

JOURNAL OF THE SENATE

Sixty-seventh Legislative Assembly

Bismarck, January 12, 2021

The Senate convened at 1:00 p.m., with President Pro Tempore Burckhard presiding.

The prayer was offered by Pastor LaRue Goetz, Revival Prayer Fellowship, Bismarck.

The roll was called and all members were present except Senator Wobbema.

A quorum was declared by the President Pro Tempore.

MOTION

SEN. KLEIN MOVED that SB 2177 be returned to the Senate floor from the **Education Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2177 was rereferred.

MOTION

SEN. KLEIN MOVED that SB 2111 be rereferred to the **Transportation Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2111 was rereferred.

MOTION

SEN. KLEIN MOVED that SB 2063 be laid over one legislative day, which motion prevailed.

MOTION

SEN. KLEIN MOVED that SB 2129 be returned to the Senate floor from the **Political Subdivisions Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. KLEIN REQUESTED the unanimous consent of the Senate to withdraw SB 2129. There being no objection, it was so ordered by the President.

SECOND READING OF SENATE BILL

SB 2116: A BILL for an Act to create and enact a new subsection to section 12.1-05-02 of the North Dakota Century Code, relating to the use of deadly force when protecting nuclear assets; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber

ABSENT AND NOT VOTING: Wobbema

SB 2116 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2027: A BILL for an Act to repeal section 39-34-05 of the North Dakota Century Code, relating to transportation network company reporting requirements.

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

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber

ABSENT AND NOT VOTING: Wobbema

SB 2027 passed.

SECOND READING OF SENATE BILL

SB 2053: A BILL for an Act to amend and reenact section 4.1-01.1-06 of the North Dakota Century Code, relating to the required uses of the agricultural products utilization fund; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber

ABSENT AND NOT VOTING: Wobbema

Engrossed SB 2053 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2114: A BILL for an Act to amend and reenact section 37-07.3-03 of the North Dakota Century Code, relating to the use of the funds in the national guard training area and facility development trust fund.

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

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber

ABSENT AND NOT VOTING: Wobbema

SB 2114 passed.

SECOND READING OF SENATE BILL

SB 2110: 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 39-01 of the North Dakota Century Code, relating to criminal history background checks by the department of transportation.

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 41 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Hogan; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber

NAYS: Heitkamp; Hogue; Larsen, O.; Myrdal; Unruh Bell

ABSENT AND NOT VOTING: Wobbema

SB 2110 passed.

SECOND READING OF SENATE BILL

SB 2095: A BILL for an Act to amend and reenact sections 43-30-01 and 43-30-10, subsection 6 of section 43-30-10.1, and section 43-30-16 of the North Dakota Century Code, relating to the private investigative security board's executive director and the board's authority to impose penalties and injunctions for unlicensed activity, issue citations for unauthorized practice, and impose administrative fees; 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, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber

NAYS: Larsen, O.

ABSENT AND NOT VOTING: Wobbema

SB 2095 passed.

SECOND READING OF SENATE BILL

SB 2096: A BILL for an Act to create and enact a new subsection to section 43-30-16 of the North Dakota Century Code, relating to application and renewal fees for armed first responder course instructor certification; and to amend and reenact subsection 7 of section 62.1-02-14 of the North Dakota Century Code, relating to licensing of instructors of armed first responders in schools.

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

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber

NAYS: Larsen, O.; Oehlke

ABSENT AND NOT VOTING: Wobbema

SB 2096 passed.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2047, SB 2062, SB 2066, SB 2067, SB 2091, SB 2094, SB 2115.

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 1038, HB 1046, HB 1070, HB 1082.

MOTION

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

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, January 13, 2021, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2057: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2057 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2073: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2073 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2076: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2076 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2085, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2085 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "50-24.1-06,"

Page 1, line 4, remove the second comma

Page 1, line 4, remove "remedial"

Page 1, line 5, remove "eye care,"

Page 1, line 5, remove the second comma

Page 1, remove lines 8 through 23

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2102: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2102 was placed on the Sixth order on the calendar.

Page 7, line 23, after the underscored comma insert "state credit union board."

Page 10, line 21, after the first "the" insert "receiver's"

Page 13, line 11, remove ", at the election of the commissioner."

Page 16, line 28, replace "a bank" with "an institution"

Page 16, line 29, replace "bank" with "institution"

Page 16, line 30, replace "commission" with "commissioner"

Page 17, line 1, replace "bank" with "institution"

Page 17, line 1, replace "bank's" with "institution's"

Page 17, after line 2, insert:

"3. A bank or credit union may request a hearing before the state banking board or state credit union board within ten days of the emergency temporary suspension or conservatorship to review the factual basis used to issue the emergency temporary suspension or conservatorship. The decision made by the state banking board or state credit union board during the hearing is final. If a hearing is not requested, the initial decision of the commissioner is final."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2119: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2119 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2126: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2126 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "ensure" with "consider whether there is"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4002: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4002 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Clemens, Heitkamp, Larson and Reps. Paur, Satrom, Schauer introduced:

SB 2181: A BILL for an Act to amend and reenact section 37-17.1-03 of the North Dakota Century Code, relating to freedom of religion and assembly.

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

Sens. Hogue, Dwyer, Myrdal and Reps. Fegley, Roers Jones, D. Ruby introduced:

SB 2182: A BILL for an Act to amend and reenact section 29-05-20 of the North Dakota Century Code, relating to attorney visitation.

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

Sens. Dever, Mathern and Reps. Hanson, Keiser, Pyle, Schauer introduced:

SB 2183: A BILL for an Act to create and enact section 26.1-36-09.16 of the North Dakota Century Code, relating to accident and health insurance coverage of diabetes drugs and supplies; to amend and reenact section 26.1-36.6-03 of the North Dakota Century Code, relating to public employees self-insurance health plans; to provide for application; to provide an effective date; and to declare an emergency.

Was read the first time and referred to the **Human Services Committee**.

Sens. O. Larsen, Conley, Marcellais and Rep. Bellew introduced:

SB 2184: A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to big game hunting licenses for hunter education volunteer instructors.

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

Sens. Bakke, Marcellais, Piepkorn and Reps. Sanford, Schneider introduced:

SB 2185: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for domestic violence shelters; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Bakke, Patten and Reps. Hager, Roers Jones, Schauer introduced:

SB 2186: A BILL for an Act to amend and reenact subdivision y of subsection 2 of section 12-60-24, subdivision f of subsection 1 of section 15.1-06-06, and subdivision e of subsection 1 of section 15.1-06-06.1 of the North Dakota Century Code, relating to verification of criminal history background checks for public and nonpublic school employees.

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

Sens. K. Roers, Burckhard, Hogan and Reps. Devlin, Dobervich, Rohr introduced:

SB 2187: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 and sections 43-44-09.1, 43-44-09.2, 43-44-10.1, 43-44-18, 43-44-19, 43-44-20, and 43-44-21, relating to criminal history background checks and licensure and regulation of nutritionists and dietitians; to amend and reenact sections 43-44-01, 43-44-02, 43-44-03, 43-44-05, 43-44-06, 43-44-07, 43-44-08, 43-44-09, 43-44-10, 43-44-12, 43-44-13, 43-44-15, 43-44-16, and 43-44-17 of the North Dakota Century Code, relating to the regulation and licensure of nutritionists and dietitians; and to provide a penalty.

Was read the first time and referred to the **Human Services Committee**.

Sens. Meyer, Kannianen, Vedaa and Reps. Dockter, Hatlestad, B. Koppelman introduced:

SB 2188: A BILL for an Act to create and enact a new section to chapter 11-10 and a new section to chapter 40-05 of the North Dakota Century Code, relating to the authority of a political subdivision to regulate the sale of consumer merchandise.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Bekkedahl, Oban, K. Roers and Reps. Keiser, Klemin, Mitskog introduced:

SB 2189: A BILL for an Act to amend and reenact sections 57-36-01, 57-36-02, 57-36-04, 57-36-05, 57-36-09, 57-36-09.1, 57-36-24, 57-36-25, 57-36-26, 57-36-28, 57-36-29, and 57-36-33 of the North Dakota Century Code, relating to the imposition of tax on electronic smoking devices; and to provide a penalty.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Bekkedahl, Oban, K. Roers and Reps. Keiser, Klemin, Mitskog introduced:

SB 2190: A BILL for an Act to create and enact a new section to chapter 57-36 of the North Dakota Century Code, relating to tobacco product shipping; to amend and reenact sections 57-36-01 and 57-36-33 of the North Dakota Century Code, relating to the definition of tobacco products; to repeal chapter 51-32 of the North Dakota Century Code, relating to remote sales of tobacco products; and to provide a penalty.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sen. Holmberg introduced:

SB 2191: A BILL for an Act to amend and reenact section 32-19-41 of the North Dakota Century Code, relating to the disposal of abandoned personal property.

Was read the first time and referred to the **Political Subdivisions Committee**.

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

Shanda Morgan, Secretary

