

## JOURNAL OF THE SENATE

## Sixty-fourth Legislative Assembly

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Bismarck, January 30, 2015

The Senate convened at 12:30 p.m., with President Wrigley presiding.

The prayer was offered by Pastor Matt Anderson, Surprise Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**SB 2320: SEN. ANDERSON (Human Services Committee) MOVED** that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2320 was rereferred to the **Appropriations Committee**.

## CONSIDERATION OF AMENDMENTS

**SB 2151: SEN. FLAKOLL (Education 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.

## MOTION

**SEN. KLEIN MOVED** that SB 2151 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2151 was rereferred.

## CONSIDERATION OF AMENDMENTS

**SB 2079: SEN. DEVER (Human Services 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.

## CONSIDERATION OF AMENDMENTS

**SB 2059: SEN. SINNER (Industry, Business and Labor 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.

## MOTION

**SEN. KLEIN MOVED** that after action taken on the Sixth order, SB 2237 and SB 2167 be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2237: SEN. LARSEN (Human Services 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 2237: A BILL** for an Act to amend and reenact section 50-31-06 of the North Dakota Century Code, relating to information received by the department of human services for substance abuse treatment programs; 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 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

Engrossed SB 2237 passed and the emergency clause was declared carried.

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#### THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senate Majority Leader Gary Nelson

#### CONSIDERATION OF AMENDMENTS

**SB 2097: SEN. MURPHY (Industry, Business and Labor 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.

#### CONSIDERATION OF AMENDMENTS

**SB 2167: SEN. ANDERSON (Political Subdivisions 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 2167:** A BILL for an Act to provide for a legislative management study of the one-call system.

#### 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 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

Engrossed SB 2167 passed.

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#### SECOND READING OF SENATE BILL

**SB 2265:** A BILL for an Act to create and enact section 57-13-04.2 of the North Dakota Century Code, relating to valuation approval for lakeside residential properties by the state board of equalization; 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 3 YEAS, 44 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Davison; Marcellais; O'Connell

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

SB 2265 failed.

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**SECOND READING OF SENATE BILL**

**SB 2309:** A BILL for an Act to create and enact section 54-60-30 of the North Dakota Century Code, relating to a micro grant program for new Americans; and to provide an appropriation.

**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 11 YEAS, 36 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Axness; Grabinger; Heckaman; Marcellais; Mathern; Murphy; Nelson; O'Connell; Schneider; Sinner; Warner

**NAYS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Miller; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Sorvaag; Triplett; Unruh; Wanzek; Wardner

SB 2309 failed.

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**SECOND READING OF SENATE BILL**

**SB 2179:** A BILL for an Act to amend and reenact section 26.1-40-25 of the North Dakota Century Code, relating to evidence of motor vehicle 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 2179 passed.

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**SECOND READING OF SENATE BILL**

**SB 2239:** A BILL for an Act to provide for the establishment of a center for independent living outreach office on the Turtle Mountain Indian Reservation; and to provide an appropriation.

**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 6 YEAS, 41 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Heckaman; Marcellais; Mathern; Nelson; O'Connell; Schneider

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

SB 2239 failed.

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**SECOND READING OF SENATE BILL**

**SB 2255:** A BILL for an Act to amend and reenact subsection 1 of section 39-31-03, sections 39-31-04, 39-31-06, 39-31-11, 39-31-12, 39-31-13, and 39-31-14 of the North Dakota Century Code, relating to common household goods carriers; and to repeal sections 39-31-05, 39-31-07, 39-31-08, 39-31-09, and 39-31-10 of the North Dakota Century Code, relating to common household goods carriers.

**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 2255 passed.

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**SECOND READING OF SENATE BILL**

**SB 2228:** A BILL for an Act to create and enact a new section to chapter 4-12.1 of the North Dakota Century Code or in the alternative to create and enact section 4.1-16-08.1 of the North Dakota Century Code, relating to the required movement or confinement of bees if pesticide is being applied in the area; and to provide for the applicability of a penalty.

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

**NAYS:** 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 2228 failed.

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**SECOND READING OF SENATE BILL**

**SB 2088:** A BILL for an Act to create and enact eight new sections to chapter 15.1-02 of the North Dakota Century Code, relating to authorization for the creation of a North Dakota education foundation; and to provide for a report to legislative management.

**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 33 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Armstrong; Axness; Burckhard; Campbell; Casper; Cook; Davison; Dotzenrod; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Klein; Krebsbach; Lee, J.; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wardner; Warner

**NAYS:** Anderson; Bekkedahl; Bowman; Carlisle; Dever; Erbele; Kilzer; Laffen; Larsen; Lee, G.; Luick; Miller; Oehlke; Wanzek

Engrossed SB 2088 passed.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2047, SB 2102, SB 2152.

**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 2103.

**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., Monday, February 2, 2015, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2155: Transportation Committee (Sen. Oehlke, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2155 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2165: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2165 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "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."

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - ALLOCATION AND INVESTMENT OF DOLLARS PER CHILD.**

The legislative management shall consider studying, during the 2015-16 interim, the desirability and feasibility of allocating a specific dollar amount to each resident child at the time of the child's birth and investing that sum so that the child, upon entering an institution of higher education, could have access to substantial resources for scholarships or in the alternative, could have access to resources for the initiation of a business, for the purchase of a home, or for the purchase of farm or ranchland. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2211: Transportation Committee (Sen. Oehlke, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2211 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2213: Education Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2213 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "15.1-09-07,"

Page 1, line 3, remove "15.1-09-12,"

Page 1, line 4, replace "15.1-09-14, 15.1-09-15, 15.1-09-16, 15.1-09-17, 15.1-09-18, 15.1-09-20, 15.1-09-21" with "15.1-09-09, 15.1-09-13, 15.1-09-22"

Page 1, line 6, replace "subsections" with "subsection"

Page 1, line 6, remove "and 4"

Page 1, line 6, after the second comma insert "and"

Page 1, line 6, remove ", and"

Page 1, line 7, remove "section 16.1-16-01"

Page 1, line 8, replace "sections" with "section"

Page 1, line 8, remove ", 15.1-09-09, 15.1-09-10, 15.1-09-13, 15.1-09-19, 15.1-09-22, and"

Page 1, line 9, remove "15.1-09-24"

Page 1, line 9, replace "district elections" with "board changes in terms of office"

Page 5, line 17, remove "on the second Tuesday in"

Page 5, line 18, remove "June"

Page 6, remove lines 1 through 24

Page 7, remove lines 3 through 30

Page 8, remove lines 1 through 30

Page 9, replace lines 1 through 16 with:

**"SECTION 10. AMENDMENT.** Section 15.1-09-09 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-09-09. School district elections - Notice.**

Thirty days before the filing deadline for candidate names to be printed on the ballot, an official notice of this deadline must be published in the official newspaper of the city or county. At least fourteen days before the date of ~~an annual or special~~ school district election, the school board shall publish a notice in the official newspaper of the district stating the time and place of the election and the purpose of the vote. If a school board agrees to hold the election in conjunction with a primary election, the deadline for giving notice of the school district election and the purpose of the vote must meet the publishing requirements of the county. The governing body of the city of Fargo shall publish notice with respect to Fargo school district elections.

**SECTION 11. AMENDMENT.** Section 15.1-09-13 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-09-13. Election precincts - Polling places - Election officials.**

1. At least thirty-five days prior to the ~~annual~~ election, the board of each school district shall designate one or more precincts for the election. The board shall arrange the precincts in a way that divides the electors of the district as equally as possible.
2. At least thirty-five days prior to the ~~annual~~ election, the board of each school district shall designate one or more polling places for each precinct. The board shall locate the polling places as conveniently as possible for the voters in the precinct. Once established by the board, a polling place must remain a polling place for a precinct until it is changed by subsequent action of the board.
3. For school board elections not held in conjunction with county elections, the board shall appoint two election judges and two election clerks for each polling place. Before opening the polls, the judges and clerks shall

take an affirmation or oath to perform their duties according to law and to the best of their ability. The affirmation or oath may be administered by any officer authorized to administer oaths or by any of the judges or clerks.

4. For school board elections held in conjunction with county elections, the county election boards shall administer the election in the same manner as the county or state election.

**SECTION 12. AMENDMENT.** Section 15.1-09-22 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-09-22. School boards - ~~Annual~~Biennial elections - Poll books.**

1. ~~The~~In each even-numbered year, the board of a school district shall hold an election ~~each year~~ between April first and June thirtieth to fill all vacancies, including those caused by the expiration of terms of office.
2. Upon resolution of the school board, the ~~annual~~biennial election may be held in conjunction with the regular election of a city, as required by state law or by the home rule powers of the city, provided the city is located wholly or partially within the school district. The school board may agree with the governing body of the city to share election costs and responsibilities, including those associated with election personnel, the printing of election materials, the publishing of legal notices, and the use of poll books.
3. If a school board holds its election in conjunction with a city, references in this chapter to the date of a school board election mean the date of the applicable city election.
4. If a school board holds its election in conjunction with a city and only one set of poll books is used, the set must reference the voter's eligibility to vote in the city election, in the school district election, or both."

Page 10, remove lines 20 through 24

Page 11, remove lines 3 through 31

Page 12, remove lines 1 through 31

Page 13, remove lines 1 through 31

Page 14, remove lines 1 through 30

Page 15, remove lines 1 through 15

Page 15, line 16, replace "Sections" with "Section"

Page 15, line 16, remove ", 15.1-09-09, 15.1-09-10, 15.1-09-13, 15.1-09-19, 15.1-09-22, and 15.1-09-24"

Page 15, line 16, replace "are" with "is"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2238: 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** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2238 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "adjutant general" with "department of veterans' affairs"

Page 1, line 2, after "caskets" insert "and urns"

Page 1, line 6, replace "adjutant general" with "department of veterans' affairs"

Page 1, line 6, after "casket" insert "or urn"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2242: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2242 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2247: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2247 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2248: Transportation Committee (Sen. Oehlke, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2248 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2273: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2273 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2291: Agriculture Committee (Sen. Miller, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2291 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2304: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2304 was rereferred to the **Appropriations Committee**.

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

**Jane Schaible, Secretary**