

JOURNAL OF THE SENATE

Sixty-fourth Legislative Assembly

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Bismarck, January 8, 2015

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

The prayer was offered by Reverend Michael Evans, Executive Director of North Dakota Teen Challenge, Mandan.

The roll was called and all members were present.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Poolman, Chairman)** has carefully examined the Journal of the First and Second Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 37, after line 7, insert:

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

Jane Schaible, Secretary"

Page 45, after line 31, insert:

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

Jane Schaible, Secretary"

SEN. POOLMAN MOVED that the report be adopted, which motion prevailed.

MOTION

SEN. KLEIN MOVED that SB 2128 be returned to the Senate floor from the **Government and Veterans Affairs Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2128 was rereferred.

MOTION

SEN. KLEIN MOVED that SB 2087 be returned to the Senate floor from the **Education Committee** and be rereferred to the **Appropriations Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2087 was rereferred.

MOTION

SEN. KLEIN MOVED that SB 2066 be returned to the Senate floor from the **Industry, Business and Labor Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2066 was rereferred.

MOTION

SEN. KLEIN MOVED that SB 2104 be returned to the Senate floor from the **Judiciary Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2104 was rereferred.

SECOND READING OF SENATE BILL

SB 2071: A BILL for an Act to amend and reenact subsection 3 of section 53-06.2-08 of the North Dakota Century Code, relating to allowing North Dakota racing commission licensees to utilize letters of credit as security.

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 2071 passed.

SECOND READING OF SENATE BILL

SB 2115: A BILL for an Act to amend and reenact section 57-01-11, subsection 5 of section 57-39.2-12.1, and subsection 5 of section 57-40.2-07.1 of the North Dakota Century Code, relating to the assessment of taxes and compensation allowance to retailers for administrative expenses.

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 2115 passed.

SECOND READING OF SENATE BILL

SB 2069: A BILL for an Act to amend and reenact subsection 2 of section 57-38-59.4 of the North Dakota Century Code, relating to the tax base and rate of withholding for recipients of oil and gas royalty payments; 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 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 2069 passed.

MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 1:15 p.m., at which time we will meet in the House Chamber for a joint session, after which the Senate will stand adjourned until 12:00 p.m., Friday, January 9, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2024: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2024 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2061: Agriculture Committee (Sen. Miller, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2061 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2091: Education Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2091 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2101: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2101 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2117: Transportation Committee (Sen. Oehlke, Chairman) recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2117 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Klein, Burckhard, Campbell and Reps. Beadle, Keiser introduced:

SB 2141: A BILL for an Act to provide for a legislative management study of recorder fees. Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Mathern, Dever, Marcellais and Reps. Fehr, Wallman, Bellew introduced:

SB 2142: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to a purple heart recipient exemption from motor vehicle registration fees; and to amend and reenact section 39-04-10.10 of the North Dakota Century Code, relating to veterans' number plates. Was read the first time and referred to the **Transportation Committee**.

Sens. Oehlke, Erbele, Robinson and Reps. Froseth, Kreidt, Trottier introduced:

SB 2143: A BILL for an Act to amend and reenact subsection 5 of section 57-15-56 and section 57-39.2-26.2 of the North Dakota Century Code, relating to matching grants to counties for senior citizen services and programs; and to provide an effective date. Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Unruh, Cook, Dotzenrod and Reps. Belter, Headland, Kelsh introduced:

SB 2144: A BILL for an Act to create and enact six new subsections to section 11-11-14, subsection 4 of section 11-11.1-01, and section 18-10-07.1 of the North Dakota Century Code, relating to consolidation and revision of provisions governing property tax levy authority; to amend and reenact section 2-02-07, subsection 9 of section 2-06-01, section 2-06-07, subsection 8 of section 2-06-10, sections 2-06-14, 2-06-15, 4-02-26, 4-02-27.3, and 4-08-15, subsection 17 of section 4-22-26, sections 4-33-11, 4.1-47-14, 4.1-47-16, 4.1-47-25, 11-11-53, 11-11-65, 11-11.1-04, 11-28-06, 11-28.3-03, 11-28.3-09, 18-06-10, 18-10-07, 18-11-10, subsection 1 of section 21-03-06, subsections 3, 5, and 6 of section 21-03-07, sections 23-06-30, 23-18-01, 23-30-01, 23-30-07, 24-05-01, 24-05-02, 24-05-05, 24-05-16, 24-08-07, 32-12.1-08, 32-12.1-11, 40-05-09.2, 40-05-19, 40-05-20, 40-26-08, 40-28-05, 40-29-14, 40-31-08, and 40-37-03, subsections 1 and 3 of section 40-38-02, sections 40-38.1-02, 40-43-01, 40-45-01, 40-45-27, 40-46-02, 40-46-25, 40-46-26,

40-48-07, 40-49-22, 40-55-08, 40-55-09, 40-57.2-04, and 40-57.4-04, subsection 8 of section 40-58-07, subsection 2 of section 40-58-15, section 40-59-01, subsection 2 of section 40-60-02, subsection 3 of section 40-61-03.1, sections 40-61-10, 50-03-01, 50-03-06, 50-06.2-05, 57-15-01.1, 57-15-06, 57-15-06.4, 57-15-06.6, 57-15-06.7, 57-15-08, 57-15-10, 57-15-10.1, 57-15-12, 57-15-12.1, 57-15-12.3, 57-15-19.4, 57-15-19.5, 57-15-19.6, 57-15-20, 57-15-20.2, 57-15-22.2, 57-15-27.1, 57-15-28, 57-15-28.1, 57-15-30.1, 57-15-38, 57-15-42, 57-15-48, 57-15-50, 57-15-51, 57-15-51.1, 57-15-53, and 57-15-55, subsection 1 of section 57-15-56, sections 57-20-23 and 57-47-04, subsection 16 of section 58-03-07, and sections 58-17-02, 61-04.1-26, and 61-24-02 of the North Dakota Century Code, relating to consolidation and revision of provisions governing property tax levy authority of counties, cities, park districts, soil conservation districts, and various boards and commissions; to repeal sections 4-02-27, 4-02-27.1, 4-02-27.2, 4-02-35, 4-02-37, and 4-08-15.1, chapter 4-16, sections 11-11-18, 11-11-20, 11-11-21, 11-11-22, 11-11-23, 11-11-24, 11-11-25, 11-11-45, 11-11-46, 11-11-47, 11-11-59, 11-11-60, 11-11-61, 11-11.1-06, 11-28-12, 11-28-13, 11-28-14, 11-28-15, 11-28-16, 11-28-17, 11-28-18, 11-28-19, 11-28-20, 11-28-21, and 11-28-22, chapters 11-36 and 11-37, sections 18-06-11, 18-07-01, and 18-10-14, chapters 23-18, 23-18.1, and 23-18.2, sections 32-12.1-12, 32-12.1-14, 40-05-09.1, 40-43-02, 40-43-03, 40-43-04, 40-45-02, 40-57-19, and 40-57-19.1, chapters 49-17.2 and 52-09, sections 57-15-06.3, 57-15-06.5, 57-15-06.8, 57-15-06.9, 57-15-06.10, 57-15-12.2, 57-15-20.3, 57-15-20.4, 57-15-26.3, 57-15-26.5, 57-15-27.2, 57-15-36, 57-15-37.1, 57-15-43, 57-15-44, 57-15-54, 57-15-55.1, 57-15-57, 57-15-59, 57-15-60, and 57-15-62, chapter 57-17, section 58-02-30, and chapter 58-15 of the North Dakota Century Code, relating to consolidation, revision, and elimination of obsolete provisions relating to property tax levy authority of counties, cities, park districts, soil conservation districts, and various boards and commissions; to provide for a transition; and to provide an effective date.

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

Sens. Davison, Luick, Oban, Poolman and Reps. P. Anderson, Beadle introduced:

SB 2145: A BILL for an Act to amend and reenact subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to criminal history record checks.

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

Sens. Oehlke, Armstrong, Miller and Reps. Hofstad, D. Johnson, Pollert introduced:

SB 2146: A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to the resident and nonresident muskrat trapping season.

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

Sens. Rust, Burckhard, Warner and Reps. B. Anderson, Froseth, Onstad introduced:

SB 2147: A BILL for an Act to amend and reenact subdivision i of subsection 1 and subdivision h of subsection 3 of section 49-23-04 of the North Dakota Century Code, relating to the one-call excavation notice system.

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

Sens. Mathern, Bekkedahl, Holmberg and Reps. Strinden, Hawken, D. Anderson introduced:

SB 2148: A BILL for an Act to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to an enhanced operator's license; and to provide a penalty.

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

Sens. Burckhard, Poolman and Reps. Frantsvog, Ruby introduced:

SB 2149: A BILL for an Act to amend and reenact section 48-01.2-02, subsection 1 of section 48-01.2-04, and subdivision d of subsection 1 of section 48-01.2-20 of the North Dakota Century Code, relating to public improvement contracts.

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

Sens. Holmberg, Armstrong, Casper and Reps. Delmore, M. Johnson, Larson introduced:

SB 2150: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to student and student organization disciplinary proceedings at institutions under the control of the state board of higher education.

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

Sens. Flakoll, Heckaman, Poolman and Reps. Dosch, Nathe, Vigesaa introduced:

SB 2151: A BILL for an Act to create and enact three new sections to chapter 15.1-37 of the North Dakota Century Code, relating to early childhood education provider grants; to amend and reenact section 15.1-37-01 of the North Dakota Century Code, relating to early childhood education program approval; to provide an appropriation; and to provide an effective date.

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

Sens. Schaible, Luick, Rust and Reps. B. Koppelman, Meier, Rohr introduced:

SB 2152: A BILL for an Act to amend and reenact sections 15.1-09-33 and 15.1-15-09 of the North Dakota Century Code, relating to the suspension of school district personnel.

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

Sens. Schaible, Heckaman, Rust and Reps. B. Koppelman, Rohr introduced:

SB 2153: A BILL for an Act to amend and reenact section 15.1-07-25 of the North Dakota Century Code, relating to an open records exemption for school district records.

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

Sens. Armstrong, Casper, Hogue and Reps. Klemin, Maragos, Schatz introduced:

SB 2154: A BILL for an Act to amend and reenact subsection 5 of section 39-08-01 and section 39-08-01.4 of the North Dakota Century Code, relating to sentencing for driving while under the influence of alcohol or drugs.

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

Sen. Carlisle and Reps. Laning, Nathe introduced:

SB 2155: A BILL for an Act to amend and reenact section 26.1-25-04.2 of the North Dakota Century Code, relating to a motor vehicle accident surcharge.

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

Sens. Armstrong, Casper and Reps. Delmore, Larson, Maragos introduced:

SB 2156: A BILL for an Act to amend and reenact section 12.1-32-02.1 of the North Dakota Century Code, relating to mandatory sentences for armed offenders.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Holmberg and Rep. Delzer introduced:

SCR 4007: A concurrent resolution directing the Legislative Management to study the feasibility and desirability of implementing a Results First Initiative program evaluation process in North Dakota.

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

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

Jane Schaible, Secretary

