

JOURNAL OF THE SENATE

Sixty-seventh Legislative Assembly

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Bismarck, January 26, 2021

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

The prayer was offered by Pastor Jake DeBoer, Dawson Trinity Lutheran Church, Steele.

The roll was called and all members were present.

A quorum was declared by the President.

MOTION

SEN. KLEIN MOVED that Sen. Piepkorn replace Sen. Mathern on the confirmation committee for North Dakota Department of Financial Institutions, I. Lise Kruse, which motion prevailed.

MOTION

SEN. KLEIN MOVED that SB 2334 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 2334 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2082: SEN. LUICK (Judiciary 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.

SB 2082 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

SB 2141: SEN. SCHAIBLE (Education Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2069: A BILL for an Act to amend and reenact section 44-04-18.27 of the North Dakota Century Code, relating to applications for public employment.

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 40 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Clemens; Kannianen; Luick; Marcellais; Mathern; Meyer; Piepkorn

Engrossed SB 2069 passed.

SECOND READING OF SENATE BILL

SB 2100: A BILL for an Act to create and enact a new subsection to section 39-04-37, a new subdivision to subsection 2 of section 39-06.1-06, a new paragraph to subdivision a

of subsection 3 of section 39-06.1-10, and a new subsection to section 39-21-06.1 of the North Dakota Century Code, relating to the amount of statutory fees, entries against driving record, and moving violations; to amend and reenact section 39-04-55, subsections 2 and 4 of section 39-05-17, subsection 3 of section 39-06-14.1, section 39-06-16, subdivision f of subsection 2 of section 39-06.1-06, subsection 1 of section 39-06.1-08, sections 39-06.1-09 and 39-07-05, subsection 2 of section 39-10-14, section 39-10-19, subsection 2 of section 39-10-26, subsections 1 and 2 of section 39-10-38, section 39-21-07, section 39-21-15, subsection 2 of section 39-21-26, subsection 1 of section 39-21-39, subsection 1 of section 39-21-45.1, subsection 11 of section 39-24-09, and subsection 9 of section 39-29-09 of the North Dakota Century Code, relating to the amount of statutory fees and moving violations; 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 12 YEAS, 35 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bakke; Clemens; Davison; Dwyer; Heckaman; Hogan; Krebsbach; Larson, D.; Marcellais; Mathern; Oban; Weber

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

Engrossed SB 2100 failed.

SECOND READING OF SENATE BILL

SB 2190: A BILL for an Act to create and enact a new section to chapter 57-36 of the North Dakota Century Code, relating to tobacco product shipping; to amend and reenact sections 57-36-01 and 57-36-33 of the North Dakota Century Code, relating to the definition of tobacco products; to repeal chapter 51-32 of the North Dakota Century Code, relating to remote sales of tobacco products; 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: Bekkedahl; Davison; Oban

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

SB 2190 failed.

SECOND READING OF SENATE BILL

SB 2252: A BILL for an Act to create and enact a new section to chapter 23-09 of the North Dakota Century Code, relating to the regulation of purified water dispensers.

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 38 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Holmberg; Klein; Krebsbach; Kreun; Larsen, D.;

Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Myrdal; Oban; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Vedaa; Wanzek; Wardner; Weber

NAYS: Anderson; Dever; Hogue; Kannianen; Meyer; Oehlke; Sorvaag; Unruh Bell; Wobbema

SB 2252 passed.

SECOND READING OF SENATE BILL

SB 2173: A BILL for an Act to amend and reenact subsection 1 of section 26.1-26-04.1 of the North Dakota Century Code, relating to insurance fees for annuities.

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 2173 failed.

SECOND READING OF SENATE BILL

SB 2149: A BILL for an Act to amend and reenact section 39-34-06 of the North Dakota Century Code, relating to a commercial service airport's authority to enter an agreement with a transportation network company.

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 31 YEAS, 16 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Erbele; Heckaman; Hogan; Holmberg; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Marcellais; Mathern; Oban; Oehlke; Piepkorn; Roers, J.; Roers, K.; Schaible; Sorvaag; Wanzek; Wardner; Weber

NAYS: Anderson; Elkin; Fors; Heitkamp; Hogue; Kannianen; Larsen, O.; Luick; Meyer; Myrdal; Patten; Poolman; Rust; Unruh Bell; Vedaa; Wobbema

SB 2149 passed.

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 2033, SB 2131.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2142, SB 2157, SB 2172.

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 1026, HB 1078, HB 1091, HB 1130, HB 1210, HB 1263, HB 1264, HCR 3011.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1213.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, January 27, 2021, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2147: 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 2147 was placed on the Sixth order on the calendar.

Page 2, line 14, after "may" insert "develop eligibility criteria or programmatic requirements to"

Page 2, line 15, replace "satisfy" with "receive credit for"

Page 3, line 16, after "may" insert "develop eligibility criteria or programmatic requirements to"

Page 3, line 17, replace "satisfy" with "receive credit for"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2159: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2159 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two"

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

Page 1, line 2, remove "when ownership of the park is"

Page 1, line 3, remove "transferred"

Page 1, line 3, remove "and"

Page 1, line 3, after "penalty" insert "; and to provide an effective date"

Page 1, line 15, replace "on the site of" with "for"

Page 2, line 16, replace "must" with "shall"

Page 3, line 7, remove "electric, gas,"

Page 3, line 7, remove the third underscored comma

Page 3, after line 19, insert:

"SECTION 2. A new section to chapter 47-10 of the North Dakota Century Code is created and enacted as follows:

Mobile home park - Ownership - Tenant rights - Penalty.

1. A person that owns a mobile home park shall:
 - a. Obtain an annual license under section 23-10-03:
 - b. Designate an official local office, which must:

- (1) Have a designated telephone number manned on weekdays between the hours of eight a.m. and five p.m.;
 - (2) Have an operational emergency contact number manned at all times;
 - (3) Employ at least one individual for the property who has the authority to make decisions on behalf of and perform, or direct the performance of, duties imposed on the owner; and
 - (4) Provide a tenant with the contact information of the individual under paragraph 3;
- c. Provide advance written notice to a tenant of the mobile home park at least thirty days before a change of ownership becomes effective. The written notice must include the information required under subdivision b;
- d. Provide a tenant with a copy of the rules and regulations of the mobile home park, pursuant to section 23-10-10; and
- e. Respond to tenant inquiries or complaints regarding the park, pursuant to section 23-10-10.1, within forty-eight hours of receiving the inquiry or complaint.
2. A person that owns a mobile home park may not require a tenant who owns a mobile home located on the property to sell or transfer ownership of the home to the owner of the mobile home park.
3. Except as provided under subsections 4 and 5, a person that owns a mobile home park shall provide a tenant advance written notice of any modifications to park rules or regulations at least six months before the date the modifications take effect. Upon the effective date of modifications to park rules and regulations, an owner shall provide a tenant who owns a dwelling unit that fails to comply with the park rules and regulations written notice of the failure to comply and provide the tenant six months to remedy the failure or vacate the premises before initiating an action for eviction against the tenant.
4. A person that owns a mobile home park shall provide a tenant advance written notice of any modifications to park rules and regulations addressing sanitation and safety concerns at least thirty days before the date the modifications take effect.
5. A person that owns a mobile home park shall provide a tenant advance written notice at least thirty days before implementing a rule or regulation regarding the removal of a tongue hitch, or any other modification to the dwelling unit to comply with state or federal housing or financing requirements.
6. Mobile home park rules in effect on the date advance written notice regarding modifications is provided to a tenant remain in effect until the date the modified rules or regulations take effect.
7. An owner or employee of a mobile home park may not enter the dwelling unit of a tenant located in the park unless:
 - a. The tenant provides consent;
 - b. The owner or employee provides the tenant advance notice identifying a specific date and time for the entry; or
 - c. An emergency exists which would result in serious injury, damage to the dwelling unit, or damage to a neighboring dwelling unit.

8. A person that owns a mobile home park may purchase utility services, including water and sewer services on behalf of a tenant, and include the amount in the monthly rental obligation. An owner may not charge a tenant more than the actual cost per unit amount paid by the landlord to the utility service provider, except for a reasonable administrative fee. An owner may not charge or back charge for the utility services of a tenant paying for the services as a portion of the tenant's monthly rental obligation, unless the cost of providing the services increases. If the cost of providing utility services increases, an owner of a mobile home park may charge a tenant a reasonable amount to cover the increased cost of providing the service. The owner shall provide the tenant access to the records of meter readings taken at the mobile home lot of the tenant.
9. A person that violates a provision of this section is subject to a civil penalty not exceeding one thousand dollars or actual damages, whichever is less, plus reasonable attorney's fees and costs.

SECTION 3. EFFECTIVE DATE. Section 2 of this Act becomes effective on October 1, 2021."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2165: 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 2165 was placed on the Sixth order on the calendar.

Page 1, line 4, after "amounts" insert "; and to declare an emergency"

Page 3, after line 2, insert:

"SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2175: Education Committee (Sen. Schaible, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2175 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2199: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2199 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2248: 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 2248 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "state"

Page 1, line 7, overstrike "officer" and insert immediately thereafter "council"

Page 1, line 7, overstrike "a"

Page 1, line 7, after "layperson" insert "any"

Page 1, after line 16, insert:

"4. Rules adopted under this section may not:

- a. Limit the individuals authorized to administer epinephrine to teachers, camp counselors, day counselors, day care operators, and security personnel;
- b. Require training by a physician licensed by the North Dakota board of medicine or the physician's designee to administer epinephrine; or
- c. Require a prescription to obtain a disposable device to administer epinephrine."

Renumber accordingly

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Clemens, Myrdal and Rep. Rohr introduced:

SCR 4010: A concurrent resolution clarifying the 1975 ratification by the 44th Legislative Assembly of the proposed 1972 Equal Rights Amendment to the Constitution of the United States only was valid through March 22, 1979.

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

