

JOURNAL OF THE SENATE**Sixty-fourth Legislative Assembly**

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Bismarck, March 9, 2015

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

The prayer was offered by Senator Terry Wanzek, District 29.

The roll was called and all members were present.

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: The topic of this floor speech: "Blood, Sweat & Tears and the Pursuit of Perfection"

Mr. President, the Lady Lions of Bishop Ryan, from Magic Town, won their third consecutive basketball championship this past weekend. To three-peat is one thing, but to win 83 games in a row against class B opponents takes a lot of blood, sweat and tears. Their last loss was a buzzer-beater in the first round of of the state tournament March 2012.

The Ryan Lions were poised under pressure and precise when it came to knowing their opponents and what it takes to win. As a State Senator from Minot and an alumnus of Bishop Ryan high school, I am as proud as I can be.

Mr. President, basketball is like family and fairy tales. In this case, there is Burly papa bear, "coach of the year" momma bear and MVP, Hannah, the baby bear.

Senate colleague's, basketball is a team sport and in many ways, so is life and legislation. Each player has a roll to play for the team to succeed, and in this case "March Madness came in like a lamb and out like a Ryan Lion".

So, hip-hip hooray and cheers to the Lady Lions from Magic Town!

REQUEST

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

POINT OF PERSONAL PRIVILEGE

SEN. KREBSBACH rose on a point of personal privilege.

REMARKS OF SENATOR KREBSBACH

MR. PRESIDENT: We from Minot are all proud of the Bishop Ryan Girls Basketball Team and their success this past weekend in achieving a rare goal, a three peat winning of the state basketball championship.

Bishop Ryan High School is located in District 40, my home district. The senior class went 107-3 wins during the past four seasons, and 11 straight victories in state tournament play. Their only loss in the last three years was to Class A Fargo Shanley in an exhibition game this past December. Not only does Bishop Ryan High School have great athletes but also great academic students, as the four Seniors on the team have a 3.99 grade point average.

Congratulations to the Bishop Ryan Girls Basketball Team, their coach Julie Stewart and the entire school.

REQUEST

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

POINT OF PERSONAL PRIVILEGE

SEN. POOLMAN rose on a point of personal privilege.

REMARKS OF SENATOR POOLMAN

MR. PRESIDENT: I want to take a moment to congratulate the Bismarck Century Patriot Swimming and Diving Team on their third straight state championship.

The Bismarck Tribune reported that the Patriots "saved their best for last," setting a new state record in the final event of the day, the 400-yard freestyle relay. Logan Stucki, Sam Artz, Taylor Hedge, and Loren Sether combined to beat the prior state record by four-tenths of a second. Sether also set two new state individual records and picked up titles in both events, helping the Patriots earn 401 points to Minot's 333.

Congratulations to Coach Dennis Kemmesat and the entire Patriot team on earning the 2015 State Championship Title!

REQUEST

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

MOTION

SEN. KLEIN MOVED that they temporarily amend Senate Rule 509, replacing "forty-second legislative day" with "forty-fourth legislative day", which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1174: SEN. GRABINGER (Political Subdivisions Committee) MOVED that the amendments on SJ page 724 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1131: A BILL for an Act to amend and reenact section 37-19.1-02 of the North Dakota Century Code, relating to the employment preference for veterans.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 26 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Carlisle; Casper; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Klein; Larsen; Marcellais; Miller; O'Connell; Oban; Robinson; Schneider; Sinner; Triplett; Wanzek; Wardner; Warner

NAYS: Anderson; Campbell; Cook; Davison; Flakoll; Holmberg; Kilzer; Krebsbach; Laffen; Lee, G.; Lee, J.; Luick; Mathern; Murphy; Nelson; Oehlke; Poolman; Rust; Schaible; Sorvaag; Unruh

HB 1131 passed.

SECOND READING OF HOUSE BILL

HB 1125: 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 parks and recreation department volunteers and final applicants.

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

HB 1125 passed.

SECOND READING OF HOUSE BILL

HB 1353: A BILL for an Act to amend and reenact section 50-24.4-07 of the North Dakota Century Code, relating to nonallowable costs in determining nursing home rates.

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 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

Engrossed HB 1353, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1470: A BILL for an Act to amend and reenact section 15.1-07-20 of the North Dakota Century Code, relating to physicals for school vehicle drivers.

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

HB 1470 passed.

SECOND READING OF HOUSE BILL

HB 1330: A BILL for an Act to amend and reenact section 50 of chapter 257 of the 2013 Session Laws, relating to the contingent effective date for implementation of the electronic filing system.

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 42 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Murphy; Nelson; Oban; Oehlke; Poolman; Robinson; Rust;

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

NAYS: Casper; Miller; O'Connell; Sinner; Warner

HB 1330 passed.

SECOND READING OF HOUSE BILL

HB 1192: A BILL for an Act to amend and reenact section 47-16-07.1 of the North Dakota Century Code, relating to security deposits that may be required for lessees with pets.

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

HB 1192 passed.

SECOND READING OF HOUSE BILL

HB 1239: A BILL for an Act to amend and reenact sections 4-22-17, 12.1-14-02, 16.1-07-10, 16.1-10-06.1, subsection 2 of section 16.1-11-11, and sections 16.1-11.1-05, 16.1-12-02.2, 16.1-13-23, 16.1-13-32, 61-24-03.1, and 61-24.5-07 of the North Dakota Century Code, relating to election administration.

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

HB 1239 passed.

SECOND READING OF HOUSE BILL

HB 1337: A BILL for an Act to amend and reenact subsection 2 of section 44-04-18, subsection 1 of section 44-04-18.3, section 44-04-18.20, and subsection 7 of section 44-04-19.1 of the North Dakota Century Code, relating to the regulation and enforcement of the open record and meeting laws.

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

HB 1337 passed.

SECOND READING OF HOUSE BILL

HB 1027: A BILL for an Act to create and enact chapter 4.1-26 of the North Dakota Century Code, relating to the milk marketing board; to amend and reenact section 54-07-01.2 of the North Dakota Century Code, relating to boards and commissions; and to repeal chapter 4-18.1 of the North Dakota Century Code, relating to the milk marketing board.

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

HB 1027 passed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3036: A concurrent resolution directing the Legislative Management to study issues related to authorizing and issuing digital driver's licenses.

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

HCR 3036 was declared adopted on a voice vote.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SCR 4023.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1026, HB 1028, HB 1156, HB 1208.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1104, HB 1105.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed, unchanged: SB 2024, SB 2028, SB 2036, SB 2062, SB 2071, SB 2112, SB 2115, SB 2117, SB 2152, SB 2229.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed, unchanged: SB 2047, SB 2063, SB 2064, SB 2089.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2137, SB 2165.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2060, SB 2081, SB 2082.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2060, SB 2081, SB 2082.

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., Tuesday, March 10, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1061: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1061 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1091: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1091 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1103, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1103 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1120: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1120 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1159, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1159 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1161, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1161 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1381: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1381 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1393: Education Committee (Sen. Flakoll, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1393 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HCR 3001: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3001 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3008: 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). HCR 3008 was placed on the Sixth order on the calendar.

Page 1, line 23, replace "copies" with "a copy"

Page 1, line 24, replace "the North Dakota Congressional Delegation" with "Congress"

Renumber accordingly

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

Jane Schaible, Secretary

