Bismarck
Erin Flanagan		Bismarck
Susan Epps		Mandan
	<u>Supply Room Coordinator</u>	
Julie McBride		Bismarck
	<u>Information Kiosk</u>	
Marsha Lembke		Bismarck
	<u>Parking Lot Attendant</u>	
Thomas Pfliger		Mandan

SEN. KLEIN MOVED that the report be adopted, which motion prevailed on a voice vote.

OATH OF OFFICE

PRESIDENT SANFORD ADMINISTERED the Oath of Office to the 2019 Senate employees.

CONSIDERATION OF AMENDMENTS

SB 2056: SEN. J. ROERS (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 212 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 2123: A BILL for an Act to amend and reenact sections 38-08-04.4, 38-08-04.5, 38-08-04.8, and 38-08-04.9 of the North Dakota Century Code, relating to the authorization to enter contracts, abandoned oil and gas well plugging and site reclamation fund, and confiscation of equipment and recovery for costs of plugging and reclamation of sites with bonds held by the North Dakota industrial commission.

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

Engrossed SB 2123 passed.

SECOND READING OF SENATE BILL

SB 2185: A BILL for an Act to amend and reenact subsection 1 of section 27-20-44 of the North Dakota Century Code, relating to termination of parental 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

SB 2185 passed.

SECOND READING OF SENATE BILL

SB 2145: A BILL for an Act to amend and reenact sections 34-14-05 and 34-14-09 of the North Dakota Century Code, relating to investigation of wage collection claims; to provide an effective date; 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 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Kannianen

SB 2145 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2131: A BILL for an Act to create and enact a new section to chapter 62.1-01 of the North Dakota Century Code, relating to manufactured firearms, accessories, or ammunition.

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

YEAS: Anderson; Dever; Elkin; Erbele; Kannianen; Larsen, O.; Lee, G.; Patten; Schaible

NAYS: Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dotzenrod; Dwyer; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Klein; Krebsbach; Kreun; Larson, D.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

SB 2131 failed.

SECOND READING OF SENATE BILL

SB 2153: A BILL for an Act to create and enact a new section to chapter 27-20 of the North Dakota Century Code, relating to cooperative agreements to provide services to juveniles adjudicated in tribal court; to provide for a report to legislative management; and to provide an expiration 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

SB 2153 passed.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2036, SB 2097, SB 2122, SB 2157.

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 1048, HB 1055, HB 1056, HB 1093, HB 1094, HB 1095, HB 1098.

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 1028.

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 1:15 p.m., Thursday, January 17, 2019, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2028: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2028 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2052: Education Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2052 was placed on the Sixth order on the calendar.

Page 1, line 1, after "section" insert "to chapter 15.1-09 and a new section"

Page 1, line 2, after "plans" insert "and levy authority for a school safety plan"

Page 1, line 3, remove "and"

Page 1, line 4, after "date" insert "; and to declare an emergency"

Page 1, after line 5, insert:

"**SECTION 1.** A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

School district safety plan - Establishment of school safety plan fund - Approval - Open records exemption.

The board of a school district may develop a school safety plan in consultation with the qualified electors residing within the district, and establish and maintain a school safety plan fund subject to the limitations in section 57-15-14.2. A school safety plan developed by the board of a school district is exempt from the provisions of section 44-04-18 and section 6 of article XI of the Constitution of North Dakota with respect to aspects of the plan addressing the security of students."

Page 1, line 8, replace "**School district safety plan - Establishment of**" with "**Tax levy for**"

Page 1, line 8, remove "**- Approval**"

Page 1, line 9, after "The" insert "school"

Page 1, line 9, replace "develop" with "levy taxes for"

Page 1, line 9, remove "and establish and maintain"

Page 1, line 10, remove "a school safety plan"

Page 1, line 10, after "fund" insert an underscored comma

Page 1, line 10, remove ". The plan must be"

Page 1, line 11, replace "approved" with ", when authorized to do so"

Page 1, line 12, remove "The plan must be reauthorized at least once every"

Page 1, line 13, replace "five years" with "The ballot must specify the number of mills proposed for approval and the number of years for which that approval is to apply. Approval or reauthorization by electors of levy authority under this section may not be effective for more than five taxable years"

Page 2, line 13, after "district" insert ", pursuant to section 2 of this Act,"

Page 2, after line 22, insert:

"SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2132: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2132 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2140: Judiciary Committee (Sen. D. Larson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2140 was placed on the Sixth order on the calendar.

Page 1, line 23, after "If" insert ", within thirty days of the alleged violation,"

Page 2, line 2, replace "clerk of court under which the matter will be heard" with "prosecutor responsible for prosecuting the matter"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2158: Education Committee (Sen. Schaible, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2158 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2172: Judiciary Committee (Sen. D. Larson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2172 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "shall" with "may"

Page 1, line 24, overstrike "shall" and insert immediately thereafter "may"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2191: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2191 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2203: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2203 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Bakke, Piepkorn and Reps. Hager, Mock, O'Brien introduced:

SB 2303: A BILL for an Act to amend and reenact sections 14-02.4-01, 14-02.4-02, 14-02.4-03, 14-02.4-04, 14-02.4-05, 14-02.4-06, 14-02.4-08, and 14-02.4-09, subsections 1 and 2 of section 14-02.5-02, sections 14-02.5-03, 14-02.5-04, 14-02.5-05, 14-02.5-07, and 14-02.5-08 of the North Dakota Century Code, relating to prohibition of discrimination on the basis of sexual orientation.

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

Sens. Oban, Burckhard, Piepkorn and Reps. Bosch, Lefor, D. Ruby introduced:

SB 2304: A BILL for an Act to amend and reenact section 12.1-01-05 and subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to the effect of state law on city or county ordinances and limits on city fines and penalties.

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

Sen. Poolman introduced:

SB 2305: A BILL for an Act to amend and reenact subsection 5 of section 53-12.1-01, subdivision a of subsection 2 of section 53-12.1-03, section 53-12.1-08, subsection 1 of section 53-12.1-11, subsections 1 and 7 of section 53-12.1-12, and section 53-12.1-13 of the North Dakota Century Code, relating to individuals eligible to play the North Dakota lottery and claim prizes and lottery online play; and to provide a penalty.

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

Sens. Meyer, Anderson, Burckhard, Hogue and Reps. Nathe, M. Ruby introduced:

SB 2306: A BILL for an Act to create and enact a new section to chapter 43-51 of the North Dakota Century Code, relating to occupational licensure of military members and military spouses; to amend and reenact sections 43-51-01, 43-51-11, and 43-51-11.1 of the North Dakota Century Code, relating to occupational licensure of military members and spouses; to provide for a report to the legislative management; and to provide for a legislative management study.

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

Sens. Meyer, K. Roers and Reps. Beadle, Grueneich, C. Johnson, Sanford introduced:

SB 2307: A BILL for an Act to create and enact a new section to chapter 16.1-02 of the North Dakota Century Code, relating to use of voter lists; and to amend and reenact section 16.1-01-03, subsection 2 of section 16.1-01-09, subsection 2 of section 16.1-01-09.1, and sections 16.1-02-12 and 16.1-16-01 of the North Dakota Century

Code, relating to hours of polling places, requirements for petition signatures, information in the central voter file, and election recounts.

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

Sens. Meyer, Kannianen, K. Roers and Reps. Beadle, Grueneich, Vetter introduced:

SB 2308: A BILL for an Act to create and enact a new section to chapter 16.1-15 of the North Dakota Century Code, relating to counting write-in votes; and to amend and reenact sections 16.1-11-12 and 16.1-12-02.2, subsection 1 of section 16.1-12-04, and subsection 1 of section 16.1-15-08 of the North Dakota Century Code, relating to ballot formats, write-in votes, and certificates of nomination.

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

Sens. Marcellais, Clemens and Reps. Holman, M. Ruby, Schneider introduced:

SB 2309: A BILL for an Act to amend and reenact subsection 20 of section 57-02-08, section 57-02-08.8, and subdivision c of subsection 1 of section 57-55-10 of the North Dakota Century Code, relating to the property tax credit for veterans; and to provide an effective date.

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

Sens. Marcellais, Clemens and Rep. Eidson introduced:

SB 2310: A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to the drug testing of school board members.

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

Sens. Marcellais, Davison, Schaible and Reps. Hager, Schneider introduced:

SB 2311: A BILL for an Act to amend and reenact subsection 4 of section 44-08-21 of the North Dakota Century Code, relating to recalls of elected officials of political subdivisions.

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

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

Shanda Morgan, Secretary

