

JOURNAL OF THE SENATE

Sixty-third Legislative Assembly

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Bismarck, January 17, 2013

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

The prayer was offered by Chaplain Dan Sweeney, Crisis Care Chaplaincy, 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, Fifth, Sixth, and Seventh Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 51, remove lines 5-57

Page 52, remove lines 2-14

Page 57, remove lines 20-21

Page 70, line 21, after "passed" insert "and the emergency clause was declared carried"

Page 85, line 28, after "Dever," insert "Berry"

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

CONSIDERATION OF AMENDMENTS

PRESIDENT WRIGLEY DEEMED approval of the amendments to SB 2085 and SB 2094.

SB 2085 and SB 2094, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF AMENDMENTS

SB 2077: SEN. NELSON (Judiciary 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.

MOTION

SEN. KLEIN MOVED that the rules be suspended and SB 2077 be placed at the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2077: A BILL for an Act to amend and reenact section 27-06-06 of the North Dakota Century Code, relating to fees for transcripts; and to repeal section 27-06-08 of the North Dakota Century Code, relating to fees for transcripts.

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

YEAS: Anderson; 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

Engrossed SB 2077 passed.

SECOND READING OF SENATE BILL

SB 2111: A BILL for an Act to amend and reenact section 52-06-33 of the North Dakota Century Code, relating to a monetary penalty imposed when unemployment compensation benefits are obtained through false statements; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; 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 2111 passed.

SECOND READING OF SENATE BILL

SB 2080: A BILL for an Act to amend and reenact sections 65-04-20 and 65-04-22, subsection 3 of section 65-04-33, subsection 1 of section 65-05-29, sections 65-06-03 and 65-06-04, subsection 2 of section 65-07-03, section 65-07.1-02, and subsection 5 of section 65-08-01 of the North Dakota Century Code, relating to premium payments, workers' compensation premiums, penalties for failure to secure coverage, assignment of claims, and volunteer health practitioner benefits; and to provide for application.

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; 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

NAYS: Dever

SB 2080 passed.

MOTION

SEN. KLEIN MOVED that the rules be suspended and HB 1186 be returned to the Senate floor from the **Judiciary Committee** and placed on the Fourteenth order for immediate consideration and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1186: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to access to records relating to legislative bill tracking systems; 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 40 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Axness; Heckaman; Marcellais; Mathern; Sinner; Triplett; Warner

HB 1186 passed and the emergency clause was declared carried.

MOTION

SEN. KLEIN MOVED that the rules be suspended and that HB 1186 be messaged to the House immediately, which motion prevailed.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2058, SB 2067, SB 2082, SB 2086, SCR 4002.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1186.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1186.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The President has signed: HB 1186.

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

MR. PRESIDENT: The Speaker has signed: HB 1186.

MOTION

SEN. KLEIN MOVED that the Senate be on the 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, January 18, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2025: Transportation Committee (Sen. Oehlke, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2025 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2027: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2027 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2044: Transportation Committee (Sen. Oehlke, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2044 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2045: Transportation Committee (Sen. Oehlke, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2045 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2051: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2051 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2053: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2053 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2060: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2060 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2078: Judiciary Committee (Sen. Hogue, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2078 was placed on the Sixth order on the calendar.

Page 6, line 12, replace "Sixty-one" with "Sixty-eight"

Page 6, line 13, replace "Twenty-one" with "Fourteen"

Page 6, line 13, replace "three-tenths" with "five-tenths"

Page 6, line 15, replace "Fifteen" with "Twelve"

Page 6, line 15, replace "eight-tenths" with "two-tenths"

Page 6, line 17, replace "Nine-tenths of one" with "Four and seven-tenths"

Page 6, line 21, replace "Eight-tenths" with "Four-tenths"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2083: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2083 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2130: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO NOT PASS** (0 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SB 2130 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2132: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2132 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Flakoll, Holmberg, O'Connell and Reps. Nathe, Sanford, Boe introduced:

SB 2200: A BILL for an Act to create and enact chapter 15-18.1 of the North Dakota Century Code, relating to the determination of funding for institutions of higher education; to provide for legislative intent; and to provide an expiration date.

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

Sens. J. Lee, Dever, Warner and Reps. Hofstad, Hogan, Strinden introduced:

SB 2205: A BILL for an Act to provide an appropriation to the office of management and budget for a grant for administering 2-1-1 services.

Was read the first time and referred to the **Human Services Committee**.

Sens. Bowman, Andrist, O'Connell, Warner and Reps. Sukut, Hunsakor introduced:

SB 2206: A BILL for an Act to amend and reenact section 38-08-05 of the North Dakota Century Code, relating to setbacks for oil and gas wells.

Was read the first time and referred to the **Natural Resources Committee**.

Sens. Grindberg, Holmberg, Robinson and Reps. Dockter, Kreun, Thoreson introduced:

SB 2207: A BILL for an Act to create and enact a new subsection to section 57-38-30.5 of the North Dakota Century Code, relating to the effect of the expiration of the federal research tax credit on the state income tax credit for research and experimental expenditures; and to provide for retroactive application.

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

Sens. Miller, Flakoll, O'Connell and Reps. Kiefert, Trottier, Delmore introduced:

SB 2208: A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to advanced placement credits; and to amend and reenact section 15.1-25-03 of the North Dakota Century Code, relating to dual-credit courses.

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

Sens. Klein, Cook, Lyson and Reps. Belter, Keiser, Porter introduced:

SB 2209: A BILL for an Act to amend and reenact sections 32-15-21 and 49-22-07 of the North Dakota Century Code, relating to eminent domain siting of an energy conversion facility or a transmission facility.

Was read the first time and referred to the **Natural Resources Committee**.

Sens. Flakoll, J. Lee, O'Connell and Reps. Anderson, Delmore, D. Johnson introduced:

SB 2211: A BILL for an Act to create and enact a new section to chapter 36-01 and chapter 36-21.2 of the North Dakota Century Code, relating to the duties of the state board of animal health and the treatment of animals; to repeal sections 36-21.1-01, 36-21.1-02, 36-21.1-03, 36-21.1-03.1, 36-21.1-04, 36-21.1-06, 36-21.1-12, and 36-21.1-13 of the North Dakota Century Code, relating to the treatment of animals; and to provide a penalty.

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

Sens. Krebsbach, Lyson, Oehlke and Reps. Klein, Louser, Gruchalla introduced:

SB 2212: A BILL for an Act to provide an appropriation to the attorney general for the rural crime and justice center victim assistance academy.

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

Sens. Miller, Armstrong, Axness and Reps. Kasper, Thoreson, Strinden introduced:

SB 2213: A BILL for an Act to amend and reenact sections 1-08-09, 16.1-10-06, and 16.1-10-06.2 of the North Dakota Century Code, relating to the restricted area around polling places for certain activities.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Heckaman, Erbele, Klein and Reps. Brandenburg, Kretschmar, Hunsakor introduced:

SB 2214: A BILL for an Act to create and enact a new section to chapter 15.1-27 of the North Dakota Century Code, relating to transition payments for isolated school districts; to provide an effective date; and to declare an emergency.

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

Sens. Sinner, Burckhard, Sitte and Reps. Fehr, N. Johnson, Karls introduced:

SB 2215: 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 tax exemption for sales of used clothing; and to provide an effective date.

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

Sens. Schaible, Luick, Marcellais and Reps. Brandenburg, Rust, Sanford introduced:

SB 2216: A BILL for an Act to amend and reenact section 15.1-09-05 of the North Dakota Century Code, relating to causes of vacancy for school board positions.

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

Sen. Cook and Rep. Drovdal introduced:

SB 2217: A BILL for an Act to amend and reenact sections 40-57.3-04 and 57-39.4-11.1 of the North Dakota Century Code, relating to the payment of city lodging tax, city

lodging and restaurant tax, city motor vehicle tax, and the election of origin-based sourcing for retail sales of tangible personal property.

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

Sens. Wardner, Schaible, Warner and Reps. D. Johnson, Kasper, Boe introduced:

SB 2218: A BILL for an Act to provide workforce development grants to tribally controlled community colleges through the North Dakota department of commerce; and to provide an appropriation.

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

Sens. Wardner, Krebsbach, Schneider and Reps. Kempenich, Sanford, Williams introduced:

SB 2219: A BILL for an Act to provide an appropriation to the department of commerce for a North Dakota state energy conservation program.

Was read the first time and referred to the **Natural Resources Committee**.

Sens. Wardner, Burckhard, Warner and Reps. N. Johnson, Rust, Onstad introduced:

SB 2220: A BILL for an Act to create and enact a new section to chapter 48-02.1 of the North Dakota Century Code, relating to public records; and to amend and reenact sections 48-02.1-01, 48-02.1-02, 48-02.1-03, 48-02.1-04, 48-02.1-06, 48-02.1-07, 48-02.1-09, 48-02.1-10, 48-02.1-11, and 48-02.1-12 of the North Dakota Century Code, relating to public private partnerships.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Cook, Hogue, Triplett and Reps. Klemin, Kretschmar introduced:

SCR 4007: A concurrent resolution directing the Legislative Management to study the growth in use of state False Claims Acts with qui tam provisions in state and local taxation matters and whether that approach is feasible and desirable in North Dakota.

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