

**JOURNAL OF THE SENATE**

**Sixty-fifth Legislative Assembly**

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**Bismarck, March 3, 2017**

The Senate convened at 12:30 p.m., with President Pro Tempore G. Lee presiding.

The prayer was offered by Pastor David Reiter, First Presbyterian Church, Bismarck.

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

A quorum was declared by the President Pro Tempore.

**SECOND READING OF HOUSE BILL**

**HB 1116:** A BILL for an Act to amend and reenact section 25-02-01.1 of the North Dakota Century Code, relating to the structure of the department of human services and changes in terminology.

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

**ABSENT AND NOT VOTING:** Poolman

HB 1116, as amended, passed.

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**SECOND READING OF HOUSE BILL**

**HB 1098:** A BILL for an Act to create and enact a new section to chapter 15.1-18 of the North Dakota Century Code, relating to teacher requirements for prekindergarten and kindergarten; to amend and reenact subdivision a of subsection 1 of section 15.1-07-32 and section 15.1-18-02 of the North Dakota Century Code, relating to teacher requirements; to repeal sections 15.1-18-07, 15.1-18-08, and 15.1-18-09 of the North Dakota Century Code, relating to elementary, middle, and high school teacher qualifications; 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; 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; Osland; Piepkorn; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Poolman

Engrossed HB 1098, as amended, passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1027:** A BILL for an Act to amend and reenact subsection 2 of section 57-40.6-01, section 57-40.6-04, and subsection 4 of 57-40.6-10 of the North Dakota Century Code, relating to the standards and guidelines for emergency services communications systems; and to repeal section 57-40.6-03.1 of the North Dakota Century Code, relating to 911 database management charges.

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

**ABSENT AND NOT VOTING:** Poolman

Engrossed HB 1027 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1160:** A BILL for an Act to amend and reenact subdivision d of subsection 2 of section 61-28-04.1 of the North Dakota Century Code, relating to exempting plumbers from permit fee requirements for persons who service septic systems.

**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 44 YEAS, 2 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.; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Osland; Piepkorn; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Luick; Oehlke

**ABSENT AND NOT VOTING:** Poolman

Engrossed HB 1160 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1097:** A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the nurse licensure compact; and to amend and reenact section 43-12.1-09.1 of the North Dakota Century Code, relating to criminal history record checks.

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

**ABSENT AND NOT VOTING:** Poolman

HB 1097, as amended, passed.

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#### **SECOND READING OF HOUSE BILL**

**HB 1342:** A BILL for an Act to amend and reenact sections 4.1-16-05, 4.1-16-09, and 4.1-16-11 of the North Dakota Century Code, relating to beekeeping.

#### **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; Osland; Piepkorn; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Poolman

HB 1342 passed.

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#### **SECOND READING OF HOUSE BILL**

**HB 1207:** A BILL for an Act to create and enact section 20.1-11-14 of the North Dakota Century Code, relating to the disposition of property abandoned on certain public lands; and to declare an emergency.

#### **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; Osland; Piepkorn; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Poolman

HB 1207 passed and the emergency clause was declared carried.

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#### **SECOND READING OF HOUSE BILL**

**HB 1240:** A BILL for an Act to amend and reenact section 4-41-02 of the North Dakota Century Code, relating to industrial hemp; to provide a continuing appropriation; and to declare an emergency.

#### **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; Osland; Piepkorn; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Poolman

Engrossed HB 1240 passed and the emergency clause was declared carried.

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#### **SECOND READING OF HOUSE BILL**

**HB 1026:** A BILL for an Act to create and enact section 49-23-04.1 of the North Dakota Century Code, relating to survey of areas having underground facilities; to amend and reenact sections 49-23-01, 49-23-03, 49-23-04, 49-23-05, and 49-23-06 of the North Dakota Century Code, relating to location of underground facilities before excavation; 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 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; Osland; Piepkorn; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Poolman

Engrossed HB 1026 passed.

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#### **SECOND READING OF HOUSE BILL**

**HB 1191:** A BILL for an Act to amend and reenact section 21-13-02 of the North Dakota Century Code, relating to loans for political subdivisions.

#### **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; Osland; Piepkorn; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Poolman

HB 1191 passed.

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#### **SECOND READING OF HOUSE BILL**

**HB 1059:** A BILL for an Act to amend and reenact subsection 6 of section 5-02-06 of the North Dakota Century Code, relating to the employment of individuals under twenty-one years of age at establishments where alcoholic beverages are sold.

**REQUEST**

**SEN. O. LARSEN REQUESTED** that the Senate divide HB 1059, which was deemed indivisible.

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

**YEAS:** Armstrong; Bekkedahl; Burckhard; Campbell; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larson, D.; Lee, G.; Lee, J.; Mathern; Meyer; Nelson; Oban; Oehlke; Osland; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Anderson; Bowman; Clemens; Hogue; Kannianen; Larsen, O.; Luick; Marcellais; Myrdal; Piepkorn

**ABSENT AND NOT VOTING:** Poolman

HB 1059 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1245:** A BILL for an Act to amend and reenact subsection 37 of section 12.1-30-03 of the North Dakota Century Code, relating to alcohol establishments open on Sunday; and to repeal section 5-02-05.1 of the North Dakota Century Code, relating to local Sunday alcoholic beverage permits.

**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 35 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Cook; Davison; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, J.; Meyer; Nelson; Oban; Oehlke; Osland; Roers; Rust; Schaible; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Clemens; Dever; Kannianen; Lee, G.; Luick; Marcellais; Mathern; Myrdal; Piepkorn; Robinson; Sorvaag

**ABSENT AND NOT VOTING:** Poolman

HB 1245 passed.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1102.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1100, HB 1133.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1096, HB 1110.

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

**MR. PRESIDENT:** The House has passed, unchanged: 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 1052, HB 1106, HB 1108,

HB 1111, HB 1119, HB 1136.

**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 1:00 p.m., Monday, March 6, 2017, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SCR 4010: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4010 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4012: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4012 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4013: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SCR 4013 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1150, as engrossed: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1150 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "or preference"

Page 1, line 7, replace "**Bonus or preference**" with "**Purchase of bonus**"

Page 1, line 7, remove "**to issue licenses - Withdrawal of**"

Page 1, line 8, remove "**application**"

Page 1, line 9, remove "When an individual applies for a hunting license to be issued by lottery, pays all"

Page 1, remove lines 10 through 13

Page 1, line 14, replace "2. If under subsection 1." with "When an"

Page 1, line 15, remove "or preference"

Page 1, line 15, replace "applicant" with "eligible resident"

Page 1, replace line 18 with "The applicant shall pay the same fee as the respective license."

2."

Page 1, line 19, replace "this section" with "subsection 1"

Page 1, line 20, replace "sportsman" with "sportsmen"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1208: Agriculture Committee (Sen. Luick, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1208 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1220: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1220 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1291, as engrossed: Agriculture Committee (Sen. Luick, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1291 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "and"

Page 1, line 5, after "penalty" insert "; and to declare an emergency"

Page 2, after line 13, insert:

**"SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1348: Agriculture Committee (Sen. Luick, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1348 was placed on the Fourteenth order on the calendar.

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

**Shanda Morgan, Secretary**

