

**JOURNAL OF THE SENATE**

**Sixty-third Legislative Assembly**

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**Bismarck, January 16, 2013**

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

The prayer was offered by Reverend Craig Schweitzer, Good Shepherd Lutheran Church, Bismarck.

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

A quorum was declared by the President.

**SECOND READING OF SENATE BILL**

**SB 2058:** A BILL for an Act to 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 amend and reenact subsection 2 of section 47-30.1-30 and subsection 6 of section 57-38-57 of the North Dakota Century Code, relating to contracting for in-state unclaimed property examinations and the disclosure of confidential tax information to the unclaimed property division.

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

**YEAS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; 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:** Cook

**ABSENT AND NOT VOTING:** Kilzer

Engrossed SB 2058 passed.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4003:** A concurrent resolution recognizing School Choice Week.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed SCR 4003 was declared adopted on a voice vote.

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**MOTION**

**SEN. KLEIN MOVED** that the rules be suspended and that SCR 4003 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: SCR 4003.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4002:** A concurrent resolution directing the Legislative Management to study the feasibility and desirability of community paramedics providing additional clinical and public health services, particularly in rural areas of the state.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4002 was declared adopted on a voice vote.

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**SECOND READING OF SENATE BILL**

**SB 2067:** A BILL for an Act to amend and reenact section 50-06-15 of the North Dakota Century Code, relating to making reports confidential on providers and individuals applying for or receiving assistance or services under programs administered by the department of human services.

**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; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; 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

**ABSENT AND NOT VOTING:** Kilzer

SB 2067 passed.

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**SECOND READING OF SENATE BILL**

**SB 2082:** A BILL for an Act to amend and reenact subsection 2 of section 43-25-04, sections 43-25-05 and 43-25-07, subsection 3 of section 43-25-09, subsection 1 of section 43-25-10, and section 43-25-18 of the North Dakota Century Code, relating to massage therapy licensure and the board of massage.

**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; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; 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

**ABSENT AND NOT VOTING:** Kilzer

SB 2082 passed.

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**SECOND READING OF SENATE BILL**

**SB 2086:** A BILL for an Act to amend and reenact subdivision c of subsection 4 of section 27-20-30.1 of the North Dakota Century Code, relating to foster care providers.

**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; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; 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

**ABSENT AND NOT VOTING:** Kilzer

SB 2086 passed.

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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 2039, SB 2040, SB 2049, SB 2055, SB 2056, SB 2057, SB 2062, SB 2073, SB 2093, SB 2105, SB 2110, SB 2112, SB 2124.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2065.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1186.

**MOTION**

**SEN. KLEIN MOVED** that the absent member be excused, which motion prevailed.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the 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 17, 2013, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2077: Judiciary Committee (Sen. Hogue, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2077 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "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.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 27-06-06 of the North Dakota Century Code is amended and reenacted as follows:

**27-06-06. Transcript in criminal action prepared at expense of state - Filing and use of transcript.**

A judge of a district court in which a criminal action or proceeding has been tried, on that judge's own motion or on application of the defendant or the state's attorney of the county, may order a transcript of the original shorthand notes of the action or proceeding, or of any part thereof, to be made by the reporter at state expense whenever there is reasonable cause therefor. The transcript, when prepared, must consist of one copy to be filed in the office of the clerk of court, one copy for each party separately represented, and, if the defendant is sentenced to the

legal and physical custody of, or placed under the supervision and management of, the department of corrections and rehabilitation, one copy to the department. The ~~court reporter shall~~ individual preparing the transcript is entitled to receive compensation for preparation of the transcript in accordance with ~~the provisions of section 27-06-08~~ rules and policies adopted by the supreme court.

**SECTION 2. REPEAL.** Section 27-06-08 of the North Dakota Century Code is repealed."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2080: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2080 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2085: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2085 was placed on the Sixth order on the calendar.

Page 5, line 2, overstrike "Of the"

Page 5, overstrike lines 3 through 5

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2094: 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). SB 2094 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to provide an expiration"

Page 1, line 3, remove "date;"

Page 1, line 7, overstrike "(Effective through June 30, "

Page 1, line 7, remove "**2015**"

Page 1, line 7, overstrike the boldfaced closing parenthesis

Page 1, line 15, overstrike "or" and insert immediately thereafter "and"

Page 1, line 16, overstrike "or formal action by"

Page 1, line 17, overstrike "an institution's student governing board or committee"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2111: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2111 was placed on the Eleventh order on the calendar.

#### FIRST READING OF SENATE BILLS

Sens. Grabinger, J. Lee, Wanzek and Reps. Headland, Looyesen, Haak introduced:

**SB 2182:** A BILL for an Act to provide an appropriation to the department of human services for transitional employment services.

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

Sens. Poolman, Grindberg and Reps. Dockter, Larson, Looyesen, Nathe introduced:

**SB 2185:** A BILL for an Act to create and enact a new subsection to section 52-01-03 of the

North Dakota Century Code, relating to job service North Dakota sharing data with the attorney general for the purpose of offender registration compliance.

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

Sens. Heckaman, Murphy and Reps. D. Johnson, Boe, Delmore, Strinden introduced:

**SB 2186:** A BILL for an Act to create and enact section 15.1-21-02.9 of the North Dakota Century Code, relating to eligibility for North Dakota career and technical scholarships and North Dakota academic scholarships; and to declare an emergency.

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

Sens. J. Lee, Bowman, Mathern and Reps. Kempenich, J. Nelson, Holman introduced:

**SB 2187:** A BILL for an Act to create and enact section 6-09-47 of the North Dakota Century Code, relating to a Bank of North Dakota medical facility infrastructure loan program; to amend and reenact section 6-09-47 of the North Dakota Century Code, relating to the medical facility infrastructure loan program; to provide for transfer; and to provide an appropriation; to provide a continuing appropriation; to provide an effective date; and to provide an expiration date.

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

Sens. Poolman, Dever, Grindberg and Reps. Dockter, Nathe introduced:

**SB 2188:** A BILL for an Act to amend and reenact section 54-06-24 of the North Dakota Century Code, relating to the state employee suggestion incentive program.

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

Sens. Heckaman, Poolman and Reps. D. Johnson, Schatz, Delmore, Muscha introduced:

**SB 2189:** A BILL for an Act to amend and reenact sections 15.1-21-02.4 and 15.1-21-02.5 of the North Dakota Century Code, relating to requirements for North Dakota scholarships; and to declare an emergency.

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

Sens. Dever, J. Lee and Reps. Damschen, Devlin, Rohr introduced:

**SB 2190:** A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota Century Code, relating to biosimilar biological products.

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

Sens. G. Lee, Oehlke, Sinner and Reps. Ruby, Silbernagel, Gruchalla introduced:

**SB 2191:** A BILL for an Act to amend and reenact section 39-21-06 of the North Dakota Century Code, relating to stop lamps and turn signals.

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

Sens. Wanzek, Erbele, Warner and Reps. Louser, Nathe, Glassheim introduced:

**SB 2192:** A BILL for an Act to create and enact a new subsection to section 26.1-36-12 of the of the North Dakota Century Code, relating to assignment of dental insurance benefits.

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

Sens. Heckaman, Mathern, Nelson and Reps. Kiefert, Muscha, Oversen introduced:

**SB 2193:** A BILL for an Act to provide for the establishment of an autism spectrum disorder database; to direct the department of human services to seek an autism spectrum disorder medicaid waiver; to provide an appropriation to the state department of health; and to provide appropriations to the department of human services for autism spectrum disorder services.

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

Sens. Lyson, Armstrong, Grabinger and Reps. Boehning, Maragos, Haak introduced:

**SB 2194:** A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to lock changes for victims of domestic violence.

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

Sens. Luick, J. Lee, Robinson and Reps. Fehr, Hogan, Mooney introduced:

**SB 2195:** A BILL for an Act to provide an appropriation to the department of human services for adult protective services.

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

Sens. Hogue, Armstrong, Schneider, Triplett and Rep. Klemin introduced:

**SB 2196:** A BILL for an Act to amend and reenact section 39-20-01 of the North Dakota Century Code, relating to implied consent.

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

Sens. Cook, J. Lee, Nelson and Reps. Keiser, Nathe, S. Kelsh introduced:

**SB 2197:** A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to assessor valuation of farm residences; to amend and reenact subsection 15 of section 57-02-08 and sections 57-02-08.1, 57-02-14, and 57-55-10 of the North Dakota Century Code, relating to elimination of the farm residence property tax exemption; to provide for a legislative management study; to provide an effective date; and to provide an expiration date.

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

Sens. Miller, Armstrong, Hogue and Reps. Becker, K. Koppelman, Toman introduced:

**SB 2198:** A BILL for an Act to create and enact a new section to chapter 25-03.3 of the North Dakota Century Code, relating to annual reviews and petitions for discharge during a period of imprisonment; and to amend and reenact section 12.1-04-07 of the North Dakota Century Code, relating to reports regarding a defendant's fitness to proceed in a criminal proceeding.

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

Sens. G. Lee, Burckhard, Luick, Dotzenrod and Reps. Hofstad, Kreun introduced:

**SB 2199:** A BILL for an Act to amend and reenact sections 61-16.1-02, 61-16.1-40.1, 61-16.1-45, 61-16.1-51, 61-16.1-53, 61-21-46, 61-21-47, and 61-32-07 of the North Dakota Century Code, relating to drainage projects.

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

Sens. Luick, Lyson, Unruh and Reps. Maragos, Rohr, Wall introduced:

**SB 2201:** A BILL for an Act to amend and reenact section 37-19.1-02 of the North Dakota Century Code, relating to school district employment preferences for veterans.

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

Sens. G. Lee, Berry, Schneider and Reps. Karls, J. Nelson, Mock introduced:

**SB 2202:** A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to professional transparency for health care practitioners.

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

Sens. Oehlke, Armstrong, Miller and Reps. Hofstad, D. Johnson introduced:

**SB 2203:** A BILL for an Act to amend and reenact section 11-11-53 and subsection 8 of section 57-15-06.7 of the North Dakota Century Code, relating to county property tax levies and a state matching program for county historical work; to provide an appropriation; and to provide an effective date.

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

Sens. Mathern, Oehlke and Reps. Guggisberg, Kempenich, Gruchalla, S. Kelsh introduced:

**SB 2204:** A BILL for an Act to amend and reenact subdivision c of subsection 3 of section 39-06 14 of the North Dakota Century Code, relating to motorcycle license testing.

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

Sens. Flakoll, Bowman, Carlisle, Marcellais and Reps. D. Johnson, Thoreson introduced:

**SB 2210:** A BILL for an Act to provide for the publishing of a book on North Dakota veterans who died in service; to provide an appropriation; and to provide an expiration date.

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

Sens. Flakoll, Grindberg, Murphy and Reps. Dosch, Heilman, Streytle introduced:

**SB 2222:** A BILL for an Act to amend and reenact section 15.1-21-02.6 of the North Dakota Century Code, relating to North Dakota scholarships.

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

#### FIRST 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.

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**

