

JOURNAL OF THE SENATE

Sixty-sixth Legislative Assembly

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Bismarck, March 6, 2019

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

The prayer was offered by Pastor Linda Schlafman, Evangel, Bismarck.

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

A quorum was declared by the President.

MOTION

SEN. KLEIN MOVED that Senate Rule 509 be amended, replacing "thirty-eighth legislative day" with "fortieth legislative day", which motion prevailed.

MOTION

SEN. KLEIN MOVED that SCR 4016, which is on the Sixth order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SCR 4016 was rereferred.

MOTION

SEN. KLEIN MOVED that HB 1051, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1106, as reengrossed: SEN. KLEIN (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 841-842 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Reengrossed HB 1106 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1123, as engrossed: SEN. J. ROERS (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 842 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4015: A concurrent resolution to amend and reenact section 9 of article III and section 16 of article IV of the Constitution of North Dakota, relating to petitions, legislative measures, and voter approval for constitutional amendments.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 34 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bekkedahl; Burckhard; Clemens; Cook; Dever; Dwyer; Elkin; Erbele; Fors; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Bakke; Davison; Dotzenrod; Grabinger; Heckaman; Hogan; Larson, D.; Marcellais; Mathern; Oban; Piepkorn; Robinson

ABSENT AND NOT VOTING: Osland

Engrossed SCR 4015 was declared adopted on a recorded roll call vote.

SECOND READING OF HOUSE BILL

HB 1156: A BILL for an Act to create and enact sections 26.1-39-27 and 26.1-39-28 of the North Dakota Century Code, relating to the inception and termination times of specific insurance and rulemaking authority of the insurance commissioner; 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; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Osland

Engrossed HB 1156 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1433: A BILL for an Act to create and enact a new section to chapter 23-16 and a new section to chapter 26.1-47 of the North Dakota Century Code, relating to maintenance of certification for physicians; 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; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Osland

Engrossed HB 1433 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1027: A BILL for an Act to amend and reenact sections 15.1-02-15, 15.1-02-17, and 15.1-09-33.2 of the North Dakota Century Code, relating to references to the Every Student Succeeds Act.

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; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Osland

HB 1027 passed.

SECOND READING OF HOUSE BILL

HB 1150: A BILL for an Act to amend and reenact subsection 1 of section 47-16-07.1 of the North Dakota Century Code, relating to lessor security deposit limitations.

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 44 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Hogan; Mathern

ABSENT AND NOT VOTING: Osland

HB 1150 passed.

SECOND READING OF HOUSE BILL

HB 1132: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to an exemption from open records laws for background interviews regarding law enforcement officer job applicants.

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

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Mathern

ABSENT AND NOT VOTING: Osland

HB 1132 passed.

SECOND READING OF HOUSE BILL

HB 1089: A BILL for an Act to amend and reenact subsection 3 of section 15.1-16-20 of the North Dakota Century Code, relating to personnel policies.

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; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue;

Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Osland

HB 1089 passed.

SECOND READING OF HOUSE BILL

HB 1250: A BILL for an Act to amend and reenact section 43-23-05.1 of the North Dakota Century Code, relating to licensure of organization of a real estate salesperson, broker, or broker associate.

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; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Osland

HB 1250 passed.

SECOND READING OF HOUSE BILL

HB 1281: A BILL for an Act to amend and reenact subsection 4 of section 43-23-08 of the North Dakota Century Code, relating to the required number of continuing education hours for a real estate salesperson; 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 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Holmberg; Klein; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Hogue; Kannianen; Larsen, O.; Oehlke

ABSENT AND NOT VOTING: Osland

HB 1281 passed.

SECOND READING OF HOUSE BILL

HB 1147: A BILL for an Act to create and enact a new section to chapter 40-18 of the North Dakota Century Code, relating to the location of a proceeding before a municipal judge and the use of reliable electronic means.

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; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Osland

HB 1147 passed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3001: A concurrent resolution authorizing the Budget Section of the Legislative Management to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants passed by Congress.

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

HCR 3001 was declared adopted on a voice vote.

MOTION

SEN. KLEIN MOVED that HB 1448 be returned to the Senate floor from the **Transportation Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, HB 1448 was rereferred.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1117, HB 1164, HB 1185, HB 1220, HB 1255, HB 1282.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1078.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1369.

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: HCR 3016, HCR 3037, HCR 3046, HCR 3051.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2033.

HOUSE AMENDMENTS TO SENATE BILL NO. 2033

Page 1, line 7, replace "guidelines provided by the legislative management" with "the request of a member of the legislative assembly"

Page 1, line 7, replace "may" with "shall"

Renumber accordingly

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2251.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2045, SB 2049, SB 2079, SB 2097, SB 2119, SB 2130, SB 2188, SB 2189, SB 2190.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1134, HB 1327, HB 1385, HB 1400, HB 1404.

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

MR. PRESIDENT: Your signature is respectfully requested on: HCR 3024.

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

MR. PRESIDENT: The Speaker has signed: SB 2045, SB 2049, SB 2079, SB 2097, SB 2119, SB 2130, SB 2188, SB 2189, SB 2190.

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

MR. SPEAKER: The President has signed: SB 2045, SB 2049, SB 2079, SB 2097, SB 2119, SB 2130, SB 2188, SB 2189, SB 2190.

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

MR. SPEAKER: The President has signed: HB 1134, HB 1327, HB 1385, HB 1400, HB 1404, HCR 3024.

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

MR. PRESIDENT: The Speaker has signed: HB 1076, HB 1100, HB 1109, HB 1110, HB 1112, HB 1116, HB 1118, HB 1183, HB 1204, HB 1214, HB 1244, HB 1344.

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

MR. PRESIDENT: The Speaker has signed: HB 1026, HB 1059, HB 1093, HB 1103, HB 1146, HB 1149, HB 1166, HB 1201, HB 1276, HB 1312, HB 1360.

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

MR. PRESIDENT: The Speaker has signed: HCR 3026, HCR 3030, HCR 3032.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 6, 2019: SB 2045, SB 2049, SB 2079, SB 2097, SB 2119, SB 2130, SB 2188, SB 2189, SB 2190.

MOTION

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

MOTION

SEN. KLEIN MOVED that the Senate be on the Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, March 7, 2019, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1032, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1032 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1038: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1038 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1062: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1062 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1066, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee**

(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1066 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1073, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1073 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1088: Education Committee (Sen. Schaible, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1088 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1120, as engrossed: Education Committee (Sen. Schaible, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1120 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1124, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1124 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1188: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1188 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1240, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1240 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1262, as engrossed: Education Committee (Sen. Schaible, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1262 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1376: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1376 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1452: Judiciary Committee (Sen. D. Larson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1452 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "criminal" with "an unlawful"

Page 1, line 14, overstrike "person" and insert immediately thereafter "individual"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1498, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1498 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3016: A concurrent resolution to amend and reenact subsection 1 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of North Dakota, relating to the names, locations, and missions of the institutions of higher education.

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

HCR 3037: 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 was valid only through March 22, 1979.

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

HCR 3046: A concurrent resolution directing the Legislative Management to study the feasibility and desirability of replacing revenue generated by residential property tax with an alternative local funding source.

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

HCR 3051: A concurrent resolution directing the Legislative Management to consider studying the feasibility, desirability, and benefits of expanding the goods and services produced by Roughrider Industries into additional noncompetitive markets to provide inmates with the training and skills to successfully reintegrate inmates into society.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

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

Shanda Morgan, Secretary