

## JOURNAL OF THE SENATE

## Sixty-fifth Legislative Assembly

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Bismarck, January 31, 2017

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

The prayer was offered by Pastor Paul Herr, Century Baptist Church, Bismarck.

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

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**SB 2183: SEN. MARCELLAIS (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 231 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2183 was rereferred to the **Appropriations Committee**.

## CONSIDERATION OF AMENDMENTS

**SB 2135: SEN. MEYER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 230-231 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2135 was rereferred to the **Appropriations Committee**.

## CONSIDERATION OF AMENDMENTS

**SB 2284: SEN. OBAN (Energy and Natural Resources Committee) MOVED** that the amendments on SJ page 234 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2269: SEN. LUICK (Agriculture Committee) MOVED** that the amendments on SJ page 233 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2223: SEN. BURCKHARD (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 232-233 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2168: SEN. ANDERSON (Political Subdivisions Committee) MOVED** that the amendments on SJ page 231 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2212: SEN. KLEIN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 231-232 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2280: SEN. DOTZENROD (Political Subdivisions Committee) MOVED** that the amendments on SJ pages 233-234 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 2259:** A BILL for an Act to amend and reenact section 20.1-03-07.1 and subsection 31 of section 20.1-03-12 of the North Dakota Century Code, relating to nonresident waterfowl hunting licenses.

**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 33 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bekkedahl; Bowman; Burckhard; Clemens; Dotzenrod; Erbele; Heckaman; Hogue; Kannianen; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Meyer; Myrdal; Nelson; Oehlke; Osland; Piepkorn; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wardner

**NAYS:** Armstrong; Campbell; Casper; Cook; Dever; Grabinger; Holmberg; Kilzer; Mathern; Oban; Poolman; Robinson; Wanzek

**ABSENT AND NOT VOTING:** Davison

SB 2259 passed.

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**SECOND READING OF SENATE BILL**

**SB 2197:** A BILL for an Act to amend and reenact sections 24-05-04 and 48-01.2-07 of the North Dakota Century Code, relating to highway improvement contracts to be advertised; and to repeal section 24-05-04.2 of the North Dakota Century Code, relating to contracts for road construction.

**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 2197 passed.

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**SECOND READING OF SENATE BILL**

**SB 2238:** A BILL for an Act to amend and reenact sections 40-08-09 and 40-09-17 of the North Dakota Century Code, relating to employing as city employees members of city council or city commission; 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 2238 passed and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2211:** A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to the membership of school board advisory committees.

**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:** Heckaman; Marcellais; Mathern

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

**ABSENT AND NOT VOTING:** Davison

SB 2211 failed.

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**SECOND READING OF SENATE BILL**

**SB 2220:** A BILL for an Act to amend and reenact section 15.1-27-23 of the North Dakota Century Code, relating to the authority to waive rescheduling of make up days for weather-related school closures.

**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 10 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Armstrong; Bowman; Erbele; Kreun; Larsen, O.; Larson, D.; Luick; Myrdal; Osland; Poolman

**NAYS:** Anderson; Bekkedahl; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Laffen; Lee, G.; Lee, J.; Marcellais; Mathern; Meyer; Nelson; Oban; Oehlke; Piepkorn; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

SB 2220 failed.

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**MOTION**

**SEN. KLEIN MOVED** that SB 2279 be returned to the Senate floor from the **Appropriations Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2279 was rereferred.

**MOTION**

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

**REPORT OF STANDING COMMITTEE**

**SB 2037: 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 2037 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "qualifying" with "a qualified license."

Page 2, line 5, after "Dakota" insert "or other participating lender"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2184: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2184 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2190: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2190 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "Multiple prime bids for the general, electrical, and mechanical portions of a project" and insert immediately thereafter "Bids"

Page 1, line 9, after the period insert "A governing body may allow submission of multiple prime bids for the general, electrical, and mechanical portions of a project."

Page 1, line 14, remove "Multiple"

Page 1, remove line 15

Page 1, line 16, replace "project" with "Single prime bids must list the mechanical and electrical contractors in the base bid, then evaluate and determine the lowest responsible bidder"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2205: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2205 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2219: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2219 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2272: Education Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2272 was placed on the Sixth order on the calendar.

Page 8, line 15, remove "Request from the tax commissioner a statement of the estimated tax"

Page 8, remove lines 16 through 26

Page 8, line 27, remove "(3)"

Page 8, line 27, remove "from the"

Page 8, line 28, replace "statements required by this subdivision" with "regarding the proposed estimated additional millage and the dollar increase per one thousand dollars of taxable valuation in accordance with section 21-03-13 along"

Page 9, line 1, replace "(4)" with "(2)"

Page 9, line 1, after "Post" insert "the information"

Page 9, line 1, remove "the information from the statements"

Page 12, line 15, after "districts" insert "and area centers"

Page 12, line 18, after "districts" insert ", career and technical education grants to school districts and area centers."

Page 14, line 16, after "districts" insert "and area centers"

Page 15, line 28, replace "and" with a comma

Page 15, line 28, after "second" insert ", and third"

Page 15, line 30, after "1." insert: "The WIDA test.

2."

Page 16, line 1, replace "and" with a comma

Page 16, line 1, after "second" insert ", and third"

Page 16, line 3, replace "2." with "3."

Page 16, line 4, replace "and" with a comma

Page 16, line 4, after "second" insert ", and third"

Page 16, line 8, replace "3." with "4."

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment removes the requirement for the Tax Commissioner to provide estimates for tax increases related to bond issuance and clarifies the requirements for publishing information related to a school district bond issuance. This amendment also clarifies that grants for career and technical education are provided to both school districts and area centers.

#### **REPORT OF STANDING COMMITTEE**

**SB 2290: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2290 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2300: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2300 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2303: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2303 was rereferred to the **Appropriations Committee**.

#### **REPORT OF STANDING COMMITTEE**

**SB 2319: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2319 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2322: 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 2322 was placed on the Sixth order on the calendar.

Page 2, line 15, after "disbursement" insert "of funds or securities"

Page 3, line 6, after "funds" insert "or securities"

Page 3, line 10, after "funds" insert "or securities"

Page 3, line 14, after "funds" insert "or securities"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2325: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2325 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new subsection to section 54-07-01 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove "services; and to"

Page 1, line 3, after "study" insert "relating to a statewide system of early intervention services"

Page 1, remove lines 5 through 9

Page 1, line 13, after "mechanisms" insert "including medicaid"

Page 1, line 15, remove "school districts to locate and evaluate"

Page 1, remove lines 16 and 17

Page 1, line 18, replace "program under" with "states participating in"

Page 1, line 18, after "Act" insert "to locate and evaluate children from birth to age three"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2335: 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 2335 was placed on the Sixth order on the calendar.

Page 1, line 3, after "to" insert "the definition and"

Page 1, line 3, replace "a vulnerable" with "an eligible"

Page 1, line 8, overstrike "a"

Page 1, line 8, overstrike "vulnerable"

Page 1, line 9, after "elderly" insert "an eligible"

Page 1, line 11, overstrike "a"

Page 1, line 11, overstrike "vulnerable"

Page 1, line 11, after "elderly" insert "an eligible"

Page 1, line 15, overstrike "**a vulnerable**" and insert immediately thereafter "**an eligible**"

Page 1, line 17, overstrike the second "a"

Page 1, line 18, overstrike "vulnerable"

Page 1, line 18, after "elderly" insert "an eligible"

Page 1, line 19, overstrike "a"

Page 1, line 19, overstrike "vulnerable"

Page 1, line 20, after "elderly" insert "an eligible"

Page 1, line 22, overstrike "a"

Page 1, line 22, overstrike "vulnerable"

Page 1, line 22, after "elderly" insert "an eligible"

Page 2, replace lines 11 through 17 with:

""Eligible adult" means an individual who is at least sixty years of age or a vulnerable adult as defined in section 50-25.2-01.

- c. "Undue influence" means the use of a position of trust and confidence with an eligible adult to exploit or take advantage of that eligible adult through actions or tactics, including emotional, psychological, or legal manipulation."

Page 2, line 19, overstrike "a"

Page 2, line 19, overstrike "vulnerable"

Page 2, line 19, after "elderly" insert "an eligible"

Page 2, line 22, overstrike "vulnerable"

Page 2, line 23, after the first "elderly" insert "eligible"

Page 2, line 23, overstrike "vulnerable"

Page 2, line 23, after the second "elderly" insert "eligible"

Page 2, line 28, overstrike "**a vulnerable**" and insert immediately thereafter "**an eligible**"

Page 2, line 29, overstrike "a"

Page 2, line 29, overstrike "vulnerable"

Page 2, line 29, after "elderly" insert "an eligible"

Page 2, line 31, overstrike "vulnerable"

Page 2, line 31, after "elderly" insert "eligible"

Page 3, line 1, overstrike the first "or" and insert immediately thereafter an underscored comma

Page 3, line 1, after the first comma insert "or undue influence."

Page 3, line 2, overstrike "vulnerable"

Page 3, line 2, after "~~elderly~~" insert "eligible"

Page 3, line 3, overstrike "vulnerable"

Page 3, line 4, after "~~elderly~~" insert "eligible"

Page 3, line 5, overstrike "vulnerable"

Page 3, line 5, after "~~elderly~~" insert "eligible"

Page 3, line 6, overstrike "vulnerable"

Page 3, line 6, after "~~elderly~~" insert "eligible"

Page 3, line 9, overstrike "vulnerable"

Page 3, line 9, after "~~elderly~~" insert "eligible"

Page 3, line 10, overstrike "vulnerable"

Page 3, line 10, after "~~elderly~~" insert "eligible"

Page 3, line 12, overstrike "vulnerable"

Page 3, line 12, after "~~elderly~~" insert "eligible"

Page 3, line 13, overstrike "a"

Page 3, line 13, overstrike "vulnerable"

Page 3, line 13, after "~~elderly~~" insert "an eligible"

Page 3, line 25, overstrike "vulnerable"

Page 3, line 25, after "~~elderly~~" insert "eligible"

Page 3, line 29, overstrike "vulnerable"

Page 3, line 29, after "~~elderly~~" insert "eligible"

Page 4, line 1, overstrike "**a vulnerable**" and insert immediately thereafter "**an eligible**"

Page 4, line 2, overstrike the second "a"

Page 4, line 2, overstrike "vulnerable"

Page 4, line 2, after "~~elderly~~" insert "an eligible"

Page 4, line 4, overstrike "vulnerable"

Page 4, line 4, after "~~elderly~~" insert "eligible"

Page 4, line 7, overstrike "vulnerable"

Page 4, line 7, after "~~elderly~~" insert "eligible"

Page 4, line 12, overstrike "12.1-31-07" and insert immediately thereafter "50-25.2-01"

Renumber accordingly

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

**Shanda Morgan, Secretary**