

JOURNAL OF THE SENATE

Sixty-seventh Legislative Assembly

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Bismarck, March 15, 2021

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

The prayer was offered by Pastor Jeff Wiedenmeyer, Jamestown First Assembly.

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

A quorum was declared by the President.

POINT OF PERSONAL PRIVILEGE

SEN. K. ROERS rose on a point of personal privilege.

REMARKS OF SENATOR K. ROERS

MR. PRESIDENT: Just yesterday here in Bismarck the West Fargo High School Packers won their first Class A basketball state championship in nearly thirty years. Beating longtime rival Bismarck High, cross-town rival West Fargo Sheyenne, and an impressive Minot team in the closing minute of a back-and-forth battle, this is one that West Fargo won't soon forget!

A special congratulations to seniors Carter Birrenkott, Joel Pease and Noah Daniel for their leadership and coach Adam Palczewski on an incredible season.

We are proud of our Packers.

MOTION

SEN. KLEIN MOVED that the remarks of Sen. K. Roers be printed in the Journal, which motion prevailed.

POINT OF PERSONAL PRIVILEGE

SEN. LEE rose on a point of personal privilege.

REMARKS OF SENATOR LEE

MR. PRESIDENT: Yesterday at the Bismarck Civic Center our West Fargo Packers held off an impressive Minot High comeback, to win the Class A Boys State Basketball Championship 65 to 60.

Lead by head coach Adam Palczewski, this team of young men were given a unique season with vast challenges. These student athletes stayed true to whom they are and defined themselves as individuals who are willing to overcome difficulties and adapt to challenges.

This year of high school sports has been filled with highs and lows. Since this summer these student athletes did not know what the future would hold or if they would be able to compete in the sport they love. However, they continued developing their skills and training for an unknown season. Despite everything they finished the season with a remarkable 23-4 record, highlighting the talent, work ethic and drive they had this season.

I along with their parents, teachers, coaches and others who call West Fargo home are incredibly proud of these young men. When they return to West Fargo high school in the years to come with their kids and grandchildren they will be proud of the state championship they brought home. When they walk into the gym and see their championship banner hanging on the wall, they will be reminding of the fond memories they made with their teammates many years ago.

I would also like to congratulate Minot High on their successful season of 24-2, as well as all the ND high school teams, coaches and players who each battled their own set of challenges this year.

They should all be proud of what they accomplished and we should too.

MOTION

SEN. KLEIN MOVED that the remarks of Sen. Lee be printed in the Journal, which motion prevailed.

MOTION

SEN. KLEIN MOVED that Engrossed HB 1094, which is on the Fourteenth order, be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1094 was rereferred.

MOTION

SEN. KLEIN MOVED that Engrossed HB 1437, which is on the Fourteenth order, be rereferred to the **Agriculture Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1437 was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1371: SEN. HEITKAMP (Political Subdivisions Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1065: A BILL for an Act to amend and reenact section 23-16-01.1 of the North Dakota Century Code, relating to the moratorium on the expansion of long-term care bed capacity.

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 HB 1065, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1329: A BILL for an Act to amend and reenact subsection 7 of section 4.1-53-13, subsection 1 of section 4.1-53-37, section 4.1-53-38, subsection 2 of section 4.1-53-43, subsection 1 of section 4.1-53-48, and subsection 2 of section 4.1-53-61 of the North Dakota Century Code, relating to seed labels, tolerances, permits, and certification; to repeal section 4.1-53-41 of the North Dakota Century Code, relating to nonresident seed dealer licenses; 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; 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

HB 1329 passed.

SECOND READING OF HOUSE BILL

HB 1308: A BILL for an Act to repeal section 49-09-14 of the North Dakota Century Code, relating to filings of utility property transfers; and to provide for a relocation of utility property transfer files.

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; 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

HB 1308 passed.

SECOND READING OF HOUSE BILL

HB 1435: A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to public employees retirement system health insurance benefits coverage for emergency responders who die in the line of duty; and to provide for retroactive application.

MOTION

SEN. KLEIN MOVED that Engrossed HB 1435 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1435 was rereferred.

SECOND READING OF HOUSE BILL

HB 1366: A BILL for an Act to create and enact a new section to chapter 35-13 of the North Dakota Century Code, relating to the nonjudicial disposition of property by lienholders; and to amend and reenact sections 35-13-01, 35-13-04, 35-13-05, and 35-13-06 of the North Dakota Century Code, relating to repairman's liens, priority of liens, notice requirements, and assignments.

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; 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 HB 1366 passed.

SECOND READING OF HOUSE BILL

HB 1179: A BILL for an Act to amend and reenact section 57-51-15 of the North Dakota Century Code and section 12 of chapter 471 of the 2013 Session Laws, relating to reporting requirements for schools, counties, and hub cities receiving oil and gas gross production tax allocations.

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, 1 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.; 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

NAYS: Larsen, O.

Engrossed HB 1179 passed.

SECOND READING OF HOUSE BILL

HB 1176: A BILL for an Act to amend and reenact section 39-06-01.1 of the North Dakota Century Code, relating to cancellation of a minor's driver's license.

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 37 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Hogan; Holmberg; Kannianen; Klein; Kreun; Larsen, D.; Larson, D.; Lemm; Marcellais; Mathern; Meyer; Myrdal; Oban; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Wanzek; Wardner; Weber; Wobbema

NAYS: Bell; Heitkamp; Hogue; Krebsbach; Larsen, O.; Lee; Luick; Oehlke; Piepkorn; Vedaa

HB 1176 passed.

SECOND READING OF HOUSE BILL

HB 1445: A BILL for an Act to amend and reenact sections 57-09-01 and 57-09-06 of the North Dakota Century Code, relating to township boards of equalization; 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 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 HB 1445 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1424: A BILL for an Act to provide for a legislative management study regarding compensation and expense reimbursement of members of the legislative assembly.

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 6 YEAS, 41 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Burckhard; Conley; Marcellais; Mathern; Roers, K.; Vedaa

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

Engrossed HB 1424 failed.

SECOND READING OF HOUSE BILL

HB 1417: A BILL for an Act to amend and reenact section 54-59-05 of the North Dakota Century Code, relating to the powers and duties of the information technology department.

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; 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

HB 1417 passed.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1157, HB 1230, HB 1381.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1300.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2076, SB 2243.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2299.

AMENDMENTS TO ENGROSSED SENATE BILL NO. 2299

Page 1, line 10, after the period insert "The study also must consider the potential for tax fraud, the effect on child support collections, and implications regarding consumer protection."

Renumber accordingly

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2200.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2061, SB 2075, SB 2105, SB 2106, SB 2111, SB 2134, SB 2152, SB 2224.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1278, HB 1316, HB 1332,

HB 1343, HB 1351, HB 1402, HCR 3013.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on March 15, 2021, I have signed the following: SB 2151 and SB 2287.

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., Tuesday, March 16, 2021, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1041: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1041 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1056: Energy and Natural Resources Committee (Sen. Kreun, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1056 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1072, as reengrossed: Transportation Committee (Sen. Clemens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1072 was placed on the Sixth order on the calendar.

Page 1, line 21, replace "Subject to section 39-06-16, a law enforcement officer" with "The computerized licensing system"

Page 1, line 21, remove "scan, retrieve, or in"

Page 1, line 22, replace "any other manner request electronic possession of" with "transmit or transfer"

Page 1, line 23, replace "permission" with "authorization"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1120, as engrossed: Energy and Natural Resources Committee (Sen. Kreun, Chairman) recommends **DO PASS** (6 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 1141, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1141 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "\$15,000,000" with "\$30,000,000"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1175, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1175 was placed on the Sixth order on the calendar.

Page 5, after line 29, insert:

Exception.

This chapter does not apply to enforcement actions under chapters 50-24.8, 51-08.1, and 51-15."

Page 6, line 1, replace "2023" with "2027"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1187, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1187 was referred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1218, as engrossed: Energy and Natural Resources Committee (Sen. Kreun, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1218 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1242: Energy and Natural Resources Committee (Sen. Kreun, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1242 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1357, as reengrossed: Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1357 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3043: A concurrent resolution directing the Legislative Management to consider studying the amount, type, cost, and occupancy of property leased by the state or any state agency since January 1, 2018.

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

HCR 3046: A concurrent resolution directing the Legislative Management to consider studying the administrative rules process, including a review of any relevant statutes regarding administrative rules to determine if any statutes are unclear or ambiguous, the degree to which agencies are complying with the process, which state agencies are specifically exempt from the process, and if those state agencies should remain exempt.

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

HCR 3047: A concurrent resolution urging Congress not to adopt H.R. 1 of the 117th Congress.

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

