

JOURNAL OF THE SENATE

Sixty-fourth Legislative Assembly

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Bismarck, January 14, 2015

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

The prayer was offered by Reverend Kari Bitz, Cord of Three Ministries, Bismarck.

The roll was called and all members were present except Senators Hogue, Holmberg, Oehlke, and Rust.

A quorum was declared by the President.

THE SENATE RECOGNIZED THE PRESENCE OF:

Don Weible, North Dakota American Legion Commander

CONSIDERATION OF AMENDMENTS

SB 2064: 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 2053: A BILL for an Act to amend and reenact sections 14-12.2-47.1, 14-12.2-47.2, 14-12.2-47.4, 14-12.2-47.5, 14-12.2-47.6, 14-12.2-47.7, 14-12.2-47.8, 14-12.2-47.9, 14-12.2-47.10, 14-12.2-47.11, and 14-12.2-47.13, subsection 4 of section 15.1-32-01, section 34-05-01.2, subsection 1 of section 38-18.1-03, subsection 1 of section 43-51-11.1, and sections 54-44.1-18 and 61-24-02 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references; and to repeal chapter 4-21 and section 11-11.1-05 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references.

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

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

ABSENT AND NOT VOTING: Hogue; Holmberg; Oehlke; Rust

Engrossed SB 2053 passed.

MOTION

SEN. KLEIN MOVED that SB 2109 be placed at the bottom of the calendar, which motion prevailed.

THE SENATE RECOGNIZED THE PRESENCE OF:

Five-time World Champion, International Hall of Fame Inductee and North Dakota Native, Virgil Hill and his wife, Daneen, three-time Olympian

SECOND READING OF SENATE BILL

SB 2082: A BILL for an Act to amend and reenact section 50-24.5-01 of the North Dakota Century Code, relating to eligibility for basic care assistance; 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Hogue; Holmberg; Oehlke; Rust

SB 2082 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2062: A BILL for an Act to amend and reenact section 50-09-29 of the North Dakota Century Code, relating to the administration of temporary assistance for needy families.

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

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

ABSENT AND NOT VOTING: Hogue; Holmberg; Oehlke; Rust

SB 2062 passed.

SECOND READING OF SENATE BILL

SB 2068: A BILL for an Act to amend and reenact sections 11-18-02.2, 40-57.1-04.4, and subsection 4 of section 57-02-27.2 of the North Dakota Century Code, relating to providing statements of full consideration, the tax lien of record clearance requirement for new and expanding business income tax exemptions, and removal of obsolete language from provisions relating to valuation and assessment of agricultural lands; 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 PASS, the roll was called and there were 42 YEAS, 1 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Campbell

ABSENT AND NOT VOTING: Hogue; Holmberg; Oehlke; Rust

SB 2068 passed.

SECOND READING OF SENATE BILL

SB 2085: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 and section 43-25-08.1 of the North Dakota Century Code, relating to criminal history record checks for massage therapists; and to amend and reenact sections 43-25-05, 43-25-09, 43-25-10, 43-25-14, and 43-25-18 of the North Dakota Century Code, relating to massage therapist licensure.

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

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

ABSENT AND NOT VOTING: Hogue; Holmberg; Oehlke; Rust

SB 2085 passed.

SECOND READING OF SENATE BILL

SB 2137: A BILL for an Act to amend and reenact section 10-30.5-13 of the North Dakota Century Code, relating to the small business technology investment 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Hogue; Holmberg; Oehlke; Rust

SB 2137 passed.

MOTION

SEN. KLEIN MOVED that the absent members 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 1:00 p.m., Thursday, January 15, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2055: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2055 was placed on the Sixth order on the calendar.

Page 2, line 1, overstrike "transmission or distribution"

Page 2, line 2, overstrike "having a transmission or distribution line in the county" and insert immediately thereafter "subject to taxation under this chapter"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2080: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2080 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2092: Education Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2092 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 amend and reenact section 15.1-12-14 of the North Dakota Century Code, relating to school board authority following approval of a reorganization plan.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-12-14 of the North Dakota Century Code is amended and reenacted as follows:

15.1-12-14. School district reorganization - School boards - Assumption of duties - Approval of expenditures - Contracts.

1. Upon approval of a reorganization plan by the electors, in accordance with section 15.1-12-11, a school board for the reorganized district must be elected at the next regular school district election or at a special election called by the county superintendent of schools for that purpose. The first school board election in a newly reorganized district is governed by chapter 15.1-09.
2. Members of newly formed school boards representing reorganized districts may not enter upon the duties of office until the time specified in section 15.1-12-18, except as provided in sections 15.1-12-15 and 15.1-12-16. ~~Before the completion of a reorganization, the board of an existing district may not contract or obligate the district, except with the approval of the county committee or unless authorized by law.~~
3. Unless otherwise directed by law or by the reorganization plan, between the date on which the reorganization is approved and the date on which the reorganization becomes effective, the board of a school district participating in the reorganization must obtain written consent from the board of every other school district participating in the reorganization before it:
 - a. Enters into any new contract, whether oral or written, which financially obligates the district;
 - b. Renews any existing contract, whether oral or written, which financially obligates the district; or
 - c. Purchases any goods or services, whether in a single or in multiple transactions, if the total value of the goods or services exceeds three thousand dollars."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2123: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends

AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2123 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "electronic" with "electric"

Page 1, line 18, remove "one"

Page 1, line 19, replace "hundred seventy-five" with "fifty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2124: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2124 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2125: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2125 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2130: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2130 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2132: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2132 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2135: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2135 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Casper, Burckhard, Robinson and Reps. Beadle, Oversen, Silbernagel introduced:

SB 2214: A BILL for an Act to amend and reenact section 51-30-02 of the North Dakota Century Code, relating to security breach notification.

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

Sens. Casper, Nelson, Poolman and Reps. Delmore, Dockter, Karls introduced:

SB 2215: A BILL for an Act to amend and reenact sections 12-60-07.1, 12-60-16.1, 12-60-16.2, 12-60-16.6, and 12-60-16.9, subsection 1 of section 12-60-24, and subsection 7 of section 12.1-32-15 of the North Dakota Century Code, relating to criminal history record information and registration for offenders against children and sex offenders.

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

Sen. Carlisle introduced:

SB 2216: A BILL for an Act to provide an appropriation for junior achievement grants.

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

Sens. Unruh, Cook, Dotzenrod and Reps. Dockter, Nathe, Streyle introduced:

SB 2217: A BILL for an Act to create and enact section 57-15-30.2 of the North Dakota Century Code, relating to financial reporting requirements for taxing entities authorized to levy property taxes; to amend and reenact sections 2-06-14, 4-02-27, 4.1-47-14, 4.1-47-25, 11-11.1-04, 11-11.1-06, 11-28-06, 11-28-17, 11-28.3-09, 11-36-14, 11-37-13, 18-10-07, 23-18.2-12, 23-24-09, 23-30-07, 23-35-07, 40-38-02, 40-57.4-04, 50-06.2-05, 57-15-26.3, 57-15-30.2, 61-04.1-26, and 61-16.1-06 of the North Dakota Century Code, relating to the filing of a financial report with the county auditor showing the ending balances of each fund held by an unelected governing body seeking approval of a property tax levy; and to provide an effective date.

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

Sens. Axness, J. Lee, Mathern and Reps. Hawken, Holman, Sanford introduced:

SB 2218: A BILL for an Act to provide an appropriation to the department of human services for services for individuals with intellectual or developmental disabilities.

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

Sens. Poolman, Casper, Grabinger and Reps. Beadle, Hogan, K. Koppelman introduced:

SB 2219: A BILL for an Act to establish a statewide human trafficking commission.

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

Sens. Mathern, Sorvaag and Reps. Guggisberg, Steiner introduced:

SB 2220: A BILL for an Act to amend and reenact sections 54-17-40, 54-17-41, and 57-38-01.32 of the North Dakota Century Code, relating to the housing incentive fund; to provide a transfer; to provide an appropriation; and to declare an emergency.

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

Sens. Klein, Cook, Hogue, G. Lee and Reps. Dockter, Toman introduced:

SB 2221: A BILL for an Act to amend and reenact section 47-18-01, subsection 4 of section 47-18-04, section 47-18-14, and subsections 1 and 2 of section 57-02-08.1 of the North Dakota Century Code, relating to the homestead exemption, when the homestead is subject to exemption, exempt proceeds of sale, and the homestead tax credit; and to provide an effective date.

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

Sens. Flakoll, Schneider, Wardner and Reps. Beadle, Carlson, Nathe introduced:

SB 2222: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to open records requests submitted by members of the legislative assembly and the legislative council.

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

Sens. Sinner, Casper and Reps. P. Anderson, Oversen, Schneider, Wallman introduced:

SB 2223: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales and use tax exemption for clothing; to provide an appropriation; and to provide an effective date.

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

Sens. Sinner, Mathern, Poolman and Reps. Hawken, Meier, Strinden introduced:

SB 2224: A BILL for an Act to create and enact a new section to chapter 34-06, 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 an employer tax credit for wages paid for family medical leave; and to provide an effective date.

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

Sens. Campbell, Erbele, Larsen and Reps. Louser, Ruby, Toman introduced:

SB 2225: A BILL for an Act to create and enact a new section to chapter 26.1-04 of the North Dakota Century Code, relating to health care sharing ministries.

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

Sens. Schaible, Bekkedahl, Marcellais and Reps. D. Anderson, Froseth, D. Johnson introduced:

SB 2226: A BILL for an Act to amend and reenact sections 57-51.2-01 and 57-51.2-02 of the North Dakota Century Code, relating to authority of the governor to enter agreements relating to taxation and regulation of oil and gas exploration and production within the boundaries of the Fort Berthold Reservation, Standing Rock Sioux Tribe Reservation, or Turtle Mountain Band of Chippewa Indians Reservation.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

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

Jane Schaible, Secretary