

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

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Bismarck, March 5, 2015

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

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

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

A quorum was declared by the President.

POINT OF PERSONAL PRIVILEGE

SEN. WARDNER rose on a point of personal privilege.

**REMARKS OF SENATOR WARDNER
PROCLAMATION
NORTH DAKOTA UNITED
READ ACROSS AMERICA DAY
MARCH 5, 2015**

MR. PRESIDENT:

WHEREAS, North Dakota citizens are committed to promoting reading as the catalyst for our students' future academic success, their preparation for the jobs of the future and their ability to compete in the global economy; and

WHEREAS, ND United is sponsoring Read Across America Day to Celebrate the birthday of Dr. Seuss and promote reading and adult involvement in the education of our youth; and

WHEREAS, research shows that children who read and are ready to do better in school and develop a lifelong passion for the joys of reading; and

WHEREAS, ND United is working with other literacy, youth and civic groups throughout the state to get parents, teachers and communities involved in promoting the excitement and importance of reading on this day and every day; and

WHEREAS; North Dakotans are encouraged to ensure that every child is in a safe place reading together with a caring adult on this day and make sure we remain committed to the programs and activities that make our children proficient readers.

NOW, THEREFORE, the North Dakota Senate does hereby proclaim March 5, 2015, ND United READ ACROSS AMERICA DAY.

REQUEST

SEN. KLEIN REQUESTED that the remarks of Sen. Wardner be printed in the Journal, which request was granted.

SECOND READING OF HOUSE BILL

HB 1037: A BILL for an Act to provide for a report to the legislative management by the department of human services on the medicaid and medicaid expansion program.

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

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; 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: Larsen

ABSENT AND NOT VOTING: Campbell

HB 1037 passed.

SECOND READING OF HOUSE BILL

HB 1129: A BILL for an Act to amend and reenact section 54-60.2-02 of the North Dakota Century Code, relating to workforce development grants for tribally controlled community colleges; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; 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

ABSENT AND NOT VOTING: Campbell

Engrossed HB 1129 passed.

SECOND READING OF HOUSE BILL

HB 1074: A BILL for an Act to amend and reenact sections 43-23-13.1 and 43-23-17 of the North Dakota Century Code, relating to the application deadline for renewal of a real estate license and practicing as a real estate broker or salesperson without a license; and to provide a penalty.

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

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; 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

ABSENT AND NOT VOTING: Campbell

Engrossed HB 1074 passed.

SECOND READING OF HOUSE BILL

HB 1036: A BILL for an Act to provide for the state department of health to study health professional assistance programs and report to the legislative management.

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, 1 NAYS,

0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; 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; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Oehlke

ABSENT AND NOT VOTING: Campbell

HB 1036 passed.

SECOND READING OF HOUSE BILL

HB 1212: A BILL for an Act to amend and reenact paragraph 3 of subdivision b of subsection 2 of section 52-04-07 and subdivision j of subsection 1 of section 52-06-02 of the North Dakota Century Code, relating to eligibility for unemployment compensation benefits for victims of stalking.

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

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; 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

ABSENT AND NOT VOTING: Campbell

Engrossed HB 1212 passed.

SECOND READING OF HOUSE BILL

HB 1127: A BILL for an Act to amend and reenact section 15-10-19.1 of the North Dakota Century Code, relating to resident students for tuition purposes; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; 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

ABSENT AND NOT VOTING: Campbell

HB 1127 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1121: A BILL for an Act to amend and reenact section 39-06.2-07 of the North Dakota Century Code, relating to commercial driver's license qualification standards.

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

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; 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

ABSENT AND NOT VOTING: Campbell

HB 1121 passed.

SECOND READING OF HOUSE BILL

HB 1346: A BILL for an Act to amend and reenact subsection 2 of section 51-13-02 and section 51-13-07 of the North Dakota Century Code, relating to retail installment sales contracts; and to provide a penalty.

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

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; 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

ABSENT AND NOT VOTING: Campbell

Engrossed HB 1346 passed.

MOTION

SEN. KLEIN MOVED that a committee of two be appointed to escort Canada's Consul General Jamshed Merchant to the rostrum, which motion prevailed.

The President appointed Sens. Flakoll and Heckamen.

**REMARKS OF CONSUL GENERAL JAMSHED MERCHANT
GOVERNMENT OF CANADA**

Mr President and Senators:

Let me begin by saying thank you.

Thank you for inviting me here today. As Canada's official representative to North Dakota, I am deeply honoured to receive this opportunity to bring greetings to you all on behalf of the Government of Canada.

Thank you for taking time out of your busy legislative schedule to acknowledge the greatest

partnership between two nations in the world.

And thank you for passing a resolution declaring today Canada Day in North Dakota. Your resolution – along with a similar proclamation issued by Governor Dalrymple – is symbolic of the extraordinary relationship between Canada and the United States, and Canada and North Dakota, which we celebrate today.

As I read the resolution, I was struck by a number of words and phrases that remind me of the special nature of our friendship.

Shared history, democracy, security; trade partners; tourism; agriculture and energy; friendship; neighbors. And peace.

I have traveled a great deal through the Upper Midwest since taking up my role as Canada's Consul General to the region in 2012.

It is an enormous privilege to represent Canada in this great country, including right here in North Dakota. I have criss-crossed this state, visiting North Dakotans from Fargo and Grand Forks to Medora; Minot and Williston to Pembina and Jamestown.

Day in and day out, we like to say that Canada and the United States are "friends, partners, and allies." Everywhere I go, I see evidence that this is true.

We are friends because we share heritage, culture and values.

Our societies are founded on freedom, democracy and human rights.

In this part of the continent, our provinces and states have a common geography and a common environment. We share a love for our lands and waters and a commitment to protecting them. We have friends and family on both sides of the border. The challenges we face, together, require collaboration and cooperation.

And so it has been a real pleasure to see friendship and partnership grow between midwestern US states, and neighboring Canadian provinces. One way this happens is through institutions like the Council of State Governments and the International Legislators Forum. Speaking of which, I look forward to joining you right here in Bismarck this July when North Dakota hosts the Council of State Governments – Midwestern Legislative Conference.

We are partners because we share the largest economic relationship between any two countries in the world. Canada is, without a doubt, North Dakota's number one customer. And it's not even close. Nearly 80% of what North Dakota sells to the world goes to Canada. Two-way trade in goods between Canada and North Dakota is \$6.7 billion dollars per year. That's over \$18 million per day. And this is not just trade in finished goods: it is a rich two-way supply chain of materials, commodities, and intermediate parts. One quarter of the value of American imports from Canada was originally created in the US. That's why we say, "we make things together."

In all, 28,500 North Dakotan jobs depend on trade with Canada, and Canadian investment in the state.

Let's not forget tourism. You surely appreciate the over 1 million Canadians who travel to North Dakota's cities, malls, parks and attractions every year. In 2013, that injected \$280 million into the state's economy.

While I'm here, let me also extend an invitation to you and all North Dakotans to come on up to Canada! Your dollar goes a long way today. Visit our malls, cities, and museums. Fish our lakes. Enjoy our hospitality.

And we are partners in energy development.

Thanks to the growth of oil production in both Canada and the US – especially right here in North Dakota -- North America is becoming more energy independent every day.

But let's be clear: while the need for imported oil is declining, America will still need to import some oil for many years to come. Canada is now meeting over 40 percent of that need, and growing. Canada supplies more oil to the US every day than any other country in the world. In fact, we just passed all of OPEC combined. And we are a friendly, reliable source that fully

shares US values and interests.

That, my friends, is what a true partnership is all about.

Having outlined how we are friends, and partners, this brings me finally to allies.

For generations, Canadians and Americans have stood side by side around the world, safeguarding freedom and human rights against those who would seek to use violence and oppression to impose their own harsh ideologies on people who cannot defend themselves.

Canadian and American troops fought together in World War I, World War II, in the Korean War, and in Afghanistan. And today, Canada has joined the United States in doing our utmost to combat the depredations of so-called Islamic State terrorists in the Middle East, and to support the Ukrainian people in their efforts to resist Russian aggression.

Mr. President, Senators, please accept my gratitude, and that of my Government, for inviting our Canadian delegation here today.

I invite all of you to join us, including our fantastic Honorary Consul in North Dakota, Mr. Rod Backman, to join us at the Heritage Center this evening for our Canada Day reception, beginning at 6 pm.

I hope you will join me in toasting our relationship in the spirit of friends, partners, allies.

Thank you very much.

MOTION

SEN. KLEIN MOVED that the remarks of Canada's Consul General Jamshed Merchant be printed in the Journal, which motion prevailed.

MOTION

SEN. KLEIN MOVED that HB 1144 be returned to the Senate floor from the **Industry, Business and Labor Committee** and be rereferred to the **Transportation Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, HB 1144 was rereferred.

MOTION

SEN. KLEIN MOVED that HB 1067 be returned to the Senate floor from the **Appropriations Committee** and be rereferred to the **Finance and Taxation Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, HB 1067 was rereferred.

MOTION

SEN. KLEIN MOVED that the absent member 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 12:30 p.m., Friday, March 6, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4023: Agriculture Committee (Sen. Miller, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4023 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1026: Agriculture Committee (Sen. Miller, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1026 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1028: Agriculture Committee (Sen. Miller, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1028 was placed on the

Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1104: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1104 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1105: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1105 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1131: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1131 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1156: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1156 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1208, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1208 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1353, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1353 was placed on the Sixth order on the calendar.

Page 2, line 5, overstrike "one thousand six hundred sixty-four" and insert immediately thereafter "six thousand six hundred fifty-six"

Page 2, line 6, remove "each year for four years of service"

Page 2, line 8, replace "years of service" with "hours of employment"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1364, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1364 was rereferred to the **Appropriations Committee**.

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

Jane Schaible, Secretary

