

## JOURNAL OF THE SENATE

## Sixty-seventh Legislative Assembly

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Bismarck, January 15, 2021

The Senate convened at 12:30 p.m., with President Pro Tempore Burckhard presiding.

The prayer was offered by Pastor Rich Wyatt, Living Hope Church of the Nazarene, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President Pro Tempore.

## MOTION

**SEN. KLEIN MOVED** that SB 2033 be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2033 was rereferred.

## MOTION

**SEN. KLEIN MOVED** that SB 2163 be returned to the Senate floor from the **Human Services Committee** for the purpose of withdrawal, which motion prevailed.

## REQUEST

**SEN. KLEIN REQUESTED** the unanimous consent of the Senate to withdraw SB 2163. There being no objection, it was so ordered by the President.

## CONSIDERATION OF AMENDMENTS

**SB 2122: 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 2156: SEN. DWYER (Judiciary 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 2107: SEN. BAKKE (Judiciary 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 2106:** A BILL for an Act to amend and reenact section 12-65-08 of the North Dakota Century Code, relating to transfer fees and travel fees for adults under supervision.

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

Engrossed SB 2106 passed.

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**SECOND READING OF SENATE BILL**

**SB 2077:** A BILL for an Act to amend and reenact sections 18-04-04 and 26.1-03-11 of the North Dakota Century Code, relating to the imposition of a monetary penalty on insurance companies failing to report certain data to the insurance commissioner; and to provide a penalty.

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

Engrossed SB 2077 passed.

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**SECOND READING OF SENATE BILL**

**SB 2059:** A BILL for an Act to amend and reenact subsection 18 of section 19-03.1-01 and sections 19-03.1-05, 19-03.1-07, 19-03.1-11 and 19-03.1-13 of the North Dakota Century Code, relating to the definition of marijuana and the scheduling of controlled substances; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2059 passed and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2090:** A BILL for an Act to create and enact section 54-10-24.1 of the North Dakota Century Code, relating to records of local school districts; to amend and reenact section 54-10-01, subsections 3 and 4 of section 54-10-14, and sections 54-10-19 and 54-10-27 of the North Dakota Century Code, relating to the definition of state agency, the threshold for requiring annual reports, the ability to follow state funding, and fees for audit reviews; and to repeal section 54-10-30 of the North Dakota Century Code, relating to audits 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 3 YEAS, 44 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Clemens; Heitkamp; Larsen, O.

**NAYS:** Anderson; Bakke; Bekkedahl; Burckhard; Conley; Davison; Dever; Dwyer; 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; Unruh Bell; Vedaa; Wanzek; Wardner; Weber; Wobbema

SB 2090 failed.

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#### SECOND READING OF SENATE BILL

**SB 2117:** A BILL for an Act to create and enact a new section to chapter 37-01 of the North Dakota Century Code, relating to death benefits for national guard members; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Roers, J.

SB 2117 passed and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2097:** A BILL for an Act to create and enact a new subsection to section 39-06.2-07 of the North Dakota Century Code, relating to statutory fees and moving violations; to amend and reenact subsection 78 of section 39-01-01, subsection 6 of section 39-06.1-06, and sections 39-06.1-09, 39-12-22, and 39-32-02 of the North Dakota Century Code, relating to statutory fees and moving violations; to repeal sections 8-02-08, 39-06.2-17, 39-12-24, and 39-12-25 of the North Dakota Century Code, relating to transportation standards, exemptions, citations, excess size and weight restrictions, and funding for an electronic permit system; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2097 passed.

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#### SECOND READING OF SENATE BILL

**SB 2044:** A BILL for an Act to amend and reenact section 39-03.1-10, subsection 2 of section 39-03.1-11.2, subsection 8 of section 54-52-17, subsection 10 of section 54-52-26, subsection 2 of section 54-52-28, subsection 2 of section 54-52.1-03.2, subsection 1 of section 54-52.1-03.3, and subsection 2 of section 54-52.6-21 of the North Dakota Century Code, relating to public employees retirement system unpaid benefit payments, missing member confidentiality requirements, compliance with Internal Revenue Code distribution requirements, insurance programs for which retiree health insurance credit moneys may be used, and clarification of eligibility for

retiree health insurance credit payments.

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

SB 2044 passed.

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#### SECOND READING OF SENATE BILL

**SB 2109:** A BILL for an Act to create and enact a new subsection to section 39-06.2-10 of the North Dakota Century Code, relating to commercial driver's license disqualifications.

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

SB 2109 passed.

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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 2028, SB 2032, SB 2051, SB 2078, SB 2085, SB 2102, SB 2105, SB 2108, SB 2123, SB 2126.

#### 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 1066, HB 1084, HB 1092.

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

**MR. PRESIDENT:** The House has passed, unchanged: SCR 4003.

#### 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., Monday, January 18, 2021, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2036: Energy and Natural Resources Committee (Sen. Kreun, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2036 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2037: Energy and Natural Resources Committee (Sen. Kreun, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2037 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2038: Energy and Natural Resources Committee (Sen. Kreun, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2038 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2144: Energy and Natural Resources Committee (Sen. Kreun, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2144 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2045: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2045 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2120: Agriculture Committee (Sen. Luick, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2120 was placed on the Eleventh order on the calendar.

**FIRST READING OF SENATE BILLS**

Sens. Luick, Klein, Lemm, Myrdal and Reps. D. Johnson, Trottier introduced:

**SB 2216:** A BILL for an Act to amend and reenact subdivision d of subsection 1 of section 58-03-11.1 of the North Dakota Century Code, relating to the definition of location for animal feeding operations.

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

Sens. Bekkedahl, Dwyer, Kannianen and Reps. Brandenburg, Kempenich, Zubke introduced:

**SB 2217:** A BILL for an Act to create and enact section 47-16-39.5 of the North Dakota Century Code, relating to oil and gas royalty leases, negative royalties, and arm's length transactions; and to provide a penalty.

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

Sens. Bekkedahl, Davison, Kannianen and Reps. Dockter, Hanson, Kempenich introduced:

**SB 2218:** A BILL for an Act to create and enact section 54-03-02.2 and a new section to chapter 54-35 of the North Dakota Century Code, relating to introduction of bills and interim committees; and to amend and reenact section 54-03-02, subsection 1 of section 54-03-20, subsection 2 of section 54-03.2-14, subsection 3 of section 54-35-02.4, sections 54-35-02.7 and 54-35-16, subsection 1 of section 54-35-22, and sections 54-35-26 and 54-44.1-07 of the North Dakota Century Code, relating to annually reconvened sessions of the legislative assembly and interim committee meetings.

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

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

**Shanda Morgan, Secretary**

