

## JOURNAL OF THE SENATE

## Sixty-fourth Legislative Assembly

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Bismarck, January 23, 2015

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

The prayer was offered by Pastor Paul Gibson, First Baptist Church, Bismarck.

The roll was called and all members were present except Senators Dotzenrod and O'Connell.

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**SB 2103: SEN. KREBSBACH (Appropriations 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 2143: SEN. OEHLKE (Finance and Taxation 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 2052: SEN. ARMSTRONG (Judiciary 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 2083: SEN. ANDERSON (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 2089, as amended: SEN. OBAN (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 2177 be placed at the top of the Eleventh order, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2177:** A BILL for an Act to provide for an appropriation to defray the expenses of the department of human services for the modification of the department's eligibility systems; to provide an exemption; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Dotzenrod; O'Connell

SB 2177 passed and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**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.

### 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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Dotzenrod; O'Connell

Engrossed SB 2214 passed.

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### SECOND READING OF SENATE BILL

**SB 2043:** A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance coverage for the services of licensed community paramedics, advanced emergency medical technicians, and emergency medical technicians.

### 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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Dotzenrod; O'Connell

Engrossed SB 2043 passed.

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### SECOND READING OF SENATE BILL

**SB 2100:** A BILL for an Act to amend sections 19-03.1-05, 19-03.1-09, and 19-03.1-11 of the North Dakota Century Code, relating to the scheduling of controlled substances; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

Warner

**ABSENT AND NOT VOTING:** Dotzenrod; O'Connell

Engrossed SB 2100 passed and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2063:** A BILL for an Act to amend and reenact section 27-20-45 of the North Dakota Century Code, relating to the department of human services receiving a copy of the termination of parental rights petition and summons.

**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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Dotzenrod; O'Connell

Engrossed SB 2063 passed.

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**SECOND READING OF SENATE BILL**

**SB 2131:** A BILL for an Act to create and enact chapter 26.1-10.2 of the North Dakota Century Code, relating to own risk and solvency assessments of insurers; and to provide a penalty.

**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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Dotzenrod; O'Connell

SB 2131 passed.

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**SECOND READING OF SENATE BILL**

**SB 2176:** A BILL for an Act to amend and reenact section 23-01-41 of the North Dakota Century Code, relating to the autism spectrum disorder database; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle;

Casper; Cook; Davison; Dever; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Dotzenrod; O'Connell

SB 2176 passed and the emergency clause was declared carried.

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## **SECOND READING OF SENATE BILL**

**SB 2028:** A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 27-20-34 of the North Dakota Century Code, relating to transfers from juvenile to adult court.

## **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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Dotzenrod; O'Connell

SB 2028 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 2104, SB 2205.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2184.

## **MOTION**

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

## **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, January 26, 2015, which motion prevailed.

## **REPORT OF STANDING COMMITTEE**

**SB 2057: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2057 was placed on the Eleventh order on the calendar.

## **REPORT OF STANDING COMMITTEE**

**SB 2088, as amended: Education Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2088, as amended, was placed on the Sixth order on the calendar.

Page 1, line 9, replace "7" with "8"

Page 1, line 13, replace "eleven" with "seven"

Page 1, line 19, after "who" insert "are residents of this state and who"

Page 2, line 4, replace "five" with "three"

Page 2, after line 15, insert:

**"SECTION 5.** A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

**Quorum.**

A majority of the appointed members of the committee constitutes a quorum for the purpose of conducting business.

Page 2, line 20, replace "one hundred thirty-five dollars per day" with "the amount per diem established for members of the legislative assembly in accordance with section 54-03-20."

Page 2, line 26, overstrike "a."

Page 2, after line 29, insert:

"2. The foundation may retain up to one percent of any moneys received under this section for administrative purposes."

Page 2, line 30, replace "b." with "3."

Page 3, remove lines 3 through 9

Page 3, line 15, after "members" insert ", until the administrative fees retained by the foundation in accordance with section 7 of this Act are sufficient to fund the operating costs"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2093: Energy and Natural Resources Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2093 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "for"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2120: Energy and Natural Resources Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2120 was placed on the Sixth order on the calendar.

Page 1, line 24, replace "subsections" with "obtaining siting authority under subdivision b of subsection"

Page 1, line 24, after the second "or" insert "subdivision c of subsection"

Page 1, line 24, replace "42-22-16.3" with "49-22-16.3"

Page 2, line 3, overstrike "this subsection shall" and insert immediately thereafter "subdivision a, b, or c may"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2139: Transportation Committee (Sen. Oehlke, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2139 was placed on the Sixth order on the calendar.

Page 1, line 4, after the third comma insert "and"

Page 1, line 5, after the semicolon insert "to provide a penalty;"

Page 4, line 2, remove the overstrike over "five"

Page 4, line 2, remove "sixty"

Page 4, line 10, remove the overstrike over "~~For each snowmobile registered under the provisions of this chapter,~~"

Page 4, remove the overstrike over line 11

Page 5, line 31, remove the overstrike over "fifteen"

Page 5, line 31, remove "twenty"

Page 11, line 3, remove the overstrike over "not"

Page 13, line 20, overstrike "snowmobile,"

Page 13, line 23, replace "**EXPIRATION**" with "**EFFECTIVE**"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2146: Energy and Natural Resources Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2146 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "and the resident season"

Page 1, line 10, remove "for using traps to take muskrats must end on May tenth"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2159: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2159 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2172: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2172 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2195: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2195 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4007: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4007 was placed on the Eleventh order on the calendar.

**FIRST READING OF SENATE BILLS**

Sens. Schneider, Oban, Oehlke and Reps. Klemin, Larson, Maragos introduced:

**SB 2332:** A BILL for an Act to create and enact section 12.1-29-07 of the North Dakota Century Code, relating to a mandated offender education program; to amend and reenact section 12.1-29-06 and subdivision e of subsection 1 of section 12.1-32-15 of the North Dakota Century Code, relating to hiring an individual to engage in sexual activity and sex offender registration; and to provide a penalty.

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

Sens. Oban, Armstrong, Casper, Klein and Reps. Beadle, J. Nelson introduced:

**SB 2333:** A BILL for an Act to amend and reenact section 5-02-06 of the North Dakota Century Code, relating to individuals under twenty-one years of age allowed in alcoholic beverage establishments.

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

Sens. J. Lee, Anderson and Reps. Delmore, Hofstad, Weisz introduced:

**SB 2334:** A BILL for an Act to create and enact sections 25-17-02.1 and 25-17-07 of the North Dakota Century Code, relating to the state's newborn screening program; to amend and reenact sections 23-01-03.1, 25-17-00.1, 25-17-01, 25-17-03, 25-17-05, and 25-17-06 of the North Dakota Century Code, relating to the state's newborn screening program; and to repeal section 25-17-04 of the North Dakota Century Code, relating to the state's newborn screening program.

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

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

**Jane Schaible, Secretary**

