

JOURNAL OF THE SENATE

Sixty-seventh Legislative Assembly

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Bismarck, March 22, 2021

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

The prayer was offered by Senator Dever, District 32, 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 Forty-eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 914, line 12, remove "and **BE REREFFERRED** to the **Appropriations Committee**"

Page 914, line 31, after "**DO PASS**" insert "and **BE REREFERRED** to the **Appropriations Committee**"

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

POINT OF PERSONAL PRIVILEGE

SEN. LUICK rose on a point of personal privilege.

REMARKS OF SENATOR LUICK

MR. PRESIDENT: It is with distinct congratulations that I am bringing to you the great news of a Championship of esteemed ball players.

The Kindred Vikings High School Boys Basket ball team captured the Class B State Championship this past week in Minot; defeating 40-34 the Edgeley/Kulm/Montpelier Rebels, who themselves are also a powerhouse and very respectable team.

Mr. President, this is the first Class B Boys Championship for the Kindred Vikings and they are a great representation from the South-East North Dakota region.

I am extremely grateful and honored to represent the city of Kindred and surrounding communities in District 25. I am certainly proud of the hard working young men who have put forth the effort to capture this title.

MOTION

SEN. KLEIN MOVED that the remarks of Sen. Luick be printed in the Journal, which motion prevailed.

MOTION

SEN. DAVISON MOVED that the Senate reconsider its action whereby HCR 3032 passed, which motion prevailed on a verification vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3032: A concurrent resolution to amend and reenact section 25 of article XI of the Constitution of North Dakota, relating to authorizing sports betting.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 23 YEAS, 24 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bekkedahl; Bell; Burckhard; Conley; Davison; Elkin; Holmberg; Klein; Krebsbach; Kreun; Larsen, D.; Lee; Lemm; Meyer; Oban; Patten; Poolman; Roers, J.; Roers, K.; Vedaa; Wanzek; Weber; Wobbema

NAYS: Anderson; Bakke; Clemens; Dever; Dwyer; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Kannianen; Larsen, O.; Larson, D.; Luick; Marcellais; Mathern; Myrdal; Oehlke; Piepkorn; Rust; Schaible; Sorvaag; Wardner

HCR 3032 was declared lost on a recorded roll call vote.

MOTION

SEN. LARSON MOVED that the Senate reconsider its action whereby HB 1198 passed, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1198: A BILL for an Act to create and enact a new subsection to section 37-17.1-05 of the North Dakota Century Code, relating to the governor's authority regarding polling places during a declared state of disaster or emergency.

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 23 YEAS, 24 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bell; Burckhard; Clemens; Conley; Dever; Erbele; Fors; Heitkamp; Hogue; Kannianen; Larsen, D.; Larsen, O.; Lemm; Luick; Meyer; Myrdal; Oehlke; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wobbema

NAYS: Anderson; Bakke; Bekkedahl; Davison; Dwyer; Elkin; Heckaman; Hogan; Holmberg; Klein; Krebsbach; Kreun; Larson, D.; Lee; Marcellais; Mathern; Oban; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Wardner; Weber

HB 1198 failed.

CONSIDERATION OF AMENDMENTS

HB 1407, as engrossed: SEN. K. ROERS (Human Services Committee) MOVED that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Engrossed HB 1407 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1233, as engrossed: SEN. ANDERSON (Human Services Committee) MOVED that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Engrossed HB 1233 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1437, as engrossed: SEN. LUICK (Agriculture Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1285, as engrossed: SEN. MARCELLAIS (Government and Veterans Affairs Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1189, as engrossed: SEN. WEBER (Government and Veterans Affairs Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with

DO NOT PASS, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1475, as reengrossed: SEN. MYRDAL (Agriculture Committee) MOVED that the amendments be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Reengrossed HB 1475 was rereferred to the **Appropriations Committee**.

SECOND READING OF HOUSE BILL

HB 1429: A BILL for an Act to amend and reenact section 54-03.3-01 of the North Dakota Century Code, relating to the compact for a balanced budget.

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 37 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Bakke; Clemens; Heckaman; Hogan; Klein; Kreun; Marcellais; Mathern; Oban; Roers, K.

Engrossed HB 1429 passed.

SECOND READING OF HOUSE BILL

HB 1370: A BILL for an Act to amend and reenact subsection 7 of section 15.1-09-33 of the North Dakota Century Code, relating to school board powers and the leasing of real property.

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; Bell; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

HB 1370, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1478: A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to alternative education opportunities outside the classroom for course credit; and to provide for a legislative management report.

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; Bell; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1478, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1281: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for taxpayers whose children receive nonpublic school education; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 15 YEAS, 32 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Burckhard; Clemens; Dever; Dwyer; Heitkamp; Hogue; Kannianen; Krebsbach; Larsen, D.; Larsen, O.; Larson, D.; Meyer; Myrdal; Wanzek; Wobbema

NAYS: Anderson; Bakke; Bekkedahl; Bell; Conley; Davison; Elkin; Erbele; Fors; Heckaman; Hogan; Holmberg; Klein; Kreun; Lee; Lemm; Luick; Marcellais; Mathern; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wardner; Weber

Engrossed HB 1281, as amended, failed.

SECOND READING OF HOUSE BILL

HB 1033: A BILL for an Act to amend and reenact section 19-02.1-14.3 of the North Dakota Century Code, relating to prescribing of biosimilar drugs.

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; Bell; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1033, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1081: A BILL for an Act to create and enact sections 15-08-28, 15-08-29, 15-08-30, 15-08-31, and 15-08-32 of the North Dakota Century Code, relating to access to and activities on trust lands; 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 40 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Dever; Elkin; Erbele; Fors; Heckaman; Hogan; Hogue; 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; Wanzek;

Wardner; Weber; Wobbema

NAYS: Anderson; Davison; Dwyer; Heitkamp; Larsen, O.; Myrdal; Vedaa

Engrossed HB 1081 passed.

SECOND READING OF HOUSE BILL

HB 1390: A BILL for an Act to provide for a legislative management study of training for election workers.

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 5 YEAS, 42 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bakke; Heckaman; Hogan; Mathern; Oban

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

Engrossed HB 1390 failed.

SECOND READING OF HOUSE BILL

HB 1063: A BILL for an Act to amend and reenact sections 61-24.6-02, 61-24.6-03, 61-24.6-04, 61-24.6-06, 61-24.6-07, 61-24.6-08, 61-24.6-09, 61-24.6-10, and 61-24.6-11 of the North Dakota Century Code, relating to the northwest area water supply advisory committee and the areas to be served by the northwest area water supply project; to provide for legislative management reports; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1063 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1219: A BILL for an Act to amend and reenact sections 23-07-02.3 and 23-07-15 of the North Dakota Century Code, relating to reportable conditions and post-mortem communicable diseases.

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; Bell; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

HB 1219 passed.

SECOND READING OF HOUSE BILL

HB 1264: A BILL for an Act to amend and reenact sections 14-09.2-01, 14-09.2-02, 14-09.2-04, and 14-09.2-06 of the North Dakota Century Code, relating to parenting coordinators.

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; Bell; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

HB 1264 passed.

SECOND READING OF HOUSE BILL

HB 1186: A BILL for an Act to create and enact sections 11-28.3-15 and 11-28.3-16 of the North Dakota Century Code, relating to rural ambulance service districts; and to amend and reenact sections 11-28.3-01, 11-28.3-02, 11-28.3-03, 11-28.3-05, 11-28.3-06, 11-28.3-07, 11-28.3-09, 11-28.3-12, 11-28.3-13, 11-28.3-14, and 57-15-30.2 of the North Dakota Century Code, relating to rural ambulance service districts.

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; Bell; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Larsen, O.

Engrossed HB 1186 passed.

SECOND READING OF HOUSE BILL

HB 1319: A BILL for an Act to amend and reenact sections 14-07-08 and 14-07-11 of the North Dakota Century Code, relating to spousal debts.

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; Bell; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

HB 1319 passed.

MOTION

SEN. KLEIN MOVED that HB 1183, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1165: A BILL for an Act to amend and reenact section 40-21-01 of the North Dakota Century Code, relating to qualified electors in city elections.

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 6 YEAS, 41 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Elkin; Larsen, O.; Lemm; Myrdal; Poolman; Weber

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

HB 1165 failed.

SECOND READING OF HOUSE BILL

HB 1378: A BILL for an Act to amend and reenact subsection 1 of section 54-03-02 of the North Dakota Century Code, relating to authority for the legislative assembly to conduct business in December of even-numbered years.

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

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

NAYS: Hogue; Klein; Lee; Wanzek; Wardner; Weber

HB 1378 passed.

SECOND READING OF HOUSE BILL

HB 1221: A BILL for an Act to amend and reenact section 47-05-17 of the North Dakota Century Code, relating to an exemption from a prohibition against severing hunting rights from surface estates.

CONFLICT OF INTEREST

SEN. DWYER STATED that he had a conflict of interest on HB 1221.

MOTION

SEN. KLEIN MOVED that Sen. Dwyer be allowed to vote on HB 1221, which motion prevailed on a voice vote.

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

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Dever; Hogue

HB 1221 passed.

SECOND READING OF HOUSE BILL

HB 1303: A BILL for an Act to provide for a legislative management study of noncompliance with open records requirements by county commissions and auditors, city councils and commissions, and school districts; and bypassing voter approval requirements.

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 5 YEAS, 42 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Larsen, D.; Larsen, O.; Myrdal; Weber; Wobbema

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

Engrossed HB 1303 failed.

SECOND READING OF HOUSE BILL

HB 1259: A BILL for an Act to create and enact a new section to chapter 23.1-07 of the North Dakota Century Code, relating to participation in a state or national wastewater surveillance system.

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 12 YEAS, 35 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Clemens; Elkin; Kannianen; Larsen, D.; Larsen, O.; Lemm; Luick; Meyer; Myrdal; Rust; Vedaa; Wobbema

NAYS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Conley; Davison; Dever; Dwyer; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Klein; Krebsbach; Kreun; Larson, D.; Lee; Marcellais; Mathern; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Schaible; Sorvaag; Wanzek; Wardner; Weber

HB 1259 failed.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, unchanged: HB 1075, HB 1154.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, unchanged: HCR 3002.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1028, HB 1083, HB 1188.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1345.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1208.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1413.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, unchanged: SB 2092, SB 2095, SB 2096, SB 2126, SB 2174, SB 2181, SB 2182.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2242.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2058, SB 2097, SB 2131, SB 2241, SB 2279.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SCR 4010.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2044, SB 2062, SB 2087, SB 2098, SB 2112, SB 2149, SB 2191, SB 2207, SB 2237, SB 2238, SB 2277, SB 2291, SB 2297.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2044, SB 2062, SB 2087, SB 2098, SB 2112, SB 2149, SB 2191, SB 2207, SB 2237, SB 2238, SB 2277, SB 2291, SB 2297.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 22, 2021: SB 2044, SB 2062, SB 2087, SB 2098, SB 2112, SB 2149, SB 2191, SB 2207, SB 2237, SB 2238, SB 2277, SB 2291, SB 2297.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, March 23, 2021, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1043, as engrossed: 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). Engrossed HB 1043 was placed on the Sixth order on the calendar.

Page 1, line 16, overstrike ", refer,"

Page 1, line 17, remove "A meeting under this section at which the commission"

Page 1, remove line 18

Page 1, line 19, remove "in an executive session"

Page 2, after line 7, insert:

- "4. If the commission receives an anonymous complaint that contains documentary or real evidence of possible criminal conduct, the commission may refer the matter to the appropriate law enforcement agency as provided under section 54-66-08, and may not otherwise divulge the documentary or real evidence."

Page 5, line 7, overstrike "However, the ethics"

Page 5, overstrike line 8

Page 5, line 9, overstrike "made an allegation against the accused individual"

Page 5, line 9, remove the underscored period

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1127: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1127 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1130, as engrossed: 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). Engrossed HB 1130 was placed on the Sixth order on the calendar.

Page 1, line 20, replace "district" with "municipal"

Page 1, line 21, replace "address provided and make a note of the mailing in the docket" with "defendant's last known address and file proof of mailing with the district court"

Page 1, line 22, remove "In addition, the municipal"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 and 2

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1134, as engrossed: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1134 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1139: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1139 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1148: Transportation Committee (Sen. Clemens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1148 was placed on the Sixth order on the calendar.

Page 17, after line 30, insert:

- "7. An individual under the age of fourteen may not operate a class 3 electric bicycle. An individual under the age of eighteen may not operate a class 3 electric bicycle unless the individual is wearing a safety helmet."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1152: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1152 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1185, as engrossed: 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). Engrossed HB 1185 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the second "and"

Page 1, line 3, after "penalty" insert "; and to declare an emergency."

Page 3, after line 25, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1190, as engrossed: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1190 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1206, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1206 was placed on the Sixth order on the calendar.

Page 10, line 6, replace "Biannually" with "Biennially"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1223: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1223 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1287, as engrossed: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1287 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1294, as engrossed: 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). Engrossed HB 1294 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "a new section to chapter 12-44.1 and"

Page 1, line 2, after the first "to" insert "the confidentiality of booking photos and"

Page 1, line 2, after the semicolon insert "to amend and reenact subsection 2 of section 44-04-18.7 of the North Dakota Century Code, relating to criminal information;"

Page 1, after line 4, insert:

"**SECTION 1.** A new section to chapter 12-44.1 of the North Dakota Century Code is created and enacted as follows:

Prohibition - Booking photo - Confidential.

1. Unless there is a public safety or law enforcement interest warranting release, the booking photo of an arrestee is a confidential record until the arrestee:
 - a. Fails to appear for court;
 - b. Is a fugitive from justice; or
 - c. Is charged with the offense for which the arrestee was arrested or an offense related to the offense for which the arrestee was arrested.
2. This section does not prohibit the dissemination of booking photos among or on behalf of law enforcement agencies or officers.
3. An individual who violates this section is not subject to a penalty under section 12.1-13-01."

Page 1, after line 13, insert:

"**SECTION 3. AMENDMENT.** Subsection 2 of section 44-04-18.7 of the North Dakota Century Code is amended and reenacted as follows:

2. "Criminal intelligence and investigative information" does not include:
 - a. Arrestee description, including name, date of birth, address, race, sex, physical description, and occupation of arrestee.
 - b. Facts concerning the arrest, including the cause of arrest and the name of the arresting officer.
 - c. Conviction information, including the name of any person convicted of a criminal offense.
 - d. Disposition of all warrants, including orders signed by a judge of any court commanding a law enforcement officer to arrest a particular person.
 - e. A chronological list of incidents, including initial offense report information showing the offense, date, time, general location, officer, and a brief summary of what occurred.
 - f. A crime summary, including a departmental summary of crimes reported and public calls for service by classification, nature, and number.
 - g. Radio log, including a chronological listing of the calls dispatched.
 - h. General registers, including jail booking information.
 - i. ~~Arrestee photograph, if release will not adversely affect a criminal investigation."~~

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1368, as engrossed: Transportation Committee (Sen. Clemens, Chairman)
 recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
 Engrossed HB 1368 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1442, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1442 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1502, as engrossed: Transportation Committee (Sen. Clemens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1502 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "section" with "sections"

Page 1, line 4, remove the second comma

Page 1, line 5, replace "subsections 2 and 4 of section 39-05-17, section" with "and"

Page 2, remove lines 18 through 29

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3019: Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3019 was placed on the Fourteenth order on the calendar.

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

Shanda Morgan, Secretary

