

## JOURNAL OF THE SENATE

## Sixty-seventh Legislative Assembly

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Bismarck, January 20, 2021

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

The prayer was offered by Sister Kathleen Atkinson, Ministry on the Margins, Bismarck.

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

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 Ninth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 230, line 14, replace "**DO PASS**" with "**DO NOT PASS**"

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

## MOTION

**SEN. KLEIN MOVED** that SB 2034 be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2034 was rereferred.

## MOTION

**SEN. KLEIN MOVED** that SB 2266 be returned to the Senate floor from the **Human Services Committee** and be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2266 was rereferred.

## MOTION

**SEN. KLEIN MOVED** that SB 2268 be returned to the Senate floor from the **Human Services Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2268 was rereferred.

## CONSIDERATION OF AMENDMENTS

**SB 2148: SEN. CLEMENS (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2136: SEN. OBAN (Education Committee) MOVED** that the amendments 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 2068:** A BILL for an Act to amend and reenact subsection 5 of section 44-11-02 of the North Dakota Century Code, relating to the obligations to prosecute the removal of an official.

## 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; 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; Wobbema

**ABSENT AND NOT VOTING:** Dever

Engrossed SB 2068 passed.

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

**SB 2093:** A BILL for an Act to amend and reenact section 55-08-05 of the North Dakota Century Code, relating to parks and recreation charges for services.

#### **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; 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; Wobbema

**ABSENT AND NOT VOTING:** Dever

Engrossed SB 2093 passed.

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

**SB 2121:** A BILL for an Act to amend and reenact section 39-21-41.4 of the North Dakota Century Code, relating to safety belt usage; 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.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 28 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Bekkedahl; Burckhard; Conley; Davison; Dwyer; Heckaman; Hogan; Hogue; Holmberg; Krebsbach; Kreun; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Roers, J.; Roers, K.; Wanzek; Wardner; Weber

**NAYS:** Anderson; Clemens; Elkin; Erbele; Fors; Heitkamp; Kannianen; Klein; Larsen, D.; Larsen, O.; Myrdal; Poolman; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wobbema

**ABSENT AND NOT VOTING:** Dever

Engrossed SB 2121 passed.

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

**SB 2113:** A BILL for an Act to create and enact a new subsection to section 39-06.2-10.6 and new subsection to section 39-20-05 of the North Dakota Century Code, relating to conducting department of transportation administrative hearings by electronic

means; and to amend and reenact subsection 2 of section 39-06-33 of the North Dakota Century Code, relating to conducting department of transportation administrative hearings by electronic means

#### 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; 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; Wobbema

**ABSENT AND NOT VOTING:** Dever

Engrossed SB 2113 passed.

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#### SECOND READING OF SENATE BILL

**SB 2112:** A BILL for an Act to amend and reenact section 39-02-03 of the North Dakota Century Code, relating to department of transportation branch office duties.

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

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; 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; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Oehlke

**ABSENT AND NOT VOTING:** Dever

Engrossed SB 2112 passed.

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#### SECOND READING OF SENATE BILL

**SB 2099:** A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-02, and sections 39-06.1-07 and 39-07-07 of the North Dakota Century Code, relating to citations; and to repeal section 39-07-07.1 of the North Dakota Century Code, relating to citations.

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

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; 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; Wobbema

**NAYS:** Larsen, D.; Larsen, O.

**ABSENT AND NOT VOTING:** Dever

Engrossed SB 2099 passed.

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### SECOND READING OF SENATE BILL

**SB 2052:** A BILL for an Act to amend and reenact section 23.1-16-10 of the North Dakota Century Code, relating to boiler inspections.

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

**YEAS:** Anderson; Bekkedahl; Burckhard; Conley; Davison; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee; Marcellais; Meyer; Oban; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber

**NAYS:** Bakke; Clemens; Heckaman; Larsen, D.; Larsen, O.; Lemm; Luick; Mathern; Myrdal; Piepkorn; Rust; Wobbema

**ABSENT AND NOT VOTING:** Dever

SB 2052 passed.

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### SECOND READING OF SENATE BILL

**SB 2064:** A BILL for an Act to amend and reenact subsection 11 of section 38-08-02 of the North Dakota Century Code, relating to the definition of person.

### 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 7 YEAS, 39 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Heckaman; Hogan; Marcellais; Mathern; Oban; Piepkorn

**NAYS:** Anderson; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber; Wobbema

**ABSENT AND NOT VOTING:** Dever

SB 2064 failed.

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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 2125, SB 2154.

### 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 1042, HB 1059, HB 1068, HB 1122, HCR 3002.

### 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., Thursday, January 21, 2021, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2072: 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 2072 was placed on the Sixth order on the calendar.

Page 3, line 8, remove "fair"

Page 4, line 8, replace "Is" with "If"

Page 4, line 8, after "offered" insert "by the insurer or producer"

Page 4, line 8, after "producer" insert ", upon request."

Page 4, line 11, replace "fair written" with "documented"

Page 4, line 12, replace "written" with "documented"

Page 4, line 19, remove "fair"

Page 4, line 20, remove "a reasonable period of time. The pilot must"

Page 4, line 21, replace "be reviewed and agreed upon by the department" with "no longer than one year. An insurer or producer shall notify the department of the pilot or testing program offered to consumers in this state before launching and may proceed with the program unless the department objects within twenty-one days of notice"

Page 6, line 6, remove "fair"

Page 7, line 7, replace "Is" with "If"

Page 7, line 7, after "offered" insert "by the insurer or producer"

Page 7, line 7, after "producer" insert ", upon request."

Page 7, line 10, replace "written objective" with "documented"

Page 7, line 11, replace "written" with "documented"

Page 7, line 17, remove "fair"

Page 7, line 18, remove "for a reasonable period of"

Page 7, line 19, replace "time. The pilot must be reviewed and agreed upon by the department" with "no longer than one year. An insurer or producer shall notify the department of the pilot or testing program offered to consumers in this state before launching and may proceed with the program unless the department objects within twenty-one days of notice"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2074: 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 2074 was placed on the Sixth order on the calendar.

Page 1, line 6, after "~~fifty-one~~" insert "twenty-six"

Page 1, line 6, remove the overstrike over "~~or more~~"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2124: Judiciary Committee (Sen. Larson, Chairman)** recommends **AMENDMENTS**

**AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2124 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "special"

Page 1, line 3, remove the first "and"

Page 1, line 18, replace "section" with "subsection"

Page 2, line 10, replace "subdivision" with "subdivisions"

Page 2, line 10, after "b" insert "and c"

Page 2, line 15, remove "A declared state of disaster or emergency may be extended for an additional"

Page 2, line 16, replace "thirty days beyond the initial thirty days if" with "If"

Page 2, line 19, after "declaration" insert ". the declared state of disaster or emergency remains in effect through the sixtieth day after the original declaration, unless terminated by a concurrent resolution of the legislative assembly"

Page 2, line 19, after the underscored period insert:

"c."

Page 2, line 21, replace "c." with "d."

Page 2, line 25, replace "d." with "e."

Page 2, line 28, replace "e." with "f."

Page 5, line 3, remove "special"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2150: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2150 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2152: Finance and Taxation Committee (Sen. Bell, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2152 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2168: Judiciary Committee (Sen. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2168 was placed on the Sixth order on the calendar.

Page 1, line 12, after "education" insert an underscored semicolon

Page 1, line 12, remove the overstrike over "and"

Page 1, line 12, remove the underscored semicolon

Page 1, line 16, remove ": and"

Page 1, remove line 17

Page 1, line 18, remove "jurisdictions in paragraphs 1 and 2"

Page 2, line 16, after "education" insert an underscored semicolon

Page 2, line 16, remove the overstrike over "and"

Page 2, line 16, remove the underscored semicolon

Page 2, line 20, remove "; and"

Page 2, remove line 21

Page 2, line 22, remove "jurisdictions in paragraphs 1 and 2; and"

Page 2, line 23, after "d." insert "A law enforcement officer employed by Bismarck state college has jurisdiction on:

- (1) All property owner or leased by the state board of higher education;
- (2) All property on and within the boundaries of the area delineated by the intersections of Schafer street and canary avenue, canary avenue and Edwards avenue, Edwards avenue and Schafer street, Edwards avenue and Ward road, Ward road and college drive, and college drive and Schafer street; and
- (3) Property within one thousand five hundred feet [457.2 meters] of the jurisdictions in paragraphs 1 and 2.

e. "

Page 3, line 1, overstrike "e." and insert immediately thereafter "f."

Page 3, line 5, overstrike "f." and insert immediately thereafter "g."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2174: Judiciary Committee (Sen. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2174 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "for each individual who has"

Page 1, line 8, replace "access to confidential information" with "for a volunteer or final applicant for employment, as determined by the director of the commission on legal counsel for indigents"

Page 1, line 12, replace "shall" with "may"

Page 1, line 12, remove "any applicant, employee, or independent contractor who has"

Page 1, line 13, replace "access to confidential information" with "a volunteer or final applicant for employment"

Page 1, line 14, remove "and a subsequent recheck within ten years from the date of the previous criminal"

Page 1, line 15, remove "history record check"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2193: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2193 was placed on the Eleventh

order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2198: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2198 was rereferred to the **Appropriations Committee**.

#### FIRST READING OF SENATE BILLS

Sens. Schaible, Wanzek and Reps. Dockter, Headland, Nathe introduced:

**SB 2272:** A BILL for an Act to create and enact section 15-10-38.3 of the North Dakota Century Code, relating to administrative fees retained by the state board of higher education; to amend and reenact sections 15-10-38.1 and 15-10-38.2 of the North Dakota Century Code, relating to the skilled workforce student loan repayment program and skilled workforce scholarship program; to provide a continuing appropriation; to provide an effective date; and to provide an expiration date.

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

Sens. J. Roers, Dwyer, Larson and Reps. Ista, Roers Jones introduced:

**SB 2273:** A BILL for an Act to amend and reenact section 19-03.1-22.1 of the North Dakota Century Code, relating to the inhalation of vapors; and to provide a penalty.

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

Sens. Dwyer, K. Roers, Bell and Reps. J. Nelson, Rohr, M. Ruby introduced:

**SB 2274:** A BILL for an Act to amend and reenact section 43-58-08 of the North Dakota Century Code, relating to the scope of practice of a naturopath.

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

Sens. Clemens, Marcellais and Reps. Mock, Satrom, Schneider introduced:

**SB 2275:** A BILL for an Act to provide for an appropriation to the department of human services relating to a director for the task force on prevention of sexual abuse of children.

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

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

**Shanda Morgan, Secretary**