

JOURNAL OF THE SENATE

Sixty-fifth Legislative Assembly

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Bismarck, January 13, 2017

The Senate convened at 12:30 p.m., with President Sanford presiding.

The prayer was offered by Pastor LaRue Goetz, Revival Prayer Fellowship, Bismarck.

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

A quorum was declared by the President.

MOTION

SEN. KLEIN MOVED that SB 2131 be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2131 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2039: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ pages 96-97 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2092: SEN. KLEIN (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 97 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SCR 4003: SEN. NELSON (Judiciary Committee) MOVED that the amendments on SJ page 98 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 2059: A BILL for an Act to amend and reenact section 15.1-02-21 of the North Dakota Century Code, relating to the North Dakota teacher of the year award.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 41 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Heckaman; Marcellais; Mathern; Nelson; Piepkorn

NAYS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Oban; Oehlke; Osland; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

Engrossed SB 2059 failed.

SECOND READING OF SENATE BILL

SB 2030: A BILL for an Act to amend and reenact subsection 14 of section 10-04-05, subsection 14 of section 10-04-06, subdivision b of subsection 12 of section 15-39.1-04, subdivision a of subsection 1 of section 15-39.1-05.1, subsection 3 of section 15.1-01-01, subdivision e of subsection 2 of section 15.1-02-21, and subdivision b of subsection 5 of section 15.1-06-18 of the North Dakota Century

Code, relating to updating statutory references to the North Dakota education association; and to repeal section 15.1-32-23 of the North Dakota Century Code, relating to the credentialing process for special education teachers.

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

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

Engrossed SB 2030 passed.

SECOND READING OF SENATE BILL

SB 2125: A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to possession of a firearm or dangerous weapon.

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

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

Engrossed SB 2125 passed.

SECOND READING OF SENATE BILL

SB 2115: A BILL for an Act to amend and reenact subsection 1 of section 50-06-32 of the North Dakota Century Code, relating to the members of the autism spectrum disorder task force.

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

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

Engrossed SB 2115 passed.

SECOND READING OF SENATE BILL

SB 2041: A BILL for an Act to amend and reenact subsection 1 of section 25-01.2-01 and section 50-24.1-02 of the North Dakota Century Code, relating to Down syndrome and eligibility for medical assistance.

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 22 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Burckhard; Campbell; Casper; Dever; Dotzenrod; Grabinger; Heckaman; Hogue; Larsen, O.; Larson, D.; Lee, G.; Luick; Marcellais; Mathern; Myrdal; Nelson; Oban; Piepkorn; Robinson; Roers; Wanzek

NAYS: Anderson; Armstrong; Bekkedahl; Clemens; Cook; Erbele; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Lee, J.; Meyer; Oehlke; Osland; Poolman; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wardner

ABSENT AND NOT VOTING: Davison

SB 2041 failed.

SECOND READING OF SENATE BILL

SB 2116: A BILL for an Act to amend and reenact section 50-25.1-03.1 and subsection 3 of section 50-25.1-05 of the North Dakota Century Code, relating to the disclosure of patient records relevant to an assessment of reported child abuse or neglect.

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; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

SB 2116 passed.

SECOND READING OF SENATE BILL

SB 2113: A BILL for an Act to create and enact a new section to chapter 50-10.1 of the North Dakota Century Code, relating to providing transfer and discharge notices; and to amend and reenact subsection 7 of section 50-10.1-03 and section 50-10.1-06 of the North Dakota Century Code, relating to duties of state long-term care ombudsman and establishment of reporting system.

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

YEAS: Dever; Lee, J.

NAYS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg;

Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

SB 2113 failed.

REQUEST

SEN. J. LEE REQUESTED that the record reflect she intended to vote NAY on SB 2113, which request was granted.

SECOND READING OF SENATE BILL

SB 2095: A BILL for an Act to amend and reenact sections 43-11-21 and 43-11-25 of the North Dakota Century Code, relating to licensure and reciprocity of cosmetologists, manicurists, and estheticians.

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; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Larson, D.

ABSENT AND NOT VOTING: Davison

SB 2095 passed.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2034, SB 2049, SB 2087, SB 2100, SB 2103, SB 2105, SB 2106, SB 2120, SB 2127, SB 2128, SB 2129, SB 2132, SB 2140.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, January 16, 2017, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2046: Government and Veterans Affairs Committee (Sen. Poolman, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2046 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2056: Energy and Natural Resources Committee (Sen. Unruh, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2056 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2102: Government and Veterans Affairs Committee (Sen. Poolman, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2102 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Bekkedahl, Burckhard, Cook and Reps. Dockter, Nathe, Weisz introduced:

SB 2206: A BILL for an Act to create and enact chapter 50-34 and a new section to chapter 57-20 of the North Dakota Century Code, relating to the transition of funding responsibility for county social services from the counties to the state and a credit against payments in lieu of taxes paid by centrally assessed companies; to amend and reenact sections 11-23-01, 50-01.2-03.2, 50-06-05.8, 50-06.2-04, subsection 3 of section 57-15-01.1, sections 57-15-06 and 57-15-06.7, and subdivision c of subsection 1 of section 57-20-07.1 of the North Dakota Century Code, relating to county and multicounty social service board budgets, county general fund levy limitations, and property tax statements; to repeal chapter 50-03 and sections 50-06-20.1, 50-06.2-05, and 57-20-07.2 of the North Dakota Century Code, relating to the county human services fund, the human services grant program, county property tax levy authority for social services, and the state-paid property tax relief credit; and to provide an effective date.

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

Sens. Casper, Campbell, Kreun and Reps. Kasper, Sanford, P. Anderson introduced:

SB 2212: A BILL for an Act to amend and reenact section 6-02-02, subsection 4 of section 6-03-02, and section 6-05-01 of the North Dakota Century Code, relating to residency requirements of bank directors.

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

Sen. Casper and Rep. Howe introduced:

SB 2213: A BILL for an Act to amend and reenact subsections 1, 2, and 3 of section 10-31-13 of the North Dakota Century Code, relating to annual reports of professional organizations.

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

Sens. Casper, Kannianen, D. Larson and Reps. Blum, Howe introduced:

SB 2214: A BILL for an Act to amend and reenact subsection 2 of section 41-09-87 of the North Dakota Century Code, relating to the requirement of a social security number of internal revenue service taxpayer identification number on uniform commercial code and secured transaction records.

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

Sens. Poolman, O. Larsen, J. Lee, Heckaman and Rep. Seibel introduced:

SB 2215: A BILL for an Act to create and enact chapter 23-49 of the North Dakota Century Code, relating to hospital discharge policies.

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

Sens. Dever, Burckhard, Nelson and Reps. Karls, J. Nelson, Westlind introduced:

SB 2216: A BILL for an Act to amend and reenact sections 12.1-17-01, 12.1-17-01.1, and subsection 1 of section 12.1-17-11 of the North Dakota Century Code, relating to assault on a health care facility provider and contact by bodily fluids or excrement; and to provide a penalty.

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

Sens. Piepkorn, Dever, Marcellais and Reps. Karls, M. Johnson introduced:

SB 2217: A BILL for an Act to amend and reenact section 53-06.1-12 of the North Dakota Century Code, relating to gaming tax deposits and allocations.

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

Sen. Armstrong and Rep. Rick C. Becker introduced:

SB 2218: A BILL for an Act to amend and reenact subsection 5 of section 12.1-32-01 of the North Dakota Century Code, relating to the penalty for a class A misdemeanor.

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

Sen. Armstrong introduced:

SB 2219: A BILL for an Act to amend and reenact subsection 6 of section 12.1-32-06.1 of the North Dakota Century Code, relating to probation violations.

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

Sens. Myrdal, Kreun and Reps. Rick C. Becker, Skroch, M. Nelson introduced:

SB 2220: A BILL for an Act to amend and reenact section 15.1-27-23 of the North Dakota

Century Code, relating to the authority to waive rescheduling of make up days for weather-related school closures.

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

Sens. Armstrong, Burckhard, Casper and Reps. Beadle, K. Koppelman, Nathe introduced:

SB 2221: A BILL for an Act to create and enact section 53-06.2-10.2 of the North Dakota Century Code, relating to historic horse race wagering; and to amend and reenact sections 53-06.2-01, 53-06.2-04, 53-06.2-05, and 53-06.2-06, subsection 1 of section 53-06.2-08, and sections 53-06.2-10, 53-06.2-10.1, and 53-06.2-11 of the North Dakota Century Code, relating to the regulation of historic horse racing.

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

Sens. Schaible, Armstrong, Cook and Reps. Kading, Rohr, Schmidt introduced:

SB 2222: A BILL for an Act to amend and reenact section 21-02-06 of the North Dakota Century Code, relating to uncollected taxes.

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

Sens. Nelson, Armstrong, Sorvaag and Reps. M. Johnson, Klemin, Schneider introduced:

SB 2223: A BILL for an Act to create and enact section 10-32.1-30.1; to amend and reenact subsection 2 of section 10-32.1-15, subsection 1 of section 10-32.1-30, subsection 2 of section 10-32.1-39, sections 10-32.1-45, 10-32.1-54, and 45-17-04 of the North Dakota Century Code, relating to limited liability company distributions and management and partnership transferable interests.

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

Sens. Wardner, Robinson and Reps. Bellew, Pollert, Mock introduced:

SB 2224: A BILL for an Act to provide appropriations to the office of management and budget for community service supervision grants; and to provide legislative intent.

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

Sens. Schaible, Bowman, Erbele and Reps. Boehning, Rohr, Schmidt introduced:

SB 2225: A BILL for an Act to amend and reenact sections 12.1-22-03, 20.1-01-18, 20.1-01-19, and 20.1-01-20 of the North Dakota Century Code, relating to criminal trespass and hunting on private land; and to repeal section 20.1-01-17 of the North Dakota Century Code, relating to the posting of lands.

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

Sens. Klein, Marcellais and Reps. J. Nelson, Weisz introduced:

SB 2226: A BILL for an Act to create and enact section 20.1-03-01.6 of the North Dakota Century Code, relating to hunter education requirements for veterans; and to amend and reenact section 20.1-03-01.2 of the North Dakota Century Code, relating to hunter education requirements for veterans.

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

Sens. Klein, Erbele and Reps. J. Nelson, Weisz introduced:

SB 2227: A BILL for an Act to amend and reenact section 20.1-03-07.1 and subsection 31 of section 20.1-03-12 of the North Dakota Century Code, relating to nonresident waterfowl hunting licenses.

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

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

Shanda Morgan, Secretary