

JOURNAL OF THE SENATE

Sixty-fifth Legislative Assembly

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Bismarck, March 6, 2017

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

The prayer was offered by Pastor Sam Handschke, Shepherd of the Valley Lutheran Church, Bismarck.

The roll was called and all members were present except Senators Burckhard and Hogue.

A quorum was declared by the President.

POINT OF PERSONAL PRIVILEGE

SEN. LUICK rose on a point of personal privilege.

REMARKS OF SENATOR LUICK

MR. PRESIDENT: I want to very proudly recognize some exceptional talent from the Kindred Public High School, within District 25. The girls basketball team just won the Girls Class B State Basketball Championship after completing an undefeated season of 26 and 0.

Congratulations girls, coaches, staff, parents, and supporters. A job well done.

MOTION

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

CONSIDERATION OF AMENDMENTS

HB 1150, as engrossed: SEN. ROERS (Energy and Natural Resources Committee) MOVED that the amendments on SJ page 668 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1291, as engrossed: SEN. MYRDAL (Agriculture Committee) MOVED that the amendments on SJ page 669 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4010: A concurrent resolution requesting the Legislative Management to consider studying the status and importance of coordinated palliative care to develop solutions, tools, and best practices for providing better patient-centered care and information to North Dakotans with chronic diseases.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

SCR 4010 was declared lost on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4012: A concurrent resolution requesting the Legislative Management to consider studying the homestead tax credit thresholds for individuals who are permanently and totally disabled.

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

SCR 4012 was declared adopted on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4013: A concurrent resolution requesting the Legislative Management to consider studying the process necessary to replace the Life Skills and Transition Center in Grafton with statewide services for individuals with disabilities.

REQUEST

SEN. POOLMAN REQUESTED a verification vote on the adoption of SCR 4013, which request was granted.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

SCR 4013 was declared lost on a verification vote.

SECOND READING OF HOUSE BILL

HB 1208: A BILL for an Act to amend and reenact section 4.1-73-18 of the North Dakota Century Code, relating to livestock bills of sale; and to provide a penalty.

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

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; 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: Burckhard; Hogue

HB 1208 passed.

SECOND READING OF HOUSE BILL

HB 1220: A BILL for an Act to amend and reenact subsection 1 of section 47-16-07.1 of the North Dakota Century Code, relating to lessor security deposit limitations.

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

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

NAYS: Dever; Larsen, O.; Oehlke

ABSENT AND NOT VOTING: Burckhard; Hogue

HB 1220 passed.

SECOND READING OF HOUSE BILL

HB 1348: A BILL for an Act to amend and reenact section 36-21.2-05 of the North Dakota

Century Code, relating to the seizure of animals.

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

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; 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: Burckhard; Hogue

HB 1348 passed.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1026, HB 1027, HB 1059, HB 1160, HB 1191, HB 1245, HB 1342.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1207, HB 1240.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1097, HB 1116.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1098.

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

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HCR 3026.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2030, SB 2091, SB 2112, SB 2114, SB 2129, SB 2160, SB 2222.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2105.

HOUSE AMENDMENTS TO SENATE BILL NO. 2105

Page 1, line 1, after the second "to" insert "chapter 10-04 and a new section to"

Page 1, line 2, after "of" insert "agent or investment adviser representatives and"

Page 1, line 2, after "records" insert "; and to amend and reenact subsection 2 of section 26.1-02-30 of the North Dakota Century Code, relating to exemption of personal, financial, or health records"

Page 1, after line 3, insert:

"SECTION 1. A new section to chapter 10-04 of the North Dakota Century Code is created and enacted as follows:

Agent or investment adviser representative records - Exempt record.

The home address of an agent or investment adviser representative received by the commissioner is an exempt record as defined in section 44-04-17.1.

SECTION 2. AMENDMENT. Subsection 2 of section 26.1-02-30 of the North Dakota Century Code is amended and reenacted as follows:

2. As used in this section, "personal, financial, or health information" means ~~information collected from or on behalf of an individual requesting consumer assistance which~~that would reveal:
 - a. ~~The~~An individual's personal health condition, disease, or injury;
 - b. The existence, nature, source, or amount of ~~the~~an individual's personal income;
 - c. The existence, nature, source, or amount of ~~the~~an individual's personal expenses;
 - d. Records of or relating to ~~the~~an individual's personal financial transactions of any kind;
 - e. The existence, identification, nature, or value of ~~the~~an individual's personal assets, liabilities, or net worth;
 - f. A history of ~~the~~an individual's personal medical diagnosis or treatment;
 - g. The existence, identification, nature, value, or content of ~~the~~an individual's coverage or status under any insurance policy;
 - h. ~~The~~An individual's personal contractual rights or obligations; or
 - i. Any social security number, date of birth, file number, bank account number, or other number used for identification of ~~the~~an individual or any account in which ~~the~~an individual has a personal financial interest."

Page 1, line 6, after "**Exempt**" insert "**record**"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass, unchanged: SB 2128.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2108, SB 2109, SB 2122, SB 2126, SB 2140.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1100, HB 1102, HB 1133.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2108, SB 2109, SB 2122, SB 2126, SB 2140.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2108, SB 2109, SB 2122, SB 2126, SB 2140.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1052, HB 1100, HB 1102, HB 1106, HB 1108, HB 1111, HB 1119, HB 1133, HB 1136.

MOTION

SEN. KLEIN MOVED that the absent members 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., Tuesday, March 7, 2017, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1405, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1405 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3026: A concurrent resolution requesting the Legislative Management to consider studying the membership and state supervision of the state's occupational and professional licensing boards in order to retain antitrust law immunity.

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

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

Shanda Morgan, Secretary

