

JOURNAL OF THE SENATE

Sixty-fourth Legislative Assembly

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Bismarck, January 15, 2015

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

The prayer was offered by Chaplain Colleen Ressler, St. Vincent's Care Center, Bismarck.

The roll was called and all members were present except Senators Holmberg and Nelson.

A quorum was declared by the President.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Wardner, Chairman)** respectfully submits the following names for your **Select Committee** to approve nominee Wade Mann to the Office of Administrative Hearings: Sens. Oehlke, Laffen, Casper, Triplett, and Axness..

SEN. KLEIN MOVED that the report be adopted, which motion prevailed on a voice vote.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Wardner, Chairman)** respectfully submits the following names for your **Select Committee** to approve nominee James Wang to the North Dakota Gaming Commission: Sens. Laffen, Casper, Marcellais, and Mathern..

SEN. KLEIN MOVED that the report be adopted, which motion prevailed on a voice vote.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Wardner, Chairman)** respectfully submits the following names for your **Select Committee** to approve nominee Robert Entringer as the Commissioner of Department of Financial Institutions: Sens. Krebsbach, Campbell, Bekkedahl, Sinner, and Dotzenrod..

SEN. KLEIN MOVED that the report be adopted, which motion prevailed on a voice vote.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Wardner, Chairman)** respectfully submits the following names for your **Select Committee** to approve nominee Karen Tyler as the North Dakota Security Commissioner: Sens. Krebsbach, Campbell, Bekkedahl, Sinner, and Oban..

SEN. KLEIN MOVED that the report be adopted, which motion prevailed on a voice vote.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Wardner, Chairman)** respectfully submits the following names for your **Select Committee** to approve nominee Kevin Melicher to the North Dakota State Board of Higher Education: Sens. Klein, Schaible, Armstrong, Triplett, and Warner..

SEN. KLEIN MOVED that the report be adopted, which motion prevailed on a voice vote.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Wardner, Chairman)** recommends the appointment of Sens. Erbele, Oehlke, Poolman, and Nelson to the **Senate Memorial Committee**.

SEN. KLEIN MOVED that the report be adopted, which motion prevailed on a voice vote.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Employment (Sen. Dever, Chairman)** recommends the following Senate employees for the Sixty-fourth Legislative Assembly..

2015 SENATE EMPLOYEES

	<u>Secretary of the Senate</u>	
Jane Schaible		Bismarck
	<u>Assistant Secretary of the Senate</u>	
Rachel Haidle		Bismarck
	<u>Journal Reporter</u>	
Shanda Morgan		Bismarck
	<u>Calendar Clerk</u>	
Joe Wolf		Bismarck
	<u>Bill Clerk</u>	
Audrey Grafsgaard		Bismarck
	<u>Recording Clerk</u>	
Muddi Kpohraror		Fargo
	<u>Sergeant-at-Arms</u>	
Jack Eiseman		Bismarck
	<u>Deputy Sergeant-at-Arms</u>	
Clause Lembke		Bismarck
	<u>Assistant Sergeants-at-Arms</u>	
Jason Stenehjem		Bismarck
Mike Nagel		Wyndmere
	<u>Administrative Assistant to the Majority Leader</u>	
Renaee Doan		McKenzie
	<u>Staff Assistant to the Majority Leader</u>	
Lacey Anderson		Bismarck
	<u>Administrative Assistant to the Minority Leader</u>	
Kathy Wachter		Bismarck
	<u>Staff Assistant to the Minority Leader</u>	
Tom Bryant		Fargo
Allison Kelly		Bismarck
	<u>Communications Director (both houses)</u>	
Allison Kelly		Bismarck
	<u>Chief Committee Clerk</u>	
Pauline Ziegler		Bismarck
	<u>Assistant Committee Clerk</u>	
Mary Monson		Osnabrock
	<u>Appropriations Committee Clerk</u>	
Alice Delzer		Mandan
	<u>Assistant Appropriations Committee Clerk</u>	
Rose Laning		Bismarck
	<u>Committee Clerks</u>	
Donald Mueller		Bismarck
Carie Winings		Bismarck
Doris Perez		Bismarck
Alice Grove		Bismarck
Meghan Pegel		Fargo
Emmery Grotberg		Wimbledon
Mary Jo Wocken		Bismarck
Dawn Penrose		Bismarck
Katie Oliver		Bismarck
Eva Liebelt		Bismarck
	<u>Chief Page and Bill Book Clerk</u>	
Linda Lang		Mandan
	<u>Pages and Bill Book Clerks</u>	
Brenna Holzer		Bismarck
Shane Gerbert		Grand Forks
Wendy Allan		Bismarck

	<u>Supply Room Coordinator</u>	
Julie McBride		Bismarck
	<u>Information Kiosk</u>	
Marsha Lembke		Bismarck
	<u>Parking Lot Attendant</u>	
Ron Feist		Bismarck

SEN. KLEIN MOVED that the report be adopted, which motion prevailed on a voice vote.

OATH OF OFFICE

PRESIDENT WRIGLEY ADMINISTERED the Oath of Office to the 2015 Senate employees.

MOTION

SEN. KLEIN MOVED that SB 2092, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2055: SEN. UNRUH (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 2123: SEN. MURPHY (Industry, Business and Labor 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 2109: A BILL for an Act to amend and reenact sections 2-05-11 and 2-05-11.3 of the North Dakota Century Code, relating to aircraft registration; and to repeal sections 2-05-11.1 and 2-05-11.2 of the North Dakota Century Code, relating to the registration of older aircraft and related definitions.

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

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

NAYS: Larsen; O'Connell

ABSENT AND NOT VOTING: Holmberg; Nelson

Engrossed SB 2109 passed.

SECOND READING OF SENATE BILL

SB 2124: A BILL for an Act to amend and reenact subsection 4 of section 49-03-06 of the North Dakota Century Code, relating to the issuance of a notice for an electric service area agreement.

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; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust;

Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Holmberg; Nelson

SB 2124 passed.

SECOND READING OF SENATE BILL

SB 2064: A BILL for an Act to amend and reenact subsection 15 of section 27-20-02, sections 27-20-30.1 and 27-20-38 of the North Dakota Century Code, relating to the definition of permanency hearing, a foster care agreement with an agency or tribal council of a recognized Indian reservation in North Dakota, and the rights and duties of legal custodian.

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; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Holmberg; Nelson

Engrossed SB 2064 passed.

MOTION

SEN. KLEIN MOVED that SB 2130 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2125: A BILL for an Act to amend and reenact section 64-02-14 of the North Dakota Century Code, relating to public service commission action for weighing or measuring devices that do not meet design or tolerance standards.

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 31 YEAS, 14 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Axness; Bekkedahl; Bowman; Burckhard; Campbell; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Kilzer; Krebsbach; Lee, J.; Marcellais; Mathern; Miller; Murphy; Oban; Oehlke; Poolman; Robinson; Rust; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Warner

NAYS: Anderson; Armstrong; Carlisle; Casper; Cook; Hogue; Klein; Laffen; Larsen; Lee, G.; Luick; O'Connell; Schaible; Wardner

ABSENT AND NOT VOTING: Holmberg; Nelson

SB 2125 passed.

SECOND READING OF SENATE BILL

SB 2080: A BILL for an Act to amend and reenact subsection 24 of section 50-11.1-02, subsections 2 and 3 of section 50-11.1-03, subsection 1 of section 50-11.1-04, subsection 9 of section 50-11.1-06.2, sections 50-11.1-13.1 and 50-11.1-17, and subsections 1, 3, and 4 of section 50-11.1-18 of the North Dakota Century Code,

relating to the definition of self-declaration, early childhood services license requirements, prerequisites for issuance of a license or self-declaration, background investigations, penalty for provision of services, and the early childhood services inclusion support services and grant 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Holmberg; Nelson

SB 2080 passed.

SECOND READING OF SENATE BILL

SB 2132: A BILL for an Act to amend and reenact subsection 1 of section 23-37-17 and section 26.1-21-02 of the North Dakota Century Code, relating to petroleum tank registration fees and bonding fund investment income.

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; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Holmberg; Nelson

SB 2132 passed.

SECOND READING OF SENATE BILL

SB 2135: A BILL for an Act to amend and reenact subsection 1 of section 49-05-06 of the North Dakota Century Code, relating to suspension period for tariff filings.

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; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Holmberg; Nelson

SB 2135 passed.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1087.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HCR 3011.

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 12:30 p.m., Friday, January 16, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2108: Education Committee (Sen. Flakoll, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2108 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2111: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2111 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2119: Agriculture Committee (Sen. Miller, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2119 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2140: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2140 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2145: Education Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2145 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Klein, Carlisle, Wardner and Reps. Lefor, Mock, Pollert introduced:

SB 2227: A BILL for an Act to provide an appropriation to the office of management and budget for community service supervision grants; and to provide legislative intent. Was read the first time and referred to the **Appropriations Committee**.

Sens. Miller, Luick, Oehlke and Reps. Larson, Schreiber Beck, Trottier introduced:

SB 2228: A BILL for an Act to create and enact a new section to chapter 4-12.1 of the North Dakota Century Code or in the alternative to create and enact section 4.1-16-08.1 of the North Dakota Century Code, relating to the required movement or confinement of bees if pesticide is being applied in the area; and to provide for the applicability of a penalty.

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

FIRST READING OF HOUSE BILL

HB 1087: A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to the demonstration of proficiency in civics as a condition of high school graduation.

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

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

Jane Schaible, Secretary

