

## JOURNAL OF THE SENATE

## Sixty-fifth Legislative Assembly

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Bismarck, March 7, 2017

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

The prayer was offered by Pastor Paul Herr, Century Baptist Church, Bismarck.

The roll was called and all members were present except Senators Burckhard, Hogue, and Wanzek.

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. Davison, Chairman)** has carefully examined the Journal of the Twentieth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 253, line 17, replace "14 YEAS, 0 NAYS" with "10 YEAS, 4 NAYS"

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

## POINT OF PERSONAL PRIVILEGE

**SEN. ERBELE** rose on a point of personal privilege.

## REMARKS OF SENATOR ERBELE

**MR. PRESIDENT:** I want to talk about an award that has national, state, and local significance. The National Environmental Stewardship Award provides an opportunity for the beef industry to showcase the stewardship, conservation, and business practices that work together on farms and ranches. The award has been presented for the past 26 years by the National Cattlemen's Beef Association.

This is a very prestigious award for our state, I am especially proud to say this award winning ranch is located in District 28. It is the Black Leg Ranch at McKenzie, ND. For those who do not recognize the name of the ranch, I am sure you all know at least some of the members of the ranch family. They are Jerry and Renae Doan, Don and Shanda Morgan, Jeremy and Ashlee Doan, Jay and Kari Doan, and Jayce Doan and Kassy Brough.

The Doan's family ranch had it beginning as a homestead in 1882, in what was then Dakota territory by George H. Doan. The ranch is now in its fifth generation of operation with the 6th generation on the ground.

The Doan family and Black Leg Ranch are a tremendous example of cattle producers committed to doing the right thing for both their businesses and the environment. They engage in Holistic management practices to regenerate native rangeland, cropland, and wildlife resources for generations to come.

We are proud of the efforts the Doans have made to demonstrate that environmental stewardship and successful ranching are not only compatible, but logical. Ranches all across the country are making these kind of dedicated decisions to better both their operations and the world around them.

It is an honor to extend congratulations to the Doan family for winning the Environmental Stewardship Award on behalf of all the hard working ranch families in North Dakota. We are especially proud to call them friends here in the Senate of North Dakota.

## MOTION

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

**SECOND READING OF HOUSE BILL**

**HB 1291:** A BILL for an Act to create and enact a new section to chapter 4.1-72 of the North Dakota Century Code, relating to authority to use a uniform summons and complaint by brand inspectors who are licensed peace officers; to amend and reenact section 4.1-72-04 of the North Dakota Century Code, relating to brand inspectors as licensed peace officers; to provide a penalty; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; 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; Wardner

**ABSENT AND NOT VOTING:** Burckhard; Hogue; Wanzek

Engrossed HB 1291, as amended, passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1150:** A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to bonus points awarded to participants in lotteries for hunting licenses.

**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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; 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; Wardner

**ABSENT AND NOT VOTING:** Burckhard; Hogue; Wanzek

Engrossed HB 1150, as amended, passed.

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**SECOND READING OF HOUSE BILL**

**HB 1405:** A BILL for an Act to amend and reenact section 54-34.3-10 of the North Dakota Century Code, relating to the commission on the status of women.

**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 42 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Dever; Larsen, O.

**ABSENT AND NOT VOTING:** Burckhard; Hogue; Wanzek

Engrossed HB 1405 passed.

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**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SCR 4012.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, unchanged: HB 1208, HB 1220, HB 1348.

**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: HCR 3027, HCR 3031.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, unchanged: SB 2049, SB 2093, SB 2106, SB 2120, SB 2185, SB 2324.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2096, SB 2284.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2030, SB 2091, SB 2112, SB 2114, SB 2129, SB 2160, SB 2222.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1026, HB 1027, HB 1059, HB 1160, HB 1191, HB 1207, HB 1240, HB 1245, HB 1342.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2030, SB 2091, SB 2112, SB 2114, SB 2129, SB 2160, SB 2222.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2030, SB 2091, SB 2112, SB 2114, SB 2129, SB 2160, SB 2222.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1026, HB 1027, HB 1059, HB 1160, HB 1191, HB 1207, HB 1240, HB 1245, HB 1342.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HB 1052, HB 1100, HB 1102, HB 1106, HB 1108, HB 1111, HB 1119, HB 1133, HB 1136.

#### **MOTION**

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

#### **MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, 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 8, 2017, which motion prevailed.

#### **REPORT OF STANDING COMMITTEE**

**HB 1043, as engrossed: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1043 was placed on the Sixth order on the calendar.

Page 1, line 2, after "14-20-12" insert ", subsection 1 of section 15.1-21-02.1"

Page 1, line 3, after "52-10-07" insert ", subsection 3 of section 54-44.7-03"

Page 1, line 4, after "54-52-01" insert ", subsection 3 of section 54-52-05"

Page 1, line 5, replace "subsections 2 and" with "subsection"

Page 1, line 5, remove the second "and"

Page 1, line 5, after "57-51.1-03.1" insert ", and subsection 19 of section 58-03-07"

Page 2, after line 14, insert:

**"SECTION 4. AMENDMENT.** Subsection 1 of section 15.1-21-02.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The twenty-two units of high school coursework set forth in section ~~15.1-21-02.1~~ 15.1-21-02.2; and"

Page 5, after line 29, insert:

**"SECTION 11. AMENDMENT.** Subsection 3 of section 54-44.7-03 of the North Dakota Century Code is amended and reenacted as follows:

3. The date for submission of information from interested persons or firms in response to an invitation must be not less than twenty-one days after publication of the invitation. Interested architect, engineer, and land surveying persons or firms must be required to respond to the invitation with the submission of the information required in general services administration forms ~~SF 254 and SF 255~~ SF 330, architect-engineer related services questionnaire for specific project, or such similar information as the agency selection committee may prescribe by rule."

Page 6, after line 5, insert:

**"SECTION 13. AMENDMENT.** Subsection 3 of section 54-52-05 of the North Dakota Century Code is amended and reenacted as follows:

3. Each employer, at its option, may pay all or a portion of the employee contributions required by subsection 2 and sections 54-52-06.1, 54-52-06.2, 54-52-06.3, and 54-52-06.4 or the employee contributions required to purchase service credit on a pretax basis pursuant to subsection 5 of section 54-52-17.4. Employees may not receive the contributed amounts directly once the employer has elected to pay the employee contributions. The amount paid must be paid by the employer in lieu of contributions by the employee. If the state determines not to pay the contributions, the amount that would have been paid must continue to be deducted from the employee's compensation. If contributions are paid by the employer, they must be treated as employer contributions in determining tax treatment under this code and the federal Internal Revenue Code. If contributions are paid by the employer, they may not be included as gross income of the employee in determining tax treatment under this code and the Internal Revenue Code until they are distributed or made available. The employer shall pay these employee contributions from the same source of funds used in paying compensation to the employee ~~or from the levy authorized by subsection 5 of section 57-15-28.1~~. The employer shall pay these contributions by effecting an equal cash reduction in the gross salary of the employee or by an offset against future salary increases or by a contribution of a reduction in gross salary and offset against future salary increases. If employee contributions are paid by the employer, they must be treated for the purposes of this chapter in the same manner and to the same extent as employee contributions made prior to the date on which employee contributions were assumed by the employer. An employer exercising its option under this subsection shall report its choice to the board in writing."

Page 7, remove lines 28 and 29

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 31

Page 10, remove lines 1 through 31

Page 11, remove lines 1 through 13

Page 13, after line 23, insert:

**"SECTION 19. AMENDMENT.** Subsection 19 of section 58-03-07 of the North Dakota Century Code is amended and reenacted as follows:

19. To support an airport or to support or create an airport authority and to levy a tax for airport purposes within the limitations of section ~~57-15-37.12-06-15.~~"

Page 13, line 26, replace "16" with "18"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1058: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1058 was placed on the Sixth order on the calendar.

Page 1, line 23, overstrike "inform"

Page 1, line 24, overstrike "in writing" and insert immediately thereafter "register"

Page 1, line 24, after the second comma insert "with"

Page 2, line 3, overstrike "inform in writing" and insert immediately thereafter "register"

Page 2, line 4, after the comma insert "with"

Page 2, line 8, after "section" insert ", the individual"

Page 2, line 8, overstrike "inform in writing" and insert immediately thereafter "register"

Page 2, line 8, after "termination" insert "with"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1156, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1156 was placed on the Sixth order on the calendar.

Page 5, line 22, after "license" insert ", or an advanced practice registered nurse or certified physician assistant"

Page 8, line 23, remove "advanced practice registered"

Page 8, line 24, remove "nurse, registered nurse"

Page 8, line 24, overstrike the first comma

Page 8, line 27, remove "cannabis or marijuana, including constituents of"

Page 8, line 28, replace "cannabis, tetrahydrocannabinol, and other cannabinoids." with "all parts of the plant of the genus cannabis, the seeds of the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative,

mixture, or preparation of the plant, the seeds of the plant, or the resin extracted from any part of the plant"

Page 8, line 29, after the underscored period insert "The term does not include treatments or preparations specifically approved by the United States food and drug administration as a drug product."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1157: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1157 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1197, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1197 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to declare an emergency"

Page 3, line 16, replace "sixtieth" with "seventy-fifth"

Page 3, line 17, after the underscored period insert "The defendant shall produce or describe the documentation the defendant possesses or of which the defendant is aware in support of the motion. Before filing the motion, the defendant shall meet and confer with the plaintiff to discuss why the defendant believes the plaintiff has an additional trust claim."

Page 4, line 18, remove "**- Valuation of asbestos trust claims - Judicial notice**"

Page 4, replace lines 19 through 27 with:

"At least thirty days before trial, the plaintiff shall provide the court with documentation identifying each claim the plaintiff has made against an asbestos trust. The court shall enter the documentation into the record."

Page 5, remove line 8

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1218: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1218 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1226, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1226 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1231: Education Committee (Sen. Schaible, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1231 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1239: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1239 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1270, as engrossed: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).

Engrossed HB 1270 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1345, as engrossed: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1345 was placed on the Sixth order on the calendar.

Page 1, line 3, replace the first "and" with "to"

Page 1, line 8, after "laws" insert "; and to declare an emergency"

Page 10, after line 15, insert:

**"SECTION 15. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1359, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1359 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1424, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1424 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3001: Education Committee (Sen. Schaible, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3001 was placed on the Fourteenth order on the calendar.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCR 3027:** A concurrent resolution directing the Legislative Management to consider studying the estimated fiscal impact to the state of refracturing existing oil wells. Was read the first time and referred to the **Energy and Natural Resources Committee**.

**HCR 3031:** A concurrent resolution requesting the Legislative Management to consider studying the provision of natural gas service to underserved communities in this state and the means of financing natural gas pipeline infrastructure. 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**

