

JOURNAL OF THE SENATE

Sixty-seventh Legislative Assembly

* * * * *

Bismarck, February 23, 2021

The Senate convened at 8:30 a.m., with President Sanford presiding.

The prayer was offered by Reverend Dr. Leanne Simmons, First Presbyterian Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2003: SEN. HOLMBERG (Appropriations 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 2003: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system; to create and enact section 15-18.2-06.1 and a new chapter to title 15 of the North Dakota Century Code, relating to a higher education funding formula minimum amount payable and a university system capital building fund; to amend and reenact subdivision k of subsection 1 of section 15-18.2-02, and sections 15-18.2-03, 15-18.2-05, and 54-44.1-11 of the North Dakota Century Code, relating to the higher education funding formula and the cancellation of unexpended appropriations; to amend and reenact section 2 of chapter 53 of the 2019 Session Laws, relating to appropriations for higher education capital projects; to repeal section 15-18.2-04 of the North Dakota Century Code, relating to the institutional size factor of the higher education funding formula; to provide for a transfer; to provide for a report; to provide an exemption; to provide for a study; to provide a statement of legislative intent; to provide a continuing appropriation; and to declare an emergency.

CONFLICT OF INTEREST

SEN. J. ROERS STATED that he had a conflict of interest on Engrossed SB 2003.

MOTION

SEN. KLEIN MOVED that Sen. J. Roers be allowed to vote on Engrossed SB 2003, which motion prevailed on a voice vote.

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 SB 2003 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2031: A BILL for an Act to create and enact section 15-18.2-06.1 of the North Dakota Century Code, relating to a higher education funding formula minimum amount

payable; to amend and reenact subdivision k of subsection 1 of section 15-18.2-02 and sections 15-18.2-03 and 15-18.2-05 of the North Dakota Century Code, relating to the higher education funding formula; to repeal section 15-18.2-04 of the North Dakota Century Code, relating to the institutional size factor of the higher education funding formula; to provide for a study; to provide for a report; and to provide legislative intent.

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 2 YEAS, 45 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bell; Lee

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.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

SB 2031 failed.

MOTION

SEN. KLEIN MOVED that the vote by which SB 2003 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a voice vote.

MOTION

SEN. KLEIN MOVED that the vote by which SB 2031 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a voice vote.

REQUEST

SENATOR LEE REQUESTED that the record reflect she intended to vote NAY on SB 2031.

POINT OF PERSONAL PRIVILEGE

SEN. KLEIN rose on a point of personal privilege.

REMARKS OF SENATOR KLEIN

MR. PRESIDENT: Monday, January 18th, 2021 was Martin Luther King Jr. Day and Monday, February 15th, 2021 was Presidents day, both official state holidays.

Both days are paid holidays for most state employees, however legislative assembly employees were required to work on both of these days. Additionally, employees of the Senate have worked many hours of uncompensated overtime.

In recognition of the uncompensated overtime, full time legislative employees will be paid for Wednesday February 24th, Thursday February 25th, Friday February 26th, Monday March 1st and Tuesday March 2nd 2021 even though the Senate will be in recess on those days.

REQUEST

SEN. KLEIN REQUESTED that his remarks be printed in the Journal, which request was granted.

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 2003.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2014, SB 2015, SB 2018, SB 2021, SB 2139, SB 2213, SB 2218, SB 2272, SB 2313, SB 2319, SB 2324.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SCR 4001, SCR 4005, SCR 4010, SCR 4012, SCR 4013.

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 1001.

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 1002, HB 1014, HB 1017, HB 1018, HB 1144, HB 1154, HB 1207, HB 1285, HB 1323, HB 1416, HB 1449, HB 1452, HB 1464, HB 1466, HB 1470, HCR 3023.

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., Wednesday, March 3, 2021, which motion prevailed.

FIRST READING OF HOUSE BILLS

HB 1001: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor; to provide an exemption; to provide for a report; and to declare an emergency.

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

HB 1002: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing; to amend and reenact section 54-09-05 of the North Dakota Century Code, relating to the salary of the secretary of state; and to provide an exemption.

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

HB 1014: A BILL for an Act to provide an appropriation for defraying the expenses of the protection and advocacy project.

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

HB 1017: A BILL for an Act to provide an appropriation for defraying the expenses of the game and fish department; and to provide a report.

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

HB 1018: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society; and to provide for a report.

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

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.

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

HB 1154: A BILL for an Act to create and enact chapter 26.1-36.9 and sections 26.1-47-02.2 and 26.1-47-02.3 of the North Dakota Century Code, relating to prior authorization of dental services, dental networks, and payment of dental claims.

Was read the first time and referred to the **Human Services Committee**.

HB 1207: A BILL for an Act to create and enact chapter 32-46.2 of the North Dakota Century Code, relating to civil actions involving asbestos; to amend and reenact subsection 2 of section 28-01.3-04 of the North Dakota Century Code, relating to liability of nonmanufacturing sellers; and to provide for application.

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

HB 1285: A BILL for an Act to create and enact two new sections to chapter 55-01 of the North Dakota Century Code, relating to a commission for the commemoration of the two hundred fifty years since America's founding; and to provide a continuing appropriation.

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

HB 1323: A BILL for an Act to create and enact a new section to chapter 23-07 of the North Dakota Century Code, relating to limitations on mask wearing requirements.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1416: A BILL for an Act to create and enact a new subsection to section 50-06-05.1 and sections 50-11.1-21, 50-11.1-22, 50-11.1-23, and 50-11.1-24 of the North Dakota Century Code, relating to the four-year old program approval and the North Dakota early childhood council; to amend and reenact sections 15.1-09-58 and 15.1-37-05, subdivision d of subsection 6 of section 50-11.1-02, subsection 2 of section 50-11.1-07, and section 50-11.1-10 of the North Dakota Century Code, relating to four-year old program approval; and to repeal sections 15.1-37-01, 15.1-37-02, 15.1-37-03, 15.1-37-04, and 15.1-37-07 of the North Dakota Century Code, relating to early childhood education programs.

Was read the first time and referred to the **Human Services Committee**.

HB 1449: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a county aid distribution fund; to provide a continuing appropriation; to provide for application; and to provide an expiration date.

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

HB 1452: A BILL for an Act to create and enact a new chapter to title 54 of the North Dakota Century Code, relating to a clean sustainable energy authority and a clean sustainable energy fund; to amend and reenact sections 17-01-01 and 17-07-01 and subsection 5 of section 54-44.4-02 of the North Dakota Century Code, relating to low-emission technology, the energy policy commission, and an exemption from procurement services for energy programs; to provide a continuing appropriation; to provide an appropriation; to provide a transfer; and to provide a report.

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

HB 1464: A BILL for an Act to amend and reenact subsection 1 of section 39-04-19.2 and sections 57-43.1-02 and 57-43.2-02 of the North Dakota Century Code, relating to electric and plug-in hybrid vehicle road use fees and the tax imposed on motor vehicle fuels and special fuels; to provide for a legislative management study; and to provide an effective date.

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

HB 1466: A BILL for an Act to create and enact three new sections to chapter 50-11.1 of the North Dakota Century Code, relating to establishing four-year old program grants; to amend and reenact section 50-11.1-02 of the North Dakota Century Code, relating to the definition of four-year old program; to suspend sections 15.1-37-05, 15.1-37-06, and 15.1-37-08 of the North Dakota Century Code, relating to early childhood education grants; and to provide an expiration date.

Was read the first time and referred to the **Human Services Committee**.

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

Was read the first time and referred to the **Human Services Committee**.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3023: A concurrent resolution urging Congress to propose an amendment to the United States Constitution to prohibit changing the number of justices serving on the United States Supreme Court and that the amendment should state the Supreme Court of the United States shall be composed of nine justices.

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

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

Shanda Morgan, Secretary