

## JOURNAL OF THE SENATE

## Sixty-fifth Legislative Assembly

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Bismarck, March 1, 2017

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

The prayer was offered by Pastor Sam Coleman, Charity Lutheran Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

**MR. PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Davison, Chairman)** has carefully examined the Journal of the Thirty-fourth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 593, after line 18 insert:

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1293 and HB 1304."

Page 593, after line 22 insert:

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

**MR. PRESIDENT:** The Speaker has signed: HB 1293, HB 1304."

**SEN. DAVISON MOVED** that the report be adopted, which motion prevailed.

## POINT OF PERSONAL PRIVILEGE

**SEN. LAFFEN** rose on a point of personal privilege.

## REMARKS OF SENATOR LAFFEN

**MR. PRESIDENT:** I'd like to go back in time to Wednesday, March 4th, 2015. On that day, the good Senator from District 5 of Minot, in that very desk in front of him, gave a "rousing" 4th order floor speech, as only he can do. He congratulated the Minot boys hockey team on winning the 2015 state high school hockey championship by defeating Grand Forks Red River 2-1. Mr. President, some of us might have considered the title game to be an upset, but the Minot goalie stood on his head and carried the Magicians to their 2nd state championship. Mr. President, you weren't here then, but those who were will remember there was just a little bit of good natured ribbing from the Minot Senator in that seat to his Grand Forks' desk mate in that seat.

Mr. President, lets fast forward to Saturday, February 27th, 2016. On this date, those same Red River Roughriders not only got back to the title game, but this time they finished the job by defeating Bismarck High. That game completed an amazing 27-0 undefeated season as the team from Grand Forks captured the 2016 State Hockey title. The entire season was one great performance after another as the Roughriders won their 17th hockey title. A one year belated congratulations to Grand Forks Red River.

Mr. President, I'd like to fast forward one more time, to last Saturday night where a different Grand Forks School, the Grand Forks Central High Knights, completed their own perfect 27-0 undefeated season by defeating Bismarck High to win this year's 2017 State High School Hockey title. Mr. President, this was Central Highs 26th state hockey title. Congratulations to the Grand Forks Central High School Knights.

43 titles between these two schools is impressive, but Mr. President, this is in fact a new record. For the first time in the history of North Dakota High School Athletics, we have back to back state champions by two different teams, from the same city, in the same sport, and in

the same biennium. Both without losing a single game.

#### MOTION

**SEN. KLEIN MOVED** that the remarks of Sen. Laffen be printed in the Journal, which motion prevailed.

#### MOTION

**SEN. KLEIN MOVED** that Engrossed HB 1090 be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1090 was rereferred.

#### MOTION

**SEN. KLEIN MOVED** that HB 1398 be returned to the Senate floor from the **Government and Veterans Affairs Committee** and be rereferred to the **Energy and Natural Resources Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, HB 1398 was rereferred.

#### MOTION

**SEN. KLEIN MOVED** that HB 1300 be returned to the Senate floor from the **Political Subdivisions Committee** and be rereferred to the **Energy and Natural Resources Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, HB 1300 was rereferred.

#### CONSIDERATION OF AMENDMENTS

**HB 1096: SEN. ANDERSON (Human Services Committee) MOVED** that the amendments on SJ page 638 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### CONSIDERATION OF AMENDMENTS

**HB 1110: SEN. CLEMENS (Transportation Committee) MOVED** that the amendments on SJ page 639 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 1136:** A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to substance use disorder treatment voucher system; to amend and reenact subsections 4 and 5 of section 50-01.2-03, subsection 1 of section 50-06-01.4, sections 50-06-05.1 and 50-06-05.2, subsection 1 of section 50-06-05.3, sections 50-06-05.5 and 50-06-06.6, subsection 1 of section 50-06-20, sections 50-06-23, 50-06-24, and 50-06-29, and subsection 1 of section 50-06-34 of the North Dakota Century Code, relating to departmental updates for statutory consistency, technical corrections, powers and duties of the department, department structure, program activities, regional human service centers, leases, and aging and disability resource center funding; and to repeal sections 50-06-01.5, 50-06-36, 50-06-39, and 50-08.1-01 of the North Dakota Century Code, relating to office and office equipment, developmental disability provider review, expedited ratesetting process, and coordinating services for pregnant women; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed HB 1136 passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1052:** A BILL for an Act to amend and reenact section 15.1-21-08 of the North Dakota Century Code, relating to the administration of a state assessment in reading and mathematics.

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

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Davison; Larsen, O.

HB 1052 passed.

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**MOTION**

**SEN. KLEIN MOVED** that HB 1119 be moved to the bottom of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1108:** A BILL for an Act to amend and reenact subsection 7 of section 44-04-18.4 of the North Dakota Century Code, relating to the availability of records involving security and cyber attacks.

**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; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed HB 1108 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1106:** A BILL for an Act to amend and reenact section 37-17.1-04 of the North Dakota Century Code, relating to definitions of disasters and emergencies.

**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; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed HB 1106 passed.

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### SECOND READING OF HOUSE BILL

**HB 1111:** A BILL for an Act to create and enact section 24-02-02.4 of the North Dakota Century Code, relating to agreements with the metro flood diversion authority; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

HB 1111 passed and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1119:** A BILL for an Act to amend and reenact sections 50-06.2-10 and 50-24.7-02 of the North Dakota Century Code, relating to collection of overpayments for service payments for elderly and disabled program and expanded service payments for elderly and disabled 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 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Heckaman; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Grabinger; Hogue; Nelson

Engrossed HB 1119 passed.

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

**MR. PRESIDENT:** The House has passed, unchanged: SB 2048, SB 2092, SB 2095, SB 2103, SB 2118.

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

**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2087, SB 2100.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1051, HB 1086, HB 1087, HB 1088, HB 1089, HB 1092, HB 1093, HB 1094, HB 1095, HB 1099, HB 1101, HB 1104, HB 1105.

### MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

**MR. SPEAKER:** The President has signed: HB 1051, HB 1086, HB 1087, HB 1088, HB 1089, HB 1092, HB 1093, HB 1094, HB 1095, HB 1099, HB 1101, HB 1104, HB 1105.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HB 1051, HB 1086, HB 1087, HB 1088, HB 1089, HB 1092, HB 1093, HB 1094, HB 1095, HB 1099, HB 1101, HB 1104, HB 1105.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HB 1109, HB 1112, HB 1117, HB 1118, HB 1125, HB 1127, HB 1131, HB 1132, HB 1135.

**COMMUNICATION FROM GOVERNOR DOUG BURGUM**

This is to inform you that on February 23, 2017, I have signed the following: SB 2302.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the 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 2, 2017, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1097: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1097 was placed on the Sixth order on the calendar.

Page 1, line 2, after "compact" insert "; and to amend and reenact section 43-12.1-09.1 of the North Dakota Century Code, relating to criminal history record checks"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 43-12.1-09.1 of the North Dakota Century Code is amended and reenacted as follows:

**43-12.1-09.1. Nursing licensure or registration - Criminal history record checks.**

The board shall require each applicant for initial licensure and registration, including applicants for a multistate license under section 2 of this Act, to submit to a statewide and nationwide criminal history record check. The board may require any licensee or registrant who is renewing a license or registration, including renewal of a multistate license under section 2 of this Act, and any licensee or registrant who is the subject of a disciplinary investigation or proceeding to submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24. All costs associated with obtaining a background check are the responsibility of the applicant, licensee, or registrant. The board may grant a nonrenewable temporary permit to an applicant for initial or renewed license or registration who submits to a criminal history record check as required by this chapter if the applicant has met all other licensure or registration requirements in accordance with subsection 2 of section 43-12.1-09. The board may not share with, or disclose to, the interstate commission of nurse licensure compact administrators any contents of a nationwide criminal history record check."

Page 21, line 2, replace "III" with "VII"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1098, as engrossed: Education Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1098 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "and"

Page 1, line 6, after "qualifications" insert "; and to declare an emergency"

Page 2, after line 29, insert:

"SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1100, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1100 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1102, as engrossed: Transportation Committee (Sen. Laffen, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1102 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1116: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1116 was placed on the Sixth order on the calendar.

Page 1, line 10, overstrike "health care financing"

Page 1, line 11, overstrike "administration" and insert immediately thereafter "centers for Medicare and Medicaid services"

Renumber accordingly

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

**Shanda Morgan, Secretary**