

**JOURNAL OF THE SENATE****Sixty-fifth Legislative Assembly**

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**Bismarck, January 25, 2017**

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

The prayer was offered by Pastor Allen Finger, Bismarck Baptist Church, Bismarck.

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

A quorum was declared by the President.

**POINT OF PERSONAL PRIVILEGE**

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

**REMARKS OF SENATOR MARCELLAIS  
IN MEMORY OF COLT ALLERY**

**MR. PRESIDENT, MEMBERS OF THE SENATE, COLT ALLERY FAMILY AND FRIENDS, LAW ENFORCEMENT BROTHERS AND SISTERS, LADIES AND GENTLEMEN:** It's an honor to be here today in memory of Colt Allery, Rolette County Deputy Sheriff.

On behalf of District 9, Rolette County we want to thank Governor Burgum and the State of North Dakota.

Native American tribes consider the eagle as a messenger to the God.

The Eagle spends more time in the higher element of Father Sky than other birds, and Father Sky is an element of the Spirit.

The Eagle was given the honor of carrying the prayers of man between the World of Earth and the World of Spirit, where the Creator and grandfathers reside.

The Eagle represents the balance needed between male and female, each one dependent upon the strength and abilities of the other.

When one receives an Eagle, that person is being acknowledged with gratitude, love and ultimate respect.

The keeper of an Eagle makes a place where the Eagle will be kept safely and protected.

Eagles were awarded to Indian Braves, warriors and Chief's for extreme acts of valor and bravery.

Thank you for his sacrifices he made and willingness to serve Rolette County and this great state of North Dakota. His endured hardships and his willingness to risk his life to maintain our freedom.

When you see an Eagle, know that Colt's service to the nation is deeply appreciated. Thank You and God Bless America and God Bless the State of North Dakota.

**REQUEST**

**SEN. KLEIN REQUESTED** that the remarks of Sen. Marcellais be printed in the Journal, which request was granted.

**CONSIDERATION OF AMENDMENTS**

**SB 2151: SEN. OSLAND (Judiciary Committee) MOVED** that the amendments on SJ page 187 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**SB 2139: SEN. LUICK (Judiciary Committee) MOVED** that the amendments on SJ page 187 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 2131:** A BILL for an Act to create and enact a new subdivision to subsection 12-20-24 and a new section to chapter 43-26.1 of the North Dakota Century Code, relating to criminal history record checks by the North Dakota board of physical therapy for physical therapist and physical therapist assistant applicants and licensees.

**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; 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:** Larsen, O.

**ABSENT AND NOT VOTING:** Davison

Engrossed SB 2131 passed.

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**SECOND READING OF SENATE BILL**

**SB 2157:** A BILL for an Act to amend and reenact subsection 2 of section 57-02-11 of the North Dakota Century Code, relating to election by a city having a class I assessor to maintain its property assessment records.

**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 2157 passed.

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**SECOND READING OF SENATE BILL**

**SB 2148:** A BILL for an Act to create and enact a new subsection to section 40-16-03 of the North Dakota Century Code, relating to training for city auditors; and to provide an effective date.

**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 2148 passed.

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

**SB 2254:** A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for sales of tampons and sanitary napkins; 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 NOT PASS, the roll was called and there were 3 YEAS, 43 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Mathern; Nelson; Oban

**NAYS:** 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; Meyer; Myrdal; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

SB 2254 failed.

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

**SB 2121:** A BILL for an Act to amend and reenact sections 12.1-32-08 and 29-26-22 of the North Dakota Century Code, relating to costs for insufficient funds checks and assessment of court fees; to repeal section 29-26-22.2 of the North Dakota Century Code, relating to compromise of judgments for court fees and costs by county commissioners; 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 NOT PASS, the roll was called and there were 1 YEAS, 45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Mathern

**NAYS:** 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; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

SB 2121 failed.

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**MOTION**

**SEN. KLEIN MOVED** that SB 2297 be returned to the Senate floor from the **Judiciary Committee** and be rereferred to the **Agriculture Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2297 was rereferred.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SCR 4007.

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

**MR. PRESIDENT:** The Speaker has signed: SCR 4007.

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

**MR. SPEAKER:** The President has signed: SCR 4007.

**COMMUNICATION FROM GOVERNOR DOUG BURGUM**

This is to inform you that on January 25, 2017, I have signed the following: SB 2174.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on January 25, 2017: SCR 4007.

**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., Thursday, January 26, 2017, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2158: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2158 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2164: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2164 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2180: Education Committee (Sen. Schaible, Chairman)** recommends **DO NOT PASS** (4 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2180 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2201: 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 2201 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "or private"

Page 1, line 16, remove "or private"

Page 1, line 20, remove "or private"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2213: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2213 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2235: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS**

(6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2235 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2240: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2240 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2250: 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 2250 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 15.1-37-01 and" with "section"

Page 1, remove lines 4 through 24

Page 2, line 4, after "1." insert "a."

Page 2, line 6, remove the overstrike over "~~two~~"

Page 2, line 6, remove "one"

Page 2, line 7, remove the overstrike over "~~each~~"

Page 2, line 7, remove "any"

Page 2, line 7, remove "four years of age"

Page 2, line 8, remove "two thousand dollars"

Page 2, line 8, remove the overstrike over "~~free~~"

Page 2, line 8, remove "reduced"

Page 2, line 10, remove the overstrike over "~~one~~"

Page 2, line 10, remove "four"

Page 2, line 10, remove the overstrike over "~~for each child enrolled in a program of early childhood~~"

Page 2, line 11, remove the overstrike over "~~education,~~"

Page 2, line 11, remove the overstrike over "~~reduced~~"

Page 2, line 11, remove "free"

Page 2, line 13, overstrike "a." and insert immediately thereafter "(1)"

Page 2, line 14, overstrike "b." and insert immediately thereafter "(2)"

Page 2, after line 15, insert:

"b. A child enrolled in a federally funded head start program may not be counted for the purpose of determining grant eligibility under this section."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2251: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2251 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2260: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2260 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2279: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2279 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SCR 4001: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4001 was placed on the Eleventh order on the calendar.

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

**Shanda Morgan, Secretary**