

JOURNAL OF THE SENATE

Sixty-sixth Legislative Assembly

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Bismarck, January 22, 2019

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

The prayer was offered by Pastor Kai Hardee, Gateway Community Fellowship, Bismarck .

The roll was called and all members were present.

A quorum was declared by the President.

MOTION

SEN. MEYER MOVED that the Senate reconsider its action whereby SB 2060 failed to pass, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2060: A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 and section 39-21-41.4 of the North Dakota Century Code, relating to the amount of statutory fees and the use of safety belts; to repeal section 39-21-41.5 of the North Dakota Century Code, relating to secondary enforcement of safety belt requirements; and to provide a penalty.

MOTION

SEN. LUICK MOVED that SB 2060 be amended as follows, which motion failed on a voice vote.

Page 2, after line 10, insert:

"1."

Page 2, after line 13, insert:

"2."

Page 2, line 13, overstrike the first "a" and insert immediately thereafter ":

a. A"

Page 2, line 14, overstrike "to drivers" and insert immediately thereafter:

"b. Drivers"

Page 2, line 15, overstrike "to operators" and insert immediately thereafter:

"c. Operators"

Page 2, line 15, overstrike "to rural"

Page 2, line 16, overstrike "mail" and insert immediately thereafter:

"d. Rural-mail"

Page 2, line 16, overstrike "to an" and insert immediately thereafter:

"e. An"

Page 2, line 19, overstrike "or when" and insert immediately thereafter:

"f. When"

Page 2, line 20, after "occupants" insert "; or

- g. An operator of a motor vehicle traveling at a speed not exceeding twenty-four miles per hour"

Page 2, line 20, after the period insert:

"3."

Page 2, line 22, after the period insert:

"4."

Renumber accordingly

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 24 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bakke; Bekkedahl; Burckhard; Davison; Dever; Dwyer; Heckaman; Hogan; Holmberg; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Oban; Patten; Piepkorn; Robinson; Roers, J.; Roers, K.

NAYS: Anderson; Clemens; Cook; Dotzenrod; Elkin; Erbele; Fors; Grabinger; Hogue; Kannianen; Klein; Larsen, O.; Myrdal; Oehlke; Osland; Poolman; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

SB 2060 passed.

CONSIDERATION OF AMENDMENTS

SB 2138: SEN. PIEPKORN (Energy and Natural Resources Committee) MOVED that the amendments on SJ page 252 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2189: SEN. BURCKHARD (Political Subdivisions Committee) MOVED that the amendments on SJ pages 252-253 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2283: SEN. VEDAA (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 258 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 2235 be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2235: SEN. J. ROERS (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 253-258 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 2235: A BILL for an Act to amend and reenact sections 43-07-01, 43-07-03, 43-07-07, 43-07-09, 43-07-09.1, 43-07-10, 43-07-11.1, 43-07-12, 43-07-13, and 43-07-19 of the North Dakota Century Code, relating to the regulation of contractors.

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 2235 passed.

SECOND READING OF SENATE BILL

SB 2151: A BILL for an Act to amend and reenact subsection 3 of section 39-12-02 of the North Dakota Century Code, relating to annual permits for vehicles of excessive size or weight; 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 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 2151 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2273: A BILL for an Act to create and enact a new section to chapter 12.1-20 of the North Dakota Century Code, relating to sexual extortion; and to amend and reenact section 12.1-32-15 of the North Dakota Century Code, relating to offenders against children, sexual offenders, and sexually violent predators.

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 2273 passed.

SECOND READING OF SENATE BILL

SB 2272: A BILL for an Act to create and enact chapter 29-29.6 of the North Dakota Century Code, relating to the issuance of a tracking warrant for location information.

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 2272 passed.

SECOND READING OF SENATE BILL

SB 2253: A BILL for an Act to create and enact a new subsection to section 12.1-32-15 of the North Dakota Century Code, relating to international travel reporting requirements for registered offenders.

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 2253 passed.

SECOND READING OF SENATE BILL

SB 2209: A BILL for an Act to amend and reenact section 44-04-24 of the North Dakota Century Code, relating to protection for records related to critical infrastructure and security planning, mitigation, or threats.

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 2209 passed.

SECOND READING OF SENATE BILL

SB 2255: A BILL for an Act to amend and reenact section 57-15-13 of the North Dakota Century Code, relating to changes in school district tax levies; 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, 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; Kannianen; Klein; 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: Krebsbach

SB 2255 passed.

REQUEST

SEN. KREBSBACH REQUESTED the record reflect she intended to vote YEA on SB 2255, which request was granted.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2025, SB 2067, SB 2081, SB 2133, SB 2143, SB 2162, SB 2167, SB 2171, SB 2188, SB 2190, SB 2198.

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 1125, HB 1138, HB 1214, HB 1251.

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 1156.

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

MR. PRESIDENT: Your signature is respectfully requested on: HCR 3022.

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

MR. SPEAKER: The President has signed: HCR 3022.

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 23, 2019, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2032: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2032 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2041: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2041 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2164: Education Committee (Sen. Schaible, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2164 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2178: 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 2178 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "completion of the municipal judge's elected or appointed term" with "last day of the month in which all municipal cases have been transferred to district court or the expiration of the judge's term, whichever occurs first"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2230: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2230 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2242: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2242 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2271: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2271 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2291: 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 2291 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2296: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2296 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SCR 4004: Education Committee (Sen. Schaible, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4004 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Dwyer, Luick and Rep. D. Johnson introduced:

SCR 4008: A concurrent resolution urging the United States Department of Agriculture to use official government estimates when reporting world grain supplies.

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

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

Shanda Morgan, Secretary