

JOURNAL OF THE SENATE

Sixty-fourth Legislative Assembly

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Bismarck, January 21, 2015

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

The prayer was offered by Pastor Steve Sathre, Trinity Lutheran Church, 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. Poolman, Chairman)** has carefully examined the Journal of the Ninth and Tenth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 110, removes lines 36 thru 39

Page 120, line 27, replace "G" with "J"

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

CONSIDERATION OF AMENDMENTS

SB 2218: SEN. WARNER (Human Services Committee) MOVED that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2218 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

SB 2184: SEN. ARMSTRONG (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.

CONSIDERATION OF AMENDMENTS

SB 2096: SEN. COOK (Finance and Taxation 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 Engrossed SB 2096 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed SB 2096 was rereferred.

SECOND READING OF SENATE BILL

SB 2129: A BILL for an Act to amend and reenact section 26.1-03.1-01, subsections 2 and 3 of section 26.1-03.1-02, section 26.1-03.1-03, subsection 2 of section 26.1-03.1-04, subdivision a of subsection 2 of section 26.1-03.1-06, and sections 26.1-03.1-07, 26.1-03.1-08, and 26.1-03.1-13 of the North Dakota Century Code, relating to risk-based capital reports of insurers.

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; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman;

Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed SB 2129 passed.

SECOND READING OF SENATE BILL

SB 2110: A BILL for an Act to amend and reenact section 43-33-01, subsection 1 of section 43-33-02, subsection 1 of section 43-33-03, sections 43-33-04 and 43-33-06, subsection 2 of section 43-33-07, section 43-33-09, subdivision c of subsection 2 of section 43-33-12, subsection 4 of section 43-33-15, and section 43-33-18 of the North Dakota Century Code, relating to licensing hearing aid specialists; to repeal section 43-33-08 of the North Dakota Century Code, relating to temporary trainee permits; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2110 passed.

SECOND READING OF SENATE BILL

SB 2210: A BILL for an Act to create and enact chapter 15.1-09.2 of the North Dakota Century Code, relating to regional education associations; and to repeal chapter 15.1-09.1 of the North Dakota Century Code, relating to regional education associations.

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; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

SB 2210 passed.

SECOND READING OF SENATE BILL

SB 2122: A BILL for an Act to amend and reenact section 49-07-01.1 of the North Dakota Century Code, relating to penalties for violations of the Energy Conversion and Transmission Facility Siting Act under chapter 49-22.

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

NAYS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

SB 2122 failed.

SECOND READING OF SENATE BILL

SB 2158: A BILL for an Act to amend and reenact subsection 2 of section 57-38-01.21 and subdivision e of subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to aggregation of contributions for purposes of the income tax credit for charitable gifts if those gifts are made to qualified endowments under the control of a nonprofit corporation established and operated for the benefit an institution of higher education in this state, its staff, its faculty, or its students; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2158 passed.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2070, SB 2086, SB 2098, SB 2099, SB 2112, SB 2114, SB 2142.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2187.

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

MR. PRESIDENT: The Speaker has signed: HCR 3011.

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., Thursday, January 22, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2043: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2043 was placed on the Sixth order on the calendar.

Page 1, line 3, after "paramedics" insert ", advanced emergency medical technicians, and emergency medical technicians"

Page 1, line 8, replace "entitling" with "governing payments to"

Page 1, line 9, replace "to payment" with ", advanced emergency medical technicians, and emergency medical technicians"

Page 1, line 10, after "to" insert "necessary"

Page 1, line 10, remove "the department determines necessary consistent with"

Page 1, line 11, remove "limitations and exclusions of other medical assistance services"

Page 1, line 11, after the underscored period insert "A physician or an advanced practice registered nurse must supervise any care provided by a licensed community paramedic, an advanced emergency medical technician, or emergency medical technician."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2063: Judiciary Committee (Sen. Hogue, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2063 was placed on the Sixth order on the calendar.

Page 2, line 19, after the second "the" insert "clerk of district court or juvenile"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2100: Judiciary Committee (Sen. Hogue, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2100 was placed on the Sixth order on the calendar.

Page 5, line 25, after the period insert "Other names: Delta-9-tetrahydrocannabinol."

Page 6, line 4, overstrike "Naphthoylindoles. Any compound containing a 3-(1-naphthoyl)indole"

Page 6, overstrike lines 5 through 22

Page 6, line 23, remove "(1)"

Page 6, line 31, replace "by: a substitution" with "in the following ways:"

(a) Substitution"

Page 7, line 1, replace "a substitution" with "or"

(b) Substitution"

Page 7, line 2, after the second underscored comma insert "or"

Page 7, line 2, replace "A" with "or"

(c) A"

Page 7, after line 3, insert:

"(d)"

Page 7, after line 4, insert:

"(e)"

Page 7, line 6, replace "[1](a)" with "[1]"

Page 7, line 7, replace "[2](b)" with "[2]"

Page 7, line 8, replace "[3](c)" with "[3]"

Page 7, line 9, replace "[4](d)" with "[4]"

Page 7, line 11, replace "[5](e)" with "[5]"

Page 7, line 12, replace "[6](f)" with "[6]"

Page 7, line 13, replace "[7](g)" with "[7]"

Page 7, line 14, replace "[8](h)" with "[8]"

Page 7, line 15, replace "[9](i)" with "[9]"

Page 7, line 16, replace "[10](j)" with "[10]"

Page 7, line 17, replace "[11](k)" with "[11]"

Page 7, line 19, replace "[12](l)" with "[12]"

Page 7, line 20, replace "[13](m)" with "[13]"

Page 7, line 21, replace "[14](n)" with "[14]"

Page 7, line 22, replace "[15](o)" with "[15]"

Page 7, line 23, replace "[16](p)" with "[16]"

Page 7, line 24, replace "[17](q)" with "[17]"

Page 7, line 26, replace "[18](r)" with "[18]"

Page 7, line 28, replace "[19](s)" with "[19]"

Page 7, line 30, replace "[20](t)" with "[20]"

Page 8, line 1, replace "[21](u)" with "[21]"

Page 8, line 3, replace "[22](v)" with "[22]"

Page 8, line 5, replace "[23](w)" with "[23]"

Page 8, after line 6, insert:

[24] 1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-1-yl)indole - Other names: AM-1248.

[25] 1-Pentyl-3-(1-adamantoyl)indole - Other names: AB-001 and JWH-018 adamantyl analog.

Page 8, line 15, replace "by: a substitution" with "in the following ways:

(a) Substitution"

Page 8, line 16, replace "a substitution" with: "or

(b) Substitution"

Page 8, line 17, replace "a" with "or

"(c) A"

Page 8, line 18, replace the first underscored comma with an underscored semicolon

Page 8, line 18, replace "a" with:

"(d) A"

Page 8, after line 19, insert:

"(e)"

Page 8, remove lines 20 and 21

Page 8, line 22, replace "(b)" with "[1]"

Page 8, line 23, after "carboxamide" insert ", APICA, SDB-001, and 2NE1"

Page 8, line 24, replace "(c)" with "[2]"

Page 8, line 26, replace "(d)" with "[3]"

Page 8, line 27, after "48" insert "and APINACA"

Page 8, removes lines 28 through 31

Page 9, line 1, replace "(g)" with "[4]"

Page 9, line 3, replace "(h)" with "[5]"

Page 9, line 5, replace "(i)" with "[6]"

Page 9, line 7, replace "(j)" with "[7]"

Page 9, line 9, replace "(k)" with "[8]"

Page 9, line 11, replace "(l)" with "[9]"

Page 9, line 13, replace "(m)" with "[10]"

Page 9, line 15, replace "(n)" with "[11]"

Page 9, line 17, replace "(o)" with "[12]"

Page 9, line 20, replace "(p)" with "[13]"

Page 9, line 22, replace "(q)" with "[14]"

Page 9, line 24, replace "(r)" with "[15]"

Page 10, line 3, replace "by: a substitution" with "in the following ways:"

(a) Substitution"

Page 10, line 4, replace "a substitution" with "or"

(b) Substitution"

Page 10, line 5, replace "a" with "or"

(c) A"

Page 10, line 6, replace "a" with:

"(d) A"

Page 10, after line 7, insert:

"(e) "

Page 10, line 9, replace "(a)" with "[1]"

Page 10, line 11, replace "(b)" with "[2]"

Page 10, line 13, replace "(c)" with "[3]"

Page 10, line 15, replace "(d)" with "[4]"

Page 10, line 17, replace "(e)" with "[5]"

Page 10, line 19, replace "(f)" with "[6]"

Page 27, line 4, underscore "Alfaxalone"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2104: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2104 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2160: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2160 was placed on the Sixth order on the calendar.

Page 3, line 8, remove "Any individually identifiable health information, as defined under the federal Health"

Page 3, replace lines 9 through 14 with:

"Information submitted to, stored in, or transmitted by the health information hub or health information hub office under this chapter that identifies individuals or could reasonably be used to identify individuals is an exempt record under chapter 44-04, unless the information is confidential under applicable federal or state law."

Page 3, line 19, after the period insert "The information technology department is authorized three full-time equivalent positions for purposes of implementing this Act."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2197: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2197 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and for a dental case management pilot"

Page 1, line 3, remove "project"

Page 1, line 6, replace "200,000" with "150,000"

Page 1, line 7, remove "of which \$150,000 is"

Page 1, line 8, remove "and \$50,000"

Page 1, remove lines 9 and 10

Page 1, line 11, remove "options, and gather data to demonstrate the efficacy of dental case management"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2205: Human Services Committee (Sen. J. Lee, 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 2214: Judiciary Committee (Sen. Hogue, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2214 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "the attorney"

Page 1, line 10, remove "general and"

Page 1, line 11, after the period insert "In addition, any person that conducts business in this state shall disclose by mail any breach to the attorney general."

Renumber accordingly

FIRST READING OF SENATE BILLS

Sens. Mathern, Oehlke and Reps. J. Nelson, Hogan introduced:

SB 2322: A BILL for an Act to amend and reenact subsection 10 of section 57-36-01, sections 57-36-25 and 57-36-26, subsection 2 of section 57-36-28, and section 57-36-32 of the North Dakota Century Code, relating to the excise taxes on tobacco products and the cigarette tax; and to repeal section 57-36-24 of the North Dakota Century Code, relating to the exemption from the tobacco tax for products given to the veterans' home and the state hospital.

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

Sens. Sorvaag, Burckhard, Carlisle and Reps. Kasper, Rohr, Thoreson introduced:

SB 2323: A BILL for an Act to amend and reenact section 37-01-45 of the North Dakota Century Code, relating to the book of veterans.

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

Sens. J. Lee, Murphy, Poolman and Reps. Keiser, Schreiber Beck introduced:

SB 2324: A BILL for an Act subsection 6 of section 5-01-16 of the North Dakota Century Code, relating to out-of-state shipments of alcohol to customers in this state.

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

Sens. Murphy, Hogue, J. Lee and Reps. Rick C. Becker, Hanson, Louser introduced:

SB 2325: A BILL for an Act to amend and reenact subsections 1 and 6 of section 5-01-21 of the North Dakota Century Code, relating to multiple brewer taproom licenses.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Miller, Flakoll, Wardner and Reps. D. Johnson, K. Koppelman introduced:

SCR 4013: A concurrent resolution urging North Dakota to continue its endorsement and support of the relationship and shared interests between the people of the Republic of China (Taiwan) and the State of North Dakota.

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

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

Jane Schaible, Secretary