

JOURNAL OF THE SENATE

Sixty-fourth Legislative Assembly

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Bismarck, March 6, 2015

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

The prayer was offered by Senator Warner, District 4.

The roll was called and all members were present except Senators Campbell and Davison.

A quorum was declared by the President.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Mike Every

CONSIDERATION OF AMENDMENTS

HB 1353, as engrossed: SEN. ANDERSON (Human Services Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4023: A concurrent resolution directing the Legislative Management to study options for protecting farmers who prepay for chemicals, feed, fertilizer, seed, and similar agricultural supplies.

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

SCR 4023 was declared adopted on a voice vote.

SECOND READING OF HOUSE BILL

HB 1104: A BILL for an Act to amend and reenact sections 37-01-43, 37-04-16, 37-07.2-01, subsection 6 of 37-28-02, and section 37-28-03 of the North Dakota Century Code, relating to the operation of the North Dakota national guard; 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; Carlisle; Casper; Cook; 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: Campbell; Davison

HB 1104 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1105: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to criminal history record checks for the office of the adjutant general; 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; Carlisle; Casper; Cook; 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: Campbell; Davison

HB 1105 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1156: 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 option to use deer lottery license refunds for the private land open to sportsmen 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, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Burckhard; Carlisle; Casper; Cook; 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; Unruh; Wanzek; Wardner; Warner

NAYS: Bowman; Larsen

ABSENT AND NOT VOTING: Campbell; Davison

HB 1156 passed.

SECOND READING OF HOUSE BILL

HB 1208: A BILL for an Act to create and enact a new section to chapter 37-01 of the North Dakota Century Code, relating to honoring certain members of the national guard, the armed forces reserve of the United States, and the active duty forces of the United States as veterans.

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; Carlisle; Casper; Cook; 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: Campbell; Davison

Engrossed HB 1208 passed.

SECOND READING OF HOUSE BILL

HB 1026: A BILL for an Act to create and enact chapter 4.1-17 of the North Dakota Century Code, relating to ginseng; and to repeal chapter 4-39 of the North Dakota Century Code, relating to ginseng.

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; Carlisle; Casper; Cook; 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: Campbell; Davison

HB 1026 passed.

MOTION

SEN. KLEIN MOVED that HB 1131 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1028: A BILL for an Act to require that the legislative management continue its study of laws relating to agriculture.

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; Carlisle; Casper; Cook; 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: Campbell; Davison

HB 1028 passed.

THE SENATE RECOGNIZED THE PRESENCE OF:

Bismarck City Commissioner Nancy Guy

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1036, HB 1037, HB 1074, HB 1121, HB 1129, HB 1212, HB 1346.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1045, HB 1168, HB 1220, HB 1335, HB 1385.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1127.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, unchanged: SB 2060, SB 2081.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2082.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2065, SB 2121.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2065

Page 2, line 2, after "if" insert ":

"a."

Page 2, line 2, replace the first "the" with "The"

Page 2, line 3, replace the underscored comma with ":

"b."

Page 2, line 3, replace "access" with "Access"

Page 2, line 5, replace the underscored comma with an underscored semicolon

Page 2, line 5, replace "if" with:

"c."

Page 2, line 5, replace "a" with "A"

Re-number accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2121

Page 2, line 1, remove ". a pharmacist."

Re-number accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass, unchanged: SB 2068.

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, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, March 9, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1027: Agriculture Committee (Sen. Miller, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1027 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1125: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1125 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1174: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1174 was placed on the

Sixth order on the calendar.

Page 1, line 7, overstrike "of one"

Page 1, line 8, overstrike "hundred"

Page 1, line 8, remove "fifty"

Page 1, line 8, overstrike "dollars per day" and insert immediately thereafter "set for a member of the legislative assembly under subsection 1 of section 54-03-20"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1192: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1192 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1239: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1239 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1330: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1330 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1337: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1337 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1470: Transportation Committee (Sen. Oehlke, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1470 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3036: Transportation Committee (Sen. Oehlke, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3036 was placed on the Fourteenth order on the calendar.

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

Jane Schaible, Secretary

