

JOURNAL OF THE SENATE

Sixty-fourth Legislative Assembly

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Bismarck, March 4, 2015

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

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church, Bismarck.

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

A quorum was declared by the President.

POINT OF PERSONAL PRIVILEGE

SEN. BURCKHARD rose on a point of personal privilege.

REMARKS OF SENATOR BURCKHARD

MR. PRESIDENT: This past weekend was a good one for the Magic City. Minot High School won two state championships. The Minot Majettes gymnastics team won their fifth team championship in seven years, while the boys hockey team won only their second championship in the last 23 years. Both victories were well deserved and SWEET!

The Lady gymnasts were both poised and powerful, while the boys hockey team out worked three top contenders. In the championship game they were outshot by the powerful "Goliath" 38-17, but the winners from "Magic Town" put the "bisket in the basket" twice as many times as their worthy opponent.

Mr. President, sportsmanship is a powerful character builder and high school competition is the beginning of many life-long friendships.

So CHEERS to all the student athletes in North Dakota, and a tip of the top hat to the Mighty Magicians!

REQUEST

SEN. KLEIN REQUESTED that the remarks of Sen. Burckhard be printed in the Journal, which request was granted.

MOTION

SEN. KLEIN MOVED that HB 1136 and HB 1237 be returned to the Senate floor from the **Industry, Business and Labor Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, HB 1136 and HB 1237 were rereferred.

SECOND READING OF HOUSE BILL

HB 1385: A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to voice over internet protocol service and internet protocol-enabled service; and to amend and reenact section 49-21-01 of the North Dakota Century Code, relating to definitions.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner;

Warner

ABSENT AND NOT VOTING: Nelson

HB 1385 passed.

SECOND READING OF HOUSE BILL

HB 1168: A BILL for an Act 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1168 passed.

SECOND READING OF HOUSE BILL

HB 1335: A BILL for an Act to create and enact sections 10-15-53.1, 10-15-53.2, 10-15-53.3, 10-19.1-146.1, 10-33-141.3, and 45-10.2-108.1 of the North Dakota Century Code, relating to the annual report of a cooperative, involuntary dissolution of a cooperative or revocation of certificate of authority of a foreign cooperative, the reinstatement of a cooperative or foreign cooperative following involuntary dissolution or revocation of certificate of authority, amendment of articles by a nonprofit corporation, involuntary dissolution of a nonprofit corporation or revocation of certificate of authority of a foreign nonprofit corporation, and involuntary dissolution of a limited partnership or revocation of certificate of authority for a foreign limited partnership; to amend and reenact section 10-01.1-11, subsections 9 and 10 of section 10-06.1-17, subsection 5 of section 10-15-08.1, subsection 2 of section 10-15-52.7, sections 10-15-53, 10-15-54, and 10-19.1-17, subsection 4 of section 10-19.1-148, section 10-33-14, subsection 4 of section 10-33-141, subsection 7 of section 10-34-04, subsection 7 of section 45-10.2-24, subsection 1 of section 45-10.2-25, section 45-11-05.1, subsection 4 of section 45-22-03, section 45-22-16, subsection 15 of section 45-23-08 of the North Dakota Century Code, relating to the resignation of registered agent, contents of an annual report of a farm corporation or limited liability company, a cooperative filing documents with the secretary of state, fees paid by cooperatives, amendment of articles by a business corporation, amendment of articles by a nonprofit corporation, real estate investment trusts, an address change of a limited partnership, the signature requirements on documents filed with the secretary of state by a limited partnership, the fictitious name certificate, an address change of a limited liability partnership, revocation of the registration of a limited liability partnership or foreign limited liability partnership, and the fee to file the registration of a foreign limited liability limited partnership; and to repeal sections 10-15-36, 10-19.1-141, 10-33-134, and 45-10.2-87 of the North Dakota Century Code, relating to the annual report of a cooperative, revocation of the certificate of authority of a foreign corporation, revocation of the certificate of authority of a foreign nonprofit corporation, and revocation of the certificate of authority of a foreign limited partnership.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1335 passed.

SECOND READING OF HOUSE BILL

HB 1220: A BILL for an Act to create and enact section 47-34-02.1 of the North Dakota Century Code, relating to the acceptance of funds by closing agents in real estate transactions.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1220 passed.

SECOND READING OF HOUSE BILL

HB 1045: A BILL for an Act to create and enact a new section to chapter 15-18.1 and a new section to chapter 15-20.4 of the North Dakota Century Code, relating to postsecondary educational institution and postsecondary career school course and program compliance with professional registration and certification requirements; and to amend and reenact sections 15-18.1-05 and 15-20.4-04 of the North Dakota Century Code, relating to minimum standards to operate postsecondary education institutions and postsecondary career schools.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1045 passed.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)
MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on:

SB 2017, SB 2035, SB 2151, SB 2321.

MOTION

SEN. KLEIN MOVED that the absent member 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., Thursday, March 5, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1036: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1036 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1037: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1037 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1074, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1074 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1121: Transportation Committee (Sen. Oehlke, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1121 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1127: Education Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1127 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1129, as engrossed: Education Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1129 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1212, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1212 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1346, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1346 was placed on the Fourteenth order on the calendar.

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

Jane Schaible, Secretary