

JOURNAL OF THE SENATE

Sixty-fourth Legislative Assembly

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Bismarck, January 16, 2015

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

The prayer was offered by Senator Warner.

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

A quorum was declared by the President.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Rep. Maragos and Sen. Dever introduced:

HCR 3011: A concurrent resolution designating House and Senate employment positions and fixing compensation.

Was read the first time.

MOTION

SEN. KLEIN MOVED that the rules be suspended, that HCR 3011 not be printed, not be referred to committee, but be read in title only, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Rep. Maragos and Sen. Dever introduced:

HOUSE CONCURRENT RESOLUTION NO. 3011

A concurrent resolution designating House and Senate employment positions and fixing compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That for the Sixty-fourth Legislative Assembly, the following positions are designated as employee positions of the House and Senate and are to be paid the daily wages indicated:

HOUSE

Chief clerk	\$190
Assistant chief clerk	172
Journal reporter	185
Calendar clerk	172
Bill clerk	160
Video recording clerk	155
Sergeant-at-arms	155
Administrative assistant to majority leader	169
Staff assistant to majority leader	169
Administrative assistant to minority leader	169

Staff assistant to minority leader	169
Administrative assistant to Speaker	169
Deputy chief clerk	179
Appropriations committee clerk	169
Assistant appropriations committee clerk	162
Committee clerk for three-day committee	162
Committee clerk for two-day committee	157
Assistant committee clerk	157
Deputy sergeant-at-arms	118
Chief legislative assistant	131
Legislative assistant	112

SENATE

Secretary of the Senate	190
Assistant secretary of the Senate	172
Journal reporter	185
Calendar clerk	172
Bill clerk	160
Video recording clerk	155
Sergeant-at-arms	155
Administrative assistant to majority leader	169
Staff assistant to majority leader	169
Administrative assistant to minority leader	169
Staff assistant to minority leader	169
Chief committee clerk	179
Appropriations committee clerk	169
Assistant appropriations committee clerk	162
Committee clerk for three-day committee	162
Committee clerk for two-day committee	157
Assistant committee clerk	157
Deputy sergeant-at-arms	118

Chief page and bill book clerk	131
Legislative assistant	112

BE IT FURTHER RESOLVED, that each employee of the Sixty-fourth Legislative Assembly is entitled to an additional \$1 per day for each previous regular session of the Legislative Assembly during which that employee was paid for at least 45 days, as either an employee of the House or the Senate, and to receive this additional compensation, which may not exceed \$10 per day, that employee must certify to the Legislative Council the year of each regular session during which that employee was employed as required by this resolution; and

BE IT FURTHER RESOLVED, that each majority and each minority leader is entitled to one administrative assistant and two staff assistants, but each majority or minority leader may hire fewer or more assistants so long as the total daily compensation for the assistants hired does not exceed the total daily amount authorized for those positions by this resolution; and

BE IT FURTHER RESOLVED, that the report of the Employment Committee of the respective house identify the number of employees in each position by listing every employee and the position for which employed; and

BE IT FURTHER RESOLVED, that with the approval of the Employment Committee of the respective house, a position may be converted to a part-time position, with the daily compensation converted to a per hour rate of pay, and a part-time employee may hold more than one part-time position so long as the positions held do not exceed a full-time equivalent position; and

BE IT FURTHER RESOLVED, that if any employee resigns, is discharged, or for other reasons terminates employment, the compensation provided by this resolution for that employee ceases effective the last day of employment.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3011: A concurrent resolution designating House and Senate employment positions and fixing compensation.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; 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

ABSENT AND NOT VOTING: Armstrong

HCR 3011 was declared adopted on a recorded roll call vote.

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

MR. SPEAKER: The Senate has passed, unchanged: HCR 3011.

MOTION

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

MOTION

SEN. KLEIN MOVED that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:15 p.m., Monday, January 19, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2041: 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). SB 2041 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2051: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2051 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2078: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2078 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2098: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2098 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2099: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2099 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2102: 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). SB 2102 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2112: Transportation Committee (Sen. Oehlke, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2112 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2114: Transportation Committee (Sen. Oehlke, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2114 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2120: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2120 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2142: Transportation Committee (Sen. Oehlke, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2142 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Davison, Casper, Sorvaag and Reps. Boehning, Kading introduced:

SB 2229: A BILL for an Act to amend and reenact section 15.1-09-01 of the North Dakota Century Code, relating to the membership of the board of education of the city of Fargo.

Was read the first time and referred to the **Education Committee**.

Sens. Axness, Bekkedahl, Sinner and Reps. Beadle, Hanson, Oversen introduced:

SB 2230: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to a renter's income tax credit; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sen. J. Lee and Rep. Weisz introduced:

SB 2231: A BILL for an Act to amend and reenact section 26.1-08-06 of the North Dakota Century Code, relating to the comprehensive health association; to provide a contingent effective date; and to provide an expiration date.

Was read the first time and referred to the **Human Services Committee**.

Sens. Armstrong, Carlisle, Nelson and Reps. Mooney, Sanford, Zubke introduced:

SB 2232: A BILL for an Act to amend and reenact sections 29-04-02.1 and 29-04-03.2 of the North Dakota Century Code, relating to the statute of limitations for the crime of human trafficking.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Dever, O'Connell and Reps. Rick C. Becker, Dockter, Meier introduced:

SB 2233: A BILL for an Act to amend and reenact section 48-01.2-22 of the North Dakota Century Code, relating to the public opening of subcontractor bids.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Dever, Axness, Mathern, Oban, Wanzek and Rep. Brandenburg introduced:

SB 2234: A BILL for an Act to amend and reenact subsection 1 of section 25-01.2-01 and section 50-24.1-02 of the North Dakota Century Code, relating to Down syndrome and eligibility for medical assistance.

Was read the first time and referred to the **Human Services Committee**.

Sen. J. Lee introduced:

SB 2235: A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to warranty work compensation for outdoor power equipment.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sen. J. Lee and Rep. Porter introduced:

SB 2236: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24, a new subsection to section 43-17-02, and a new chapter to title 43 of the North Dakota Century Code, relating to the regulation and licensure of technical personnel who perform medical imaging procedures and radiation therapy treatments; to provide a penalty; and to provide an appropriation.

Was read the first time and referred to the **Human Services Committee**.

Sens. J. Lee, Dever, Mathern and Reps. Beadle, Delmore, Hofstad introduced:

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.

Was read the first time and referred to the **Human Services Committee**.

Sens. Marcellais, Schneider and Rep. M. Nelson introduced:

SB 2238: A BILL for an Act to provide an appropriation to the adjutant general for veterans' military caskets.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Marcellais, Schneider, Warner and Reps. M. Nelson, Onstad introduced:

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.

Was read the first time and referred to the **Human Services Committee**.

Sens. Marcellais, Schneider and Reps. Dockter, Mock, Onstad, Trottier introduced:

SB 2240: A BILL for an Act to provide for the display of Indian nation and service flags at certain locations in the state capitol.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Marcellais, Schneider, Warner and Reps. M. Nelson, Onstad introduced:

SB 2241: A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to creation of department of commerce satellite offices on Indian reservations.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Marcellais, Carlisle, Dever and Reps. Dockter, Mock, Onstad introduced:

SB 2242: A BILL for an Act to provide for an appropriation for veterans' spouses and dependents burial fees at the veterans' cemetery.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Marcellais, Oehlke, Schneider and Reps. D. Johnson, J. Nelson, Trottier introduced:

SB 2243: A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to a department of commerce North Dakota tribal tourism alliance program; and to provide an appropriation.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Marcellais, Schneider and Reps. M. Nelson, Onstad introduced:

SB 2244: A BILL for an Act create and enact a new section to chapter 37-18 of the North Dakota Century Code, relating to the creation, membership, and duties of the tribal veterans' advisory commission.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Marcellais, Schneider, Warner and Reps. Mock, M. Nelson, Onstad introduced:

SB 2245: A BILL for an Act to create and enact a new section to chapter 37-14 of the North Dakota Century Code, relating to an Indian veteran representative; and to provide an appropriation.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Klein, Campbell, O'Connell and Reps. Brandenburg, Pollert, Weisz introduced:

SB 2246: A BILL for an Act to amend and reenact section 48-01.2-02.1 of the North Dakota Century Code, relating to the bidding threshold for plans and specifications for a public improvement contract.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Grabinger, Miller and Reps. Beadle, Boschee, Haak introduced:

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.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Cook, Poolman, Schaible and Reps. Meier, Nathe, Toman introduced:

SCR 4011: A concurrent resolution urging Congress to take a pro-education position, extricate the federal government from any role it has unconstitutionally usurped with respect to the education of our children, and eliminate the United States Department of Education.

Was read the first time and referred to the **Education Committee**.

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

Jane Schaible, Secretary