

JOURNAL OF THE SENATE

Sixty-sixth Legislative Assembly

* * * * *

Bismarck, March 5, 2019

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

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church, Bismarck.

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

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SCR 4015: SEN. K. ROERS (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 832 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1369: A BILL for an Act to amend and reenact section 15.1-07-20 of the North Dakota Century Code, relating to payments for school bus driver physical examinations.

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; 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 1369, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1117: A BILL for an Act to create and enact a new section to chapter 46-05 of the North Dakota Century Code, relating to publication of legal notices in a newspaper and online.

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 1117 passed.

SECOND READING OF HOUSE BILL

HB 1164: A BILL for an Act to create and enact two new subsections to section 19-03.1-23 of the North Dakota Century Code, relating to drug court participation; to amend and reenact subsection 9 of section 12.1-32-02 and section 39-08-01.5 of the North Dakota Century Code, relating to drug court participation; 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

HB 1164 passed.

SECOND READING OF HOUSE BILL

HB 1185: A BILL for an Act to create and enact a new subsection to section 12.1-32-07 of the North Dakota Century Code, relating to petitions for revocation of probation; to amend and reenact subsection 9 of section 12.1-32-02 of the North Dakota Century Code, relating to reduction of felonies to misdemeanors by operation of law; 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

HB 1185 passed.

SECOND READING OF HOUSE BILL

HB 1282: A BILL for an Act to create and enact a new section to chapter 12.1-33 of the North Dakota Century Code, relating to limitations on public employer consideration of criminal background.

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; 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: Hogue; Larsen, O.

ABSENT AND NOT VOTING: Bekkedahl; Osland

Engrossed HB 1282 passed.

SECOND READING OF HOUSE BILL

HB 1078: A BILL for an Act to amend and reenact section 43-10-15.4 of the North Dakota Century Code, relating to intern embalmer applications and qualifications; 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 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, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Lee, G.

ABSENT AND NOT VOTING: Bekkedahl; Osland

HB 1078 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1255: A BILL for an Act to amend and reenact section 49-10.1-05 of the North Dakota Century Code, relating to the powers of railroad police.

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

NAYS: Unruh

ABSENT AND NOT VOTING: Bekkedahl; Osland

HB 1255 passed.

SECOND READING OF HOUSE BILL

HB 1220: A BILL for an Act to provide for a legislative management study of secured party notification.

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 1220 passed.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SCR 4017.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1134, HB 1327, HB 1385, HB 1400, HB 1404, HCR 3024.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1067.

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 3006, HCR 3045, HCR 3047.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2045, SB 2049, SB 2079, SB 2097, SB 2119, SB 2130, SB 2188, SB 2189, SB 2190.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2040, SB 2089.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2040

Page 1, line 23, after "district" insert "or a separate property area"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2089

Page 1, line 3, after the first comma insert "57-06-05,"

Page 3, after line 10, insert:

"SECTION 2. AMENDMENT. Section 57-06-05 of the North Dakota Century Code is amended and reenacted as follows:

57-06-05. Annual assessment.

The state board of equalization, at its annual meeting in August~~July~~, shall assess the franchises and all operative property of power, gas, pipeline, and other companies, covered by this chapter, with reference to the value thereof on the first day of January of that year."

Page 17, line 24, after the fourth comma insert "5,"

Page 17, line 24, replace "5" with "6"

Page 17, line 26, replace "7" with "8"

Page 17, line 26, replace "15" with "16"

Renumber accordingly

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2038, SB 2056, 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: Your signature is respectfully requested on: HB 1026, HB 1059, HB 1103, HB 1146, HB 1149, HB 1166, HB 1201, HB 1276, HB 1312, HB 1360.

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

MR. PRESIDENT: Your signature is respectfully requested on: HCR 3026, HCR 3030, HCR 3032.

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

MR. PRESIDENT: The Speaker has signed: SB 2038, SB 2056, SB 2080, SB 2091, SB 2092, SB 2123, SB 2167, SB 2177.

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

MR. SPEAKER: The President has signed: SB 2038, SB 2056, SB 2080, SB 2083, SB 2091, SB 2092, SB 2123, SB 2145, SB 2167, SB 2177.

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

MR. SPEAKER: The President has signed: HB 1026, HB 1059, HB 1103, HB 1146, HB 1149, HB 1166, HB 1201, HB 1276, HB 1312, HB 1360.

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

MR. SPEAKER: The President has signed: HCR 3026, HCR 3030, HCR 3032.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 5, 2019: SB 2038, SB 2056, SB 2080, SB 2083, SB 2091, SB 2092, SB 2123, SB 2145, SB 2167, SB 2177.

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., Wednesday, March 6, 2019, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1027: Education Committee (Sen. Schaible, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1027 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1051: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS** (4 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1051 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1089: Education Committee (Sen. Schaible, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1089 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1106, as reengrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1106 was placed on the Sixth order on the calendar.

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1123, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1123 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "for coverage for loss caused by or which resulted from any covered cause of"

Page 1, line 10, remove "loss"

Page 1, line 17, remove the second "of"

Page 1, line 18, remove "all affected policies"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1132: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1132 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1147: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1147 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1150: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1150 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1156, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1156 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1250: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1250 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1281: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1281 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1433, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1433 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3001: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3001 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4016: 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). SCR 4016 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "eleven" with "fifteen"

Page 1, line 18, replace "eleven" with "fifteen"

Page 1, line 19, replace "ten" with "fourteen"

Page 1, line 21, replace "ten" with "fourteen"

Page 1, line 23, replace "eleventh" with "fifteenth"

Page 2, line 17, replace "secretary of state" with "attorney general"

Page 2, line 21, replace "ten" with "fourteen"

Page 5, line 25, replace "July 1" with "June 30"

Page 5, line 26, replace "July 1" with "June 30"

Page 5, line 27, replace "three" with "seven"

Page 5, line 29, replace "two" with "three"

Renumber accordingly

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3006: A concurrent resolution to amend and reenact section 7 of article IV of the Constitution of North Dakota, relating to reconvening of the legislative assembly to consider a veto.

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

HCR 3045: A concurrent resolution requesting the Legislative Management to consider studying the feasibility and desirability, potential benefits and efficiencies, and potential implementation processes for unifying the responsibilities and resources of the Game and Fish Department and the Parks and Recreation Department under a single game, fish, parks, and recreation department; and for unifying the law enforcement responsibilities and resources of the Game and Fish Department and the Parks and Recreation Department with and under the Highway Patrol.

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

HCR 3047: A concurrent resolution directing the Legislative Management to consider studying state and federal veterans' programs, the programs' eligibility requirements, and the efficiency of public or private entities responsible for the administration of state and federal veterans' programs to ensure all current and future North Dakota veterans receive the care, assistance, and benefits to which the veterans are entitled.

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

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

Shanda Morgan, Secretary

