

JOURNAL OF THE SENATE

Sixty-sixth Legislative Assembly

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Bismarck, January 23, 2019

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

The prayer was offered by Rev. Gretchen Deeg, United Church of Christ, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Anderson, Chairman)** has carefully examined the Journal of the Third Organizational Session Day and the Eleventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 3, line 35 through page 5, line 2, replace the 2019 Senate Seniority Table with:

**"2019
SENATE SENIORITY TABLE
(2019 session not included)**

Name	Sessions Served	Total Senate Sessions	Total Legislative Sessions
Holmberg, Ray	1977-79-81-83-85-87-89-91-93-95-97-99-01-03-05-07-09-11-13-15-17	21	21
Mathern, Tim	1987-89-91-93-95-97-99-01-03-05-07-09-11-13-15-17	16	16
Krebsbach, Karen K.	1989-91-93-95-97-99-01-03-05-07-09-11-13-15-17	15	15
Robinson, Larry J.	1989-91-93-95-97-99-01-03-05-07-09-11-13-15-17	15	15
Dotzenrod, Jim	1979-81-83-85-87-89-91-93-09-11-13-15-17	13	13
Lee, Judy	1995-97-99-01-03-05-07-09-11-13-15-17	12	12
Cook, Dwight	1997-99-01-03-05-07-09-11-13-15-17	11	11
Klein, Jerry	1997-99-01-03-05-07-09-11-13-15-17	11	11
Wardner, Rich	(House 1991-93-95-97)-99-01-03-05-07-09-11-13-15-17	10	14
Wanzek, Terry M.	(House 1993)-95-97-99-01-07-09-11-13-15-17	10	11
Dever, Dick	2001-03-05-07-09-11-13-15-17	9	9
Erbele, Robert	2001-03-05-07-09-11-13-15-17	9	9
Lee, Gary A.	2003-05-07-09-11-13-15-17	8	8
Heckaman, Joan	2007-09-11-13-15-17	6	6
Marcellais, Richard	2007-09-11-13-15-17	6	6
Oehlke, Dave	2007-09-11-13-15-17	6	6
Hogue, David	2009-11-13-15-17	5	5

Burckhard, Randall A.	2011-13-15-17	4	4
Larsen, Oley	2011-13-15-17	4	4
Luick, Larry	2011-13-15-17	4	4
Schaible, Donald	2011-13-15-17	4	4
Sorvaag, Ronald	2011-13-15-17	4	4
Anderson, Jr., Howard C.	2013-15-17	3	3
Grabinger, John	2013-15-17	3	3
Poolman, Nicole	2013-15-17	3	3
Unruh, Jessica	2013-15-17	3	3
Rust, David S.	(House 2009-11-13)-15-17	2	5
Bakke, JoNell A.	2007-09	2	2
Bekkedahl, Brad	2015-17	2	2
Davison, Kyle	2015-17	2	2
Oban, Erin	2015-17	2	2
Roers, Jim P.	2017	1	1
Larson, Diane	(House 1989-13-15)-17	1	4
Kreun, Curt	(House 2011-13)-17	1	3
Clemens, David A.	2017	1	1
Kannianen, Jordan	2017	1	1
Meyer, Scott	2017	1	1
Myrdal, Janne	2017	1	1
Osland, Arne	2017	1	1
Piepkorn, Merrill	2017	1	1
Vedaa, Shawn	2017	1	1
Hogan, Kathy	(House 2009-11-13-15-17)	0	5
Dwyer, Mike		0	0
Elkin, Jay		0	0
Fors, Robert O.		0	0
Patten, Dale		0	0
Roers, Kristin		0	0
"			

Page 258, line 25, replace "10-04-01" with "10-04-10"

SEN. ANDERSON MOVED that the report be adopted, which motion prevailed.

MOTION

SEN. KLEIN MOVED that SB 2296 be returned to the Senate floor from the **Appropriations Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2296 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2178: SEN. DWYER (Judiciary Committee) MOVED that the amendments on SJ page 271 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 2283: A BILL for an Act to create and enact a new section to chapter 10-04 of the North

Dakota Century Code, relating to the registration of securities.

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 2283 passed.

SECOND READING OF SENATE BILL

SB 2189: A BILL for an Act to amend and reenact sections 57-02-51, 57-09-01, and 57-11-01 of the North Dakota Century Code, relating to the meeting of the board of equalization of a township and a city.

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 2189 passed.

SECOND READING OF SENATE BILL

SB 2138: A BILL for an Act to amend and reenact subsection 10 of section 20.1-02-05 of the North Dakota Century Code, relating to allowing physician assistants and advanced practice registered nurses to verify the physical conditions necessary for special hunting permits to be issued to individuals to shoot from stationary motor vehicles.

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 2138 passed.

SECOND READING OF SENATE BILL

SB 2164: A BILL for an Act to create and enact a new section to chapter 15-18.2 of the North Dakota Century Code, relating to contents of tuition and fees statements.

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 2164 passed.

SECOND READING OF SENATE BILL

SB 2230: 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 15.1-09 of the North Dakota Century Code, relating to criminal history background checks and prohibiting felons from attaining membership on a school board.

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 32 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Elkin; Erbele; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Klein; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Marcellais; Meyer; Oehlke; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Unruh; Vedaa; Wanzek

NAYS: Anderson; Dotzenrod; Dwyer; Fors; Kannianen; Krebsbach; Luick; Mathern; Myrdal; Oban; Osland; Patten; Schaible; Sorvaag; Wardner

SB 2230 passed.

SECOND READING OF SENATE BILL

SB 2041: A BILL for an Act to create and enact a new subsection to section 21-03-07 of the North Dakota Century Code, relating to the issuance of bonds by the governing body of a park district without voter approval; and to repeal subsection 6 of section 21-03-06 of the North Dakota Century Code, relating to the issuance of bonds by the governing body of a park district.

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 2041 passed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4004: A concurrent resolution directing the Legislative Management to consider studying the impact of violent, disruptive, and inappropriate behavior within the

educational environment perpetrated by students against other students, teachers, and other school personnel, and the need to implement a uniform reporting system.

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

SCR 4004 was declared adopted on a voice vote.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2060, SB 2209, SB 2235, SB 2253, SB 2255, SB 2272, SB 2273.

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 2151.

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

MR. PRESIDENT: The Speaker has signed: HCR 3022.

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 1041, HB 1082, HB 1087, HB 1100, HB 1103, HB 1117, HB 1146, HB 1166, HB 1196, HB 1255, HB 1291.

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 1149, HB 1360.

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., Thursday, January 24, 2019, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2043: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2043 was placed on the Sixth order on the calendar.

Page 4, line 15, after "program" insert ", self-declaration, or in-home provider"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2094: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2094 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "subsection 3"

Page 1, line 3, remove "of section 26.1-14-02 and"

Page 1, remove lines 7 through 10

Page 2, line 31, overstrike "twenty-four hours" and insert immediately thereafter "seven days"

Page 3, line 23, replace "A video" with "An"

Page 3, line 23, after "utilizing" insert "secure videoconferencing or store-and-forward technology for"

Page 4, line 20, after "disorder" insert "or to a patient in a hospital or long-term care facility"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2113: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2113 was placed on the Sixth order on the calendar.

Page 3, line 12, after "roommate" insert "and protects the privacy and dignity of the resident"

Page 3, line 13, after "given" insert "written"

Page 3, line 13, after "use" insert "which must include an installation plan in compliance with the facility's standards and regulations the facility provides to the resident"

Page 3, line 25, after "privacy" insert "and for any potential disclosure of protected health information as defined by title 45, Code of Federal Regulations, part 160, section 103."

Page 4, line 7, after the underscored period insert "A request under this subdivision is a withdrawal of consent for the use of an authorized electronic monitoring device and the resident or resident representative who initiated the use of the authorized electronic monitoring device shall turn off the device or block the visual or audio recording or transmitting component of the authorized monitoring device."

Page 4, line 19, remove "until the request can be fulfilled"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2134: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2134 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2184: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2184 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2208: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2208 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2240: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2240 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2246: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2246 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2262: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2262 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2267: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2267 was placed on the

Sixth order on the calendar.

Page 1, remove line 8

Page 1, line 9, replace "14-09-09.24 or an income withholding order under section 14-09-09.13" with "If a new or amended child support order is issued by a court in a case enforced by a child support agency"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2305: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2305 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Sorvaag and Rep. Schmidt introduced:

SCR 4009: A concurrent resolution directing the Legislative Management to consider studying the feasibility and desirability of the water resource boards in each drainage basin forming a joint water resource board to plan and construct water conveyance projects based on basinwide needs.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

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

Shanda Morgan, Secretary

