

JOURNAL OF THE SENATE

Sixty-fifth Legislative Assembly

* * * * *

Bismarck, January 20, 2017

The Senate convened at 12:30 p.m., with President Sanford presiding.

The prayer was offered by Pastor Dave Motta, Calvary United Methodist Church, Fargo.

The roll was called and all members were present except Senators Armstrong, Campbell, and Davison.

A quorum was declared by the President.

MOTION

SEN. D. LARSON MOVED that SB 2232 be returned to the Senate floor from the **Judiciary Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. D. LARSON REQUESTED the unanimous consent of the Senate to withdraw SB 2232. There being no objection, it was so ordered by the President.

CONSIDERATION OF AMENDMENTS

SB 2044: SEN. UNRUH (Finance and Taxation Committee) MOVED that the amendments on SJ pages 153-154 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2044 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

SB 2038: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ pages 151-153 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2054: SEN. RUST (Education Committee) MOVED that the amendments on SJ page 154 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2163: SEN. KREUN (Human Services Committee) MOVED that the amendments on SJ page 156 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2088: SEN. ANDERSON (Human Services Committee) MOVED that the amendments on SJ pages 154-156 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2189: SEN. O. LARSEN (Human Services Committee) MOVED that the amendments on SJ page 157 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 2142: A BILL for an Act to amend and reenact section 48-01.2-22 of the North Dakota Century Code, relating to construction manager at-risk subcontractor bids.

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 44 YEAS,

0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Bekkedahl; Bowman; Burckhard; Casper; Clemens; Cook; 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

ABSENT AND NOT VOTING: Armstrong; Campbell; Davison

Engrossed SB 2142 passed.

SECOND READING OF SENATE BILL

SB 2194: A BILL for an Act to amend and reenact section 15.1-09-58, subsection 1 of section 15.1-09.1-10, and sections 15.1-27-03.1, 15.1-27-15.1, 15.1-27-35, and 15.1-35-09 of the North Dakota Century Code, relating to the provision of and payment for early childhood education programs.

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 9 YEAS, 35 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Nelson; Oban; Piepkorn; Robinson

NAYS: Anderson; Bekkedahl; Bowman; Burckhard; Casper; Clemens; Cook; Dever; Erbele; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Oehlke; Osland; Poolman; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Armstrong; Campbell; Davison

SB 2194 failed.

SECOND READING OF SENATE BILL

SB 2185: A BILL for an Act to amend and reenact sections 15.1-21-02.2, 15.1-21-02.4, and 15.1-21-02.5 of the North Dakota Century Code, relating to high school graduation requirements.

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 43 YEAS, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Bekkedahl; Bowman; Burckhard; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; 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

NAYS: Kilzer

ABSENT AND NOT VOTING: Armstrong; Campbell; Davison

SB 2185 passed.

SECOND READING OF SENATE BILL

SB 2153: A BILL for an Act to amend and reenact section 14-10-17.1 of the North Dakota Century Code, relating to emergency care for minors.

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 0 YEAS, 44 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

NAYS: Anderson; Bekkedahl; Bowman; Burckhard; Casper; Clemens; Cook; 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

ABSENT AND NOT VOTING: Armstrong; Campbell; Davison

SB 2153 failed.

SECOND READING OF SENATE BILL

SB 2175: A BILL for an Act to amend and reenact section 53-06.1-11.1 of the North Dakota Century Code, relating to eligible uses of net proceeds by licensed gaming organizations.

MOTION

SEN. DEVER MOVED that SB 2175 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 2, after "organizations" insert "; and to declare an emergency"

Page 4, after line 29, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

ReNUMBER accordingly

SB 2175: A BILL for an Act to amend and reenact section 53-06.1-11.1 of the North Dakota Century Code, relating to eligible uses of net proceeds by licensed gaming organizations; and to declare an emergency.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Bekkedahl; Bowman; Burckhard; Casper; Clemens; Cook; 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

ABSENT AND NOT VOTING: Armstrong; Campbell; Davison

Engrossed SB 2175 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2165: A BILL for an Act to amend and reenact section 44-02-02 of the North Dakota Century Code, relating to resignations from elected positions.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Bekkedahl; Bowman; Burckhard; Casper; Clemens; Cook; 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

ABSENT AND NOT VOTING: Armstrong; Campbell; Davison

SB 2165 passed.

SECOND READING OF SENATE BILL

SB 2040: A BILL for an Act to amend and reenact subsection 1 of section 43-45-01 and section 43-45-06 of the North Dakota Century Code, relating to the scope of practice of addiction counselors.

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 1 YEAS, 43 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Mathern

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

ABSENT AND NOT VOTING: Armstrong; Campbell; Davison

SB 2040 failed.

SECOND READING OF SENATE BILL

SB 2055: A BILL for an Act to amend and reenact subsection 1 of section 40-63-03 of the North Dakota Century Code, relating to a requirement that cities applying for designation of a renaissance zone submit letters of support from affected political subdivisions.

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 1 YEAS, 43 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Larson, D.

NAYS: Anderson; Bekkedahl; Bowman; Burckhard; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman;

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

ABSENT AND NOT VOTING: Armstrong; Campbell; Davison

SB 2055 failed.

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 1:00 p.m., Monday, January 23, 2017, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2107: Government and Veterans Affairs Committee (Sen. Poolman, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2107 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2110: Government and Veterans Affairs Committee (Sen. Poolman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2110 was placed on the Sixth order on the calendar.

Page 3, line 18, remove "Owners or operators of facilities that maintain single storage tanks or a series of"

Page 3, remove lines 19 through 30

Page 4, line 1, remove "e."

Page 4, line 6, remove the overstrike over "e:"

Page 4, line 6, remove "f."

Page 4, line 14, remove the overstrike over "f:"

Page 4, line 14, remove "g."

Page 4, line 17, remove the overstrike over "g:"

Page 4, line 17, remove "h."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2172: Government and Veterans Affairs Committee (Sen. Poolman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2172 was placed on the Sixth order on the calendar.

Page 3, line 7, after "valid" insert "certificate or"

Page 3, line 8, after "pathologist" insert ", speech-language pathology paraprofessional."

Page 3, line 8, overstrike the comma and insert immediately thereafter "which is"

Page 3, line 9, after "instruction" insert "or the education standards and practices board"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2181: Government and Veterans Affairs Committee (Sen. Poolman, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2181 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2195: Government and Veterans Affairs Committee (Sen. Poolman, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2195 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Burckhard, Kannianen, Dotzenrod and Reps. Hatlestad, Magrum, Toman introduced:

SB 2296: A BILL for an Act to amend and reenact section 21-04-09 of the North Dakota Century Code, relating to pledge of security in place of depository bond; and to repeal section 21-04-11 of the North Dakota Century Code, relating to records of securities.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Mathern, Bekkedahl, Oban and Reps. Beadle, M. Johnson, Mitskog introduced:

SB 2297: A BILL for an Act to create and enact a new chapter to title 36 of the North Dakota Century Code, relating to commercial dog breeders; and to provide a penalty.

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

Sens. Cook, Bekkedahl, Laffen and Reps. Dockter, Hatlestad, Headland introduced:

SB 2298: A BILL for an Act to create and enact a new section to chapter 57-39.2 and a new section to chapter 57-40.2 of the North Dakota Century Code, relating to sales and use tax collection obligations of certain out-of-state sellers; and to provide a contingent effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Mathern, Erbele and Reps. J. Nelson, Delmore introduced:

SB 2299: A BILL for an Act to amend and reenact section 15-52-03 of the North Dakota Century Code, relating to the members of the university of North Dakota school of medicine and health sciences advisory council.

Was read the first time and referred to the **Human Services Committee**.

Sens. Casper, Meyer, Robinson and Reps. O'Brien, Vetter, Boe introduced:

SB 2300: A BILL for an Act to amend and reenact section 12.1-17-02 of the North Dakota Century Code, relating to aggravated assault of a peace officer; and to provide a penalty.

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

Sens. Anderson, Dever, J. Lee and Reps. Kasper, Seibel, Weisz introduced:

SB 2301: A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota Century Code, relating to specialty pharmacy services; and to provide a penalty.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. D. Larson, Cook, Nelson and Reps. Beadle, Karls, Roers Jones introduced:

SB 2302: A BILL for an Act to amend and reenact sections 12.1-29-07, 54-12-01.1, and 54-12-28 of the North Dakota Century Code, relating to the offender education program, online publication of eminent domain information, and twenty-four seven program records and statistics; and to repeal section 19-03.1-44 of the North Dakota Century Code, relating to a drug use status and trends report.

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

Sens. D. Larson, Luick, Schaible and Reps. Karls, Keiser introduced:

SB 2303: A BILL for an Act to amend and reenact subsections 2 and 7 of section 12.1-32-15 of the North Dakota Century Code, relating to registration requirements for sexual offenders.

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

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

Shanda Morgan, Secretary