

JOURNAL OF THE SENATE

Sixty-fifth Legislative Assembly

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Bismarck, March 16, 2017

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

The prayer was offered by Pastor Rich Wyatt, Living Hope Church of Nazarene, Bismarck.

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

A quorum was declared by the President.

MOTION

SEN. KLEIN MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Unruh, Chairman)** appointed to consider the nomination to Southwest Low Level Radioactive Waste Disposal Commission, do advise and consent to the appointment of Dale Patrick.

MOTION

SEN. UNRUH MOVED that the report be adopted.

ROLL CALL

The question being, "will the Senate advise and consent to the appointment of Dale Patrick to Southwest Low Level Radioactive Waste Disposal Commission," the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Osland

The Senate advises and consents to the appointment of Dale Patrick to Southwest Low Level Radioactive Waste Disposal Commission.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Unruh, Chairman)** appointed to consider the nomination to Southwest Low Level Radioactive Waste Disposal Commission, do advise and consent to the appointment of Terry O'Clair.

MOTION

SEN. UNRUH MOVED that the report be adopted.

ROLL CALL

The question being, "will the Senate advise and consent to the appointment of Terry O'Clair to Southwest Low Level Radioactive Waste Disposal Commission," the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Osland

The Senate advises and consents to the appointment of Terry O'Clair to Southwest Low Level Radioactive Waste Disposal Commission.

MOTION

SEN. KLEIN MOVED that the Confirmation Session be dissolved, which motion prevailed.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senators Tony Grindberg, Joe Satrom, and Harvey Sand

SECOND READING OF HOUSE BILL

HB 1195: A BILL for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to imprisonment of minors; to amend and reenact subsection 4 of section 12.1-20-03, relating to gross sexual imposition; and to provide a penalty.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Osland

Engrossed HB 1195, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1134: A BILL for an Act to amend and reenact sections 25-01.2-01, 25-01.2-03, 25-01.2-04, 25-01.2-05, 25-01.2-06, 25-01.2-08, 25-01.2-09, 25-01.2-10, 25-01.2-11, 25-01.2-12, 25-01.2-14, 25-01.2-15, 25-01.2-16, and 25-04-02.1, subsection 4 of section 25-04-05, subsection 2 of section 25-16-01, section 25-16-04, subsection 2 of section 25-16.1-01, section 25-16.1-03, and subsection 2 of section 25-18-01 of the North Dakota Century Code, relating to updating definitions and code sections to reflect person first language, updating language to reflect rights of the developmentally disabled, applying and removing restrictions on individuals with developmental disabilities, and to clarify inspection of facilities.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Osland

Engrossed HB 1134, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1323: A BILL for an Act to amend and reenact section 39-21-41.2 and 39-21-41.4 of the North Dakota Century Code, relating to child restraint devices and use of safety belts for children.

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 30 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Armstrong; Burckhard; Campbell; Casper; Clemens; Davison; Dotzenrod; Holmberg; Kilzer; Klein; Krebsbach; Kreun; Laffen; Lee, J.; Marcellais; Mathern; Meyer; Nelson; Oban; Oehlke; Piepkorn; Poolman; Robinson; Roers; Rust; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Anderson; Bekkedahl; Bowman; Cook; Dever; Erbele; Grabinger; Heckaman; Hogue; Kannianen; Larsen, O.; Larson, D.; Lee, G.; Luick; Myrdal; Schaible

ABSENT AND NOT VOTING: Osland

Engrossed HB 1323, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1289: A BILL for an Act to amend and reenact subsection 1 of section 23-34-04 and section 43-17-31 of the North Dakota Century Code, relating to grounds for disciplinary action by the medical 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Osland

HB 1289 passed.

SECOND READING OF HOUSE BILL

HB 1162: A BILL for an Act to provide for a legislative management study of competition between government and private industry.

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 5 YEAS, 41 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Campbell; Cook; Kannianen; Larsen, O.; Myrdal

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

ABSENT AND NOT VOTING: Osland

Engrossed HB 1162 failed.

SECOND READING OF HOUSE BILL

HB 1214: A BILL for an Act to create and enact a new chapter 47-36 of the North Dakota Century Code, relating to a Uniform Fiduciary Access to Digital Assets Act.

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, 1 NAYS, 0 EXCUSED, 1 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; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Larsen, O.

ABSENT AND NOT VOTING: Osland

Engrossed HB 1214 passed.

SECOND READING OF HOUSE BILL

HB 1308: A BILL for an Act to amend and reenact subsection 1 of section 50-09-29 of the North Dakota Century Code, relating to mandatory addiction screening for temporary assistance for needy families program individual employment plan participants; and to provide an effective date.

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 21 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bekkedahl; Bowman; Burckhard; Campbell; Clemens; Cook; Hogue; Kannianen; Kilzer; Kreun; Laffen; Larsen, O.; Larson, D.; Luick; Myrdal; Roers; Rust; Sorvaag; Vedaa; Wanzek

NAYS: Armstrong; Casper; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Holmberg; Klein; Krebsbach; Lee, G.; Lee, J.; Marcellais; Mathern; Meyer; Nelson; Oban; Oehlke; Piepkorn; Poolman; Robinson; Schaible; Unruh; Wardner

ABSENT AND NOT VOTING: Osland

Engrossed HB 1308 failed.

SECOND READING OF HOUSE BILL

HB 1373: A BILL for an Act to amend and reenact section 49-21-01.3 of the North Dakota Century Code, relating to essential telecommunications services.

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; 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; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Osland

HB 1373 passed.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, unchanged: HB 1036, HB 1215, HB 1315, HB 1325, HCR 3002.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1159, HB 1363.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1346.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, unchanged: SB 2044, SB 2124, SB 2148, SB 2157, SB 2165, SB 2171, SB 2172, SB 2205.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, unchanged: SCR 4008.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2178, SB 2238.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2110, SB 2188, SB 2269.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2110

Page 3, line 13, after the underscored period insert "A late fee must equal the amount of the hazardous chemicals fee owed under this subdivision."

Page 3, line 29, replace "chair" with "chairman"

Page 3, line 30, after "refreshments" insert "other than alcoholic beverages"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2188

Page 1, line 8, replace "The" with "At the discretion of each political subdivision, the"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2269

Page 3, line 27, replace "may" with "shall"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2266.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2024, SB 2131, SB 2277.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1171, HB 1192, HB 1211, HB 1380, HB 1385, HB 1409, HCR 3015, HCR 3034.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2024, SB 2131, SB 2277.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2024, SB 2131, SB 2277.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1171, HB 1192, HB 1211, HB 1380, HB 1385, HB 1409, HCR 3015, HCR 3034.

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 12:30 p.m., Friday, March 17, 2017, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1044: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1044 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1153: Government and Veterans Affairs Committee (Sen. Poolman, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1153 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1212: Education Committee (Sen. Schaible, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1212 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1253: Education Committee (Sen. Schaible, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1253 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1282, as engrossed: Agriculture Committee (Sen. Luick, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1282 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1292, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1292 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1294, as engrossed: 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). Engrossed HB 1294 was placed on the Sixth order on the calendar.

Page 7, line 1, overstrike "is not survived by an individual described by subsection 1 and"

Page 7, line 2, after the second comma insert "and is not survived by an individual described by subsection 1 and identified for financial responsibility within the county's general assistance policy."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1305: Government and Veterans Affairs Committee (Sen. Poolman, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1305 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1338, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1338 was placed on the Sixth order on the calendar.

Page 4, line 3, overstrike "is not survived by an individual described by subsection 1 and"

Page 4, line 5, after the second comma insert "and is not survived by an individual described by subsection 1 and identified for financial responsibility within the county's general assistance policy."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1354, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1354 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "incentives" with "deductions or credits"

Page 1, line 9, remove "incentive identified in section"

Page 1, line 10, replace "54-35-26 which" with "deduction or credit that"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3031: Energy and Natural Resources Committee (Sen. Unruh, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HCR 3031 was placed on the Fourteenth order on the calendar.

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

Shanda Morgan, Secretary

