

JOURNAL OF THE SENATE

Sixty-seventh Legislative Assembly

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Bismarck, April 1, 2021

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

The prayer was offered by Pastor Brandon Vetter, Legacy United Methodist Church, 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, Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 800, line 29, remove “, which is on the Eleventh order, be laid over one legislative day,”

Page 800, line 30, remove “that”

Page 800, line 30, replace “is” with “are”

Page 993, replace lines 16 and 17 with “Page 754, line 17, replace “"dangerous weapon" and "public gathering"” with ““dangerous weapon” and “public gathering””

Page 993, replace line 21 with "Page 932, line 31, replace "DO" with "DO NOT"

Page 1036, line 37, remove the second "the"

Page 1059, line 41, replace "behavior" with "behavioral"

Page 1067, line 44, replace "17.110.1" with "17.1-10.1"

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

MOTION

SEN. KLEIN MOVED that HB 1466, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Klein, Chairman)** has cast a vote of 3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING in favor of rejecting the introduction of a concurrent resolution to create and enact a new section to article XI of the Constitution of North Dakota, relating to the authorization of adult-use cannabis.

CONSIDERATION OF AMENDMENTS

HB 1006, as engrossed: SEN. WANZEK (Appropriations 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.

SECOND READING OF HOUSE BILL

HB 1006: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the tax commissioner and for payment of state reimbursement under the homestead tax credit and disabled veterans' tax credit; to amend and reenact section 57-01-04 and subdivision b of subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to the salary of the state tax commissioner and

income eligibility for purposes of the farm residence property tax exemption; to provide an exemption; to provide for a transfer; 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 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 1006, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1024, as engrossed: SEN. HOGUE (Appropriations 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.

SECOND READING OF HOUSE BILL

HB 1024: A BILL for an Act to provide an appropriation for defraying the expenses of the ethics commission.

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 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Clemens; Conley; Elkin; Fors; Heitkamp; Kannianen; Kreun; Larsen, D.; Larsen, O.; Lemm; Luick; Myrdal; Vedaa

Engrossed HB 1024, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1337: SEN. SCHAIBLE (Education 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.

SECOND READING OF HOUSE BILL

HB 1337: A BILL for an Act to amend and reenact sections 15.1-12-07, 15.1-12-26, and 15.1-12-27 of the North Dakota Century Code, relating to the transfer of property of dissolved school districts.

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, 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.

HB 1337, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1493: SEN. K. ROERS (Human Services 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.

SECOND READING OF HOUSE BILL

HB 1493: A BILL for an Act to provide for ambulance service operation funding.

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 1493, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1151: SEN. ANDERSON (Human Services 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.

SECOND READING OF HOUSE BILL

HB 1151: A BILL for an Act to create and enact two new sections to chapter 43-28 of the North Dakota Century Code, relating to telehealth and the practice of dentistry; to amend and reenact sections 43-28-01, 43-28-03, and 43-28-04 of the North Dakota Century Code, relating to the membership of the state board of dental examiners and the definition of telehealth; and to provide for application.

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, 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.

HB 1151, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1135: SEN. OBAN (Education 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.

SECOND READING OF HOUSE BILL

HB 1135: A BILL for an Act to amend and reenact sections 15.1-21-02.4 and 15.1-21-02.5 of the North Dakota Century Code, relating to eligibility for the North Dakota career and technical education scholarship and the North Dakota academic scholarship for high school students enrolled in school districts using course proficiency-based grading systems.

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 1135, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1471, as engrossed: SEN. KANNIANEN (Finance and Taxation 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.

SECOND READING OF HOUSE BILL

HB 1471: A BILL for an Act to amend and reenact subsection 9 of section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for property of churches; 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 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.; Larsen, O.; Larson, D.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Lee

Engrossed HB 1471, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1195: A BILL for an Act to amend and reenact section 57-39.2-10.1 of the North Dakota Century Code, relating to sales tax special events.

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 1195 passed.

SECOND READING OF HOUSE BILL

HB 1310: A BILL for an Act to create and enact a new subsection to section 57-39.2-12 and a new subsection to section 57-40.2-06 of the North Dakota Century Code, relating to an exception to the payment of sales and use taxes; and to provide an effective date.

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: Clemens; Heitkamp; Larsen, D.; Larsen, O.; Myrdal

NAYS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; 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; Weber; Wobbema

Engrossed HB 1310 failed.

SECOND READING OF HOUSE BILL

HB 1272: A BILL for an Act to create and enact a new section to chapter 62.1-01 of the North Dakota Century Code, relating to manufactured firearms, accessories, and ammunition.

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

YEAS: Anderson; Elkin; Kannianen; Klein; Kreun; Larsen, D.; Larsen, O.; Meyer; Rust; Weber

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

HB 1272 failed.

SECOND READING OF HOUSE BILL

HB 1435: A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to public employees retirement system health insurance benefits coverage for emergency responders who die in the line of duty; 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 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Heckaman; 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: Clemens; Fors; Heitkamp; Larsen, O.

Engrossed HB 1435 passed.

SECOND READING OF HOUSE BILL

HB 1144: A BILL for an Act to protect free speech from racial, religious, and viewpoint discrimination by a social media platform or interactive computer service; 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 NOT PASS, the roll was called and there were 3 YEAS, 44 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Dwyer; Heitkamp; Larsen, O.

NAYS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Elkin; Erbele; Fors; Heckaman; 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

Engrossed HB 1144 failed.

SECOND READING OF HOUSE BILL

HB 1027: A BILL for an Act to create and enact five new sections to chapter 15.1-27 of the North Dakota Century Code, relating to school district transportation aid payments; and to amend and reenact section 15.1-31-05 of the North Dakota Century Code, relating to the transportation of open enrollment students.

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, 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 1027, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1234: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 and chapter 53-06.3 of the North Dakota Century Code, relating to criminal history background checks and the regulation of sports wagering; to provide for a legislative management study; to provide a penalty; and to provide a contingent effective date.

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 1 YEAS, 46 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Burckhard

NAYS: Anderson; Bakke; Bekkedahl; Bell; 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 1234 failed.

SECOND READING OF HOUSE BILL

HB 1470: A BILL for an Act to provide for a legislative management study relating to the behavioral health needs of inmates.

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

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; 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; Weber; Wobbema

NAYS: Heitkamp; Larsen, D.; Larsen, O.; Myrdal

Engrossed HB 1470 passed.

SECOND READING OF HOUSE BILL

HB 1503: A BILL for an Act to amend and reenact section 15-10.4-02 of the North Dakota Century Code, relating to free speech policies of institutions under the control of the state board of higher education.

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

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

NAYS: Bakke; Burckhard; Elkin; Heckaman; Hogan; Hogue; Marcellais; Mathern; Oban; Oehlke; Piepkorn; Schaible

Engrossed HB 1503 passed.

SECOND READING OF HOUSE BILL

HB 1309: A BILL for an Act to amend and reenact section 57-40.2-03.3 of the North Dakota Century Code, relating to payment of use tax by contractors; and to provide an effective date.

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

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

NAYS: Bell; Hogan; Mathern; Piepkorn

Engrossed HB 1309 passed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3046: A concurrent resolution directing the Legislative Management to consider studying the administrative rules process, including a review of any relevant statutes regarding administrative rules to determine if any statutes are unclear or ambiguous, the degree to which agencies are complying with the process, which state agencies are specifically exempt from the process, and if those state agencies should remain exempt.

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

HCR 3046 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3029: A concurrent resolution urging federal authorities to observe and respect the principles of federalism and limits on federal power prescribed by the Constitution of the United States.

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

HCR 3029 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3040: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to the vote required for a tax increase and the imposition of a new tax.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 18 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Burckhard; Clemens; Conley; Elkin; Erbele; Fors; Heitkamp; Kannianen; Klein; Larsen, D.; Larsen, O.; Lemm; Luick; Meyer; Myrdal; Vedaa; Wanzek; Wobbema

NAYS: Anderson; Bakke; Bell; Davison; Dever; Dwyer; Heckaman; Hogan; Hogue; Holmberg; Krebsbach; Kreun; Larson, D.; Lee; Marcellais; Mathern; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Wardner; Weber

ABSENT AND NOT VOTING: Bekkedahl

Engrossed HCR 3040 was declared lost on a recorded roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3014: A concurrent resolution directing the Legislative Management to consider studying solutions to provider and end-user barriers to access to and utilization of telehealth services in this state.

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

HCR 3014 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3010: A concurrent resolution to amend and reenact section 4 of article XIV of the Constitution of North Dakota, relating to removing a provision that negates other provisions in the Constitution of North Dakota.

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 20 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Clemens; Conley; Dever; Dwyer; Elkin; Erbele; Heitkamp; Kannianen; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lemm; Luick; Meyer; Myrdal; Vedaa; Wanzek; Wardner; Wobbema

NAYS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Davison; Fors; Heckaman; Hogan; Hogue; Holmberg; Klein; Krebsbach; Lee; Marcellais; Mathern; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Weber

HCR 3010 was declared lost on a recorded roll call vote.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1093, HB 1107, HB 1137, HB 1168, HB 1187, HB 1393, HB 1459, HB 1480.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1436.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1162, HB 1181, HB 1282, HB 1396, HB 1410.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1001.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1386.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2026, SB 2233, SB 2329.

AMENDMENTS TO SENATE BILL NO. 2026

In lieu of the amendments adopted by the House, as printed on pages 1214 and 1215 of the House Journal, Senate Bill No. 2026 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a department of transportation long combination vehicle study and pilot projects; and to provide for a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. DEPARTMENT OF TRANSPORTATION LONG
COMBINATION VEHICLE STUDY AND PILOT PROJECTS - REPORT TO
LEGISLATIVE MANAGEMENT.**

1. During the 2021-22 interim, the department of transportation shall study and conduct pilot projects on the feasibility and impact of long combination vehicle operations on North Dakota roadways. The study must include:
 - a. An assessment of the federal regulations impacting long combination vehicle operations beyond the configurations currently allowed, including configuration combinations allowed in Canada and other jurisdictions;
 - b. An evaluation of the economic impact of permitting long combination vehicle operations in the state;
 - c. An assessment of the impact long combination vehicle operations would have on North Dakota bridges and structures;
 - d. An assessment and evaluation of road networks that are compatible with certain long combination vehicle configurations, or with minor modifications, not exceeding one hundred thirty feet of cargo carrying capacity unless approved by the director of the department of transportation;
 - e. Implementing pilot project safety guidelines that include protocols for traffic safety and inclement weather operations;
 - f. An assessment of the costs associated with implementing long combination vehicle operations; and
 - g. An examination of the size and weight provisions provided under chapter 39-12.
2. If a pilot project includes operating on county or township roads, an agreement with local road authorities must be in place to address traffic safety considerations and costs directly attributed to the pilot project.
3. The director of the department of transportation may waive certain statutory size and weight restrictions for the pilot projects.
4. The department of transportation may continue any pilot project commenced under subsection 1 until the department determines sufficient information has been gathered to determine the pilot project is no longer necessary.
5. Before August 1, 2022, the department of transportation shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative management."

Renumber accordingly

AMENDMENTS TO ENGROSSED SENATE BILL NO. 2233

Page 2, line 5, replace "fifteen" with "sixteen"

Renumber accordingly

AMENDMENTS TO ENGROSSED SENATE BILL NO. 2329

Page 2, line 12, remove "Vehicles operated by a governmentally owned agency for the purpose of"

Page 2, line 13, replace "search and rescue" with "Vehicles used or operated by governmental search and rescue personnel while performing emergency operations or duties"

Page 2, line 27, replace "while" with "if"

Page 2, line 27, after "performing" insert "an"

Page 2, line 28, replace "operations" with "operation"

Page 2, line 28, replace "duties" with "duty upon the request of a state entity, political subdivision, or volunteer fire department. A volunteer organization may classify a personal vehicle as a class C emergency vehicle if needed to assist in a search and rescue operation in accordance with this paragraph"

Renumber accordingly

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2274, SB 2324.

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1043, HB 1112, HB 1130, and HB 1185.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1045, HB 1103, HB 1148, HB 1164, HB 1279, HB 1437, and HB 1502, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1045: Reps. Beltz; Richter; Dobervich

HB 1103: Reps. Devlin; Beltz; Fegley

HB 1148: Reps. Paur; Christensen; Hanson

HB 1164: Reps. Satrom; Vetter; Hanson

HB 1279: Reps. Weisz; Kading; Owens

HB 1437: Reps. Schreiber-Beck; Thomas; D. Johnson

HB 1502: Reps. Becker; Paulson; Hager

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1002, HB 1005, HB 1007, HB 1011, HB 1014, HB 1065, HB 1208, HB 1335, HB 1345, HB 1370, HB 1416, HB 1447, HB 1449.

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

MR. PRESIDENT: Your signature is respectfully requested on: HCR 3043, HCR 3047.

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

MR. SPEAKER: The President has signed: HB 1002, HB 1005, HB 1007, HB 1011, HB 1014, HB 1065, HB 1208, HB 1335, HB 1345, HB 1370, HB 1416, HB 1447, HB 1449.

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

MR. SPEAKER: The President has signed: HCR 3043, HCR 3047.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on March 31, 2021, I have signed the following: SB 2036, SB 2067, SB 2091, SB 2102, SB 2122, SB 2125, SB 2128, SB 2133, SB 2138, SB 2156, SB 2178, SB 2197, SB 2246, SB 2249, SB 2251, SB 2264, SB 2265, and SB 2334.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on April 1, 2021, I have signed the following: SB 2150, SB 2210,

SB 2220, SB 2278, SB 2283, and SB 2292.

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., Monday, April 5, 2021, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1021, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1021 was placed on the Sixth order on the calendar.

Page 1, replace lines 10 through 13 with:

"Workforce safety and insurance operations	<u>\$60,887,842</u>	<u>\$12,299,086</u>	<u>\$73,186,928</u>
Total special funds	\$60,887,842	\$12,299,086	\$73,186,928
Full-time equivalent positions	260.14	(12.00)	248.14"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1021 - Workforce Safety and Insurance - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
WSI operations	<u>\$60,887,842</u>	<u>\$73,159,652</u>	<u>\$27,276</u>	<u>\$73,186,928</u>
Total all funds	\$60,887,842	\$73,159,652	\$27,276	\$73,186,928
Less estimated income	<u>60,887,842</u>	<u>73,159,652</u>	<u>27,276</u>	<u>73,186,928</u>
General fund	\$0	\$0	\$0	\$0
FTE	260.14	260.14	(12.00)	248.14

Department 485 - Workforce Safety and Insurance - Detail of Senate Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Transfers Positions to ITD for IT Unification ²	Total Senate Changes
WSI operations	<u>(\$33,235)</u>	<u>\$60,511</u>	<u>\$27,276</u>
Total all funds	(\$33,235)	\$60,511	\$27,276
Less estimated income	<u>(33,235)</u>	<u>60,511</u>	<u>27,276</u>
General fund	\$0	\$0	\$0
FTE	0.00	(12.00)	(12.00)

¹ Salaries and wages funding is adjusted for 2021-23 biennium salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100 and 2 percent on July 1, 2022. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

² Twelve FTE information technology positions and related funding are transferred to the Information Technology Department for the information technology unification initiative. The House did not transfer these positions.

REPORT OF STANDING COMMITTEE

HB 1067: Energy and Natural Resources Committee (Sen. Kreun, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1067 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1099, as engrossed: Finance and Taxation Committee (Sen. Bell, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1099 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 3 of section 5-01-01,"

Page 1, line 2, after "to" insert "the definition of beer;"

Page 1, line 3, replace the comma with a semicolon

Page 1, line 5, after "body" insert "; and to provide an effective date"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Subsection 3 of section 5-01-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Beer" means any malt beverage containing one-half of one percent or more of alcohol by volume and includes an alcoholic beverage made by the fermentation of malt substitutes, including rice, grain of any kind, glucose, sugar, or molasses, which has not undergone distillation."

Page 2, after line 20, insert:

"SECTION 5. EFFECTIVE DATE. Section 1 of this Act is effective for taxable periods beginning after June 30, 2021."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1191, as engrossed: Government and Veterans Affairs Committee (Sen. Veda, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1191 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1199, as engrossed: Finance and Taxation Committee (Sen. Bell, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1199 was placed on the Sixth order on the calendar.

Page 1, line 12, overstrike "original"

Page 1, line 14, after the first underscored comma insert "interest."

Page 1, line 17, remove "decendent's estate if the owner of the record title of"

Page 1, line 18, replace "the real estate is deceased" with "general fund of the county if the owner of the record title of the real estate did not respond to the notice of foreclosure of tax lien"

Page 1, line 18, after "order" insert "within thirty days after the sale"

Page 1, line 23, overstrike "without" and insert immediately thereafter "with"

Page 2, line 4, remove "decendent's estate if the owner of the record title of the"

Page 2, line 5, replace "real estate is deceased" with "general fund of the county if the owner of the record title of the real estate did not respond to the notice of foreclosure of tax lien"

Page 2, line 5, after "order" insert "within thirty days after the sale"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1231, as engrossed: Government and Veterans Affairs Committee (Sen. Veda, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1231 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1232, as engrossed: Education Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1232 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to school district virtual learning policies; to"

Page 1, line 3, after "instruction" insert "; and to provide for a legislative management report"

Page 2, line 10, remove ", except a school district may submit and"

Page 2, remove lines 11 and 12

Page 2, line 13, remove "subsection 6"

Page 2, line 13, after the period insert "A school district may satisfy the requirements of this section by providing virtual instruction pursuant to section 2 of this Act."

Page 2, remove lines 23 through 31

Page 3, replace lines 1 and 2 with:

"SECTION 2. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

School districts - Policy - Virtual learning - Report to legislative management.

The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and qualify for average daily membership in the district. The superintendent of public instruction shall adopt rules governing policies under this section. A policy adopted by a school district under this section must comply with the rules adopted by the superintendent of public instruction. The superintendent of public instruction shall provide biennial reports to the legislative management regarding the academic performance metrics of students participating in virtual instruction under this section.

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1245, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1245 was placed on the Sixth order on the calendar.

Page 2, line 11, after the underscored comma insert "excluding Medicare part D prescription drug coverage."

Page 2, line 16, after "section" insert ", including a report on the factors the board considered and how the board reached its recommendation"

Page 2, line 17, replace "Upon" with "As authorized under section 54-35-02.9, upon"

Page 3, line 5, replace "section" with "subsection"

Page 3, line 9, after "4." insert "When the board requests bids for hospital benefits coverage, medical benefits coverage, or prescription drug benefits coverage, excluding Medicare part D for prescription drug coverage, the board shall include a request for a bid for a self-insurance health plan."

Page 5, after line 22, insert:

- "d. In making a recommendation to the budget section under this subsection, the board shall provide a recommendation that includes a report on the factors the board considered and how the board reached its recommendation.
- e. Renewal of a contract for Medicare part D prescription drug coverage is not subject to budget section approval under this subsection."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1285, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1285, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1295, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1295 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1344, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1344 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1356: Education Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1356 was placed on the Sixth order on the calendar.

Page 1, line 10, after "students" insert "outside of instructional time"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1397, 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 1397 was placed on the Sixth order on the calendar.

Page 1, line 3, after the comma insert "to provide for public access to plans that are distributed or reported,"

Page 1, line 23, after "management" insert ", a legislative management committee,"

Page 1, line 24, after "assembly" insert ", at which time the presented or distributed draft is an open record. If possible, the presented or distributed draft must be made accessible to the public on the legislative branch website such as through the use of hyperlinks in the online meeting agenda"

Page 1, line 24, remove "created before the"

Page 2, line 1, replace "completion of the plan" with "other than the version presented or distributed at a meeting of the legislative management, a legislative management committee, or the legislative assembly"

Page 2, line 1, remove "regardless of whether the completed plan"

Page 2, line 2, remove "is presented or distributed subsequently at a meeting"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1419, 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 1419 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "40-12-02,"

Page 9, remove lines 1 through 17

Page 10, line 14, replace "5" with "4"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1455, as engrossed: Energy and Natural Resources Committee (Sen. Kreun, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1455 was placed on the Sixth order on the calendar.

Page 1, line 2, after "plans" insert "; and to provide for a legislative management study"

Page 2, after line 25, insert:

"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - COAL CONVERSION FACILITIES. During the 2021-22 interim, the legislative management shall consider studying the need, cost, effect, and appropriate process for bonding and ensuring reclamation of coal conversion facilities. The study must include an examination and assessment of the methods and amounts of financial assurance and schedules, the interaction of economics and the statutes, rules, and policies relating to the remaining useful life and early retirement of coal conversion facilities, the role of the public service commission in all electrical generation retirement, and the appropriate involvement of the public and local communities and political subdivisions in the retirement process. The study also must evaluate the effectiveness of government programs and incentives relating to energy production, reliability, and the state's role in that process. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1496, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1496 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3020: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3020 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3035: Education Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3035 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "higher" with "career and technical"

Page 1, line 18, replace "higher" with "career and technical"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3048: Agriculture Committee (Sen. Luick, Chairman) recommends **DO PASS** (5

YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3048 was placed on the Fourteenth order on the calendar.

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

Shanda Morgan, Secretary

