

## JOURNAL OF THE SENATE

## Sixty-third Legislative Assembly

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Bismarck, January 25, 2013

The Senate convened at 12:30 p.m., with President Wrigley presiding.

The prayer was offered by Pastor Scott Bauman, Charity Lutheran Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

**CONSIDERATION OF AMENDMENTS**

**SB 2075: SEN. HOGUE (Judiciary 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.

**CONSIDERATION OF AMENDMENTS**

**SB 2090: SEN. BURCKHARD (Finance and Taxation 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.

**CONSIDERATION OF AMENDMENTS**

**SB 2187: SEN. ANDERSON (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.

**CONSIDERATION OF AMENDMENTS**

**SB 2166: SEN. HOGUE (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 2041: 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 2170: SEN. HOGUE (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 2122: 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.

**CONSIDERATION OF AMENDMENTS**

**SB 2167: 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 2087: SEN. LARSEN (Human Services 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 2190: SEN. ANDERSON (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**.

**REQUEST**

**SEN. SCHNEIDER REQUESTED** a verification vote, which request was granted.

The proposed amendments to SB 2190 were adopted on a verification vote.

**SECOND READING OF SENATE BILL**

**SB 2089:** A BILL for an Act to amend and reenact section 19-03.5-02 and subdivision e of subsection 3 of section 19-03.5-03 of the North Dakota Century Code, relating to state board of pharmacy prescription monitoring programs and access to prescription drug information.

**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 2089 passed.

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**SECOND READING OF SENATE BILL**

**SB 2081:** A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance for gestational carriers.

**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 2081 passed.

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**SECOND READING OF SENATE BILL**

**SB 2068:** A BILL for an Act to amend and reenact section 25-03.2-03.1 of the North Dakota Century Code, relating to decreasing residential child care facility bed capacity to increase psychiatric residential treatment facility bed capacity.

**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 2068 passed.

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**SECOND READING OF SENATE BILL**

**SB 2066:** A BILL for an Act to amend and reenact section 50-24.6-04 of the North Dakota Century Code, relating to prior authorization of antineoplastic agents.

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

**YEAS:** Anderson; Andrist; Burckhard; Campbell; Carlisle; Cook; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, J.; Luick; Marcellais; Nelson; O'Connell; Oehlke; Poolman; Schaible; Sitte; Sorvaag; Triplett; Unruh; Wardner

**NAYS:** Armstrong; Axness; Berry; Bowman; Dever; Dotzenrod; Erbele; Lee, G.; Lyson; Mathern; Miller; Murphy; Robinson; Schneider; Sinner; Wanzek; Warner

Engrossed SB 2066 passed.

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**SECOND READING OF SENATE BILL**

**SB 2181:** A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-07 of the North Dakota Century Code, relating to supervision of defendants for domestic violence offenses.

**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 2181 passed.

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**SECOND READING OF SENATE BILL**

**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.

**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 14 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Campbell; Carlisle; Hogue; Holmberg; Kilzer; Klein; Miller; Robinson; Schneider; Sitte; Triplett; Unruh; Wanzek

**NAYS:** Anderson; Andrist; Armstrong; Axness; Berry; Burckhard; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oehlke; Poolman; Schaible; Sinner; Sorvaag; Wardner; Warner

SB 2155 failed.

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**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 2076, SB 2092, SB 2107, SB 2140, SB 2178, SB 2217.

**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., Monday, January 28, 2013, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2052: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2052 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2054: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2054 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2061: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2061 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2109: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2109 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2120: Transportation Committee (Sen. Oehlke, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2120 was placed on the Sixth order on the calendar.

Page 1, line 17, after "persons" insert "individual"

Page 1, line 17, remove the overstrike over "de"

Page 1, line 17, remove "individual does"

Page 1, line 18, remove "for a fire lane or during rush"

Page 1, line 19, remove "hours"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2121: Transportation Committee (Sen. Oehlke, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2121 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2127: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2127 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2134: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2134 was placed on the Sixth order on the calendar.

Page 1, line 3, after "purposes" insert "; to provide for application; to provide an effective date; and to declare an emergency"

Page 1, replace lines 15 through 17 with:

**"SECTION 2. APPLICATION.** Section 1 of this Act applies only to injuries or conditions initially occurring on or after the effective date of this Act and to expenses related to those injuries and conditions.

**SECTION 3. EFFECTIVE DATE.** This Act becomes effective July 1, 2013.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2135: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2135 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2137: Education Committee (Sen. Flakoll, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2137 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2149: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2149 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2150: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2150 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2158: Agriculture Committee (Sen. Miller, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2158 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2177: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2177 was placed on the Sixth order on the calendar.

Page 1, line 7, after "involving" insert "either"

Page 1, line 7, overstrike "but not" and insert immediately thereafter "or"

Page 1, line 8, overstrike "If pull tabs is conducted"

Page 1, overstrike line 9

Page 1, line 10, overstrike "not exceed three"

Page 1, line 10, remove "four"

Page 1, line 10, overstrike "hundred dollars."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2188: Government and Veterans Affairs Committee (Sen. Dever, Chairman)**

recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2188 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2191: Transportation Committee (Sen. Oehlke, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2191 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2201: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2201 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4001: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4001 was placed on the Eleventh order on the calendar.

#### FIRST READING OF SENATE BILLS

Sens. Sorvaag, Flakoll, Schaible and Reps. Heilman, Kempenich, Kreun introduced:

**SB 2311:** A BILL for an Act to amend and reenact section 53-06.1-10.1 of the North Dakota Century Code, relating to cash prize limits for raffles.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Anderson, Hogue, Klein, Triplett and Reps. Heller, Laning introduced:

**SB 2312:** A BILL for an Act to amend and reenact section 15-05-01 of the North Dakota Century Code, relating to coal leases on state land.

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

Sens. Armstrong, Hogue, Schneider and Reps. Hawken, Kempenich, Thoreson introduced:

**SB 2313:** A BILL for an Act to create and enact a new subsection to section 11-11-14 and a new subsection to section 40-05-01 of the North Dakota Century Code, relating to authorizing a county or a city to expend public funds to retain a lobbyist.

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

Sens. Grindberg, Dotzenrod, Oehlke and Reps. Belter, Streyle, Williams introduced:

**SB 2314:** A BILL for an Act to amend and reenact section 40-57.1-03 of the North Dakota Century Code, relating to certification that a project is a primary sector business before a city or county may grant a property tax exemption for that project; and to provide an effective date.

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

Sens. Mathern, Warner and Reps. Klein, Glassheim, Gruchalla, Zaiser introduced:

**SB 2315:** A BILL for an Act to amend and reenact section 38-08-06.4 of the North Dakota Century Code, relating to flaring.

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

Sens. Armstrong, Campbell, Miller and Reps. Porter, Skarphol, Streyle introduced:

**SB 2316:** A BILL for an Act to create and enact section 57-43.2-04.7 of the North Dakota Century Code, relating to a special fuels tax refund for North Dakota taxes paid on special fuels used to operate the power take-off unit or auxiliary engines of a motor vehicle; and to provide an effective date.

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

Sens. Poolman, Klein and Reps. Dockter, Drovdal introduced:

**SB 2317:** A BILL for an Act to create and enact two new subsections to section 39-01-01 and a new section to chapter 39-18 of the North Dakota Century Code, relating to definitions and to manufactured home dealer licenses and fees; and to amend and reenact sections 39-18-02, 39-18-06, and 39-18-08 of the North Dakota Century Code, relating to mobile home dealer regulation.

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

Sens. Unruh, Cook, Dever, Heckaman and Reps. Heller, Rohr introduced:

**SB 2318:** A BILL for an Act to amend and reenact sections 16.1-11-06, 16.1-11-10, 16.1-11-11, and 16.1-11-16, subsection 5 of section 16.1-11-18, section

16.1-12-02.1, subsection 4 of section 16.1-12-02.2, subsection 2 of section 16.1-12-04, sections 16.1-12-06 and 44-05-04 of the North Dakota Century Code, relating to candidate filing papers; and to repeal section 16.1-11-13 of the North Dakota Century Code, relating to legislative candidate filings.

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

Sens. Grabinger, Armstrong, Axness and Reps. Oversen, Schatz, Toman introduced:

**SB 2319:** A BILL for an Act to amend and reenact section 19-03.4-03 of the North Dakota Century Code, relating to drug paraphernalia.

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

Sens. Poolman, Armstrong and Reps. Delmore, Heilman, Larson introduced:

**SB 2320:** A BILL for an Act to amend and reenact subsection 15 of section 12.1-32-15 and section 27-21-12 of the North Dakota Century Code, relating to the release of juvenile records and other information to schools.

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

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

**William R. Horton, Secretary**

