

## JOURNAL OF THE SENATE

## Sixty-seventh Legislative Assembly

\* \* \* \* \*

Bismarck, January 19, 2021

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

The prayer was offered by Chaplain Greg Carr, Crisis Care Chaplaincy, Bismarck.

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

A quorum was declared by the President.

**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senator Larry Robinson.

**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 Third, Fifth, and Sixth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 155, line 37, replace "Reengrossed" with "Engrossed"

Page 175, remove line 19

Page 176, line 40, replace "senate" with "Senate"

Page 189, remove line 18

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

**CONSIDERATION OF AMENDMENTS**

**SB 2099: SEN. BAKKE (Transportation 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 2112: SEN. FORS (Transportation 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 2113: SEN. D. LARSEN (Transportation 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 2121: SEN. DWYER (Transportation Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order **WITHOUT RECOMMENDATION**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**SB 2093: SEN. K. ROERS (Government and Veterans Affairs 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 2068: SEN. KANNIANEN (Political Subdivisions 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.

**MOTION**

**SEN. KLEIN MOVED** that SB 2220 be returned to the Senate floor from the **Judiciary Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2220 was rereferred.

**MOTION**

**SEN. KLEIN MOVED** that SB 2252 be returned to the Senate floor from the **Human Services Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2252 was rereferred.

**SECOND READING OF SENATE BILL**

**SB 2154:** A BILL for an Act to amend and reenact section 51-05.1-05 of the North Dakota Century Code, relating to handling of funds by a clerk of an auction sale.

**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 2154 passed.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2125:** A BILL for an Act to amend and reenact subsection 1 of section 43-12.3-06 of the North Dakota Century Code, relating to the health care professional student loan repayment program.

**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 2125 passed.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2177:** A BILL for an Act to amend and reenact section 43-12.3-06 of the North Dakota Century Code, relating to school counselors' eligibility for a student loan repayment program.

**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 0 YEAS, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**NAYS:** 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 2177 failed.

\*\*\*\*\*

#### SECOND READING OF SENATE BILL

**SB 2029:** A BILL for an Act to create and enact sections 26.1-36.4-03.2 and 26.1-36.4-03.3 of the North Dakota Century Code, relating to hospital and medical insurance pre-existing conditions and guaranteed issue; and to amend and reenact section 26.1-36.3-01, subsection 2 of section 26.1-36.3-06, and sections 26.1-36.4-02 and 26.1-36.4-04 of the North Dakota Century Code, relating to small employer employee health insurance and hospital and medical insurance guaranteed issue and guaranteed availability.

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

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

**NAYS:** Anderson; Bekkedahl; 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; Meyer; Myrdal; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh Bell; Vedaa; Wanzek; Wardner; Weber; Wobbema

SB 2029 failed.

\*\*\*\*\*

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2036, SB 2045, SB 2107, SB 2120, SB 2122, SB 2144.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2156.

#### 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 1053, HB 1055, HB 1062, HB 1074.

#### MOTION

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

#### MOTION

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, January 20, 2021, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2034: 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 2034 was placed on the Sixth order on the calendar.

Page 2, line 2, replace "or" with "and"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2052: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2052 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2061: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2061 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2064: Energy and Natural Resources Committee (Sen. Kreun, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2064 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2079: Energy and Natural Resources Committee (Sen. Kreun, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2079 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2080: Energy and Natural Resources Committee (Sen. Kreun, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2080 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2135: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2135 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2136: 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). SB 2136 was placed on the Sixth order on the calendar.

Page 7, line 23, after the underscored period insert "The state board of higher education shall determine the conversion of:

- a. Clock hours to credit hours; and
- b. Percentage-based grading to grade point average."

Page 8, line 19, after "education" insert ". The state board of higher education shall determine the conversion of:

- a. Clock hours to credit hours; and
- b. Percentage-based grading to grade point average"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2148: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2148 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "physical therapist."

Page 1, line 8, overstrike the first "or" and insert immediately thereafter "a physical therapist."

Page 1, line 8, after "nurse" insert an underscored comma

Page 1, line 8, after the second "or" insert "a"

Renumber accordingly

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

**SB 2167: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2167 was placed on the Eleventh order on the calendar.

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

**SB 2197: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2197 was placed on the Eleventh order on the calendar.

#### **FIRST READING OF SENATE BILLS**

Sen. Poolman and Rep. Martinson introduced:

**SB 2269:** A BILL for an Act to create and enact a new section to chapter 15.1-27 of the North Dakota Century Code, relating to school district payments to postsecondary transitional programs for students on individualized education programs; and to amend and reenact section 15.1-27-03.1 of the North Dakota Century Code, relating to the addition of students on individualized education programs enrolled in postsecondary transitional programs to the weighted average daily membership calculation.

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

Sens. Clemens, Mathern and Reps. B. Koppelman, Marschall, Schauer introduced:

**SB 2270:** A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to an optional residential property tax reduction for seniors; and to provide an effective date.

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

Sens. Erbele, Dever, Kreun and Reps. D. Johnson, Trottier introduced:

**SB 2271:** A BILL for an Act to create and enact section 16.1-14-29 of the North Dakota Century Code, relating to withholding vote totals for presidential elections; to amend and reenact sections 16.1-14-01 and 16.1-14-27 of the North Dakota Century Code, relating to procedures for canvassing and counting votes for presidential electors; to provide a penalty; and to provide a contingent effective date.

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**

