

## JOURNAL OF THE SENATE

## Sixty-third Legislative Assembly

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Bismarck, February 15, 2013

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

The prayer was offered by Reverend Tim Jenks, Bethel Lutheran Church, Bismarck.

The roll was called and all members were present.

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)** has carefully examined the Journal of the Twenty-eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 383, delete line 30 through 34

Page 383, line 30 insert:

**"SB 2252:** A BILL for an Act to amend and reenact sections 14-02.4-01, 14-02.4-02, 14 - 02.4 -03, 14-02.4-04, 14-02.4-05, 14-02.4-06, 14-02.4-08, 14-02.4-09, 14-02.4-14, 14 - 02.4-15, 14-02.4-16, 14-02.4-17, 14-02.5-02, 14-02.5-03, 14-02.5-04, 14-02.5-05, 14- 02.5-07, 14-02.5-08, 14-02.5-10, subsection 11 of section 26.1-04-03, subsection 1 of section 26.1-30.1-01.1, subsection 1 of section 26.1-39-17, and sections 26.1-40-11, 26.1- 47-04, and 27-09.1-02 of the North Dakota Century Code, relating to discrimination on the basis of sexual orientation."

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

## CONSIDERATION OF AMENDMENTS

**SB 2237: SEN. MILLER (Finance and Taxation Committee) MOVED** that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**.

## REQUEST

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

The proposed amendments to SB 2237 were adopted on a verification vote.

## CONSIDERATION OF AMENDMENTS

**SB 2156: SEN. COOK (Finance and Taxation Committee) MOVED** that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2193: SEN. J. LEE (Human Services Committee) MOVED** that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2336: SEN. COOK (Finance and Taxation Committee) MOVED** that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2364: SEN. CAMPBELL (Finance and Taxation Committee) MOVED** that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**SB 2320: SEN. SITTE (Judiciary Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**SB 2227: SEN. LYSON (Judiciary Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion failed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**SCR 4006: SEN. HOGUE (Judiciary Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**SB 2340: SEN. SITTE (Judiciary Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**SB 2308: 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 2299: SEN. NELSON (Judiciary Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**MOTION**

**SEN. KLEIN MOVED** that after action taken on the Sixth order, SB 2368 be placed on the Eleventh order for second reading and final passage, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2368: SEN. BERRY (Judiciary Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**MOTION**

**SEN. KLEIN MOVED** that SB 2368 and SB 2303 be moved to the bottom of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2341:** A BILL for an Act to provide for an appropriation to the state historical society for archeological surveys.

**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 16 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

Engrossed SB 2341 failed.

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**SECOND READING OF SENATE BILL**

**SB 2348:** A BILL for an Act to amend and reenact subsection 5 of section 39-06.2-06 of the North Dakota Century Code, relating to restricted 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 2348 passed.

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**SECOND READING OF SENATE BILL**

**SB 2259:** A BILL for an Act to amend and reenact subsection 9 of section 55-08-01.3 of the North Dakota Century Code, relating to historic preservation at state parks.

**MOTION**

**SEN. TRIPLETT MOVED** that Engrossed SB 2259 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 55-08-01.3 of the North Dakota Century Code, relating to historic preservation at state parks.

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

**SECTION 1.** A new subsection to section 55-08-01.3 of the North Dakota Century Code is created and enacted as follows:

Protect the historic, prehistoric, and paleontological values of the designated historic site if a state park contains a designated historic site."

Renumber accordingly

**SB 2259:** A BILL for an Act to create and enact a new subsection to section 55-08-01.3 of the North Dakota Century Code, relating to historic preservation at state parks.

**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 32 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Armstrong; Axness; Bowman; Burckhard; Campbell; Dotzenrod; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Laffen; Larsen; Lee, J.; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Triplett; Unruh; Wardner; Warner

**NAYS:** Anderson; Berry; Carlisle; Cook; Dever; Erbele; Kilzer; Klein; Krebsbach; Lee, G.; Luick; O'Connell; Sitte; Sorvaag; Wanzek

Reengrossed SB 2259 passed.

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**SECOND READING OF SENATE BILL**

**SB 2104:** A BILL for an Act to amend and reenact section 57-38-31.1 of the North Dakota Century Code, relating to composite withholding returns for nonresident members of passthrough entities; and to provide an effective date.

**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, 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

Engrossed SB 2104 passed.

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**SECOND READING OF SENATE BILL**

**SB 2173:** A BILL for an Act to create and enact three new subsections to section 24-01-01.1 and two new sections to chapter 24-02 of the North Dakota Century Code, relating to design-build procurement for state highways.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 36 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Armstrong; Bowman; Cook; Grindberg; Kilzer; Marcellais; O'Connell; Wardner; Warner

**NAYS:** Axness; Berry; Burckhard; Campbell; Carlisle; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Mathern; Miller; Murphy; Nelson; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek

Engrossed SB 2173 failed.

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**MOTION**

**SEN. KLEIN MOVED** that SB 2312 be moved to the top of the Eleventh order, which motion prevailed.

**SECOND READING OF SENATE BILL**

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

**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 2312 passed.

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### SECOND READING OF SENATE BILL

**SB 2172:** A BILL for an Act to create and enact a new section to chapter 25-17 of the North Dakota Century Code, relating to newborn child screening for critical congenital heart defects.

### 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 2172 passed.

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### SECOND READING OF SENATE BILL

**SB 2285:** A BILL for an Act to provide for the establishment of a center for independent living outreach office on the Turtle Mountain Indian Reservation; and to provide an appropriation.

### 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 15 YEAS, 32 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Berry; Burckhard; Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Sinner; Triplett; Warner

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

SB 2285 failed.

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### SECOND READING OF SENATE BILL

**SB 2349:** A BILL for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to guaranteeing micro loans for new Americans; and to provide an appropriation.

### ROLL CALL

The question being on the final passage of the amended 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; Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Sinner; Triplett; Warner

**NAYS:** Anderson; Andrist; Armstrong; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Erbele; Flakoll; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Oehlke; Poolman; Schaible;

Sitte; Sorvaag; Unruh; Wanzek; Wardner

Engrossed SB 2349 failed.

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### SECOND READING OF SENATE BILL

**SB 2287:** A BILL for an Act to amend and reenact sections 6-09.7-02, 6-09.7-03, and 6-09.7-05 of the North Dakota Century Code, relating to the fuel production facility loan guarantee program; to repeal section 6-09.7-03 of the North Dakota Century Code, relating to the fuel production facility loan guarantee program; to provide an effective date; to provide an expiration date; and to declare an emergency.

### 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 2287 passed and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2332:** A BILL for an Act to provide an appropriation for special education support grants.

### ROLL CALL

The question being on the final passage of the amended 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; Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Sinner; Triplett; Warner

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

Engrossed SB 2332 failed.

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### SECOND READING OF SENATE BILL

**SB 2321:** A BILL for an Act to amend and reenact section 65-06-03 of the North Dakota Century Code, relating to workers' compensation wage loss benefit for volunteer firefighters; and to provide for application.

### 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 2321 passed.

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### SECOND READING OF SENATE BILL

**SB 2256:** A BILL for an Act to provide for the establishment of a home visitation program for families with young children and for pregnant women.

### 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 44 YEAS, 3 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; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**NAYS:** Kilzer; Miller; Sitte

Engrossed SB 2256 passed.

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### SECOND READING OF SENATE BILL

**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 record checks; to amend and reenact section 26.1-26-13.3 of the North Dakota Century Code, relating to insurance producer criminal history record checks; and to provide an effective date.

### 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 2304 passed.

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### MOTION

**SEN. KLEIN MOVED** that Engrossed SB 2325, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed SB 2325 was rereferred.

### SECOND READING OF SENATE BILL

**SB 2147:** A BILL for an Act to amend and reenact sections 5-01-01, 5-01-16, and 5-03-06 of the North Dakota Century Code, relating to direct shipment of alcoholic beverages from out of state; and to provide a penalty.

### 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 2147 passed.

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#### SECOND READING OF SENATE BILL

**SB 2366:** A BILL for an Act to create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for contributions to a homeless shelter; to provide an effective date; and to provide an expiration date.

#### 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 2366 passed.

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#### SECOND READING OF SENATE BILL

**SB 2123:** A BILL for an Act to provide for the Uniform Asset-Freezing Orders Act.

#### 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 7 YEAS, 40 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Heckaman; Hogue; Marcellais; Mathern; O'Connell; Schneider; Triplett

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

SB 2123 failed.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2007.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1269.

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

**MR. SPEAKER:** The President has signed: HB 1269.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1269.



**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, February 18, 2013, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2059, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2059 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2142: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2142 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2203: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2203 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2218, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2218 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2223, 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 2223 was placed on the Sixth order on the calendar.

Page 1, line 9, after the period insert "The study must also include a review of options for payments in lieu of taxes if a new facility is constructed."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2234: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2234 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 provide for a legislative management study of voice over internet protocol service."

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - VOICE OVER INTERNET PROTOCOL SERVICE.** During the 2013-14 interim, the legislative management shall consider studying voice over internet protocol service and the effect of this service and other technologies on the telecommunications industry, including any desired changes in regulation and taxation. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2247: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2247 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "Every" and insert immediately thereafter "Except for those amounts that are required under state or federal law to be withheld from employee compensation or where a court has ordered the employer to withhold compensation, an"

Page 1, after line 6 insert "only"

Page 1, remove lines 11 and 12

Page 1, line 13, replace "2." with "1."

Page 1, line 14, replace "3." with "2."

Page 1, line 15, replace "4." with "3."

Page 1, line 17, replace "5." with "4."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2260: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2260 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2264, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2264 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2267, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2267 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2281: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2281 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2295: Agriculture Committee (Sen. Miller, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2295 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "and subsection 10 to"

Page 1, line 2, remove "section 57-38.6-03"

Page 1, line 3, remove "and the agricultural business investment tax credit to"

Page 1, remove lines 4 through 6

Page 1, line 7, remove "cooperatives"

Page 1, line 24, remove "and per unit"

Page 2, line 1, remove "retained allocations"

Page 2, line 1, replace "1382(b)" with "1382(b)(1)"

Page 2, remove lines 22 through 30

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 28

Page 4, line 29, replace "investments made" with "projects approved"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2298: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2298 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact subdivision c of subsection 3 of section 65-05-28 of the"

Page 1, remove line 2

Page 1, line 3, remove "examinations;"

Page 2, remove lines 4 through 9

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2317: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2317 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "act"

Page 1, line 1, remove "and a new"

Page 1, line 2, remove "section to chapter 39-18"

Page 1, line 2, remove "and to"

Page 1, line 3, remove "manufactured home dealer licenses and fees"

Page 1, line 3, after "sections" insert "39-18-01,"

Page 1, line 4, after "home" insert "and manufactured home"

Page 2, replace lines 3 through 18 with:

**"SECTION 3. AMENDMENT.** Section 39-18-01 of the North Dakota Century Code is amended and reenacted as follows:

**39-18-01. Mobile home and manufactured home dealer's license - Fees - Dealer's plates - Penalty.**

1. ~~No~~A person, partnership, corporation, or limited liability company may not engage in the business of buying, selling, or exchanging of mobile homes, manufactured homes, or travel trailers, or advertise or hold ~~oneself or itself~~that person out to the public as being in the business of buying, selling, or exchanging of mobile homes, manufactured homes, or travel trailers without first being licensed ~~to do so as hereinafter provided~~.
2. Application for a dealer's license and renewal license must be made to the department on ~~such forms as the department prescribes and~~ furnishes, and the application must be accompanied by an annual fee of thirty-five dollars for which must be issued one dealer plate. A dealer's license expires on December thirty-first of each year, and application for renewal of a dealer's license must be made on or before the expiration of the current dealer's license.

3. A mobile home or manufactured home dealer's license must be issued only to those who will maintain a permanent office and place of business, and an adequate service department, during the licensing year, and will abide by all the provisions of law pertaining to mobile home or manufactured home dealers.
4. In addition, the dealer shall maintain that person's business records in one central location.
5. Upon the payment of the fee of ten dollars for each additional plate, the department shall register and issue dealer's license plates for use on any mobile or manufactured homes owned by the licensed dealer, and the mobile and manufactured homes bearing the dealer's license plates may be lawfully operated upon the public highways of the state of North Dakota by the dealer, and the dealer's agents and servants, during the year of the registration. A dealer's license plates expire on December thirty-first of each year.
6. The term "mobile home" as used in this chapter includes and has the same meaning as "housetrailer", and both terms have the meaning prescribed in section 39-01-01. The ~~term~~ terms "travel trailer" and "manufactured home" as used in this chapter ~~has~~ have the meaning as prescribed in section 39-01-01.
7. Any mobile home or manufactured home dealer licensed under the ~~provisions of~~ this chapter may sell house cars without being licensed under the ~~provisions of~~ chapter 39-22. A mobile home or manufactured home dealer plate displayed on a house car must be displayed on the rear of the vehicle.
8. Any dealer violating this chapter must be assessed a one hundred dollar fee by the department for a first violation and a two hundred dollar fee by the department for a second violation within two years of the first violation. The department shall suspend the license of a mobile home or manufactured home dealer licensed under this chapter if a third or subsequent violation of this chapter occurs within five years of the first violation."

Page 2, line 22, overstrike "as provided"

Page 2, line 23, overstrike "by law,"

Page 2, line 23, overstrike "such" and insert immediately thereafter "the"

Page 2, line 25, overstrike "the state of North Dakota, which" and insert immediately thereafter "this state. The bond"

Page 2, line 25, overstrike "ten" and insert immediately thereafter "fifty"

Page 2, line 26, overstrike "said" and insert immediately thereafter "the"

Page 2, line 26, overstrike "such" and insert immediately thereafter "the"

Page 2, line 26, overstrike "be" and insert immediately thereafter "is"

Page 2, line 27, overstrike "such" and insert immediately thereafter "the"

Page 2, line 27, overstrike "the state of North Dakota" and insert immediately thereafter "this state"

Page 2, line 28, overstrike "such" and insert immediately thereafter "the"

Page 2, line 28, overstrike "said" and insert immediately thereafter "the"

Page 2, line 30, overstrike "such" and insert immediately thereafter "the"

Page 2, line 31, overstrike "such" and insert immediately thereafter "the"

Page 3, line 1, overstrike "the state of North Dakota, including" and insert immediately thereafter "this state. This includes"

Page 3, line 2, remove "or manufactured home"

Page 3, line 3, overstrike "such" and insert immediately thereafter "a"

Page 3, line 3, remove "or manufactured home"

Page 3, line 4, overstrike the first "such" and insert immediately thereafter "a"

Page 3, line 4, overstrike ", and that such" and insert immediately thereafter ". In addition, this includes furnishing to the vendee of a manufactured home within fifteen days of the sale of a manufactured home an affidavit of affixation that is obtained from the county recorder in the county where the real property is affixed, a letter of confirmation, and a bill of sale that includes a statement as to whether there are any liens or encumbrances on the manufactured home. The"

Page 3, line 5, overstrike "prior to" and insert immediately thereafter "before"

Page 3, line 5, overstrike "herein"

Page 3, line 5, after "for" insert "under this chapter"

Page 3, line 6, overstrike "Provided, however, that the" and insert immediately thereafter "The"

Page 3, line 6, overstrike the first "such"

Page 3, line 6, overstrike the second "such"

Page 3, line 7, overstrike ", in no event," and insert immediately thereafter "not"

Page 3, line 7, overstrike "such" and insert immediately thereafter "the"

Page 3, line 9, overstrike "such proceedings" and insert immediately thereafter "proceeding"

Page 3, line 19, overstrike "the state of North Dakota" and insert immediately thereafter "this state"

Page 3, line 21, overstrike "no" and insert immediately thereafter "an"

Page 3, line 22, after "may" insert "not"

Page 4, line 2, replace "which" with "that"

Page 4, line 4, remove "or manufactured home"

Page 4, line 4, overstrike "which" and insert immediately thereafter "or manufactured home that"

Page 4, line 5, overstrike "such" and insert immediately thereafter "the"

Page 4, line 8, overstrike "No" and insert immediately thereafter "A"

Page 4, line 8, after "may" insert "not"

Page 4, line 11, overstrike "pursuant to" and insert immediately thereafter "under"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2318: 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 2318 was placed on the Sixth order on the calendar.

Page 1, line 3, after the second comma insert "and"

Page 3, line 21, overstrike "**and legislative district**"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2324: Agriculture Committee (Sen. Miller, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2324 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2339: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2339 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 6-09.4 of the North Dakota Century Code, relating to the financing of housing projects and creation of a public infrastructure revolving loan fund through the public finance authority; to provide an appropriation; and to provide a continuing appropriation.

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

**SECTION 1.** A new section to chapter 6-09.4 of the North Dakota Century Code is created and enacted as follows:

##### **Infrastructure revolving loan fund - Continuing appropriation - Rules.**

1. The purpose of the infrastructure revolving loan fund is to provide loans for housing-related public infrastructure projects, including those for flood protection, utilities, storm water, roadways, or other project development.
2. An infrastructure revolving loan fund is established to make loans for the purposes described in subsection 1. Moneys in the fund are appropriated on a continuing basis for making loans in accordance with this section. Accounts may be established in the fund as necessary for its management and administration.
3. The public finance authority may manage and administer the infrastructure revolving loan fund and individual accounts in the fund. For those purposes, the authority may exercise all powers provided in this chapter.
4. The project application to the public finance authority must include the following information:
  - a. A description of the nature and purpose of the proposed infrastructure project, including an explanation of the need for the project and the reasons why the project is in the public interest;
  - b. The estimated cost of the project and the amount of loan sought;
  - c. Proposed sources of funding, in addition to loans sought from the infrastructure revolving loan fund; and
  - d. The overall benefit of the project.
5. A loan made under this section must:

- a. Bear interest at or below market rates;
  - b. Have a repayment term not longer than seven years;
  - c. Be amortized for a term to be determined by the public finance authority, with the remaining balance due on the maturity date of the agreement;
  - d. Be subject to repayment of principal and interest beginning not later than two years after the facility financed with a loan has been completed; and
  - e. Be disbursed for specific project elements only after all applicable environmental requirements have been met.
6. Twenty percent of the funds available for loan must be reserved for cities with a population of four thousand or less, unless there is an insufficient number of applicants from cities of this size to fill this allotment.
  7. The director of the public finance authority, with the approval of the industrial commission, may adopt policies to implement a program to identify and assist with development of projects eligible for loans under this section. Projects not eligible for state revolving fund funding must be given priority for these funds.
  8. The director of the public finance authority may request the assistance of other agencies of the state as may be necessary for the administration of such projects and such agencies of the state shall provide such assistance.
  9. A loan may be made to a statutory or home rule charter city to finance projects for the purposes described in this section. The loan must be repaid by the city under the terms and conditions provided in this section and established by the public finance authority, agreed to by the city, and backed by the full faith and credit of that city.

**SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$50,000,000, or so much of the sum as may be necessary, to the industrial commission for deposit in the infrastructure development revolving loan fund for the purpose of providing loans under section 1 of this Act."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2344, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2344 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2352: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2352 was placed on the Sixth order on the calendar.

Page 1, line 4, after "may" insert "sell, trade, or otherwise"

Page 1, line 8, after "university" insert "and approved by the budget section of the legislative management"

Page 1, line 14, after the second "centers" insert "in a manner that is substantially equivalent to the research center property conveyed"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2357: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2357 was placed on the Eleventh order on the calendar.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sen. Andrist introduced:

**SCR 4019:** A concurrent resolution directing the Legislative Management to study early childhood services in the state, including the United States Department of Agriculture's food reimbursement program for early childhood service providers and the income guidelines for the Department of Human Services' child care assistance program.

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

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

**William R. Horton, Secretary**