

## JOURNAL OF THE SENATE

## Sixty-third Legislative Assembly

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Bismarck, February 18, 2013

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

The prayer was offered by Pastor Les Wolfgram, Shepherd of the Valley Lutheran Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

## MOTION

**SEN. KLEIN MOVED** that the Senate resolve itself into a Confirmation Session, which motion prevailed on a voice vote.

## REPORT OF SELECT COMMITTEE

**MR. PRESIDENT:** Your **Select Committee (Sen. Klein, Chairman)** appointed to consider the nomination to North Dakota State Board of Higher Education, do advise and consent to the appointment of Kathleen Neset.

## REMARKS OF SENATOR TRIPLETT

**MR. PRESIDENT:** I am pleased to report on the confirmation hearing held February 15, 2013 regarding the Governor's appointment of Kathleen Neset to a position on the State Board of Higher Education.

Ms. Neset was appointed to the State Board of Higher Education in July 2012 to fill a vacancy created by the resignation of Claus Lembke in the Spring of 2012. Therefore, her current appointment is scheduled to expire June 30, 2013. If she is confirmed today, it will be for a full four-year term beginning July 1, 2013.

Kathleen Neset has a B.A. in geology from Brown University. She is President of Neset Consulting Service, Inc., which provides well site geologic and geosteering services to the oil industry in North Dakota and throughout the Rocky Mountain region. She started her business in 1980 and is one of very few people to have worked as an independent petroleum geologist in western North Dakota continuously since that time. She is also the owner of Neset Farms near Tioga, ND, where she resides.

Mr. President, I was personally impressed by the fact that Ms. Neset reported that virtually all of her undergraduate classes, other than her geology courses, were in the area of education. Although she does not maintain certification as a public school teacher, she is qualified by her education to be a teacher, and she has taught in the Tioga Public School system in the past.

While virtually all of our candidates for the State Board of Higher Education through the years have had a college or university education, very few of them were specifically trained in the theoretical concepts of education.

Given the emphasis that the legislature has encouraged in recent years on cooperation between our high schools and our institutions of higher education to ensure that our graduating high school seniors are well prepared for a college or university education, Ms. Neset's background in education offers great promise.

Ms. Neset appears to have the combination of education, business experience, temperament, time management skills, and personal commitment to serve the State of North Dakota very well as a member of the State Board of Higher Education.

## MOTION

**SEN. TRIPLETT MOVED** that the report be adopted.

**ROLL CALL**

The question being, "will the Senate advise and consent to the appointment of Kathleen Neset to North Dakota State Board of Higher Education," 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

The Senate advises and consents to the appointment of Kathleen Neset to North Dakota State Board of Higher Education.

**REPORT OF SELECT COMMITTEE**

**MR. PRESIDENT:** Your **Select Committee (Sen. Klein, Chairman)** appointed to consider the nomination to North Dakota State Board of Higher Education, do advise and consent to the appointment of Don Morton.

**REMARKS OF SENATOR KREBSBACH**

**MR. PRESIDENT:** Don Morton has a varied and extensive background. A native of the state of Michigan, he has a B.A. Degree in Psychology, a Master of Arts in Education and Administration. His career in coaching led him to several locations in the country. He started in high school in Moline, IL as assistant football and head wrestling coach, he then moved to a collegiate position at Augustana in SD. Next he arrived at North Dakota State University where he eventually became the head coach and won four conference championships and one national championship. In 1983 he was named National Coach of the Year. He also served as head coach at the University of Tulsa and a Wisconsin University. He then returned to North Dakota State University as the Assistant to the President and the Director of University Relationships.

Upon retiring from the coaching field, Don Morton found a new life career in the computer world. He served as the Chief of Staff to the Co-founder and CEO of Great Plains Software, Doug Bergum. In 2001, Great Plains was acquired by Microsoft, and Don remained the Chief of Staff to Doug Bergum who was named the Sr. Vice President of Microsoft Business Solutions Group. Mr. Morton is currently a Sr. Director within this group and has three major areas of responsibility. He leads the Global Dynamic Academic Alliance Team, he leads a team responsible for the Executive Briefing Center on the Microsoft campus in Fargo, and he is a site leader for the Microsoft Campus in Fargo which employs over 1600 employees.

His background and leadership skills are very much what is needed on the State Board of Higher Education. During his interview, we did ask thoughtful questions, as the Chairman of the Committee said.

There is a sense of mistrust of the Board of Higher Education and he was asked what he would do to improve that relationship. Mr. Morton feels the board needs to have more contact with the Presidents and with the Legislature. He feels they need to be engaged with their constituents to be effective. Another question was raised regarding issues where they can do better as a board. His response was, "We have to accept responsibility and we can do better."

Finally, the statement was made that we are looking for a game changer on the board and does he feel that he can be a game changer. Mr. Morton's response was, "Yes, I do. I feel I can be a game changer."

We have to keep in mind, Mr. President that he has been on the board since July 2012. And I feel confident Mr. Morton will take his responsibility very seriously on the board, and will be a game changer for the better of the University System for the State of North Dakota.

**MOTION**

**SEN. KREBSBACH MOVED** that the report be adopted.

**ROLL CALL**

The question being, "will the Senate advise and consent to the appointment of Don Morton

to North Dakota State Board of Higher Education," 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

The Senate advises and consents to the appointment of Don Morton to North Dakota State Board of Higher Education.

#### **REPORT OF SELECT COMMITTEE**

**MR. PRESIDENT:** Your **Select Committee (Sen. Klein, Chairman)** appointed to consider the nomination to North Dakota State Board of Higher Education, do advise and consent to the appointment of Kari Reichert.

#### **REMARKS OF SENATOR HECKAMAN**

**MR. PRESIDENT:** I am here today on behalf of the High Education Confirmation Committee to advise and consent to the appointment of Kari Reichert to the North Dakota Board of Higher Education.

Ms. Reichert comes to the board with a Law Degree from Yale Law School. She was also an Olin Fellow in Law and Economics. What a perfect fit for her work on the board.

As a resident of Bismarck, she is currently working with a local business developing recruitment strategy for entry-level candidates for the business. She has extensive experience working with policy, employment, record management, litigation, and contracts. Her experience includes researching and drafting policies and addressing legal compliance issues.

The committee heard her commitment to upholding legislative direction and intent as it relates to the University System. She believes she can be a game changer and of course, that is what the search committee believes is needed.

But more importantly, she understands the current level of distrust and concern about the Board of High Education and believes communication is of the utmost importance in alleviating any of those current beliefs. Her vision is one of shared responsibility along with delineating a fine line between micro managing and maintaining the responsibility of not only her job on the board but also of that of the chancellor.

The committee was very firm in its direction to each candidate expecting that each of these applicants will have a huge responsibility regaining the trust of the public, students, faculty, and legislature.

#### **MOTION**

**SEN. HECKAMAN MOVED** that the report be adopted.

#### **ROLL CALL**

The question being, "will the Senate advise and consent to the appointment of Kari Reichert to North Dakota State Board of Higher Education," 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

The Senate advises and consents to the appointment of Kari Reichert to North Dakota State Board of Higher Education.

**MOTION**

**SEN. KLEIN MOVED** that the remarks of Sens. Triplett, Krebsbach, and Heckaman be printed in the Journal, which motion prevailed.

**MOTION**

**SEN. KLEIN MOVED** that the Confirmation Session be dissolved, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2352: SEN. SORVAAG (Political Subdivisions 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 2295: SEN. MILLER (Agriculture 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 after action taken on the Sixth order, SB 2234 be placed on the Eleventh order for second reading and final passage, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2234: SEN. ANDRIST (Industry, Business and Labor 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.

**SECOND READING OF SENATE BILL**

**SB 2234:** A BILL for an Act to provide for a legislative management study of voice over internet protocol service.

**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 2234 passed.

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**CONSIDERATION OF AMENDMENTS**

**SB 2247: SEN. MURPHY (Industry, Business and Labor 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 2339: SEN. LAFFEN (Industry, Business and Labor 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 Senate rule 329 be amended, replacing "twenty-ninth legislative day" with "thirty-first legislative day", which motion prevailed.

**MOTION**

**SEN. KLEIN MOVED** that SB 2339 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2339 was rereferred.

**CONSIDERATION OF AMENDMENTS**

**SB 2317: SEN. SORVAAG (Industry, Business and Labor 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 2298: SEN. SINNER (Industry, Business and Labor Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a verification vote.

**CONSIDERATION OF AMENDMENTS**

**SB 2318: 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.

**CONSIDERATION OF AMENDMENTS**

**SB 2223, as engrossed: SEN. WARNER (Appropriations 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.

**SECOND READING OF SENATE BILL**

**SB 2368:** A BILL for an Act to create and enact a new section to chapter 14-02.1 of the North Dakota Century Code, relating to limitations on and penalties for performing an abortion; to amend and reenact sections 14-02.1-01, 14-02.1-02, and 14-02.1-07 of the North Dakota Century Code, relating to definitions and reporting requirements.

**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:** Andrist; Armstrong; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Grabinger; Hogue; Kilzer; Klein; Laffen; Larsen; Lee, G.; Luick; Mathern; Miller; O'Connell; Poolman; Robinson; Schaible; Sitte; Sorvaag; Unruh; Wanzek; Wardner

**NAYS:** Anderson; Axness; Flakoll; Grindberg; Heckaman; Holmberg; Krebsbach; Lee, J.; Lyson; Marcellais; Murphy; Nelson; Oehlke; Schneider; Sinner; Triplett; Warner

Engrossed SB 2368 passed.

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**SECOND READING OF SENATE BILL**

**SB 2303:** A BILL for an Act to create and enact a new section to chapter 12.1-17 of the North Dakota Century Code, relating to the application of sections in chapter 12.1-17 to certain medical procedures; to amend and reenact sections 12.1-01-04 and 12.1-16-06 of the North Dakota Century Code, relating to the definition of human being and the application of sections in chapter 12.1-16 to certain medical procedures; and to provide directives to the department of human services regarding medicaid and other coverage for pregnant women.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 24 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Erbele; Hogue; Kilzer; Klein; Laffen; Larsen; Lee, G.; Luick; Mathern; Miller; Schaible; Sitte; Sorvaag; Unruh; Wanzek; Wardner

**NAYS:** Anderson; Armstrong; Axness; Dotzenrod; Flakoll; Grabinger; Grindberg; Heckaman; Holmberg; Krebsbach; Lee, J.; Lyson; Marcellais; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schneider; Sinner; Triplett; Warner

Reengrossed SB 2303 passed.

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### SECOND READING OF SENATE BILL

**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.

#### 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 6 YEAS, 41 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Flakoll; Marcellais; Mathern; Nelson; Robinson; Schneider

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

SB 2194 failed.

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### SECOND READING OF SENATE BILL

**SB 2230:** A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to a request by a legislative majority or minority leader for an opinion of the legislative council on the constitutionality of pending legislation.

#### 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 12 YEAS, 35 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Axness; Grabinger; Heckaman; Marcellais; Mathern; Murphy; Nelson; Robinson; Schneider; Sinner; Triplett; Warner

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

SB 2230 failed.

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### SECOND READING OF SENATE BILL

**SB 2272:** A BILL for an Act to repeal chapter 27-06 of the North Dakota Century Code, relating to district court reporters and bailiffs.

#### 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; 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; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**NAYS:** Sitte

SB 2272 passed.

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#### SECOND READING OF SENATE BILL

**SB 2228:** A BILL for an Act to amend and reenact section 47-16-17.1 of the North Dakota Century Code, relating to protection for victims of domestic violence in residential leases.

#### 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:** Axness; Dever; Dotzenrod; Grabinger; Heckaman; Lee, J.; Marcellais; Mathern; Murphy; Nelson; Robinson; Schneider; Sinner; Triplett

**NAYS:** Anderson; Andrist; Armstrong; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Erbele; Flakoll; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Luick; Lyson; Miller; O'Connell; Oehlke; Poolman; Schaible; Sitte; Sorvaag; Unruh; Wanzek; Wardner; Warner

SB 2228 failed.

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#### SECOND READING OF SENATE BILL

**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.

#### 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; Axness; Berry; Bowman; Burckhard; Campbell; Dotzenrod; Erbele; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Robinson; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**NAYS:** Carlisle; Cook; Dever; Flakoll; Kilzer; Poolman; Schaible

SB 2214 passed and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2310:** A BILL for an Act to amend and reenact subsection 4 of section 39-08-13 of the North Dakota Century Code, relating to accident report forms.

#### 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; 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

**NAYS:** Armstrong

SB 2310 passed.

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**SECOND READING OF SENATE BILL**

**SB 2078:** A BILL for an Act to provide for a legislative management study of the assessment of fees by courts.

**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

Reengrossed SB 2078 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 2104, SB 2147, SB 2172, SB 2256, SB 2259, SB 2304, SB 2312, SB 2321, SB 2348, SB 2366.

**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 2287.

**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 12:30 p.m., Tuesday, February 19, 2013, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2008: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2008 was placed on the Sixth order on the calendar.

Page 1, replace line 11 with:

|                     |             |           |              |
|---------------------|-------------|-----------|--------------|
| "Salaries and wages | \$5,356,855 | \$712,381 | \$6,069,236" |
|---------------------|-------------|-----------|--------------|

Page 1, replace line 14 with:

|                      |             |           |              |
|----------------------|-------------|-----------|--------------|
| "Total special funds | \$6,836,318 | \$817,363 | \$7,653,681" |
|----------------------|-------------|-----------|--------------|

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2008 - Department of Financial Institutions - Senate Action**

|                       | Executive Budget | Senate Changes | Senate Version |
|-----------------------|------------------|----------------|----------------|
| Salaries and wages    | \$6,055,849      | \$13,387       | \$6,069,236    |
| Operating expenses    | 1,428,445        |                | 1,428,445      |
| Contingency           | 156,000          |                | 156,000        |
| Total all funds       | \$7,640,294      | \$13,387       | \$7,653,681    |
| Less estimated income | 7,640,294        | 13,387         | 7,653,681      |
|                       | \$0              | \$0            | \$0            |



|              |       |      |       |
|--------------|-------|------|-------|
| General fund |       |      |       |
| FTE          | 29.00 | 0.00 | 29.00 |

**Department No. 413 - Department of Financial Institutions - Detail of Senate Changes**

|                       | Corrects<br>Executive<br>Compensation<br>Package <sup>1</sup> | Total Senate<br>Changes |
|-----------------------|---|-------------------------|
| Salaries and wages    | \$13,387  | \$13,387                |
| Operating expenses    |   |                         |
| Contingency           |   |                         |
| Total all funds       | \$13,387  | \$13,387                |
| Less estimated income | 13,387  | 13,387                  |
| General fund          | \$0   | \$0                     |
| FTE                   | 0.00  | 0.00                    |

<sup>1</sup>Funding is added due to a calculation error in the executive compensation package.

**REPORT OF STANDING COMMITTEE**

**SB 2048: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2048 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 subsection 3 of section 57-51.1-07.1 of the North Dakota Century Code, relating to the resources trust fund.

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

**SECTION 1. AMENDMENT.** Subsection 3 of section 57-51.1-07.1 of the North Dakota Century Code is amended and reenacted as follows:

3. The state water commission shall adopt rules for governing the review and recommendation of proposed water projects for which financial assistance by legislative appropriation from the resources trust fund is being sought under this section. The rules must consider project revenues, local cost sharing, and ability to pay. The rules may provide for repayment of a portion of funds allocated from the resources trust fund.

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2129: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2129 was placed on the Sixth order on the calendar.

Page 1, remove lines 4 through 24

Page 2, replace lines 1 through 11 with:

**"SECTION 1. AMENDMENT.** Section 54-21.3-04.1 of the North Dakota Century Code is amended and reenacted as follows:

**54-21.3-04.1. Accessibility standards.**

~~Notwithstanding section 54-21.3-04, every building or facility subject to the federal Americans with Disabilities Act of 1990 [Pub. L. 101-336; 104 Stat. 327] must conform to the accessibility standards of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities as contained in the appendix to~~

title 28, Code of Federal Regulations, part 36 [28 CFR 36]. State and political subdivision entities may not claim the exceptions to the requirement that elevators be installed in certain buildings as those exceptions are stated in exception 1 to section 4.1.3(5) and in section 4.1.6(1)(k)(i) in the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities found in the appendix to 28 CFR 36. A structural change to an existing state or political subdivision building or facility is not required if another method is effective in achieving compliance with regulations adopted under Public Law 101-336. For public accommodations, an alternative to a structural change in existing buildings or facilities is permitted only after it has been documented, in accordance with regulations adopted under Public Law 101-336, that a particular structural change is not readily achievable. A state agency or the governing body of a political subdivision shall require from any person preparing plans and specifications for a building or facility subject to the Americans with Disabilities Act of 1990 [Pub. L. 101-336; 104 Stat. 327], a statement that the plans and specifications are, in the professional judgment of that person, in conformance with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities found in the appendix to 28 CFR 36, subject to the exception stated in this section. A statement of conformance must be submitted to the department of commerce division of community services for recording.

1. This section replaces any reference to "accessibility standards" in the state and a political subdivision's building code. Notwithstanding section 54-21.3-04, every building or facility subject to the federal Americans with Disabilities Act must conform to the accessibility standards as published by the department of justice revised regulations for titles II and III of the Americans with Disabilities Act of 1990 in the federal register on September 15, 2010. The 2010 standards are minimum requirements, both scoping and technical, for newly designed and constructed or altered state and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities.
2. These standards include standards for state and local governments, which consist of the title II regulations at 28 CFR 35.151 and the 2004 Americans with Disabilities Act accessibility guidelines at 36 CFR, part 1191, appendices B and D; the 2010 standards for public accommodations and commercial facilities, which consist of the title III regulations at 28 CFR, part 36, subpart D, and the 2004 Americans with Disabilities Act accessibility guidelines at 36 CFR, part 1191, appendices B and D.
3. These standards include the elevator requirements and exceptions are stated in 206.2.3; exceptions: 11 through 7.
4. All state agencies, governing bodies of a political subdivision, and controlling bodies of all public accommodations and commercial facilities shall require from the person preparing drawings and specifications for a building or facility, subject to the Americans with Disabilities Act of 1990, revised 2010, a statement referencing all applicable sections of the standards, that the drawings and specifications are in the professional judgment of that person, in conformance with 2010 Americans with Disabilities Act standards for accessible design. For all public facilities, the statement of conformance must be submitted to the controlling body before construction proceeds. A copy of the statement must be submitted to the department of commerce division of community services for recording.
5. A building constructed after July 31, 2013, in excess of seven thousand five hundred square feet [696.77 square meters], which is classified within the state building code as assembly, business, educational, instructional, or mercantile occupancy and required by the state building code to be accessible must include at the primary exterior public entrance an automatic door or power-assisted manual door that complies with the requirements of the Americans with Disabilities Act of 1990, revised 2010."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2200: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2200 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2231: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2231 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2238: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2238 was placed on the Sixth order on the calendar.

Page 1, line 13, after "to" insert "the most recent national evidence-based"

Page 1, line 13, after "guidelines" insert "for cardiopulmonary resuscitation and emergency cardiovascular care"

Page 1, line 14, after "b." insert "Be conducted according to guidelines established by the American heart association, the American red cross, or some other nationally recognized nonprofit organization;

c."

Page 1, line 15, replace "c." with "d."

Page 1, line 20, after the first comma insert "training staff as instructors,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2240, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2240 was placed on the Sixth order on the calendar.

Page 10, line 21, overstrike "four" and insert immediately thereafter "three"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2241, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2241 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2243, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2243 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2250: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2250 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 create and enact a new section to chapter 23-12 of the North Dakota Century Code, relating to participation in the health information organization.

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

**SECTION 1.** A new section to chapter 23-12 of the North Dakota Century Code is created and enacted as follows:

**Voluntary participation in the health information organization - Prohibition on withholding care or benefits.**

1. As used in this section:
  - a. "Health information organization" means the health information exchange created under chapter 54-59.
  - b. "Individually identifiable health information" has the meaning set forth in title 45, Code of Federal Regulations, section 160.103.
2. An individual may opt-out of participating in the health information organization by providing notice to the organization. If an individual chooses to opt-out of participating in the health information organization, the individual's individually identifiable health information may not be accessed by search by a health insurer, government health plan, or health care provider other than the provider who originally created or ordered the creation of the individually identifiable health information.
3. In opting out of participating in the health information organization under this section, the individual must have the option of:
  - a. Opting out of participating; or
  - b. Conditionally opting out, in which case the accessibility of the individual's individually identifiable health information is limited to access by a health care provider who determines access is required by a medical emergency.
4. An individual's decision to opt-out of participating in the health information organization:
  - a. May be changed at any time by the individual by providing written notice to the health information organization.
  - b. Does not prohibit use or disclosure of individually identifiable health information which is required by law.
5. A health care provider, health insurer, or government health plan may not withhold coverage or care from an individual nor may a health insurer deny an individual a health insurance benefit plan based solely on that individual's choice to participate or to opt-out of the health information organization."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2271, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2271 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2297: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2297 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2334, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2334

was placed on the Sixth order on the calendar.

Page 1, line 2, after "map" insert "; and to provide a continuing appropriation"

Page 1, line 6, after "**fees**" insert "- **Continuing appropriation**"

Page 1, line 11, replace "will" with "must"

Page 1, line 14, after the underscored period insert "Any moneys deposited in the statewide seamless base map fund are appropriated on a continuing basis to the division for the purpose of paying maintenance and distribution costs related to the statewide seamless base map."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2342, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2342 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4011: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SCR 4011 was placed on the Sixth order on the calendar.

Page 1, remove lines 14 through 17

Re-number accordingly

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

**William R. Horton, Secretary**

