

JOURNAL OF THE SENATE

Sixty-fifth Legislative Assembly

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Bismarck, January 17, 2017

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

The prayer was offered by Reverend Jenny Hallenbeck Orr, McCabe United Methodist Church, Bismarck.

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

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Anderson, Chairman)** has carefully examined the Journal of the Eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 114, line 39, replace "COLLEAGUGES" with "COLLEAGUES"

SEN. ANDERSON MOVED that the report be adopted, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Wardner, Chairman)** respectfully submits the following names for your **Select Committee** to approve nominee Don Morton to the North Dakota State Board of Higher Education: Sens. Krebsbach, Erbele, Rust, Anderson, and Oban.

SEN. KLEIN MOVED that the report be adopted, which motion prevailed on a voice vote.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Wardner, Chairman)** respectfully submits the following names for you **Select Committee** to approve nominee Karen Tyler as the North Dakota Security Commissioner: Sens. G. Lee, Roers, Wanzek, Klein, and Grabinger.

SEN. KLEIN MOVED that the report be adopted, which motion prevailed on a voice vote.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Wardner, Chairman)** respectfully submits the following names for your **Select Committee** to approve nominee Robert Entringer as the Commissioner of Department of Financial Institutions: Sens. G. Lee, Roers, Wanzek, Klein, and Grabinger.

SEN. KLEIN MOVED that the report be adopted, which motion prevailed on a voice vote.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Wardner, Chairman)** recommends the appointment of Sens. Erbele, Oehlke, Poolman, and Nelson to the **Senate Memorial Committee**.

SEN. KLEIN MOVED that the report be adopted, which motion prevailed on a voice vote.

MOTION

SEN. KLEIN MOVED that SB 2190 be returned to the Senate floor from the **Political Subdivisions Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2190 was rereferred.

MOTION

SEN. KLEIN MOVED that SB 2271 be returned to the Senate floor from the **Energy and Natural Resources Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2271 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2047: SEN. SCHAIBLE (Energy and Natural Resources Committee) MOVED that the amendments on SJ page 119 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2097: SEN. VEDAA (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 119 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2027: SEN. MYRDAL (Agriculture Committee) MOVED that the amendments on SJ page 118 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2028: SEN. KLEIN (Agriculture Committee) MOVED that the amendments on SJ page 118 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2029: SEN. O. LARSEN (Agriculture Committee) MOVED that the amendments on SJ pages 118-119 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

SB 2174: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2174 was placed on the Sixth order on the calendar.

Page 1, after line 14, insert:

"SECTION 2. BORROWING AUTHORITY - APPROPRIATION - ADJUTANT GENERAL. The office of the adjutant general may borrow the sum of \$3,000,000, or so much of the sum as may be necessary, from the Bank of North Dakota, for the purpose of providing a grant to a county that has experienced an emergency related to protest activities, for the period beginning with the effective date of this Act and ending June 30, 2019. Notwithstanding any other provision of law, the proceeds of the loan authorized in this section are appropriated to the office of the adjutant general for the purpose of providing a grant to a county that has experienced an emergency related to protest activities, for the period beginning with the effective date of this Act and ending June 30, 2019. The grant funds must be used to reimburse the county for extraordinary personnel, equipment, and materials expenditures related to the protest activities which are not otherwise eligible for reimbursement by the state or federal government. The office of the adjutant general shall request from the legislative assembly a deficiency appropriation sufficient for the repayment of the amount borrowed plus interest."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT

This amendment provides an additional \$3 million of borrowing and appropriation authority to the Adjutant General to provide grants to a county that has experienced an emergency related to protest activities. The Adjutant General may use the funding to reimburse the eligible county for extraordinary personnel, equipment, and materials expenditures related to protest activities which are not otherwise eligible for reimbursement by the state or federal

government.

CONSIDERATION OF AMENDMENTS

SB 2174: 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.

MOTION

SEN. KLEIN MOVED that SB 2174 be placed at the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2174: A BILL for an Act to provide borrowing authority and an appropriation to the office of the adjutant general; and to declare an emergency.

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

YEAS: Anderson; 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; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Marcellais; Mathern

ABSENT AND NOT VOTING: Armstrong; Davison

Engrossed SB 2174 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2046: A BILL for an Act to create and enact a new section to chapter 27-21 of the North Dakota Century Code, relating to the establishment of a pilot program for providing state services to juveniles adjudicated in tribal court; to provide for a report to legislative management; and to provide an expiration 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; 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: Armstrong; Davison

SB 2046 passed.

SECOND READING OF SENATE BILL

SB 2102: A BILL for an Act to amend and reenact sections 15-02-02, 15-02-05.1, and 54-01-05.5 of the North Dakota Century Code, relating to the commissioner of university and school lands.

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

YEAS: Anderson; 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: Armstrong; Davison

SB 2102 passed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4003: A concurrent resolution requesting the Legislative Management to study the current juvenile justice process, levels of collaboration among various service systems, implementation of dispositional alternatives, and methods for improving outcomes for juveniles involved in the process.

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

Engrossed SCR 4003 was declared adopted on a voice vote.

SECOND READING OF SENATE BILL

SB 2154: A BILL for an Act to provide for suspension of certain provisions of the North Dakota Compassionate Care Act; to provide a contingent expiration date; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; 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: Armstrong; Davison

SB 2154 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2173: A BILL for an Act to repeal section 23-01-03.2 of the North Dakota Century Code, relating to duties of the health council.

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

YEAS: Anderson; 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: Armstrong; Davison

SB 2173 passed.

SECOND READING OF SENATE BILL

SB 2182: A BILL for an Act to amend and reenact section 15.1-09-34 of the North Dakota Century Code, relating to required bidding for certain school board purchases.

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

YEAS: Anderson; 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: Armstrong; Davison

SB 2182 passed.

SECOND READING OF SENATE BILL

SB 2118: A BILL for an Act to amend and reenact sections 50-06-21 and 50-06-22 and subsection 4 of section 53-12.1-09 of the North Dakota Century Code, relating to gambling disorder prevention, awareness, crisis intervention, rehabilitation, and treatment services.

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

YEAS: Anderson; 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: Armstrong; Davison

SB 2118 passed.

SECOND READING OF SENATE BILL

SB 2169: A BILL for an Act to create and enact chapter 28-20.3 of the North Dakota Century Code, relating to recognition of foreign-country money judgments; and to repeal chapter 28-20.2 of the North Dakota Century Code, relating to foreign money judgments.

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

YEAS: Anderson; 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: Armstrong; Davison

SB 2169 passed.

SECOND READING OF SENATE BILL

SB 2170: A BILL for an Act to create and enact a new chapter to title 14 of the North Dakota Century Code, relating to the Uniform Recognition and Enforcement of Canadian Protection Orders Act; to provide a penalty; and to provide for application.

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

YEAS: Anderson; 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: Armstrong; Davison

SB 2170 passed.

MOTION

SEN. KLEIN MOVED that SB 2221 be returned to the Senate floor from the **Industry, Business and Labor Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2221 was rereferred.

MOTION

SEN. KLEIN MOVED that SB 2141 be returned to the Senate floor from the **Government and Veterans Affairs Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2141 was rereferred.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2039, SB 2041, SB 2092, SB 2126, SB 2136.

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 2154.

MOTION

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

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., Wednesday, January 18, 2017, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2144: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2144 was rereferred to the **Appropriations Committee**.

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** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2159 was placed on the Sixth order on the calendar.

Page 1, line 4, after "company" insert "; and to provide for retroactive application"

Page 2, after line 13, insert:

"SECTION 4. RETROACTIVE APPLICATION. This Act applies retroactively to cases arising after July 31, 2015."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2161: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2161 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Campbell, Rust, Dotzenrod and Reps. Lefor, Maragos, Owens introduced:

SB 2278: A BILL for an Act to amend and reenact section 24-06-31 of the North Dakota Century Code, relating to the obstruction of a highway.

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

Sens. Campbell, Laffen, Roers and Reps. Johnston, Lefor, Louser introduced:

SB 2279: A BILL for an Act to create and enact a new chapter to title 50 of the North Dakota Century Code, relating to drug testing for temporary assistance to needy families program benefits.

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

Sens. Erbele, Vedaa, Dotzenrod and Reps. Brandenburg, Dockter, Magrum introduced:

SB 2280: A BILL for an Act to amend and reenact subsection 9 of section 57-15-10 and section 57-15-48 of the North Dakota Century Code, relating to city levy authority for emergency purposes; and to provide an effective date.

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

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

Shanda Morgan, Secretary

