

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

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Bismarck, April 14, 2017

The Senate convened at 8:00 a.m., with President Pro Tempore Oehlke presiding.

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church, Bismarck.

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

A quorum was declared by the President Pro Tempore.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KLEIN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1178 and Engrossed HB 1361, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1178: Sens. Bekkedahl, Laffen, Cook

Engrossed HB 1361: Sens. Cook, Unruh, Dotzenrod

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BEKKEDAHL MOVED that the conference committee report on SB 2200 as printed on SJ pages 1385-1387 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2200: A BILL for an Act to amend and reenact section 57-15-06.6, subsection 8 of section 57-15-10, and section 57-15-38 of the North Dakota Century Code, relating to capital project levies; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Armstrong; Bekkedahl; Bowman; Burckhard; Casper; Clemens; Cook; Dever; Dotzenrod; Heckaman; Hogue; Kannianen; Kilzer; Klein; Laffen; Larsen, O.; Larson, D.; Lee, G.; Luick; Meyer; Oehlke; Osland; Poolman; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Anderson; Campbell; Davison; Grabinger; Holmberg; Krebsbach; Kreun; Lee, J.; Marcellais; Mathern; Myrdal; Nelson; Oban; Piepkorn; Robinson

ABSENT AND NOT VOTING: Erbele

Engrossed SB 2200 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KREBSBACH MOVED that the conference committee report on Engrossed SB 2011 as printed on SJ pages 1413-1415 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2011: A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; to create and enact a new section to chapter 39-03 of the North Dakota Century Code, relating to capitol building access cards; to amend and reenact subdivision j of subsection 3 of section 39-12-02 of the North Dakota Century Code, relating to fees for electronic permits; and to provide for a transfer.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Davison; Dever; Dotzenrod; Grabinger; Heckaman; Hogue; 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; Wanzek; Wardner

NAYS: Larsen, O.

ABSENT AND NOT VOTING: Erbele

Reengrossed SB 2011 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BEKKEDAHL MOVED that the conference committee report on Engrossed SB 2183 as printed on SJ pages 1435-1436 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2183: A BILL for an Act to create and enact a new section to chapter 37-18 of the North Dakota Century Code, relating to the conferment of a veterans commemorative memorial coin; to provide a statement of legislative intent; and to provide for retroactive application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Davison; Dever; Dotzenrod; 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: Erbele

Reengrossed SB 2183 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ANDERSON MOVED that the conference committee report on Engrossed HB 1120 as printed on SJ page 1392 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1120: A BILL for an Act to amend and reenact subsection 3 of section 50-24.6-04 of the North Dakota Century Code, relating to the prior authorization program.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Davison; Dotzenrod; 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

NAYS: Dever

ABSENT AND NOT VOTING: Erbele

Engrossed HB 1120, as amended, passed.

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

MR. SPEAKER: The Senate has appointed as a conference committee to act with a like committee from the House on:

HB 1178: Sens. Bekkedahl; Laffen; Cook

HB 1361: Sens. Cook; Unruh; Dotzenrod

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

MR. PRESIDENT: The Speaker has appointed Rep. Kreidt to replace Rep. Pollert on the Conference Committee on SB 2004.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2011, SB 2183, SB 2200.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1120.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2156.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2052, SB 2166, SB 2321.

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

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2045.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2033, SB 2039, SB 2041, SB 2116, SB 2189, SB 2270, SB 2344, SCR 4001.

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

MR. PRESIDENT: The Speaker has signed: SB 2033, SB 2039, SB 2041, SB 2116, SB 2189, SB 2270, SB 2344, SCR 4001.

REPORT OF CONFERENCE COMMITTEE

SB 2135, as engrossed: Your conference committee (Sens. Poolman, Hogue, Marcellais and Reps. B. Koppelman, Olson, Johnston) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1025-1026, adopt amendments as follows, and place SB 2135 on the Seventh order:

That the House recede from its amendments as printed on pages 1025 and 1026 of the Senate Journal and pages 1139-1141 of the House Journal and that Engrossed Senate Bill No. 2135 be amended as follows:

Page 1, line 2, replace "appropriation" with "expiration date"

Page 1, line 13, remove "and"

Page 1, line 17, replace the period with "; and

- d. The effect of out-of-state funding on the initiated and referred measure process and whether limits on out-of-state funding are necessary."

Page 2, line 1, remove "Three members of the legislative assembly, at least one of whom is a member of"

Page 2, line 2, replace "the minority party, appointed by the legislative management" with "Three members of the house of representatives appointed by the majority leader of the house of representatives, and three members of the senate, one of whom must be a member of the minority party, appointed by the majority leader of the senate"

Page 2, line 3, remove "member of a tribal nation appointed by the executive director of the Indian"

Page 2, line 4, replace "affairs commission" with "individual appointed as a nonvoting member by the secretary of state"

Page 2, line 5, replace "Three" with "Seven"

Page 2, line 5, after "governor" insert ", who shall provide public notice of available citizen positions on the commission and establish a procedure for submission of applications. One of the seven must be a member of an association that represents employees and their interests"

Page 2, line 8, after the semicolon insert "and"

Page 2, line 9, remove "; and"

Page 2, line 10, remove:

- "i. One individual appointed by North Dakota united"

Page 2, line 11, after "4." insert "A citizen member appointed to the commission by the governor may not be an elected or appointed official, a board member or employee of an organization identified in subdivisions e through h of subsection 3, or an employee of the governor's office."

5."

Page 2, line 12, after the period insert "A vacancy must be filled by an individual who satisfies the criterion for the vacant position, such that the requirements in subsection 3 are met throughout the existence of the commission."

Page 2, line 13, replace "5." with "6."

Page 2, line 14, replace "6." with "7."

Page 2, line 18, after the period insert "The expenses of the commission are to be paid by the legislative council."

8. All appointments of commission members must be completed within sixty days after the effective date of this Act."

Page 2, replace lines 19 through 23 with:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 2019, and after that date is ineffective."

Renumber accordingly

Engrossed SB 2135 was placed on the Seventh order of business on the calendar.

MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 12:30 p.m., which motion

prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tempore Oehlke presiding.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SCHAIBLE MOVED that the conference committee report on Reengrossed HB 1389 as printed on SJ pages 1391-1392 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1389: A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to parental directives.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; 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: Bowman; Erbele

Reengrossed HB 1389, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ROERS MOVED that the conference committee report on Engrossed HB 1025 as printed on SJ pages 1425-1426 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1025: A BILL for an Act to create and enact section 20.1-04-07.1 and chapter 20.1-05.1 of the North Dakota Century Code, relating to wild turkey hunting licenses for individuals receiving hunting expeditions from a nonprofit organization and authorization for issuance of special allocation hunting licenses; to amend and reenact sections 20.1-02-04, 20.1-04-07, 20.1-08-04.1, 20.1-08-04.2, and 20.1-08-04.6 of the North Dakota Century Code, relating to authorization for issuance of special allocation hunting licenses; to repeal sections 20.1-08-04.8, 20.1-08-04.12, and 20.1-08-04.13 of the North Dakota Century Code, relating to authorization for issuance of special allocation hunting licenses; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; 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: Bowman; Erbele

Engrossed HB 1025, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ARMSTRONG MOVED that the conference committee report on Engrossed HB 1341

as printed on SJ pages 1436-1437 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1341: A BILL for an Act to amend and reenact subsections 3 and 7 of section 19-03.1-23 and subsection 1 of section 19-03.1-23.1 of the North Dakota Century Code, relating to the elimination of enhanced penalties for manufacturing, delivering, or possessing controlled substances near schools; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; 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: Bowman; Erbele

Engrossed HB 1341, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. HOLMBERG MOVED that the conference committee report on Engrossed HB 1155 as printed on SJ page 1436 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1155: A BILL for an Act to amend and reenact sections 54-27.2-01, 54-27.2-03, and 54-44.1-12 of the North Dakota Century Code, relating to the balance of the budget stabilization fund, transfers and expenditures from the budget stabilization fund, and the allotment of funds; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; 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: Bowman; Erbele

Engrossed HB 1155, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KREUN MOVED that the conference committee report on HCR 3019 as printed on SJ pages 1426-1427 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3019: A concurrent resolution requesting the United States Army Corps of Engineers divest land not needed for the management of the Garrison project area in North Dakota.

The question being on the final adoption of the amended resolution, which has been read.

HCR 3019, as amended, was declared adopted on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. POOLMAN MOVED that the conference committee report on Engrossed SB 2135 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2135: A BILL for an Act to provide for the creation of an initiated and referred measure study commission; to provide for a report to the legislative management; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 14 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Burckhard; Campbell; Casper; Clemens; Cook; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Oehlke; Osland; Poolman; Roers; Rust; Schaible; Sorvaag; Wanzek; Wardner

NAYS: Davison; Dever; Dotzenrod; Grabinger; Heckaman; Larsen, O.; Marcellais; Mathern; Nelson; Oban; Piepkorn; Robinson; Unruh; Vedaa

ABSENT AND NOT VOTING: Bowman; Erbele

Reengrossed SB 2135 passed but the emergency clause failed.

MOTION

SEN. KLEIN MOVED that Senate Rule 509 be amended, replacing sixty-seventh legislative day with seventy-first legislative day, which motion prevailed.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1341, HB 1389, HCR 3019.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1025, HB 1155.

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

MR. SPEAKER: The President has signed: SB 2033, SB 2039, SB 2041, SB 2116, SB 2189, SB 2270, SB 2344, SCR 4001.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 14, 2017: SB 2033, SB 2039, SB 2041, SB 2116, SB 2189, SB 2270, SB 2344.

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, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Monday, April 17, 2017, which motion prevailed.

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

Shanda Morgan, Secretary

