

JOURNAL OF THE SENATE

Sixty-sixth Legislative Assembly

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Bismarck, March 1, 2019

The Senate convened at 12:30 p.m., with President Sanford presiding.

The prayer was offered by Rev. Gary Heaton, Chaplain, Sanford Health Center, Bismarck.

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

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

HB 1067, as engrossed: SEN. J. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ page 809 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4018: A concurrent resolution requesting the Legislative Management to consider studying the feasibility and desirability of implementing a paid family leave program structured to be beneficial to both families and businesses, including an analysis of how to make the program financially sound while being affordable for families and businesses; and a review of the data on usage rates from other states that have programs, which state agency would be best suited to administer the program, and policies required to ensure program success.

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

SCR 4018 was declared lost on a voice vote.

SECOND READING OF HOUSE BILL

HB 1103: A BILL for an Act to create and enact two new sections to chapter 50-31 of the North Dakota Century Code, relating to licensure of an opioid treatment medication unit and fees; and to amend and reenact section 50-31-01 and subsection 1 of section 50-31-05 of the North Dakota Century Code, relating to the definition of medication unit and the licensure of substance abuse treatment programs.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bekkedahl; Hogan; Osland

Engrossed HB 1103 passed.

SECOND READING OF HOUSE BILL

HB 1276: A BILL for an Act to amend and reenact subdivision q of subsection 2 of section

57-38-30.3 of the North Dakota Century Code, relating to an income tax deduction for a birth resulting in stillbirth; and to provide for retroactive application.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; 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; Hogan; Osland

Engrossed HB 1276 passed.

SECOND READING OF HOUSE BILL

HB 1095: A BILL for an Act to amend and reenact subsection 2 of section 37-29-01 and subsection 3 of section 37-29-03 of the North Dakota Century Code, relating to the definition of discrimination against volunteer emergency responders.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; 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; Hogan; Osland

HB 1095, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1098: A BILL for an Act to create and enact a new subsection to section 39-06.2-06 of the North Dakota Century Code, relating to commercial driver's licenses; and to amend and reenact subdivision b of subsection 6 of section 39-06.2-07 of the North Dakota Century Code, relating to commercial learner's permits.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; 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; Hogan; Osland

HB 1098, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1113: A BILL for an Act to amend and reenact subsection 18 of section 19-03.1-01, section 19-03.1-05, subsection 7 of section 19-03.1-07, subsection 4 of section 19-03.1-09, subsection 7 of section 19-03.1-11, and subsection 5 of section 19-03.1-13 of the North Dakota Century Code, relating to the definition of marijuana and the scheduling of controlled substances; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; 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; Hogan; Osland

Engrossed HB 1113, as amended, passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1146: A BILL for an Act to amend and reenact subsection 2 of section 4.1-31-01 of the North Dakota Century Code, relating to the inclusion of domesticated rabbits in the definition of animal for meat inspection.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; 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; Hogan; Osland

Engrossed HB 1146 passed.

SECOND READING OF HOUSE BILL

HB 1312: A BILL for an Act to amend and reenact section 35-24-01 of the North Dakota Century Code, relating to definitions pertaining to a well or pipeline construction lien.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; 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; Hogan; Osland

HB 1312 passed.

SECOND READING OF HOUSE BILL

HB 1026: A BILL for an Act to amend and reenact section 4.1-20-19 of the North Dakota Century Code, relating to mandatory training for soil conservation district supervisors.

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, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; 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; Hogan; Osland

HB 1026 passed.

SECOND READING OF HOUSE BILL

HB 1149: A BILL for an Act to create and enact a new section to chapter 4.1-47 of the North Dakota Century Code, relating to noxious weed certification; 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bekkedahl; Hogan; Osland; Poolman

Engrossed HB 1149 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1166: A BILL for an Act to amend and reenact section 4.1-73-01 of the North Dakota Century Code, relating to freeze branding.

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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bekkedahl; Hogan; Osland; Poolman

HB 1166 passed.

SECOND READING OF HOUSE BILL

HB 1201: A BILL for an Act to amend and reenact subsection 11 of section 16.1-01-09.1 and subsection 4 of section 44-08-21 of the North Dakota Century Code, relating to recalling elected officials.

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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bekkedahl; Hogan; Osland; Poolman

HB 1201 passed.

SECOND READING OF HOUSE BILL

HB 1360: A BILL for an Act to amend and reenact sections 40-49-14 of the North Dakota Century Code, relating to bid requirements for park districts; 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bekkedahl; Hogan; Osland; Poolman

Engrossed HB 1360 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1059: A BILL for an Act to amend and reenact section 16.1-05-01 and subsection 4 of section 16.1-05-04 of the North Dakota Century Code, relating to part-time appointment of election workers and required presence at polling places.

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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bekkedahl; Hogan; Osland; Poolman

HB 1059 passed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3032: A concurrent resolution urging North Dakota to continue strengthening the sister-state ties between North Dakota and the people of the Republic of China (Taiwan); supporting the signing of a Bilateral Trade Agreement between the United States and Taiwan; and reaffirming support for increasing Taiwan's international profile.

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

HCR 3032 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3026: A concurrent resolution urging Congress and the Internal Revenue Service to allow states to determine health benefit coverage requirements without jeopardizing health savings account eligibility.

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

HCR 3026 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3030: A concurrent resolution to recognize Monday, March 4, 2019, as "North Dakota Workforce Safety and Insurance Day" and to congratulate Workforce Safety and Insurance on its 100th anniversary.

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

HCR 3030 was declared adopted on a voice vote.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1100, HB 1109, HB 1110, HB 1112, HB 1116, HB 1118, HB 1183, HB 1204, HB 1214, HB 1244, HB 1344.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1074, HB 1082.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1242.

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 3007, HCR 3034.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2083.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2145.

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2111.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1028, HB 1039, HB 1041, HB 1068, HB 1069, HB 1070, HB 1072, HB 1075, HB 1076, HB 1080, HB 1081, HB 1083, HB 1084, HB 1085, HB 1087, HB 1091, HB 1093, HB 1094.

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

MR. SPEAKER: The President has signed: HB 1028, HB 1039, HB 1041, HB 1068, HB 1069, HB 1070, HB 1072, HB 1075, HB 1080, HB 1081, HB 1083, HB 1084, HB 1085, HB 1087, HB 1091, HB 1093, HB 1094.

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., Monday, March 4, 2019, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1134, as engrossed: Agriculture Committee (Sen. Luick, Chairman) recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1134 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1327, as engrossed: Transportation Committee (Sen. Rust, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1327 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1369, as engrossed: Transportation Committee (Sen. Rust, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1369 was placed on the Sixth order on the calendar.

Page 2, line 13, replace "routine" with "recertification"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1385, as engrossed: Transportation Committee (Sen. Rust, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1385 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1400, as engrossed: Agriculture Committee (Sen. Luick, Chairman) recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1400 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1404: Transportation Committee (Sen. Rust, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1404 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3024: Agriculture Committee (Sen. Luick, Chairman) recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3024 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4017: Energy and Natural Resources Committee (Sen. Unruh, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SCR 4017 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3007: A concurrent resolution to amend and reenact sections 2, 3, 5, 6, 7, 8, and 9 of article III of the Constitution of North Dakota, relating to an alternative process for enacting initiated measures.

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

HCR 3034: A concurrent resolution to amend and reenact section 9 of article III and section 16 of article IV of the Constitution of North Dakota, relating to voting on constitutional amendments at general elections.

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