

JOURNAL OF THE SENATE

Sixty-fourth Legislative Assembly

* * * * *

Bismarck, March 18, 2015

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

The prayer was offered by Senator Warner, District 4.

The roll was called and all members were present.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

HB 1431, as engrossed: SEN. DOTZENROD (Political Subdivisions Committee) MOVED that the amendments on SJ page 816 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Engrossed HB 1431 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1304, as engrossed: SEN. ARMSTRONG (Judiciary Committee) MOVED that the amendments on SJ pages 814-815 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1107, as engrossed: SEN. BEKKEDAH (Political Subdivisions Committee) MOVED that the amendments on SJ page 813 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1238: A BILL for an Act to amend and reenact sections 4.1-03-11 and 4.1-03-17 of the North Dakota Century Code, relating to an increase in the assessment on cattle; and to provide an expiration date.

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 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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Mathern; Rust

HB 1238, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1247: A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to early childhood services training on safe sleep practices for infants.

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: Anderson; 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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Wanzek; Wardner; Warner

NAYS: Armstrong; Larsen; Unruh

Engrossed HB 1247, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1134: A BILL for an Act to amend and reenact section 41-04.1-08 of the North Dakota Century Code, relating to funds transfers under the Uniform Commercial Code; 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 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

HB 1134 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1135: A BILL for an Act to create and enact sections 13-02.1-11, 13-02.1-12, and 13-02.1-13 of the North Dakota Century Code, relating to the Uniform Voidable Transactions Act; to amend and reenact sections 13-02.1-01, 13-02.1-02, 13-02.1-04, 13-02.1-05, 13-02.1-06, 13-02.1-07, 13-02.1-08, and 13-02.1-09 of the North Dakota Century Code, relating to renaming the Uniform Fraudulent Transfers Act the Uniform Voidable Transactions Act and making revisions; and to provide for application.

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

HB 1135 passed.

SECOND READING OF HOUSE BILL

HB 1182: A BILL for an Act to amend and reenact sections 11-11-26 and 11-11-27 of the North Dakota Century Code, relating to bidding requirements for public purchases; and to provide for a legislative management study.

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

Engrossed HB 1182 passed.

SECOND READING OF HOUSE BILL

HB 1169: A BILL for an Act to create and enact subdivision m to subsection 7 of section 11-18-02.2 and subsection 7 to section 11-18-03 of the North Dakota Century Code, relating to the exemption of transfers on death deeds from required statements of full consideration and recording of transfers on death deeds without regard to taxes.

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

Engrossed HB 1169 passed.

SECOND READING OF HOUSE BILL

HB 1281: A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to a blue alert notice system; 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 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 HB 1281 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1268: A BILL for an Act to provide for a legislative management study regarding taxation of state sovereign lands.

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 8 YEAS, 39 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axness; Erbele; Luick; Mathern; Sinner; Unruh; Wanzek; Warner

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

Engrossed HB 1268 failed.

SECOND READING OF HOUSE BILL

HB 1193: A BILL for an Act to amend and reenact section 21-06-07 of the North Dakota Century Code, relating to investments for political subdivisions.

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

Engrossed HB 1193 passed.

SECOND READING OF HOUSE BILL

HB 1277: A BILL for an Act to amend and reenact section 50-24.4-07 of the North Dakota Century Code, relating to the exclusion of sales tax revenue as an offset to costs in setting nursing home rates.

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

Engrossed HB 1277 passed.

SECOND READING OF HOUSE BILL

HB 1108: A BILL for an Act to amend and reenact sections 25-01-01.1, 25-01.2-01, 25-01.2-02, 25-01.2-03, 25-01.2-04, 25-01.2-08, 25-01.2-09, 25-01.2-11, 25-01.2-13, 25-01.2-14, 25-01.2-17, 25-04-01, 25-04-02, 25-04-03, 25-04-04, 25-04-05.1, 25-16-01, 25-16-02, 25-16-03, 25-16-03.1, 25-16-05, 25-16-06, 25-16-07, 25-16-08, 25-16-09, 25-16-12, 25-16-14, 25-16.1-01, 25-18-15, subsection 9 of section 43-12.1-04, sections 50-06-01.4, 50-06-06.3, 50-06-06.4, 50-10.1-01, and 57-38-01.16 of the North Dakota Century Code, relating to changing statutory references to "developmentally disabled persons" to "individual with a developmental disability" or "individuals with developmental disabilities".

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

HB 1108 passed.

SECOND READING OF HOUSE BILL

HB 1343: A BILL for an Act to amend and reenact sections 16.1-01-09.1 and 16.1-02-14, subsection 1 of section 16.1-07-30, and subsection 3 of section 44-08-21 of the North Dakota Century Code, relating to recall petitions, recall special elections, election notices, and jury lists; and to repeal sections 16.1-11-05 and 16.1-13-03 of the North Dakota Century Code, relating to notices by the secretary of state.

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

HB 1343 passed.

SECOND READING OF HOUSE BILL

HB 1109: A BILL for an Act to amend and reenact section 50-10.2-02 of the North Dakota Century Code, relating to health care facility residents' rights.

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

Engrossed HB 1109 passed.

SECOND READING OF HOUSE BILL

HB 1323: A BILL for an Act to amend and reenact sections 23-43-01, 23-43-02, 23-43-03, 23-43-04, 23-43-05, and 23-43-06 of the North Dakota Century Code, relating to the creation and implementation of a stroke system; and to provide for a 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 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 HB 1323 passed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3002: A concurrent resolution directing the Legislative Management to study issues related to restitution for criminal acts.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3002 was declared adopted on a voice vote.

MOTION

SEN. KLEIN MOVED that HB 1113 be returned to the Senate floor from the **Government and Veterans Affairs Committee** and be rereferred to the **Energy and Natural Resources Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, HB 1113 was rereferred.

MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 2:30 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Wrigley presiding.

MOTION

SEN. KLEIN MOVED that the Senate resolve itself into a Memorial Service, which motion prevailed.

SENATE MEMORIAL SERVICE**Memorial Service Committee**

Senator Robert Erbele, Chairman
Senator Carolyn Nelson
Senator Dave Oehlke
Senator Nicole Poolman

Moderator

Lieutenant Governor Drew Wrigley

Introduction of Guests

Lieutenant Governor Drew Wrigley

Invocation

Senator John Warner, Pastor of Saron Lutheran Church

Senate Chorus

"It is Well With My Soul"
Directed by Sen. Robert Erbele
Accompanied by Levi Andrist

First and Second Reading of Memorial Resolution

Jane Schaible, Secretary of the Senate

Presentation of Resolutions and Memorials

Senator Dick Dever, President Pro Tempore

Al Jaeger, Secretary of State

Jane Schaible, Secretary of the Senate

Senate Chorus

"Find Us Faithful"

Directed by Sen. Robert Erbele

Accompanied by Levi Andrist

Memorial Address

Dave E. Nething, Former Senator and Majority Leader From District 12

Senate Chorus Benediction Hymn

"The Lord Bless and Keep You"

Benediction

Senator John Warner

DECEASED MEMBERS**Ray David**

48th through the 52nd Legislative Assemblies, District 38

Died September 30, 2014

Joe Keller

50th through the 53rd Legislative Assemblies, District 33

Died October 23, 2013

Ed Kringstad

54th through the 57th Legislative Assemblies, District 49

58th and 59th Legislative Assemblies, District 35

Died May 4, 2013

Emil T. Nelson

34th and 35th Legislative Assemblies, District 42

38th and 39th Legislative Assemblies, District 42

Died January 13, 2014

Michael Polovitz

57th and 58th Legislative Assemblies, District 42

Died December 14, 2013

Claire A. Sandness

43rd through 46th Legislative Assemblies, District 28

Died August 3, 2014

Jay Schultz

43rd and 44th Legislative Assemblies, District 32

Died January 17, 2015

John O. Syverson

58th and 59th Legislative Assemblies, District 45

Died August 20, 2013

Malcolm S. Tweten

47th through the 50th Legislative Assemblies, District 20

Died September 14, 2013

FIRST READING OF SENATE MEMORIAL RESOLUTION

Memorial Resolutions Committee introduced:

SMR 8001: A memorial resolution for deceased members of the Senate of North Dakota.
Was read the first time.

MOTION

SEN. HOGUE MOVED that the rules be suspended, that SMR 8001 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Memorial Resolutions Committee introduced:

SENATE MEMORIAL RESOLUTION NO. 8001

A memorial resolution for deceased members of the Senate of North Dakota.

WHEREAS, God has welcomed to their eternal home our former colleagues:

Ray David, who served in the 48th through the 52nd Legislative Assemblies, from District 38, died September 30, 2014;

Joe Keller, who served in the 50th through the 53rd Legislative Assemblies, from District 33, died October 23, 2013;

Ed Kringstad, who served in the 54th through the 57th Legislative Assemblies, from District 49, and in the 58th and 59th Legislative Assemblies, from District 35, died May 4, 2013;

Emil T. Nelson, who served in the 34th and 35th Legislative Assemblies and in the 38th and 39th Legislative Assemblies, from District 24, died January 13, 2014;

Michael Polovitz, who served in the 57th and 58th Legislative Assemblies, from District 42, died December 14, 2013;

Claire A. Sandness, who served in the 43rd through the 46th Legislative Assemblies, from District 28, died August 3, 2014;

Jay Schultz, who served in the 43rd and 44th Legislative Assemblies, from District 32, died January 17, 2015;

John O. Syverson, who served in the 58th and 59th Legislative Assemblies, from District 45, died August 20, 2013;

Malcolm S. Tweten, who served in the 47th through the 50th Legislative Assemblies, from District 20, died September 14, 2013;

WHEREAS, we now pause to mourn the passing of our former Senate colleagues and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contributions to public service;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA:

That we express our sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the Journal of the Senate and that the Secretary of State present enrolled copies of this resolution to the surviving families of these deceased Senators.

SECOND READING OF SENATE MEMORIAL RESOLUTION

SMR 8001: A memorial resolution for deceased members of the Senate of North Dakota.

The question being on the final adoption of the resolution, which has been read.

SMR 8001 was declared adopted on a voice vote.

MOTION

SEN. KLEIN MOVED that the Memorial Address by Dave E. Nething, Former Majority Leader and Senator from District 12 and the Invocation by Senator John Warner, District 4 be printed in the Journal, which motion prevailed.

INVOCATION BY SENATOR JOHN WARNER, DISTRICT 4

Creator God, we gather on this special day to honor the memory of our friends and colleagues who have served their communities and this state as members of the North Dakota State Senate. While their service in this Chamber and their lives here on earth have ended, we give thanks to you for the blessing that each of them was for their family and to

those they served.

We, too, were privileged to have known them and we are grateful to you for their lives of faithful service. Thank you for their love of our great state, for their desire to give their very best. Thank you for their willingness to speak wisdom to power and comfort to the powerless. Make us, the ones they left behind, ever mindful of the high standards of justice and equity that they established in their time and help us to pass on that legacy to those who follow.

We are gathered today in the presence of their families. We are so very grateful to them for sharing their loved ones in this great enterprise that is the governance of North Dakota. Envelope all of us in the reassurance of your love as we gather in mourning for those who have departed. And grant a full measure of wisdom and honor to those who carry on the task. Amen

**MEMORIAL ADDRESS BY DAVE E. NETHING, FORMER MAJORITY LEADER AND
SENATOR DISTRICT 12**

Mr. President, members of the Senate, and honored guests family and friends who have come here today to honor the departed members of this Senate. I would like to thank the committee for giving me the opportunity to participate in the service today. It is certainly an honor for me to be here.

It is appropriate to take a few minutes from your busy schedule to honor the departed members of the Senate. They went through basically the same process we all have gone through in being elected and serving the people of the state. They had the same motivations of dedication, commitment and sacrifice, which moved us into serving the people of North Dakota.

Public Service= 4 areas

Issues:

Live within Income

Stewards of our resources

Jobs for everyone

Care for elderly and those with special needs

Accountable office holders

Strengthen families

Ethics:

Obey the law

Set priorities

Control criticism

Work hard

Campaign:

Develop your philosophy of government plan

Follow your personal conduct plan

Keep promises you make and advertise

Personal Relationships:

Keep confidential matters confidential

Conduct in public should reflect your personal view of conduct

How does one vote in dealing with these issues?

- Be able to like what you see when you look in a mirror

- Remember you are a member of the Board of Directors for all of North Directors
- You represent all of the citizens of your district and not just those you think voted for you.
- Remember you ran for election representing a political party's view of government philosophy.

All of these 9 men whose public service we honor today gave their very best in dealing with the issues confronting them during their time as Senators.

Ray David served 10 years, businessman in Western ND Joe Keller served 8 years, farmer in coal country in its early years.

Ed Kringstad served 12 years, Athletic Director and Instructor at Bismarck State College.

Emil Nelson served 8 years, farmer in Southeast North Dakota.

Michael Polovitz served 4 years, former Mayor of Grand Forks.

Claire Sandness served 8 years, farmer in Southeast North Dakota.

Jay Schultz served 4 years, rancher who lived in Bismarck.

John Syverson served 4 years, retired airline pilot, Fargo.

Malcolm Tweeten served 8 years, Red River Valley farmer.

I served with each one of them except Sen. Emil Nelson, from LaMoure County.

Each one of them was able to look themselves in the mirror and say to himself "I did my best today for the State I love".

So, family members and friends, I thank you for your support of your Senators as they served our state. It is not easy for the Senator serving nor the family being separated during the session and the countless interim activities which are necessary to attend. Perhaps you can find some comfort in the words which will be on my cemetery head stone which was given to me by a friend some time ago:

"Old Senators never die, they just lose their vote" Thank you for being here today.

MOTION

SEN. KLEIN MOVED that the Senate Memorial Service be dissolved, which motion prevailed.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1062, HB 1064, HB 1110, HB 1149, HB 1163, HB 1189, HB 1375, HB 1418.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1305.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2118, SB 2149, SB 2183, SB 2185, SB 2195, SB 2198, SB 2245, SB 2252, SB 2291, SB 2325.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2066, SB 2259, SB 2324.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2066

Page 1, line 1, replace "sections 43-28-02.1 and" with "section"

Page 1, line 3, remove "43-28-04,"

Page 3, remove lines 8 through 14

Page 3, line 19, remove the overstrike over "seven"

Page 3, line 19, remove "eight"

Page 3, line 21, remove "one registered dental assistant member."

Page 3, line 24, remove the overstrike over "and"

Page 3, line 24, remove the second the comma

Page 3, line 25, remove the overstrike over the second comma

Page 3, line 26, remove ", and two years later two new board members must be appointed, one of"

Page 3, line 27, remove "whom is a dentist and one of whom is a registered dental assistant"

Page 4, line 1, after the underscored comma insert "notwithstanding term limitations."

Page 4, remove lines 5 through 31

Page 5, remove lines 1 through 5

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2259

Page 1, line 2, after "drugs" insert "; and to provide for a notification by secretary of state"

Page 3, remove lines 22 through 30

Page 4, remove lines 1 and 2

Page 4, line 3, replace "4." with "3."

Page 4, after line 28, insert:

"SECTION 2. NOTIFICATION BY SECRETARY OF STATE. The secretary of state shall notify the federal food and drug administration and the North Dakota congressional delegation of this bill by sending a copy of this bill upon filing with the secretary of state."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2324

Page 2, line 4, overstrike "license number and"

Page 2, line 5, overstrike "license number and"

Page 2, line 15, overstrike "A licensed alcohol carrier may not ship alcoholic beverages received from an"

Page 2, line 16, overstrike "unlicensed direct shipper."

Page 2, line 19, remove "it will not ship additional alcoholic"

Page 2, remove lines 20 through 23

Page 2 line 24 replace "subsection 3" with "the direct shipper must obtain a direct shipper permit before tendering packages to the licensed alcohol carrier for delivery"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2052.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2052

Page 1, line 9, remove "and"

Page 1, line 9, after "application" insert "; and to declare an emergency"

Page 3, line 26, remove "may, for a first violation or occurrence, and"

Page 3, line 26, remove ", for a second or"

Page 3, line 27, remove "subsequent violation or occurrence."

Page 3, line 28, after "54-12" insert "for a period of not less than eight weeks"

Page 16, after line 25, insert:

"SECTION 14. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass, unchanged: SB 2146, SB 2251.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SCR 4001, SCR 4004.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)
MR. SPEAKER: The President has signed: SMR 8001.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HMR 7001.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 18, 2015: SB 2053, SB 2056, SB 2067, SB 2069, SB 2080, SB 2084, SB 2094, SB 2098, SB 2100, SB 2124, SB 2125, SB 2128, SB 2132, SB 2135, SB 2136, SB 2173, SB 2174, SB 2200, SB 2236, SB 2286.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on March 18, 2015: SMR 8001.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Thursday, March 19, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1060: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1060 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "57-38-57" insert ", and a new subsection to section 57-39.2-23"

Page 2, after line 12, insert:

"SECTION 3. A new subsection to section 57-39.2-23 of the North Dakota Century Code is created and enacted as follows:

9. The commissioner may provide the department of commerce information obtained through the administration of the sales tax under this chapter or the use tax under chapter 57-40.2. A request by the department of commerce for information must be in writing and must be limited to information necessary to evaluate the degree of success and compliance with statutory or contractual performance standards established for employers who received economic development assistance from this state. A request under this subsection does not require the commissioner to compile or create a record, including compiling or creating a record that does not exist from electronically stored information. Information received by the department of commerce under this subsection is not subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota and may not be disclosed by the department of commerce except in an aggregate format that does not allow the identification of a taxpayer and does not contain any information in the returns or reports filed by a taxpayer."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1098: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1098 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1101, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1101 was placed on the Sixth order on the calendar.

In addition to the amendments adopted by the Senate as printed on pages 761-764 of the Senate Journal, Engrossed House Bill No. 1101 is further amended as follows:

Page 5, after line 5, insert:

"SECTION 15. EMERGENCY. Section 13 of this Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1117: 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). HB 1117 was placed on the Sixth order on the calendar.

Page 1, line 3, replace the second "section" with "sections"

Page 1, line 3, replace the second comma with "and 57-39.4-31,"

Page 1, line 6, after the comma insert "the streamlined sales tax governing board and advisory council,"

Page 4, after line 3, insert:

"SECTION 3. AMENDMENT. Section 57-39.4-31 of the North Dakota Century Code is amended and reenacted as follows:

57-39.4-31. Membership of streamlined sales tax governing board and state and local advisory council.

- 1- ~~Two~~Three members of the house of representatives and two members of the senate, legislative assembly to be appointed by the chairman of the legislative management; and one member that is the tax commissioner or the tax commissioner's designee shall represent the ~~the~~ this state of North Dakota on the streamlined sales tax governing board.
- 2- One member of the house of representatives and one member of the senate, to be appointed by the chairman of the legislative management, shall represent the state of North Dakota on the streamlined sales tax state and local advisory council.
- 3- The tax commissioner shall designate a member of the tax commissioner's staff to accompany and advise the members appointed under this section with regard to multistate discussions to review or revise the agreement or to conduct such other business as comes before the board or council.

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1130: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1130 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1141: Judiciary Committee (Sen. Hogue, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1141 was placed on the Sixth order on the calendar.

Page 2, line 10, after "located" insert "unless the plaintiff and the defendant consent in writing to a proceeding in a different county"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1166: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1166 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1180: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1180 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1256, 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 1256 was placed on the Sixth order on the calendar.

Page 1, line 12, after "encephalopathy" insert "caused by infection"

Page 1, line 12, remove "aneurysm."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1264: Judiciary Committee (Sen. Hogue, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1264 was placed on the Sixth order on the calendar.

Page 1, line 2, after "officer" insert "and firefighter"

Page 1, line 7, after "officer" insert "or a firefighter"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1307, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1307 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1316: Education Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1316 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1363, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1363 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1426, as engrossed: Education Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1426 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1434, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1434 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1466, as engrossed: Education Committee (Sen. Flakoll, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1466 was placed on the Fourteenth order on the calendar.

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

Jane Schaible, Secretary

