

JOURNAL OF THE SENATE

Sixty-third Legislative Assembly

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Bismarck, January 23, 2013

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

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2092: SEN. OEHLKE (Finance and Taxation Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2046: A BILL for an Act to amend and reenact sections 39-06.2-02, 39-06.2-07, 39-06.2-09, 39-06.2-09.1, 39-06.2-10, and 39-06.2-16 of the North Dakota Century Code, relating to commercial driver's licenses.

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 2046 passed.

SECOND READING OF SENATE BILL

SB 2207: A BILL for an Act to create and enact a new subsection to section 57-38-30.5 of the North Dakota Century Code, relating to the effect of the expiration of the federal research tax credit on the state income tax credit for research and experimental expenditures; and to provide for retroactive application.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2207 passed.

SECOND READING OF SENATE BILL

SB 2043: A BILL for an Act to amend and reenact subsection 8 of section 39-24-01, subsection 2 of section 39-29-01, and subsection 1 of section 39-29-09 of the North Dakota Century Code, relating to off-highway vehicles and snowmobiles.

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 2043 passed.

SECOND READING OF SENATE BILL

SB 2145: A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to carrying a firearm at a public gathering.

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

ABSENT AND NOT VOTING: O'Connell

SB 2145 passed.

REQUEST

SEN. O'CONNELL REQUESTED that the record reflect he intended to vote YEA on SB 2145, which request was granted.

SECOND READING OF SENATE BILL

SB 2141: A BILL for an Act to amend and reenact subsection 4 of section 12.1-32-07 of the North Dakota Century Code, relating to the supervision of probationers.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2141 passed.

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 2032, SB 2033, SB 2034, SB 2064, SB 2095, SB 2128.

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 2042, SB 2102, SB 2114, SB 2136, SB 2157, SB 2161.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SCR 4003.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: SCR 4003.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on January 23, 2013: SCR 4003.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, January 24, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2028: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2028 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2031: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2031 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2038: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2038 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2050: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2050 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2066: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2066 was placed on the Sixth order on the calendar.

Page 2, line 16, after the underscored period insert "The department may not prefer one antineoplastic agent over another. If an antineoplastic agent prior authorization shows that the agent meets the definition of medically accepted indication under section 1927 of the Social Security Act [42 U.S.C. 1396r-8] and title 42 of the Code of Federal Regulations, the department shall approve the agent."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2068: 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 2068 was placed on the Sixth order on the calendar.

Page 1, line 21, after the underscored period insert "When necessary, the department may revert one psychiatric residential treatment facility bed to two residential child care facility beds."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2076: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2076 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2081: 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 2081 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 14-18, relating to payment of pregnancy-related services for a surrogate or gestational carrier."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 14-18 of the North Dakota Century Code is created and enacted as follows:

Responsibility of intended parents for pregnancy-related costs.

The costs of pregnancy-related services, including labor and delivery services, incurred by a surrogate or gestational carrier as defined by section 14-18-01 are the responsibility of the intended parents."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2089: 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 2089 was placed on the Sixth order on the calendar.

Page 1, line 1, after "19-03.5-02" insert "and subdivision e of subsection 3 of section 19-03.5-03"

Page 1, line 2, after "programs" insert "and access to prescription drug information"

Page 1, after line 21, insert:

"SECTION 2. AMENDMENT. Subdivision e of subsection 3 of section 19-03.5-03 of the North Dakota Century Code is amended and reenacted as follows:

- e. The department of human services for purposes regarding the utilization of controlled substances by a medicaid recipient or establishment and enforcement of child support and medical support;"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2107: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2107 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2140: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2140 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2162: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2162 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2176: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2176 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2178: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2178 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2217: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2217 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Luick, Nelson, Wardner and Reps. Karls, Paur, Thoreson introduced:

SB 2299: A BILL for an Act to create and enact section 16.1-08.1-03.13 of the North Dakota Century Code, relating to campaign contribution statements required of initiated petition sponsoring committees; to amend and reenact sections 16.1-08.1-01, 16.1-08.1-03.1, and 16.1-08.1-03.2, subsection 1 of section 16.1-08.1-03.5, sections 16.1-08.1-03.7, 16.1-08.1-04, and 16.1-08.1-06.1 of the North Dakota Century Code, relating to campaign finance; and to repeal section 16.1-08.1-03.12 of the North Dakota Century Code, relating to campaign contribution statements required of political organizations.

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

Sens. Luick, Dotzenrod, G. Lee and Reps. Belter, J. Kelsh, Wall introduced:

SB 2300: A BILL for an Act to create and enact a new subsection to section 61-16.2-05 of the North Dakota Century Code, relating to flood plain management ordinances; and to amend and reenact section 61-16.2-10 of the North Dakota Century Code, relating to exceptions to flood plain management actions or construction.

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

Sens. Andrist, Flakoll, Murphy and Reps. Damschen, Holman, Vigesaa introduced:

SB 2301: A BILL for an Act to amend and reenact section 54-07-07 of the North Dakota Century Code, relating to grants from the governor's prevention and advisory council; and to provide for an appropriation.

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

Sens. Sitte, Luick, Unruh and Reps. Damschen, Heller, Rohr introduced:

SB 2302: A BILL for an Act to provide for the right to life act; to provide a penalty; and to provide an effective date.

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

Sens. Larsen, Sitte, Unruh and Reps. Meier, Ruby, Toman introduced:

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; and 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.

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

Sens. Larsen, Klein and Reps. Beadle, Kasper introduced:

SB 2304: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to insurance producer criminal history background checks; to amend and reenact section 26.1-26-13.3 of the North Dakota Century Code, relating to insurance producer criminal history background checks; and to provide an effective date.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Dever, Carlisle, Lyson and Reps. Bellew, Belter, Owens introduced:

SCR 4008: A concurrent resolution designating May 1 as "Cold War Victory Day"

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

Sens. Sitte, Luick, Unruh and Reps. Damschen, Heller, Rohr introduced:

SCR 4009: A concurrent resolution to create and enact a new section to article I of the Constitution of North Dakota, relating to the inalienable right to life of every human being at every stage of development.

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