

## JOURNAL OF THE SENATE

## Sixty-sixth Legislative Assembly

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Bismarck, January 29, 2019

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

The prayer was offered by Pastor Elizabeth Walch, Lord of Life Lutheran Church, Bismarck.

The roll was called and all members were present except Senators Holmberg and J. Roers.

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**SB 2177: SEN. MYRDAL (Agriculture Committee) MOVED** that the amendments on SJ page 322 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## MOTION

**SEN. KLEIN MOVED** that after action taken on the Sixth order, SB 2357 be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2357: SEN. OBAN (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 322-323 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 2357:** A BILL for an Act to provide for a Bank of North Dakota loan guarantee program for federal workers affected by the federal shutdown; 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 41 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson; Kannianen; Larsen, O.; Patten

**ABSENT AND NOT VOTING:** Holmberg; Roers, J.

Engrossed SB 2357 passed and the emergency clause was declared carried.

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## SECOND READING OF SENATE BILL

**SB 2285:** A BILL for an Act to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to fees for nonresident waterfowl hunting licenses; and to amend and reenact section 20.1-03-07.1 and subsections 30 and 50 of section 20.1-03-12 of the North Dakota Century Code, relating to nonresident waterfowl hunting licenses.

## 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 19 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Burckhard; Davison; Dotzenrod; Dwyer; Elkin; Erbele; Hogan; Hogue; Kannianen; Klein; Krebsbach; Larsen, O.; Lee, G.; Luick; Myrdal; Osland; Vedaa; Wardner

**NAYS:** Bakke; Bekkedahl; Clemens; Cook; Dever; Fors; Grabinger; Heckaman; Kreun; Larson, D.; Lee, J.; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Wanzek

**ABSENT AND NOT VOTING:** Holmberg; Roers, J.

SB 2285 failed.

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### SECOND READING OF SENATE BILL

**SB 2061:** A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to a road use fee for electric and hybrid vehicles; and to provide for a legislative management study.

### REQUEST

**SEN. BAKKE REQUESTED** that the Senate divide Engrossed SB 2061, which request was granted.

**DIVISION A : SECTION 1**

**DIVISION B: SECTION 2**

### ROLL CALL

The question being on the final adoption of Division A of Engrossed SB 2061, the roll was called and there were 24 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bekkedahl; Clemens; Cook; Davison; Dever; Dwyer; Hogan; Kannianen; Krebsbach; Kreun; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Oehlke; Osland; Patten; Robinson; Roers, K.; Rust; Schaible; Wardner

**NAYS:** Bakke; Burckhard; Dotzenrod; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogue; Klein; Larsen, O.; Larson, D.; Marcellais; Mathern; Oban; Piepkorn; Poolman; Sorvaag; Unruh; Vedaa; Wanzek

**ABSENT AND NOT VOTING:** Holmberg; Roers, J.

Division A of Engrossed SB 2061 was adopted on a recorded roll call vote.

### ROLL CALL

The question being on the final adoption of Division B of Engrossed SB 2061, the roll was called and there were 36 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Bekkedahl; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Erbele; Grabinger; Heckaman; Hogan; Hogue; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Poolman; Robinson; Roers, K.; Rust; Schaible; Sorvaag; Wanzek; Wardner

**NAYS:** Anderson; Burckhard; Elkin; Fors; Larsen, O.; Mathern; Piepkorn; Unruh; Vedaa

**ABSENT AND NOT VOTING:** Holmberg; Roers, J.

Division B of Engrossed SB 2061 was adopted on a recorded roll call vote.

### ROLL CALL

The question being on the final passage of the amended bill, which includes Division A and Division B, which have been read, the roll was called and there were 26 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dwyer; Hogan;

Kannianen; Krebsbach; Kreun; Larsen, O.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Oehlke; Osland; Patten; Robinson; Roers, K.; Rust; Schaible; Wardner

**NAYS:** Bakke; Dotzenrod; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogue; Klein; Larson, D.; Marcellais; Mathern; Oban; Piepkorn; Poolman; Sorvaag; Unruh; Vedaa; Wanzek

**ABSENT AND NOT VOTING:** Holmberg; Roers, J.

Engrossed SB 2061 passed.

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

**SB 2089:** A BILL for an Act to create and enact a new subsection to section 57-39.4-35 of the North Dakota Century Code, relating to certified automated system software requirements; to amend and reenact sections 57-05-08, 57-06-06, 57-06-09, 57-06-12, and 57-33.2-07, subdivision d of subsection 26 of section 57-39.2-04, subsection 1 of section 57-39.2-12, section 57-39.4-04, subsections 6 and 7 of section 57-39.4-06, section 57-39.4-19, subsection 1 of section 57-39.4-23, subsection 3 of section 57-39.4-28, subdivision d of subsection 12 of section 57-40.2-04, and subsection 7 of section 57-40.2-07 of the North Dakota Century Code, relating to reports from centrally assessed property companies, tentative assessments of centrally assessed property, the annual meeting of the state board of equalization, the definition of supplies used for bladder dysfunction, the filing of sales tax returns, seller registration, the database of local taxing jurisdictions, uniform tax returns, notices of temporary exemption periods, the library of definitions to be used in the tax administration practices of the sales and use tax agreement, and the filing of use tax returns; and to provide an effective date.

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

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; 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, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Holmberg; Roers, J.

Engrossed SB 2089 passed.

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

**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.

#### **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 34 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Davison; Dotzenrod; Dwyer; Elkin; Fors; Heckaman; Hogan; Hogue; Kannianen; Krebsbach; Kreun; Larson, D.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, K.; Schaible; Wanzek; Wardner

**NAYS:** Cook; Dever; Erbele; Grabinger; Klein; Larsen, O.; Lee, G.; Rust; Sorvaag; Unruh; Vedaa

**ABSENT AND NOT VOTING:** Holmberg; Roers, J.

SB 2304 passed.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4003:** A concurrent resolution declaring the fourth Saturday in July as "National Day of the Cowboy".

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

SCR 4003 was declared adopted on a voice vote.

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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 2058, SB 2065, SB 2100, SB 2150, SB 2156, SB 2165, SB 2173, SB 2179, SB 2187, SB 2194, SB 2197, SB 2201, SB 2231.

**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 2155.

**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 1107, HB 1276, HB 1292, HB 1336.

**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 1092.

**MOTION**

**SEN. KLEIN MOVED** that the absent members be excused, which motion prevailed.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, January 30, 2019, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2142: Education Committee (Sen. Schaible, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2142 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2232: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2232 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2252: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2252 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2259: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2259 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2292: Judiciary Committee (Sen. D. Larson, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2292 was placed on the

Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2323: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2323 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2336: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2336 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2348: Judiciary Committee (Sen. D. Larson, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2348 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4005: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4005 was placed on the Eleventh order on the calendar.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. Dotzenrod, Kannianen, Klein, Vedaa introduced:

**SCR 4013:** A concurrent resolution directing the Legislative Management to considering studying the distribution and transportation of food in the state necessary to the lives of individuals in rural communities, and the roles of state entities in facilitating the movement of food to rural areas of the state.

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

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

**Shanda Morgan, Secretary**

