

JOURNAL OF THE SENATE

Sixty-third Legislative Assembly

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Bismarck, January 14, 2013

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

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

The roll was called and all members were present.

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. Andrist, 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 48, line 26, after "SB 2103" insert "be returned to the Senate floor from the Finance and Taxation Committee and"

Page 48, line 30, after "SB 2114" insert "be returned to the Senate floor from the Judiciary Committee and"

Page 51, line 6, after ",Chairman)" insert "recommends the following Senate employees for the Sixty-third Legislative Assembly:"

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

CONSIDERATION OF AMENDMENTS

SB 2065: SEN. BERRY (Government and Veterans Affairs Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Employment (Sen. Dever, Chairman)** recommends the following Senate employees for the Sixty-third Legislative Assembly.

2013 SENATE EMPLOYEES

	<u>Secretary of the Senate</u>	
William Horton		Bismarck
	<u>Assistant Secretary of the Senate</u>	
Jane Schaible		Bismarck
	<u>Journal Reporter</u>	
Shanda Morgan		McKenzie
	<u>Calendar Clerk</u>	
Joe Wolf		Bismarck
	<u>Bill Clerk</u>	
Rachel Haidle		Bismarck
	<u>Recording Clerk</u>	
Brock Schmeling		Mandan
	<u>Sergeant-at-Arms</u>	
Arnold (Chip) Thomas		Bismarck
	<u>Deputy Sergeant-at-Arms</u>	
Jack Eiseman		Bismarck
	<u>Assistant Sergeants-at-Arms</u>	
Marsha Lembke		Bismarck

Jared Pfliger	<u>Administrative Assistant to the Majority Leader</u>	Mandan
Renae Doan	<u>Staff Assistant to the Majority Leader</u>	McKenzie
Ryan Fraase	<u>Administrative Assistant to the Minority Leader</u>	Buffalo
Kathy Wachter	<u>Staff Assistant to the Minority Leader</u>	Bismarck
Shane Zhart	<u>Communications Director (both houses)</u>	Bismarck
Allison Kelly	<u>Chief Committee Clerk</u>	Bismarck
Pauline Ziegler	<u>Assistant Committee Clerk</u>	Bismarck
Mary Monson	<u>Appropriations Committee Clerk</u>	Osnabrock
Alice Delzer	<u>Assistant Appropriations Committee Clerk</u>	Mandan
Rose Laning	<u>Committee Clerks</u>	Bismarck
Kari Herrick		Mandan
Carie Winings		Bismarck
Doris Perez		Bismarck
Angela Rittmiller		Bismarck
Tiffany Grossman		Bismarck
Jody Hauge		Mandan
Mary Jo Wocken		Bismarck
Diane Davis		Bismarck
Veronica Sparling		Bismarck
Eva Liebelt		Bismarck
	<u>Chief Page and Bill Book Clerk</u>	
Linda Lang		Mandan
	<u>Desk Page</u>	
Cody Schuh		Bismarck
	<u>Pages and Bill Book Clerks</u>	
Erin Flanagan		Bismarck
Carlin Kirmis		Bismarck
Wanda Baar-Hoechst		Bismarck
	<u>Supply Room Coordinator</u>	
Julie McBride		Bismarck
	<u>Information Kiosk</u>	
Audrey Grafsgaard		Bismarck
	<u>Parking Lot Attendant</u>	
Ron Feist		McKenzie

SEN. DEVER MOVED that the report be adopted, which motion prevailed on a voice vote.

OATH OF OFFICE

PRESIDENT WRIGLEY ADMINISTERED the Oath of Office to the 2013 Senate employees.

MOTION

SEN. COOK MOVED that SB 2099 be returned to the Senate floor from the **Judiciary Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. COOK REQUESTED the unanimous consent of the Senate to withdraw SB 2099. There being no objection, it was so ordered by the President.

MOTION

SEN. MURPHY MOVED that SB 2100 be returned to the Senate floor from the **Industry, Business and Labor Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. MURPHY REQUESTED the unanimous consent of the Senate to withdraw SB 2100. There being no objection, it was so ordered by the President.

SECOND READING OF SENATE BILL

SB 2069: A BILL for an Act to create and enact a new section to chapter 25-04 of the North Dakota Century Code, relating to directing the legislative council to change the name of the developmental center at westwood park, Grafton, to the life skills and transition center.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson Jr.; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

SB 2069 passed.

SECOND READING OF SENATE BILL

SB 2070: A BILL for an Act to amend and reenact subsection 10 of section 4-33-01 of the North Dakota Century Code, relating to the control of plant pests.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson Jr.; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

SB 2070 passed.

SECOND READING OF SENATE BILL

SB 2071: A BILL for an Act to amend and reenact subsection 4 of section 36-05.1-01 of the North Dakota Century Code, relating to satellite video livestock auction market regulations.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson Jr.; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

SB 2071 passed.

SECOND READING OF SENATE BILL

SB 2072: A BILL for an Act to amend and reenact subsection 21 of section 4-30-01 and sections 4-30-36.2, 4-30-36.3, and 4-30-36.4 of the North Dakota Century Code, relating to dairy products regulations.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson Jr.; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

SB 2072 passed.

SECOND READING OF SENATE BILL

SB 2084: A BILL for an Act to create and enact a new subsection to section 43-28-06 of the North Dakota Century Code, relating to powers of the state board of dental examiners; to amend and reenact subsection 7 of section 43-20-01.4, section 43-20-03, subsection 3 of section 43-28-06, section 43-28-10.1, and subsection 3 of section 43-28-25 of the North Dakota Century Code, relating to the practice and licensing of dental hygienists and dentists and the ownership of a practice.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson Jr.; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

SB 2084 passed.

SECOND READING OF SENATE BILL

SB 2096: A BILL for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to funds received by the Bank of North Dakota in relation to the federal student loan program; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson Jr.; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

SB 2096 passed and the emergency clause was declared carried.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, unchanged: SCR 4004.

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., Tuesday, January 15, 2013, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

SB 2049: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2049 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2055: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2055 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2058: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2058 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 57-39.2-23 of the North Dakota Century Code, relating to the disclosure of confidential tax information to the unclaimed property division; and to"

Page 1, line 1, after "47-30.1-30" insert "and subsection 6 of section 57-38-57"

Page 1, line 2, after "examinations" insert "and the disclosure of confidential tax information to the unclaimed property division"

Page 1, line 11, remove the overstrike over "The administrator may not"

Page 1, line 12, remove the overstrike over "contract for an examination done within this state" and insert immediately thereafter "without reasonable cause to believe that a person has failed to comply with this chapter"

Page 1, line 12, remove the overstrike over the overstruck period

Page 1, after line 12, insert:

"SECTION 2. AMENDMENT. Subsection 6 of section 57-38-57 of the North Dakota Century Code is amended and reenacted as follows:

6. ~~The~~Upon request, the tax commissioner may furnish to the unclaimed property division of the board of university and school lands, ~~upon its request,~~ a taxpayer's name, address, and federal identification number for ~~the the sole purpose of~~ identifying the taxpayer as the owner of an unclaimed voucher authorized by the tax commissioner ~~or to locate the~~ apparent owner of unclaimed property as provided under chapter 47-30.1.

SECTION 3. A new subsection to section 57-39.2-23 of the North Dakota Century Code is created and enacted as follows:

Upon request, the commissioner may furnish to the unclaimed property division of the board of university and school lands, a taxpayer's name, address, and federal identification number for identifying the owner of an unclaimed voucher authorized by the commissioner or to locate the

apparent owner of unclaimed property as provided under chapter 47-30.1."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2073: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2073 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2093: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2093 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2105: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2105 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2110: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2110 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2112: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2112 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2124: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2124 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4003: Education Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4003 was placed on the Sixth order on the calendar.

Page 1, line 9, replace the first "and" with "schools,"

Page 1, line 9, after "schools" insert ", and home schools"

Page 1, line 12, replace the first "and" with "schools,"

Page 1, line 12, after "schools" insert ", and home schools,"

Renumber accordingly

FIRST READING OF SENATE BILLS

Sens. Sitte, Campbell, Laffen and Reps. Karls, K. Koppelman, Mooney introduced:

SB 2152: A BILL for an Act to amend and reenact section 10-31-06 of the North Dakota Century Code, relating to ownership of professional organizations.

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

Sens. Lyson, Armstrong, Cook and Reps. Glassheim, Sanford, Schatz introduced:

SB 2153: A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to highway-rail grade crossing safety grants; and to amend and reenact section 57-43.2-19 of the North Dakota Century Code, relating to the highway-rail grade crossing safety projects fund; and to provide a continuing appropriation.

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

Sens. Klein, Laffen, Robinson and Reps. Dosch, Weisz, Gruchalla introduced:

SB 2154: A BILL for an Act to amend and reenact subsections 2, 3, and 4 of sections 23-37-17 of the North Dakota Century Code, relating to registration fees for above and underground tanks.

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

Sens. Campbell, Miller, Sitte, Unruh and Reps. Schatz, Trottier introduced:

SB 2155: A BILL for an Act to amend and reenact section 15.1-21-02.2 of the North Dakota Century Code, relating to high school graduation requirements.

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

Sens. Cook, Campbell, Oehlke and Reps. Belter, Drovdal, Headland introduced:

SB 2156: A BILL for an Act to amend and reenact section 57-38-30 and subsection 1 of section 57-38-30.3 of the North Dakota Century Code, relating to a reduction in income tax rates for corporations, individuals, estates, and trusts; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

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

William R. Horton, Secretary

