

JOURNAL OF THE SENATE

Sixty-third Legislative Assembly

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Bismarck, March 26, 2013

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

The prayer was offered by Pastor Chad Brucklacher, Christus Rex Campus Ministry, Grand Forks.

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

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Andrist, Chairman)** recommends that the Journal of the Fifty-second Day be corrected as follows and when so corrected, recommends that it be approved:

Page 860, line 45, delete "2-13"

Page 860, line 46, replace "throughout" with "throughout"

Page 862, line 45, after "SB 2305," insert "SB 2040, SB 2190, SB 2312,"

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

THE SENATE RECOGNIZED THE PRESENCE OF:

Miss North Dakota Kylah Gradin

CONSIDERATION OF AMENDMENTS

HB 1332, as reengrossed: SEN. DEVER (Government and Veterans Affairs 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

HB 1202, as engrossed: SEN. SORVAAG (Political Subdivisions Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1425, as engrossed: SEN. ARMSTRONG (Transportation Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1007: A BILL for an Act to provide an appropriation for defraying the expenses of the labor commissioner.

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

ABSENT AND NOT VOTING: Marcellais

Engrossed HB 1007, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1257: A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 23-15-01 of the North Dakota Century Code, relating to fireworks permitted to be sold.

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 17 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Campbell; Grabinger; Grindberg; Hogue; Holmberg; Klein; Laffen; Larsen; Lyson; Miller; Poolman; Schaible; Sorvaag; Unruh; Wanzek

NAYS: Andrist; Axness; Berry; Bowman; Burckhard; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Heckaman; Kilzer; Krebsbach; Lee, G.; Lee, J.; Luick; Mathern; Murphy; Nelson; O'Connell; Oehlke; Robinson; Schneider; Sinner; Sitte; Triplett; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

HB 1257 failed.

SECOND READING OF HOUSE BILL

HB 1114: A BILL for an Act to amend and reenact section 30.1-26-04 of the North Dakota Century Code, relating to delegation of the powers of a parent or guardian of a minor or incapacitated person; 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 NOT PASS, the roll was called and there were 1 YEAS, 45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson

NAYS: 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; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

HB 1114 failed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3004: A concurrent resolution directing the Legislative Management to study the Uniform Certificate of Title for Vessels Act.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3004 was declared lost on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3022: A concurrent resolution urging Congress to amend the Federal Meat Inspection Act for the purpose of allowing flexibility in state meat inspection programs.

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

HCR 3022 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3020: A concurrent resolution directing the Legislative Management to study the process for planning transportation projects, including placing an interchange on an interstate.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3020 was declared lost on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3014: A concurrent resolution urging the United States Department of the Interior's Bureau of Reclamation and North Dakota's Congressional Delegation to work together to find a solution that allows people occupying lots around Lake Tschida under bureau-issued permits to freely transfer their permits and to leave nonpermanent structures, such as mobile homes, on their lots and that the state Attorney General consider taking such action as may be helpful to bring about the desired solution.

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

Engrossed HCR 3014 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3023: A concurrent resolution directing the Legislative Management to study the feasibility and desirability of creating and encouraging the use of paved bike paths throughout the state.

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

HCR 3023 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3030: A concurrent resolution endorsing Taiwan's participation as an observer in the International Civil Aviation Organization and United Nations Framework Convention on Climate Change.

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

HCR 3030 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3025: A concurrent resolution of commendation to the North Dakota State University Bison football team and Coach Craig Bohl for achieving a rare level of dominance in NCAA Division I football.

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

HCR 3025 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3018: A concurrent resolution directing the Legislative Management to study the most beneficial use of the earnings of the legacy fund.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

Engrossed HCR 3018 was declared lost on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3031: A concurrent resolution directing the Legislative Management to study special enforcement measures in high-fatality zones on highways in this state.

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

HCR 3031, as amended, was declared adopted on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do concur in the House amendments to SB 2142 as printed on SJ page 770, which motion prevailed on a voice vote.

SB 2142, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2142: A BILL for an Act to create and enact two new subsections to section 57-39.2-01 and a new section to chapter 57-39.2 of the North Dakota Century Code, relating to the definition of telecommunications company and telecommunications services and a sales and use tax exemption for equipment used in telecommunications infrastructure development; to amend and reenact section 57-40.2-03.3 of the North Dakota Century Code, relating to use tax exemption for telecommunications infrastructure purchased or installed by contractors; to provide for a retroactive effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: 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; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Anderson

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2142 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOGUE MOVED that the Senate do concur in the House amendments to SB 2185 as printed on SJ page 770, which motion prevailed on a voice vote.

SB 2185, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

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.

ROLL CALL

The question being on the final passage of the bill, which has been read, 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; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Sitte

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2185 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DEVER MOVED that the Senate do concur in the House amendments to SB 2069 as printed on SJ page 730, which motion prevailed on a voice vote.

SB 2069, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2069: A BILL for an Act to create and enact a new section to chapter 25-04 of the North Dakota Century Code, relating to directing the legislative council to change the name of the developmental center at westwood park, Grafton, to the life skills and transition center.

ROLL CALL

The question being on the final passage of the bill, which has been read, 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; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2069 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOGUE MOVED that the Senate do concur in the House amendments to SB 2151 as printed on SJ page 771, which motion prevailed on a voice vote.

SB 2151, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2151: A BILL for an Act to provide for regulation of scrap metal purchases by scrap metal dealers; to provide a penalty; 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, 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; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2151 passed and the emergency clause was declared carried.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1129, HB 1225, HB 1253, HB 1292, HB 1372.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1011, HB 1196, HB 1219, HB 1316, HB 1399.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1212, HB 1216, HB 1245, HB 1395.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2025, SB 2026, SB 2073, SB 2079, SB 2080, SB 2157, SB 2317, SB 2320, SB 2347, SB 2374.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2041, SB 2043, SB 2046, SB 2068, SB 2087, SB 2162, SB 2231.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2041

Page 1, line 3, after "impounding" insert "and destroying"

Page 2, line 4, overstrike "impounded for the duration of the period of suspension or revocation of the"

Page 2, overstrike lines 5 through 10

Page 2, line 11, overstrike "including the offender" and insert immediately thereafter "destroyed by the office of the police officer that made the arrest. The offender shall deliver the number plates to the court without delay at a time certain as ordered by the court following the conviction. The court shall deliver the number plates to the office and notify the department of the order"

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2043

Page 1, line 9, replace "seven" with "two"

Page 1, line 9, remove "fifty"

Page 1, line 10, replace "793.78" with "544.31"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2046

Page 1, line 1, after "reenact" insert "subsection 7 of section 39 06-04 and"

Page 1, line 1, after the first comma insert "39-06.2-06,"

Page 1, line 1, after the second comma insert "39-06.2-08, 39-06.2-08.1,"

Page 1, line 2, after the second comma insert "39-06.2-10.5, 39-06.2-12,"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 7 of section 39-06-04 of the North Dakota Century Code is amended and reenacted as follows:

7. The director may issue a commercial ~~driver's instruction~~learner's permit under section 39-06.2-07."

Page 1, line 15, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 2, line 2, replace "11793.40" with "11793.86"

Page 2, line 3, replace "combination" with "vehicle"

Page 3, line 10, remove the overstrike over ~~""Driver's license" means a license issued by a state to an individual which authorizes"~~

Page 3, remove the overstrike over line 11

Page 3, line 12, remove the overstrike over "44."

Page 3, remove the overstrike over lines 15 and 16

Page 3, line 17, remove the overstrike over "46."

Page 3, line 17, remove "14."

Page 3, line 20, remove the overstrike over "47."

Page 3, line 20, remove "15"

Page 3, line 22, remove the overstrike over "48."

Page 3, line 22, remove "16."

Page 3, line 24, remove the overstrike over "49."

Page 3, line 24, remove "17."

Page 3, line 25, remove the overstrike over "20."

Page 3, line 25, remove "18."

Page 4, line 1, remove the overstrike over "24."

Page 4, line 1, remove "19."

Page 4, line 5, remove the overstrike over "22."

Page 4, line 5, remove "20."

Page 4, line 10, remove the overstrike over "23."

Page 4, line 10, remove "21"

Page 4, line 14, replace "22." with "24."

Page 4, line 17, replace "23." with "25."

Page 4, line 19, replace "24." with "26."

Page 4, line 20, after "license" insert "or a commercial learner's permit"

Page 4, line 22, replace "25." with "27."

Page 4, line 24, replace "26." with "28."

Page 5, line 4, replace "driver's instruction" with "learner's"

Page 5, line 6, replace "driver's instruction" with "learner's"

Page 5, line 9, remove "driver's"

Page 5, line 10, replace "instruction" with "learner's"

Page 5, line 12, replace "driver's instruction" with "learner's"

Page 5, line 16, after "law" insert "or local law or ordinance"

Page 5, line 18, replace "27." with "29."

Page 5, line 19, replace "28." with "30."

Page 5, line 20, replace "a tank" with "one or more tanks"

Page 5, line 27, overstrike "29." and insert immediately thereafter "31."

Page 6, line 14, replace "30." with "32."

Page 6, line 17, replace "31." with "33."

Page 6, line 21, replace "32." with "34."

Page 6, line 22, replace "33." with "35."

Page 6, after line 27, insert:

"SECTION 3. AMENDMENT. Subsection 1 of section 39-06.2-06 of the North Dakota Century Code is amended and reenacted as follows:

1. Except when driving under a commercial ~~driver's instruction~~learner's permit and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, ~~no person~~an individual may not drive a commercial motor vehicle on the highways of this state unless the ~~person~~individual holds and is in immediate possession of a commercial driver's license with applicable endorsements valid for the vehicle the ~~person~~individual is driving. This subsection does not apply:
 - a. When the vehicle being driven is a house car or a vehicle towing a travel trailer being used solely for personal rather than commercial purposes.
 - b. When the vehicle being driven constitutes emergency or firefighting equipment necessary to the preservation of life or property.

- c. When the vehicle is being driven for military purposes, subject to any limitations imposed by 49 CFR part 383.3(c)."

Page 7, line 23, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 8, line 1, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 8, line 4, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 8, after line 15, insert:

"SECTION 5. AMENDMENT. Section 39-06.2-08 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-08. Application for commercial driver's license.

1. The application for a commercial driver's license or commercial ~~driver's-instruction~~learner's permit must include the following:
 - a. The full name and current mailing address of the applicant;
 - b. A physical description of the applicant, including sex, height, weight, and eye and hair color;
 - c. Date of birth;
 - d. The applicant's social security number, unless the application is for a ~~nonresidentnondomiciled~~ commercial driver's license and the applicant is a resident of a foreign jurisdiction;
 - e. The applicant's signature;
 - f. The certifications including those required by 49 CFR part 383.71;
 - g. Any other information required by the director; and
 - h. A consent to release driving record information.
2. The application must be accompanied by an application fee of fifteen dollars. The application must contain any other information as the director may require to improve identity security. The director may require an applicant for a commercial license or commercial ~~instruction~~learner's permit to provide a social security card and proof of residence address.
3. When the holder of a commercial driver's license changes the holder's name or mailing address, an application for a duplicate license must be made as provided in section 39-06-18.
4. An individual who has been a resident of this state for thirty days may not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.
5. Any individual who knowingly falsifies information or certifications required under subsection 1 is subject to suspension, revocation, cancellation, or disqualification of the individual's commercial driver's license or pending application for a period of at least sixty consecutive days.

SECTION 6. AMENDMENT. Section 39-06.2-08.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-08.1. Commercial driver's license medical certification requirements.

1. The director may issue a commercial ~~driver's instruction~~learner's permit or commercial driver's license to a North Dakota resident who meets the medical qualification and certification requirements pursuant to the limitations of 49 CFR parts 383 and 391.
2. Every individual who makes application for a commercial ~~driver's instruction~~learner's permit or commercial driver's license ~~must~~shall certify that the individual meets the qualification requirements contained in 49 CFR part 391 or certify that the individual's commercial transportation is entirely in intrastate commerce and is not subject to 49 CFR part 391.
3. The application will contain the following categories to comply with the commercial driver's certification requirements:
 - a. Interstate and subject to 49 CFR part 391.
 - b. Interstate, but operating exclusively in transportation or operations excepted under 49 CFR part 390.3(f), 391.2, 391.68, or 398.3.
 - c. Intrastate and subject to state driver's qualification requirements.
 - d. Intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver's qualification requirements.
4. Every individual who makes application for or holds a commercial ~~driver's instruction~~learner's permit or commercial driver's license ~~must~~shall submit a copy of the individual's medical certificate to the director unless the commercial transportation is not subject to 49 CFR part 391.
5. The director will downgrade or remove the commercial driving privilege from the license if the medical certificate expires and the driver does not change the driver's certification if the driver is no longer subject to 49 CFR part 391.
6. If the driver provides a current medical certification, the director shall upgrade without retesting the license of a driver which was downgraded under this section."

Page 9, line 5, overstrike "nonresident" and insert immediately thereafter "nondomiciled"

Page 12, line 7, after "than" insert "sixty days for providing false information to the department related to the issuance of a commercial permit or commercial license or for a period of not less than"

Page 13, line 25, replace "instruction" with "learner's"

Page 13, line 30, replace "instruction" with "learner's"

Page 14, line 3, replace "instruction" with "learner's"

Page 14, line 7, replace "instruction" with "learner's"

Page 14, line 11, replace "instruction" with "learner's"

Page 14, line 15, replace "instruction" with "learner's"

Page 14, line 20, replace "instruction" with "learner's"

Page 15, line 9, overstrike "nonresident" and insert immediately thereafter "nondomiciled"

Page 15, line 11, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 15, after line 11, insert:

"SECTION 10. AMENDMENT. Section 39-06.2-10.5 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-10.5. Revocation of privilege to drive commercial motor vehicle upon refusal to submit to testing.

If a person refuses to submit to testing under section 39-06.2-10.2, the law enforcement officer shall immediately take possession of the person's driver's license and issue to that person a temporary driver's permit. The director, upon the receipt of that person's driver's license and a certified written report of the law enforcement officer in the form required by the director, forwarded by the officer within five days after issuing the temporary driver's permit, showing that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle while in violation of section 39-06.2-10.1 or, had reason to believe that the person committed a moving traffic violation or was involved in a traffic accident as a driver, and in conjunction with the violation or accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol, that the person was lawfully detained, and that the person had refused to submit to the screening test under section 39-06.2-10.2, shall revoke that person's commercial driver's license or permit to drive and any ~~nonresidentnondomiciled~~ commercial driver's privilege for the appropriate period under section 39-06.2-10, or if the person is a resident without a commercial driver's license or permit, the director shall deny to the person the issuance of a commercial driver's license or permit for the appropriate period under section 39-06.2-10 after the date of the alleged violation, subject to the opportunity for a prerevocation hearing and postrevocation review as provided in this chapter. In the revocation of the person's driver's license the director shall give credit for time in which the person was without a driver's license after the day of the person's refusal to submit to the test except that the director may not give credit for time in which the person retained driving privileges through a temporary driver's permit.

SECTION 11. AMENDMENT. Section 39-06.2-12 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-12. Notification of traffic convictions.

Within ten days after receiving a report of the conviction of any ~~nonresidentnondomiciled~~ holder of a commercial driver's license for any violation of state or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the director shall notify the driver's licensing authority in the licensing state of the conviction."

Page 15, line 17, overstrike "driver's license instruction" and insert immediately thereafter "learner's"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2068

Page 1, line 2, remove "decreasing"

Page 1, line 2, replace "to increase" with "and"

Page 1, line 8, replace "**Conversion**" with "**Exchange**"

Page 1, line 17, remove "convert residential child care"

Page 1, replace lines 18 through 24 with "develop a policy to:

- a. Exchange residential child care facility bed capacity licensed under chapter 50-11 with psychiatric residential treatment facility bed capacity; or

- b. Exchange psychiatric residential treatment facility bed capacity with residential child care facility bed capacity licensed under chapter 50-11."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2087

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "43-05-15" insert "and 43-05-16.3"

Page 1, line 2, after "licenses" insert "and disciplinary investigations of podiatrists"

Page 1, line 13, remove the overstrike over "must"

Page 1, line 13, remove "shall"

Page 1, after line 17, insert:

"SECTION 2. AMENDMENT. Section 43-05-16.3 of the North Dakota Century Code is amended and reenacted as follows:

43-05-16.3. Subpoena power - Podiatrist cooperation.

1. In investigating a podiatrist under this section, the board may subpoena the podiatrist and medical records relating to the practice of the podiatrist under investigation. The confidentiality of the subpoenaed records under any other law does not affect the validity of the board's subpoena nor the admissibility of the records in board proceedings; however, the proceedings and records of the board which are exempt from subpoena, discovery, or introduction into evidence under chapter 23-34 are not subject to this subsection. Records of the board which are medical records subpoenaed under this subsection are confidential.
2. A podiatrist or applicant for license under this chapter who is the subject of an investigation by the board shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any question raised by the board relating to the subject of the investigation and providing copies of patient medical records or other documentation to assist the board in its investigation. The board shall pay for the copies requested. ~~Except in the case of subpoenaed records, if~~ the board does not have written consent from a patient permitting access to the patient's records, the podiatrist or applicant for license shall delete any data in the record that identifies the patient before providing the record to the board."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2162

Page 1, line 19, after "of" insert "eighty-five percent of"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2231

Page 1, line 8, replace "fifteen" with "ten"

Page 1, line 11, remove the overstrike over "~~ten~~"

Page 1, line 11, remove "eleven"

Page 1, line 16, replace "twenty" with "fifty"

Page 2, line 8, replace "twelve" with "fifteen"

Page 4, line 2, replace "twenty" with "twenty-five"

Page 4, line 3, replace "thirty" with "forty"

Page 4, line 4, replace "forty" with "fifty"

Page 4, line 7, replace "fifteen" with "ten"

Page 4, line 9, overstrike "and nonresident"

Page 4, line 10, after "40." insert "For a nonresident sandhill crane license, thirty dollars.

41."

Page 4, line 11, remove the overstrike over "—42."

Page 4, line 11, remove "41."

Page 4, line 12, remove the overstrike over "43."

Page 4, line 12, remove "42."

Page 4, line 14, remove the overstrike over "44."

Page 4, line 14, remove "43."

Page 4, line 16, remove the overstrike over "45."

Page 4, line 16, remove "44."

Page 4, line 17, remove the overstrike over "46."

Page 4, line 17, remove "45."

Page 4, line 17, overstrike "two" and insert immediately thereafter "three"

Page 4, line 18, remove the overstrike over "47."

Page 4, line 18, remove "46."

Page 4, line 19, remove the overstrike over "48."

Page 4, line 19, remove "47."

Page 4, line 22, remove the overstrike over "49."

Page 4, line 22, remove "48."

Page 4, line 22, replace "thirty" with "thirty-five"

Page 4, line 23, remove the overstrike over "50."

Page 4, line 23, remove "49."

Page 4, line 24, remove the overstrike over "51."

Page 4, line 24, remove "50."

Page 4, line 24, overstrike "twenty-five" and insert immediately thereafter "fifty"

Page 4, line 26, remove the overstrike over "52."

Page 4, line 26, remove "51."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass, unchanged: SB 2059, SB 2101, SB 2316.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1035, HB 1040, HB 1067, HB 1116, HB 1173, HB 1232, HB 1259, HB 1392, HB 1435.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: HB 1035, HB 1040, HB 1067, HB 1116, HB 1173, HB 1232, HB 1259, HB 1392, HB 1435.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE
 This is to inform you that on March 26, 2013, I have signed the following: SB 2305.

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

MOTION
SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, March 27, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE
HB 1041, as engrossed: 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** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1041 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "\$361,200" with "\$1,657,100"

Page 1, line 8, remove "for new wards"

Re-number accordingly

REPORT OF STANDING COMMITTEE
HB 1046, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1046 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE
HB 1097: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1097 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE
HB 1131, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1131 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE
HB 1166, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1166 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "two" with "five"

Page 1, line 13, remove "fifty"

Re-number accordingly

REPORT OF STANDING COMMITTEE
HB 1172: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1172 was placed on the

Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1176, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1176 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1180: 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). HB 1180 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "the qualifications, authority, and"

Page 1, line 3, replace "duties of" with "a pilot program for"

Page 1, line 3, after "managers" insert "; and to provide an expiration date"

Page 1, line 8, after "**manager**" insert "**- Pilot program**"

Page 1, line 9, replace "Under" with "The department shall establish a pilot program for the provision of independent case management services under"

Page 1, line 9, replace ", an" with "within a county located entirely within an Indian reservation for the biennium beginning July 1, 2013, and ending June 30, 2015. An"

Page 1, line 11, remove "licensed"

Page 1, line 11, after "worker" insert "licensed under section 43-41-04"

Page 2, line 4, after "**manager**" insert "**- Pilot program**"

Page 2, line 5, replace "Under" with "The department shall establish a pilot program for the provision of independent case management services under"

Page 2, line 5, replace ", an" with "within a county located entirely within an Indian reservation for the biennium beginning July 1, 2013, and ending June 30, 2015. An"

Page 2, line 7, remove "licensed"

Page 2, line 7, after "worker" insert "licensed under section 43-41-04"

Page 2, line 23, after "**manager**" insert "**- Pilot program**"

Page 2, line 24, replace "Under" with "The department shall establish a pilot program for the provision of independent case management services under"

Page 2, line 24, replace ", an" with "within a county located entirely within an Indian reservation for the biennium beginning July 1, 2013, and ending June 30, 2015. An"

Page 2, line 26, remove "licensed"

Page 2, line 26, after "worker" insert "licensed under section 43-41-04"

Page 3, after line 7, insert:

"SECTION 4. EXPIRATION DATE. This Act is effective through June 30, 2015, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1215, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT**

PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1215 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new subsection to section 15.1-19-10 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to school board policy; and to"

Page 1, remove lines 6 through 10

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1226: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1226 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1241: Judiciary Committee (Sen. Hogue, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1241 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "in an establishment engaged in the retail sale"

Page 1, line 10, remove the overstrike over "~~or used as a gaming site~~" and insert immediately thereafter "at which bingo is the primary gaming activity"

Page 1, line 19, remove the overstrike over "~~or~~" and insert immediately thereafter "at the"

Page 1, line 19, remove the overstrike over "~~gaming site~~" and insert immediately thereafter "at which bingo is the primary gaming activity."

"f. The restaurant part of an establishment if an individual under twenty-one years of age is not prohibited in that part of the establishment"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1277, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1277 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1314, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (4 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1314 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1320, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1320 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1327, as reengrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1327 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1464, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1464 was rereferred to the **Appropriations Committee**.

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

William R. Horton, Secretary

