

## JOURNAL OF THE SENATE

## Sixty-fifth Legislative Assembly

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Bismarck, January 11, 2017

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

The prayer was offered by Reverend Greg Carr, Prairie Family Church, Bismarck.

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

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. Anderson, Chairman)** has carefully examined the Journal of the Fourth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 75, line 41, replace "December 1" with "December 31"

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

**CONSIDERATION OF AMENDMENTS**

**SB 2106: SEN. ANDERSON (Political Subdivisions Committee) MOVED** that the amendments on SJ page 75 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**SB 2129: SEN. LAFFEN (Finance and Taxation Committee) MOVED** that the amendments on SJ page 76 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**SB 2127: SEN. MEYER (Finance and Taxation Committee) MOVED** that the amendments on SJ page 75 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 2099:** A BILL for an Act to amend and reenact section 23-01-39 of the North Dakota Century Code, relating to the immunization 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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:** Davison

SB 2099 passed.

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**SECOND READING OF SENATE BILL**

**SB 2112:** A BILL for an Act to amend and reenact subsection 5 of section 57-39.4-19 and sections 57-39.4-29 and 57-39.4-33.4 of the North Dakota Century Code, relating to uniform tax returns, the taxability matrix, and tax administration practices under the sales and use tax agreement.

**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; 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:** Davison

SB 2112 passed.

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**SECOND READING OF SENATE BILL**

**SB 2114:** A BILL for an Act to amend and reenact subsection 15 of section 27-20-02, subsection 2 of section 27-20-32.2, subsection 9 of section 50-11-00.1, and section 50-11-03.3 of the North Dakota Century Code, relating to the definition of permanency hearing, reasonable efforts for sibling placement, definition of group home, and liability coverage to foster homes for children.

**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; 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:** Davison

SB 2114 passed.

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**SECOND READING OF SENATE BILL**

**SB 2117:** A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to criminal history record checks for medicaid services applicants, providers, and staff members; to amend and reenact section 50-06-01.9 of the North Dakota Century Code, relating to criminal history record checks for job applicants, department staff, county employees, contractors, and medicaid services applicants, providers, and staff members; to provide an effective date; 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 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; 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

**NAYS:** Hogue

**ABSENT AND NOT VOTING:** Davison

Engrossed SB 2117 passed and the emergency clause was declared carried.

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#### **SECOND READING OF SENATE BILL**

**SB 2096:** A BILL for an Act to amend and reenact sections 19-03.1-05, 19-03.1-07, 19-03.1-11, and 19-03.1-13 of the North Dakota Century Code, relating to the scheduling of controlled substances; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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:** Davison

Engrossed SB 2096 passed and the emergency clause was declared carried.

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#### **SECOND READING OF SENATE BILL**

**SB 2053:** A BILL for an Act to amend and reenact subsection 4 of section 39-03.1-11.2, sections 54-52-01 and 54-52-06.4, subsections 3 and 4 of section 54-52-17, subsection 4 of section 54-52-28, section 54-52.1-03, subsection 1 of section 54-52.1-03.3, subsection 2 of section 54-52.1-18, section 54-52.6-06, and subsection 2 of section 54-52.6-09 of the North Dakota Century Code, relating to the definitions of retirement and retirement board, decreased employee contributions under the public employees retirement system for peace officers employed by the bureau of criminal investigation, eligibility for disability retirement and early retirement benefits under the public employees retirement system, employee enrollment, billing for the retiree health insurance credit, failure to maintain a health savings account when the high-deductible health plan is elected, payment of administrative expenses of the defined contribution plan, and penalties for employers failing to pay contributions under the defined contribution plan.

#### **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; 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:** Davison

Engrossed SB 2053 passed.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2048, SB 2052, SB 2104, SB 2108, SB 2124.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fifth and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, January 12, 2017, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2030: 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). SB 2030 was placed on the Sixth order on the calendar.

Page 2, line 5, remove the overstrike over "~~from a list of three nominees submitted to the~~"

Page 2, line 6, remove the overstrike over "governor by"

Page 2, line 6, remove the overstrike over "North Dakota"

Page 2, line 6, after "association" insert "united"

Page 2, line 6, remove the overstrike over the overstruck comma

Page 2, line 7, after "as" insert "elementary or secondary"

Page 2, line 19, remove the overstrike over "A representative"

Page 2, line 19, remove "An elementary or secondary educator member"

Page 2, line 23, after "individuals" insert "actively employed"

Page 2, line 23, replace "educator members" with "teachers"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2059: Education Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2059 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~an eight member~~"

Page 1, line 10, remove "a"

Page 1, line 18, overstrike "the"

Page 1, line 18, overstrike "education association" and insert immediately thereafter "united"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2087: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2087 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2100: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2100 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of virtual currency.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - VIRTUAL CURRENCY.** During the 2017-18 interim, the legislative management shall consider studying the feasibility and desirability of regulating virtual currency, such as bitcoin. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2103: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2103 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2105: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2105 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2115: 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). SB 2115 was placed on the Sixth order on the calendar.

Page 1, line 19, after "(4)" insert "A behavioral specialist:

(5)"

Page 1, line 20, overstrike "(5)" and insert immediately thereafter "(6)"

Page 1, line 21, overstrike "(6)" and insert immediately thereafter "(7)"

Page 1, line 22, overstrike "(7)" and insert immediately thereafter "(8)"

Page 1, line 24, overstrike "(8)" and insert immediately thereafter:

"(9) A representative who is an enrolled member of a federally recognized Indian tribe;

(10) An adult self advocate;

(11)"

Page 2, line 1, overstrike "(9)" and insert immediately thereafter "(12)"

Page 2, line 1, remove the overstrike over "and"

Page 2, line 2, overstrike "(10)" and insert immediately thereafter "(13)"

Page 2, line 2, remove the semicolon

Page 2, remove lines 3 and 4

Page 2, line 5, remove"(12) An adult with autism spectrum disorder"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2125: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2125 was placed on the Sixth order on the calendar.

Page 1, line 13, after "officer" insert an underscored comma

Page 1, line 15, after "12-44.1" insert ". A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in section 12-47-34. A correctional officer employed by a correctional facility governed by chapter 12-44.1 may carry a firearm only as authorized in section 12-44.1-30"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2132: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2132 was placed on the Eleventh order on the calendar.

#### FIRST READING OF SENATE BILLS

Sens. Burckhard, Campbell, Kannianen and Reps. Maragos, Pyle, Toman introduced:

**SB 2171:** A BILL for an Act to amend and reenact section 11-27-02 of the North Dakota Century Code, relating to the notice requirements for the sale of property at a public sale.

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

Sens. Oban, Anderson, Poolman and Reps. Rohr, Schreiber-Beck, Guggisberg introduced:

**SB 2172:** A BILL for an Act to create and enact a new section to chapter 43-37 of the North Dakota Century Code, relating to licensure of speech-language pathology assistants; to amend and reenact sections 43-37-02, 43-37-03, 43-37-04, 43-37-04.1, 43-37-05, 43-37-06, 43-37-08, 43-37-09, 43-37-13, and 43-37-18 of the North Dakota Century Code, relating to the state board of examiners on audiology and speech-language pathology and the regulation of speech-language pathology assistants; to repeal section 43-37-01 of the North Dakota Century Code, relating to legislative intent; to provide a penalty; and to provide an effective date.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sen. Anderson and Rep. Laning introduced:

**SB 2173:** A BILL for an Act to repeal section 23-01-03.2 of the North Dakota Century Code, relating to duties of the health council.

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

Sens. Wardner, Heckaman and Reps. Carlson, Mock introduced:

**SB 2174:** A BILL for an Act to provide borrowing authority and an appropriation to the office of the adjutant general; and to declare an emergency.

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

Sens. Dever, Clemens, Vedaa, Marcellais and Rep. Zubke introduced:

**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.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sen. Armstrong introduced:

**SB 2176:** A BILL for an Act to amend and reenact subdivision e of subsection 1 of section 39-08-01, subsection 3 of section 39-08-01.2, section 39-20-03, and subsection 3 of section 39-20-14 of the North Dakota Century Code, relating to driving under the influence.

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

Sen. Armstrong introduced:

**SB 2177:** A BILL for an Act to amend and reenact subsection 3 of section 39-06.1-11 of the North Dakota Century Code, relating to temporary restricted licenses.

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

Sens. Schaible, Luick, Oehlke and Reps. Carlson, D. Johnson, Schmidt introduced:

**SB 2178:** A BILL for an Act to amend and reenact section 6-09-49 of the North Dakota Century Code, relating to the infrastructure revolving loan fund; and to declare an emergency.

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

Sens. Bekkedahl, Poolman, Sorvaag and Reps. Sanford, Schreiber-Beck, Steiner introduced:

**SB 2179:** A BILL for an Act to amend and reenact section 6-09-49 of the North Dakota Century Code, relating to eligible uses for infrastructure revolving loan funds.

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

Sens. O. Larsen, Myrdal and Reps. Johnston, Olson introduced:

**SB 2180:** A BILL for an Act to create and enact a new section to chapter 15.1-03 of the North Dakota Century Code, relating to the intent to refuse federal education funding tied to federal mandates.

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

Sens. Sorvaag, Burckhard, Meyer and Reps. Blum, M. Johnson, Hogan introduced:

**SB 2181:** A BILL for an Act to amend and reenact section 53-06.1-10.1 of the North Dakota Century Code, relating to conducting a raffles using a random number generator.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Vedaa, Kannianen, Rust, Oban and Reps. C. Johnson, D. Ruby introduced:

**SB 2182:** A BILL for an Act to amend and reenact section 15.1-09-34 of the North Dakota Century Code, relating to required bidding for certain school board purchases.

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

Sens. Sorvaag, Campbell, Dever and Reps. M. Johnson, Kading, Kasper introduced:

**SB 2183:** A BILL for an Act to create and enact a new section to chapter 37-18 of the North Dakota Century Code, relating to the conferment of a veterans commemorative memorial coin; and to provide an appropriation to the department of veterans' affairs.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Burckhard, Mathern and Reps. Louser, Rohr introduced:

**SB 2184:** A BILL for an Act to create and enact a new section to chapter 23-01 and a new section to chapter 23-16 of the North Dakota Century Code, relating to phlebotomists and notification protocol in the case of exposure to an infectious organism; to amend and reenact sections 23-09.3-04 and 23-17.3-05 of the North Dakota Century Code, relating to notification protocol in the case of exposure to an infectious organism; and to provide an effective date.

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

Sens. Poolman, Meyer, Schaible and Reps. Owens, Streytle introduced:

**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.

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

Sens. Poolman, D. Larson, Oban and Reps. D. Johnson, Schreiber-Beck, Guggisberg introduced:

**SB 2186:** A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to an innovative pilot program to improve student educational performance.

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

Sens. J. Lee, Krebsbach, Luick, Heckaman and Reps. Kreidt, Holman introduced:

**SB 2187:** A BILL for an Act to amend and reenact section 50-06-37 of the North Dakota Century Code, relating to developmental disability reimbursements; and to provide a contingent effective date.

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

Sens. Klein, Burckhard and Reps. Hatlestad, Zubke introduced:

**SB 2188:** A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to the authority of the department of commerce to provide boundary geography data to the United States census bureau.

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

Sens. J. Lee, D. Larson, Meyer and Reps. Karls, Delmore, Holman introduced:

**SB 2189:** A BILL for an Act to create and enact a new section to chapter 50-25.1 of the North Dakota Century Code, relating to the confidentiality of children's advocacy center records; and to amend and reenact subsection 3 of section 12.1-34-07 and subsection 1 of section 27-20-51 of the North Dakota Century Code, relating to reimbursement of the cost of forensic interviews and confidentiality of juvenile court records and children's advocacy center records.

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

Sens. Laffen, Bekkedahl, Mathern and Rep. Zubke introduced:

**SB 2190:** A BILL for an Act to amend and reenact section 48-01.2-06 of the North Dakota Century Code, relating to bid requirements for public improvements.

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

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

**Shanda Morgan, Secretary**