

## JOURNAL OF THE SENATE

## Sixty-fifth Legislative Assembly

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Bismarck, March 16, 2017

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

The prayer was offered by Pastor Rich Wyatt, Living Hope Church of Nazarene, Bismarck.

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

A quorum was declared by the President.

## MOTION

**SEN. KLEIN MOVED** that the Senate resolve itself into a Confirmation Session, which motion prevailed.

## REPORT OF SELECT COMMITTEE

**MR. PRESIDENT:** Your **Select Committee (Sen. Unruh, Chairman)** appointed to consider the nomination to Southwest Low Level Radioactive Waste Disposal Commission, do advise and consent to the appointment of Dale Patrick.

## MOTION

**SEN. UNRUH MOVED** that the report be adopted.

## ROLL CALL

The question being, "will the Senate advise and consent to the appointment of Dale Patrick to Southwest Low Level Radioactive Waste Disposal Commission," 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; Davison; 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; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Osland

The Senate advises and consents to the appointment of Dale Patrick to Southwest Low Level Radioactive Waste Disposal Commission.

## REPORT OF SELECT COMMITTEE

**MR. PRESIDENT:** Your **Select Committee (Sen. Unruh, Chairman)** appointed to consider the nomination to Southwest Low Level Radioactive Waste Disposal Commission, do advise and consent to the appointment of Terry O'Clair.

## MOTION

**SEN. UNRUH MOVED** that the report be adopted.

## ROLL CALL

The question being, "will the Senate advise and consent to the appointment of Terry O'Clair to Southwest Low Level Radioactive Waste Disposal Commission," 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; Davison; 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; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Osland

The Senate advises and consents to the appointment of Terry O'Clair to Southwest Low Level Radioactive Waste Disposal Commission.

**MOTION**

**SEN. KLEIN MOVED** that the Confirmation Session be dissolved, which motion prevailed.

**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senators Tony Grindberg, Joe Satrom, and Harvey Sand

**SECOND READING OF HOUSE BILL**

**HB 1195:** A BILL for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to imprisonment of minors; to amend and reenact subsection 4 of section 12.1-20-03, relating to gross sexual imposition; and to provide a penalty.

**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; Davison; 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; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Osland

Engrossed HB 1195, as amended, passed.

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**SECOND READING OF HOUSE BILL**

**HB 1134:** A BILL for an Act to amend and reenact sections 25-01.2-01, 25-01.2-03, 25-01.2-04, 25-01.2-05, 25-01.2-06, 25-01.2-08, 25-01.2-09, 25-01.2-10, 25-01.2-11, 25-01.2-12, 25-01.2-14, 25-01.2-15, 25-01.2-16, and 25-04-02.1, subsection 4 of section 25-04-05, subsection 2 of section 25-16-01, section 25-16-04, subsection 2 of section 25-16.1-01, section 25-16.1-03, and subsection 2 of section 25-18-01 of the North Dakota Century Code, relating to updating definitions and code sections to reflect person first language, updating language to reflect rights of the developmentally disabled, applying and removing restrictions on individuals with developmental disabilities, and to clarify inspection of facilities.

**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; Davison; 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; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Osland

Engrossed HB 1134, as amended, passed.

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**SECOND READING OF HOUSE BILL**

**HB 1323:** A BILL for an Act to amend and reenact section 39-21-41.2 and 39-21-41.4 of the North Dakota Century Code, relating to child restraint devices and use of safety belts for children.

**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 30 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Armstrong; Burckhard; Campbell; Casper; Clemens; Davison; Dotzenrod; Holmberg; Kilzer; Klein; Krebsbach; Kreun; Laffen; Lee, J.; Marcellais; Mathern; Meyer; Nelson; Oban; Oehlke; Piepkorn; Poolman; Robinson; Roers; Rust; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Anderson; Bekkedahl; Bowman; Cook; Dever; Erbele; Grabinger; Heckaman; Hogue; Kannianen; Larsen, O.; Larson, D.; Lee, G.; Luick; Myrdal; Schaible

**ABSENT AND NOT VOTING:** Osland

Engrossed HB 1323, as amended, passed.

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**SECOND READING OF HOUSE BILL**

**HB 1289:** A BILL for an Act to amend and reenact subsection 1 of section 23-34-04 and section 43-17-31 of the North Dakota Century Code, relating to grounds for disciplinary action by the medical board.

**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; Davison; 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; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Osland

HB 1289 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1162:** A BILL for an Act to provide for a legislative management study of competition between government and private industry.

**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 5 YEAS, 41 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Campbell; Cook; Kannianen; Larsen, O.; Myrdal

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

**ABSENT AND NOT VOTING:** Osland

Engrossed HB 1162 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1214:** A BILL for an Act to create and enact a new chapter 47-36 of the North Dakota Century Code, relating to a Uniform Fiduciary Access to Digital Assets Act.

**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, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; 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; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Larsen, O.

**ABSENT AND NOT VOTING:** Osland

Engrossed HB 1214 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1308:** A BILL for an Act to amend and reenact subsection 1 of section 50-09-29 of the North Dakota Century Code, relating to mandatory addiction screening for temporary assistance for needy families program individual employment plan participants; 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 PASS, the roll was called and there were 21 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bekkedahl; Bowman; Burckhard; Campbell; Clemens; Cook; Hogue; Kannianen; Kilzer; Kreun; Laffen; Larsen, O.; Larson, D.; Luick; Myrdal; Roers; Rust; Sorvaag; Vedaa; Wanzek

**NAYS:** Armstrong; Casper; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Holmberg; Klein; Krebsbach; Lee, G.; Lee, J.; Marcellais; Mathern; Meyer; Nelson; Oban; Oehlke; Piepkorn; Poolman; Robinson; Schaible; Unruh; Wardner

**ABSENT AND NOT VOTING:** Osland

Engrossed HB 1308 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1373:** A BILL for an Act to amend and reenact section 49-21-01.3 of the North Dakota Century Code, relating to essential telecommunications services.

**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; Davison; 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; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Osland

HB 1373 passed.

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**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, unchanged: HB 1036, HB 1215, HB 1315, HB 1325, HCR 3002.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1159, HB 1363.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1346.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, unchanged: SB 2044, SB 2124, SB 2148, SB 2157, SB 2165, SB 2171, SB 2172, SB 2205.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, unchanged: SCR 4008.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2178, SB 2238.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2110, SB 2188, SB 2269.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2110

Page 3, line 13, after the underscored period insert "A late fee must equal the amount of the hazardous chemicals fee owed under this subdivision."

Page 3, line 29, replace "chair" with "chairman"

Page 3, line 30, after "refreshments" insert "other than alcoholic beverages"

Renumber accordingly

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2188

Page 1, line 8, replace "The" with "At the discretion of each political subdivision, the"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2269

Page 3, line 27, replace "may" with "shall"

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2266.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2024, SB 2131, SB 2277.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1171, HB 1192, HB 1211, HB 1380, HB 1385, HB 1409, HCR 3015, HCR 3034.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2024, SB 2131, SB 2277.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2024, SB 2131, SB 2277.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1171, HB 1192, HB 1211, HB 1380, HB 1385, HB 1409, HCR 3015, HCR 3034.

#### MOTION

**SEN. KLEIN MOVED** that the absent member 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 12:30 p.m., Friday, March 17, 2017, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**HB 1044: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1044 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1153: Government and Veterans Affairs Committee (Sen. Poolman, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1153 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1212: Education Committee (Sen. Schaible, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1212 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1253: Education Committee (Sen. Schaible, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1253 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1282, as engrossed: Agriculture Committee (Sen. Luick, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1282 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1292, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1292 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1294, as engrossed: 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). Engrossed HB 1294 was placed on the Sixth order on the calendar.

Page 7, line 1, overstrike "is not survived by an individual described by subsection 1 and"

Page 7, line 2, after the second comma insert "and is not survived by an individual described by subsection 1 and identified for financial responsibility within the county's general assistance policy."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1305: Government and Veterans Affairs Committee (Sen. Poolman, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1305 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1338, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1338 was placed on the Sixth order on the calendar.

Page 4, line 3, overstrike "is not survived by an individual described by subsection 1 and"

Page 4, line 5, after the second comma insert "and is not survived by an individual described by subsection 1 and identified for financial responsibility within the county's general assistance policy."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1354, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1354 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "incentives" with "deductions or credits"

Page 1, line 9, remove "incentive identified in section"

Page 1, line 10, replace "54-35-26 which" with "deduction or credit that"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3031: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HCR 3031 was placed on the Fourteenth order on the calendar.

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

**Shanda Morgan, Secretary**

