

JOURNAL OF THE SENATE**Sixty-fifth Legislative Assembly**

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Bismarck, January 18, 2017

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

The prayer was offered by Chaplain Merle Hoots, Baptist Health Care Center, 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 118, line 5, remove "SB 2059,"

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

CONSIDERATION OF AMENDMENTS

SB 2159: SEN. CAMPBELL (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 137 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 2159 be placed at the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2159: A BILL for an Act to amend and reenact subdivision d of subsection 2 of section 10-32.1-39, paragraph 1 of subdivision d of subsection 3 of section 10-32.1-39, and paragraph 1 of subdivision q of subsection 4 of section 10-32.1-39 of the North Dakota Century Code, relating to management of a limited liability company; and to provide for retroactive application.

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 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

Engrossed SB 2159 passed.

SECOND READING OF SENATE BILL

SB 2026: A BILL for an Act to create and enact chapters 4.1-01, 4.1-15, 4.1-19, 4.1-54, 4.1-55, 11-38, 11-39, and 15-12.1, a new section to chapter 19-02.1, and chapter 54-60.3 of the North Dakota Century Code, relating to revisions of agriculture laws

regarding the agriculture commissioner, the northern crops institute, eggs, miscellaneous agriculture laws, the state fair association, county extension agents, the county fair association, agricultural experiment stations, and the agricultural products utilization commission; to amend and reenact subsection 2 of section 57-15-06.7 of the North Dakota Century Code, relating to counties levying taxes to fund extension agents; to authorize the legislative council to make certain statutory redesignations; to repeal chapters 4-01, 4-02, 4-02.1, 4-05.1, 4-08, 4-11.1, 4-13.2, 4-14, 4-14.1, 4-14.2, 4-19, 4-21.1, 4-21.2, 4-22, 4-23, 4-24, 4-30, 4-32, 4-33, 4-35, 4-35.1, 4-35.2, 4-36, 4-37, 4-40, 4-41, 4-43, and 19-07 of the North Dakota Century Code, relating to the agriculture commissioner, agricultural fair associations, the state fair association, agricultural experiment stations, county agents, potato production contracts, the poultry division, unfair discrimination in the purchase of farm products, the agriculturally derived fuel tax fund, the northern crops institute, forestry and tree distribution, nurseries and nursery stock, the trees for North Dakota program, soil conservation districts, agricultural conservation and adjustment, miscellaneous agriculture laws, dairy products regulations, the interstate pest control compact, plant pests, the pesticide act, chemigation regulation, pesticide and pesticide container disposal, the agricultural development act, agriculture in the classroom, crop production products, industrial hemp, meatpacking plant assistance, and eggs; to provide a penalty; 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 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 2026 passed.

SECOND READING OF SENATE BILL

SB 2027: A BILL for an Act to create and enact chapters 4.1-23, 4.1-33, 4.1-34, 4.1-35, 4.1-36, 4.1-37, 4.1-38, 4.1-39, and 4.1-40 of the North Dakota Century Code, relating to revisions of agriculture laws regarding plant pests, pesticides, chemigation regulation, pesticide container disposal, anhydrous ammonia facilities, anhydrous ammonia risk management, crop protection products, and the fertilizer and soil conditioner law; and to provide a penalty.

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 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

Engrossed SB 2027 passed.

SECOND READING OF SENATE BILL

SB 2028: A BILL for an Act to create and enact chapters 4.1-25, 4.1-27, 4.1-28, 4.1-30, 4.1-31, 4.1-32, 4.1-41, and 4.1-53 of the North Dakota Century Code, relating to revisions of agriculture laws regarding dairy products regulation, livestock auction markets, satellite video livestock auction markets, the purchase of livestock by packing plants, meat inspection, rendering plants, commercial feed laws, and livestock medicine; to amend and reenact sections 23-01-25, 36-21-01, 36-21-10, 36-21-11, 36-21-12, 36-21-13, 36-21-15, 36-21-18, and 36-21-19 of the North Dakota Century Code, relating to general livestock provisions; to repeal chapters 19-13.1, 19-14, 36-05, 36-05.1, 36-06, 36-07, section 36-21-05, and chapter 36-24 of the North Dakota Century Code, relating to commercial feed laws, livestock medicine, livestock auction markets, satellite video livestock auction markets, the purchase of livestock by packing plants, rendering plants, general livestock provisions, and meat inspection; and to provide a penalty.

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 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

Engrossed SB 2028 passed.

SECOND READING OF SENATE BILL

SB 2029: A BILL for an Act to create and enact chapters 4.1-18, 4.1-20, 4.1-21, 4.1-22, and 4.1-48 of the North Dakota Century Code, relating to revisions of agriculture laws regarding industrial hemp, soil conservation districts laws, forestry and tree distribution, nurseries, and potato production contracts; to amend and reenact section 57-38-34.6 of the North Dakota Century Code, relating to optional contributions to the trees for North Dakota program trust; and to provide a penalty.

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 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

Engrossed SB 2029 passed.

SECOND READING OF SENATE BILL

SB 2097: A BILL for an Act to create and enact a new subsection to section 39-03-09 of the North Dakota Century Code, relating to the powers of the highway patrol to promote public trust; to amend and reenact section 39-03-05, subsection 3 of section

39-12-02, and subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to the contents of badges issued to patrolmen, interstate permits, and public security personnel possessing dangerous weapons; 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 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

Engrossed SB 2097 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2047: A BILL for an Act to amend and reenact subsection 2 of section 61-16.1-09 of the North Dakota Century Code, relating to the authority of water resource boards to exercise the power of quick take eminent domain.

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 38 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Casper; Hogue; Kannianen; Klein; Larsen, O.; Roers; Rust

ABSENT AND NOT VOTING: Armstrong; Davison

Engrossed SB 2047 passed.

SECOND READING OF SENATE BILL

SB 2161: A BILL for an Act to amend and reenact subsection 1 of section 14-07.1-18 of the North Dakota Century Code, relating to domestic violence program records.

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 2161 passed.

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 2174.

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., Thursday, January 19, 2017, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2142: 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 2142 was placed on the Sixth order on the calendar.

Page 1, line 15, after the period insert "The construction manager at-risk then shall evaluate the bids and determine which is the most responsible."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2146: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2146 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2147: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2147 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2150: Education Committee (Sen. Schaible, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2150 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2188: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2188 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2200: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2200 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Grabinger, Hogue, Nelson and Reps. Karls, Klemin, M. Nelson introduced:

SB 2281: A BILL for an Act to amend and reenact section 14-08.1-07 of the North Dakota Century Code, relating to notice of motor vehicle operator's license restriction for nonpayment of child support.

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

Sens. Grabinger, Erbele, Wanzek and Reps. Ertelt, Satrom, Hanson introduced:

SB 2282: A BILL for an Act to amend and reenact section 20.1-08-04.5 of the North Dakota Century Code, relating to the use of scopes on muzzleloading firearms for individuals over sixty-five years of age.

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

Sens. Cook, Laffen, Dotzenrod and Reps. Grueneich, Headland, Nathe introduced:

SB 2283: A BILL for an Act to create and enact a new section to chapter 57-02, a new section to chapter 57-38, a new section to chapter 57-39.2, and a new section to chapter 57-40.2 of the North Dakota Century Code, relating to tax obligation clearance requirements for purposes of qualifying for a tax benefit; to amend and reenact section 40-57.1-04.4 and subsection 11 of section 40-58-20 of the North Dakota Century Code, relating to tax obligation clearance requirements for purposes of qualifying for a tax benefit; and to provide an effective date.

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

Sen. Robinson and Reps. D. Anderson, Brandenburg introduced:

SB 2284: A BILL for an Act to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to agent fees for distribution of hunting licenses.

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

Sens. Kilzer, Luick and Rep. Delzer introduced:

SB 2285: A BILL for an Act to create and enact section 15-10-12.4 of the of the North Dakota Century Code, relating to naming university and college buildings.

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

Sens. Schaible, Unruh and Reps. Nathe, Porter introduced:

SB 2286: A BILL for an Act to amend and reenact subsection 2 of section 49-22-16 of the North Dakota Century Code, relating to energy conversion and transmission facility siting.

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

Sens. Marcellais, Poolman, Heckaman and Reps. Dockter, Trottier, Mock introduced:

SB 2287: A BILL for an Act to create and enact a new section to chapter 48-05 of the North Dakota Century Code, relating to the display of Indian nation flags at certain locations in the state capitol.

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