

JOURNAL OF THE SENATE

Sixty-fourth Legislative Assembly

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Bismarck, February 2, 2015

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

The prayer was offered by Chaplain Gary Heaton, Sanford Health, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2238: SEN. MARCELLAIS (Government and Veterans Affairs Committee) MOVED that the amendments be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2238 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

SB 2213: SEN. MARCELLAIS (Education Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

MOTION

SEN. KLEIN MOVED that after action taken on the Sixth order, Engrossed SB 2165 be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2165: SEN. FLAKOLL (Government and Veterans Affairs 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.

SECOND READING OF SENATE BILL

SB 2165: A BILL for an Act to provide for a legislative management study regarding the allocation and investment of specific dollars per child at the time of the child's birth.

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 40 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Axness; Bekkedahl; Bowman; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Wanzek; Wardner; Warner

NAYS: Armstrong; Burckhard; Lee, G.; Oehlke; Poolman; Triplett; Unruh

Engrossed SB 2165 passed.

SECOND READING OF SENATE BILL

SB 2097: A BILL for an Act to amend and reenact sections 43-11-01, 43-11-02, 43-11-04, 43-11-11, 43-11-13, 43-11-15, 43-11-25, 43-11-26, subsection 1 of section 43-11-27, and section 43-11-28 of the North Dakota Century Code, relating to the practice and licensing of cosmetology, manicuring, and esthetics.

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 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Davison; Dever; Dotzenrod; Flakoll; Grabinger; Heckaman; Hogue; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Mathern; Miller; Murphy; Nelson; Oban; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Triplett; Wardner; Warner

NAYS: Carlisle; Casper; Cook; Erbele; Holmberg; Laffen; Luick; Marcellais; O'Connell; Rust; Sorvaag; Unruh; Wanzek

Engrossed SB 2097 passed.

SECOND READING OF SENATE BILL

SB 2059: A BILL for an Act to amend and reenact subsection 7 of section 65-05-08 of the North Dakota Century Code, relating to workers' compensation job offers; and to provide for 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 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Anderson; Larsen; Miller

Engrossed SB 2059 passed.

SECOND READING OF SENATE BILL

SB 2079: A BILL for an Act to amend and reenact section 23-09.3-01.1 and subsections 1 and 2 of section 23-16-01.1 of the North Dakota Century Code, relating to the moratoria on basic care and nursing facility bed capacity; 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 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Cook

Engrossed SB 2079 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2155: A BILL for an Act to amend and reenact section 26.1-25-04.2 of the North Dakota

Century Code, relating to a motor vehicle accident surcharge.

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

YEAS: Carlisle; Dever; Grabinger; Mathern

NAYS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Cook; Davison; Dotzenrod; Erbele; Flakoll; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

SB 2155 failed.

SECOND READING OF SENATE BILL

SB 2248: A BILL for an Act to amend and reenact section 39-10-03.1 of the North Dakota Century Code, relating to the lights displayed by tow trucks.

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

YEAS: Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Anderson

SB 2248 passed.

SECOND READING OF SENATE BILL

SB 2291: A BILL for an Act to amend and reenact sections 60-02-11 and 60-04-03.1 of the North Dakota Century Code, relating to the allowable time for grain warehouse scale ticket conversions.

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

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner

NAYS: O'Connell; Warner

SB 2291 passed.

SECOND READING OF SENATE BILL

SB 2211: A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 and

section 39-08-20 of the North Dakota Century Code, relating to the offense of driving without liability insurance.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

SB 2211 passed.

SECOND READING OF SENATE BILL

SB 2247: A BILL for an Act to amend and reenact sections 54-03-02, 54-03-02.1, and 54-35-16 of the North Dakota Century Code, relating to reconvened regular sessions of the legislative assembly in even-numbered years; 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 NOT PASS, the roll was called and there were 19 YEAS, 28 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axness; Bekkedahl; Carlisle; Davison; Grabinger; Heckaman; Laffen; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Robinson; Schneider; Sinner; Triplett; Warner

NAYS: Anderson; Armstrong; Bowman; Burckhard; Campbell; Casper; Cook; Dever; Dotzenrod; Erbele; Flakoll; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Oban; Oehlke; Poolman; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

SB 2247 failed.

SECOND READING OF SENATE BILL

SB 2273: A BILL for an Act to provide an appropriation to the office of management and budget for constructing an addition to the state capitol building.

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 5 YEAS, 42 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Burckhard; Laffen; Larsen; Mathern; Sorvaag

NAYS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Luick; Marcellais; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Triplett; Unruh; Wanzek; Wardner; Warner

SB 2273 failed.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2088, SB 2167, SB 2179, SB 2255.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2237.

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

MR. PRESIDENT: The Speaker has signed: HB 1087.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, February 3, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2074: Education Committee (Sen. Flakoll, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2074 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2076: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2076 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "for a" with "with North Dakota state university to expand the scope of the university's existing"

Page 1, line 6, remove "and review retention as an alternative to diversion"

Page 1, line 6, after "The" insert "expanded"

Page 1, line 8, after "The" insert "expanded"

Page 1, line 9, replace the first underscored comma with an underscored semicolon

Page 1, line 9, replace the second underscored comma with an underscored semicolon

Page 1, line 9, replace the third underscored comma with an underscored semicolon

Page 1, line 10, remove "from changes in taxable valuation"

Page 1, line 10, after "The" insert "expanded"

Page 1, line 11, remove "The"

Page 1, remove lines 12 through 14

Page 1, line 15, remove "of the access."

Page 1, line 15, after "The" insert "expanded"

Page 1, line 16, after "completed" insert "expanded"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2149: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2149 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2175: Agriculture Committee (Sen. Miller, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2175 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "57-39.5-02 and"

Page 1, line 1, remove "and 57-43.2-19"

Page 1, line 2, after "to" insert "the transfer of revenue from the farm machinery gross receipts tax and"

Page 1, line 2, replace "and the special fuels excise tax" with "; and to provide an effective date"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 57-39.5-02 of the North Dakota Century Code is amended and reenacted as follows:

57-39.5-02. Imposition - Transfer of funds - Exemptions.

There is imposed a tax of three percent upon the gross receipts of retailers from all sales at retail, including the leasing or renting, of farm machinery or irrigation equipment used exclusively for agricultural purposes. Two percent of the taxes collected under this chapter, but not exceeding one million dollars in a state fiscal year, must be transferred to the state treasurer who shall deposit the moneys in the agricultural research fund. Gross receipts from sales at retail of farm machinery or irrigation equipment are exempted from the tax imposed by this chapter when the sale, lease, or rental is made to a purchaser or lessor who is entitled to a sales and use tax exemption under subsection 6 or 12 of section 57-39.2-04 on otherwise taxable sales at retail. There are specifically exempted from the tax imposed by this chapter the gross receipts from the sale, lease, or rental of used farm machinery, farm machinery repair parts, used irrigation equipment, or irrigation equipment repair parts used exclusively for agricultural purposes. For purposes of this section, "used" means:

1. Tax under this chapter or chapter 57-39.2 or 57-40.2 has been paid on a previous sale;
2. Tax under section 57-39.5-06 has been paid under a previous lease;
3. Originally purchased outside this state and previously owned by a farmer; or
4. Has been under rental for three years or more."

Page 1, remove lines 13 through 23

Page 2, replace lines 1 through 7 with:

"SECTION 3. EFFECTIVE DATE. This Act is effective for taxable events occurring after June 30, 2015."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2180: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2180 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2201: Education Committee (Sen. Flakoll, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2201 was placed on the

Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2263: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2263 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "\$2,000,000" with "\$500,000,"

Page 1, line 7, replace "fifty" with "twenty-five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2264: Education Committee (Sen. Flakoll, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2264 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2267: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2267 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2282: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2282 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "earnings" with "assets"

Page 1, line 6, replace "\$25,000,000" with "\$17,000,000"

Page 1, line 7, replace "bank" with "Bank"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2297: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2297 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "\$30,000,000" with "\$10,000,000"

Page 1, line 14, replace "**GAME AND FISH DEPARTMENT**" with "**LIMITATION**"

Page 1, line 17, replace "\$30,000,000" with "\$10,000,000"

Page 1, line 19, after the period insert "The department may not spend more than \$5,000,000 of this appropriation in each fiscal year of the biennium."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2319: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2319 was placed on the Eleventh order on the calendar.

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

Jane Schaible, Secretary

