

## JOURNAL OF THE SENATE

## Sixty-third Legislative Assembly

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Bismarck, February 27, 2013

The Senate convened at 9:00 a.m., with President Wrigley presiding.

The prayer was offered by Chaplain Kari Bitz, Cord of Three Ministries, 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)** recommends that the Journal of the Thirtieth, Thirty-second, and Thirty-fifth Days be corrected as follows and when so corrected, recommends that it be approved:

Page 438, line 31, replace "Bergum" with "Burgum"

Page 438, line 32, replace "Bergum" with "Burgum"

Page 439, line 17, replace "High" with "Higher"

Page 475, line 23, replace "Boy" with "Boys"

Page 557, line 24, insert "Engrossed" before "SB 2019"

Page 557, line 36, insert "Engrossed" before "SCR 4017"

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

## MOTION

**SEN. KLEIN MOVED** that we accede to the request from the House to return HB 1059, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2245: SEN. SINNER (Industry, Business and Labor Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## SECOND READING OF SENATE BILL

**SB 2245:** A BILL for an Act to provide for gasoline marketing practices.

## MOTION

**SEN. SINNER MOVED** that Engrossed SB 2245 be amended as follows, which motion prevailed on a voice vote.

Page 1, after line 4, insert:

"1."

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

Page 1, line 16, replace "2." with "b."

Page 1, line 20, replace "3." with "c."

Page 1, after line 21, insert:

- "2. If a supplier supplies gasoline to a gasoline distributor under this section which is then blended, the gasoline distributor shall indemnify and hold harmless the supplier against any loss or damage, including costs, expenses, and reasonable attorney's fees arising out of a claim or judgment relating to or arising out of the blending of the gasoline."

Renumber accordingly

#### 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 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; 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; Wanzek; Wardner; Warner

**NAYS:** Carlisle; Cook; Dever; Unruh

Reengrossed SB 2245 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2355: SEN. AXNESS (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2355:** A BILL for an Act to amend and reenact sections 23-01-03 and 23-01-04, subsection 1 of section 23-01-05, and sections 23-01-24, 23-16-06, 23-16-10, 23-17.5-11, 23-20.1-06, 23-24-02, 23-24-02.1, 23-24-03, 23-24-04, 23-24-05, 23-24-06, 23-25-08, 23-29-10, 50-21-02, and 50-21-04 of the North Dakota Century Code, relating to the powers and duties of the state health council.

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

**YEAS:** Andrist; Lee, G.; Lee, J.; Nelson; Oehlke; Triplett

**NAYS:** Anderson; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; O'Connell; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner; Warner

Engrossed SB 2355 failed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2101: 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 2101:** A BILL for an Act to amend and reenact sections 11-18-02.2, 57-09-04, 57-11-04, and 57-12-09 of the North Dakota Century Code, relating to challenges of property tax assessments and notice to property owners of assessment increases; 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 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; 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; Unruh; Wanzek; Wardner; Warner

**NAYS:** Dotzenrod; O'Connell; Sorvaag; Triplett

Engrossed SB 2101 passed.

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**CONSIDERATION OF AMENDMENTS**

**SB 2279: SEN. MILLER (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 2279:** A BILL for an Act to provide for a legislative management study of the forestry stewardship tax.

**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; 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:** Marcellais

Engrossed SB 2279 passed.

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**MOTION**

**SEN. KREBSBACH MOVED** that the Senate reconsider its action whereby Engrossed SB 2003 passed, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2003:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system; to amend and reenact sections 15-10-47 and 15-62.2-02, subsection 2 of section 15-70-04, and section 54-44.1-11 of the North Dakota Century Code, relating to construction project variance reports, student financial assistance grants, tribally controlled community college grants, and the cancellation of unexpended appropriations; to provide an exemption; to provide for transfer of funds; to authorize the state board of higher education to issue and sell bonds for capital projects; to provide for budget section reports; and to declare an emergency.

**MOTION**

**SEN. GRINDBERG MOVED** that Engrossed SB 2003 be amended as follows.

Page 1, line 2, after "system" insert "; to provide an appropriation to the state board of higher education for a settlement payment for the termination of the contract of the commissioner of higher education"

Page 7, replace line 1 with:

"Grand total all funds	\$611,231,666	\$471,008,500	\$1,082,240,166"
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Page 7, replace line 3 with:

"Grand total general fund	\$606,525,437	\$309,898,788	\$916,424,225"
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Page 7, after line 28, insert:

**"SECTION 3. APPROPRIATION - COMMISSIONER OF HIGHER EDUCATION CONTRACT TERMINATION - LIMITATION - APPLICATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$854,520, or so much of the sum as may be necessary, to the state board of higher education for the purpose of providing a settlement payment for the termination of the contract of the commissioner of higher education, for the period beginning with the effective date of this Act and ending June 30, 2015. The funding provided under this section may be used only for a settlement payment and is available to the state board of higher education upon the termination of the contract that was in effect on January 1, 2013, for the commissioner of higher education. For purposes of this section and the contract of the commissioner of higher education, "chancellor of the North Dakota university system" means the commissioner of higher education as provided for under section 6 of article VIII of the Constitution of North Dakota. The office of management and budget shall reduce the available appropriation provided under this section by \$35,605 on the first day of each month beginning July 1, 2013, until the contract has been terminated as provided for in this section. Notwithstanding the provisions of section 54-44.1-11, the office of management and budget shall cancel any unexpended appropriation provided under this section thirty days after June 30, 2015."

Page 14, line 10, replace "Section 17" with "Sections 3 and 18"

Renumber accordingly

#### **REQUEST**

**SEN. GRINDBERG REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2003, which request was granted.

#### **ROLL CALL**

The question being on the motion to adopt the proposed amendments to Engrossed SB 2003, the roll was called and there were 28 YEAS, 19 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Axness; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grindberg; Hogue; Krebsbach; Lee, J.; Luick; Lyson; Marcellais; Nelson; O'Connell; Oehlke; Poolman; Schaible; Schneider; Sinner; Sorvaag; Triplett; Wardner

**NAYS:** Andrist; Berry; Bowman; Grabinger; Heckaman; Holmberg; Kilzer; Klein; Laffen; Larsen; Lee, G.; Mathern; Miller; Murphy; Robinson; Sitte; Unruh; Wanzek; Warner

The proposed amendments to Engrossed SB 2003 were adopted on a recorded roll call vote.

**SB 2003:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system; to provide an appropriation to the state board of higher education for a settlement payment for the termination of the contract of the commissioner of higher education; to amend and reenact sections 15-10-47 and 15-62.2-02, subsection 2 of section 15-70-04, and section 54-44.1-11 of the North Dakota Century Code, relating to construction project variance reports, student financial assistance grants, tribally controlled community college grants, and the cancellation of unexpended appropriations; to provide an exemption; to provide for transfer of funds; to authorize the state board of higher education to issue and sell bonds for capital projects; to provide for budget section reports; 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 36 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Axness; Berry; Burckhard; Campbell; Carlisle; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Hogue; Holmberg; Kilzer; Krebsbach; Laffen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oehlke; Robinson; Schneider; Sinner; Sitte; Sorvaag; Triplett; Wanzek; Wardner; Warner

**NAYS:** Armstrong; Bowman; Cook; Dever; Heckaman; Klein; Larsen; Miller; Poolman; Schaible; Unruh

Reengrossed SB 2003 passed and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2236:** A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 57-35.3-02, subsections 1 and 3 of section 57-38-01.3, sections 57-38-01.24, 57-38-01.25, and 57-38-01.26, subsection 6 of section 57-38-01.27, sections 57-38-01.31, 57-38-01.32, 57-38-01.33, 57-38-30, and 57-38-30.5, subsections 3 and 4 of section 57-38-40, section 57-38.1-16, subsection 6 of section 57-38.5-01, and sections 57-38.5-03 and 57-38.6-03 of the North Dakota Century Code, relating to corporate income tax rates, deductions, and credits; and to provide an effective date.

**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 0 YEAS, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**NAYS:** 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 2236 failed.

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**SECOND READING OF SENATE BILL**

**SB 2358:** A BILL for an Act to amend and reenact subsection 2 of section 11-09.1-05, subsection 16 of section 40-05.1-06, subsection 1 of section 57-39.2-02.1, subsection 1 of section 57-40.2-02.1, and section 57-40.3-02 of the North Dakota Century Code, relating to a limitation on the rate of sales, use, and gross receipts taxes imposed by a city or county under home rule authority and a reduction in the rate of state sales, use, and motor vehicle excise taxes; and to provide an effective date.

**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:** Axness; Berry; Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Schneider; Sinner; Triplett; Warner

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

SB 2358 failed.

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### SECOND READING OF SENATE BILL

**SB 2179:** A BILL for an Act to create and enact a new subsection to section 54-44-04 of the North Dakota Century Code, relating to duties of the director of the office of management and budget.

### 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, 46 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Cook

**NAYS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; 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 2179 failed.

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### SECOND READING OF SENATE BILL

**SB 2313:** A BILL for an Act to create and enact a new subsection to section 11-11-14 and a new subsection to section 40-05-01 of the North Dakota Century Code, relating to authorizing a county or a city to expend public funds to retain a lobbyist.

### 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 27 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Armstrong; Axness; Berry; Bowman; Erbele; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Lee, J.; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Schaible; Schneider; Sinner; Sorvaag; Unruh; Wanzek; Wardner

**NAYS:** Anderson; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Flakoll; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Luick; Poolman; Robinson; Sitte; Triplett; Warner

SB 2313 passed.

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### SECOND READING OF SENATE BILL

**SB 2097:** A BILL for an Act to amend and reenact section 37-03-14 of the North Dakota Century Code, relating to eligibility for interment at the veterans' cemetery.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Dever; Hogue; Lyson; Marcellais; Nelson; Oehlke; Schaible

SB 2097 passed.

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**MOTION**

**SEN. KLEIN MOVED** that the Senate stand in recess until 10:30 a.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Wrigley presiding.

**MOTION**

**SEN. KLEIN MOVED** that SB 2277 be moved to the top of the Eleventh order, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2277:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales and use tax exemption for clothing; to provide a continuing appropriation; 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 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 2277 failed.

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**SECOND READING OF SENATE BILL**

**SB 2226:** A BILL for an Act to amend and reenact section 23-01.2-04 of the North Dakota Century Code, relating to a medical director; and to provide an appropriation for the North Dakota trauma system.

**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 2226 passed.

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**SECOND READING OF SENATE BILL**

**SB 2354:** A BILL for an Act to provide an appropriation to the state department of health for a loan repayment program for dentists in public health and nonpublic dental clinics.

**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 2354 passed.

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## SECOND READING OF SENATE BILL

**SB 2307:** A BILL for an Act to create and enact a new subsection to section 23-35-08, four new subsections to section 61-28-02, and a new section to chapter 61-28 of the North Dakota Century Code, relating to regulation of septic system installers and septic systems; and to provide a penalty.

## MOTION

**SEN. KILZER MOVED** that SB 2307 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 3, remove the second "and"

Page 1, line 4, after "penalty" insert "; and to provide an appropriation"

Page 3, after line 13, insert:

**"SECTION 7. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$357,645, or so much of the sum as may be necessary, to the state department of health for the purpose of establishing design standards for septic systems and regulating septic system installers, for the biennium beginning July 1, 2013, and ending June 30, 2015. The state department of health is authorized two full-time equivalent positions to establish design standards and to regulate septic system installers."

ReNUMBER accordingly

**SB 2307:** A BILL for an Act to create and enact a new subsection to section 23-35-08, four new subsections to section 61-28-02, and a new section to chapter 61-28 of the North Dakota Century Code, relating to regulation of septic system installers and septic systems; to provide a penalty; 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 PASS, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Campbell; Miller

Engrossed SB 2307 passed.

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**MOTION**

**SEN. KLEIN MOVED** that the Senate stand in recess until 1:00 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Wrigley presiding.

**SECOND READING OF SENATE BILL**

**SB 2333:** A BILL for an Act to provide a contingent appropriation to the university of North Dakota for the school of medicine and health sciences facility project; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Axness; Berry; Burckhard; Campbell; Dever; Dotzenrod; Erbele; Flakoll; Heckaman; Holmberg; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Warner

**NAYS:** Andrist; Bowman; Carlisle; Cook; Grabinger; Grindberg; Hogue; Kilzer; Klein; Miller; Schaible; Wanzek; Wardner

SB 2333 passed and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2276:** A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to the reporting of certain travel expenses of members of the legislative assembly.

**MOTION**

**SEN. SINNER MOVED** that SB 2276 be amended as follows.

Page 1, after line 7 insert:

"1."

Page 1, line 9, replace "or" with an underscored comma

Page 1, line 10, after "assembly" insert ", a trade group or association of which the member of the legislative assembly is a member."

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

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

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

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

Page 1, after line 17, insert:

"2. In lieu of submitting the report required under subsection 1 to the legislative council, a member of the legislative assembly may submit the report to the secretary of state along with the calendar year report required under section 16.1-08.1-02."

Renumber accordingly

**REQUEST**

**SEN. MATHERN REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to SB 2276, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the proposed amendments to SB 2276, 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

The proposed amendments to SB 2276 failed on a recorded roll call vote.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 14 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Axness; 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

SB 2276 failed.

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**SECOND READING OF SENATE BILL**

**SB 2328:** A BILL for an Act to provide an appropriation to the department of transportation for a county and township road bridge rehabilitation and reconstruction program; to provide an appropriation to the upper great plains transportation institute to continue the studies of county and township road and bridge needs; to provide an exemption; to provide for a budget section report; 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 NOT PASS, the roll was called and there were 0 YEAS, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**NAYS:** 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 2328 failed.

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**SECOND READING OF SENATE BILL**

**SB 2224:** A BILL for an Act to amend and reenact subsection 4 of section 52-06-02 of the North Dakota Century Code, relating to unemployment insurance eligibility in the case of a lockout.

**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 0 YEAS, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**NAYS:** 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 2224 failed.

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#### **MOTION**

**SEN. SCHNEIDER MOVED** that the remarks of Sen. Murphy be printed in the journal, which motion prevailed.

#### **REMARKS OF SENATOR MURPHY**

**MR. PRESIDENT:** I appreciate the carriers remarks of what happened in our committee. I was happy to see the Supreme Court reach a decision in favor of the locked out workers. I believe it was the correct decision, which renders this bill unnecessary.

#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4016:** A concurrent resolution to rescind an application made by the Sixty-second Legislative Assembly to the Congress of the United States to call a convention pursuant to the terms of Article V of the United States Constitution for proposing an amendment to the Constitution.

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

SCR 4016 was declared lost on a voice vote.

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#### **MOTION**

**SEN. KLEIN MOVED** that the Senate stand in recess until 2:45 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Wrigley presiding.

#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4007:** A concurrent resolution directing the Legislative Management to study the growth in use of state False Claims Acts with qui tam provisions in state and local taxation matters and whether that approach is feasible and desirable in North Dakota.

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

SCR 4007 was declared adopted on a voice vote.

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#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4011:** A concurrent resolution urging the National Park Service to recognize the historical value of the Nokota horse and provide for its appropriate management in Theodore Roosevelt National Park.

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

Engrossed SCR 4011 was declared adopted on a voice vote.

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#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4014:** A concurrent resolution urging Congress to reexamine Section 1021 of the

National Defense Authorization Act which allows the military to detain United States citizens.

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

SCR 4014 was declared lost on a voice vote.

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#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4015:** A concurrent resolution urging the Department of Career and Technical Education to identify programs and initiatives in the fields of science, technology, engineering, and mathematics, and identify opportunities for coordinated public and private sector participation.

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

SCR 4015 was declared adopted on a voice vote.

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#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**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.

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

SCR 4019 was declared adopted on a voice vote.

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#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4020:** A concurrent resolution directing the Legislative Management to study the child abuse and neglect laws and the child protection services system in the state, including a review of the authority of and the criteria used for child protection services to remove a child from a home.

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

SCR 4020 was declared lost on a voice vote.

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#### **REMARKS OF SENATOR WARDNER**

**Mr. President:** Monday, January 21st, 2013 was Martin Luther King Day and Monday, February 18th was George Washington's Birthday, both of which are state holidays. Both days are paid holidays for most state employees. Legislative Assembly employees were required to work on both of these days. Additionally, employees of the Senate have worked many hours of uncompensated overtime.

In recognition of the uncompensated overtime, full time Legislative employees will be paid for Friday, March 1st, Monday, March 4th, and Tuesday, March 5th, 2013 even though the Senate will be in recess on those days.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate accedes to the House request for the return of: HB 1059.

**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 2002, SB 2004, SB 2030, SB 2129, SB 2148, SB 2156, SB 2229, SB 2317, SB 2336, SB 2356, SB 2359.

**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 2097, SB 2101, SB 2226, SB 2245, SB 2279, SB 2313, SB 2354.

**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 2307, SCR 4007, SCR 4011, SCR 4015, SCR 4019.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2003.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2018.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2333.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1001, HB 1002, HB 1004, HB 1006, HB 1009, HB 1011, HB 1014, HB 1017, HB 1022, HB 1149, HB 1447, HCR 3038.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1007, HB 1010, HB 1012, HB 1018, HB 1021, HB 1038, HB 1041, HB 1211, HB 1327, HB 1333, HB 1368, HB 1426, HB 1446.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1215, HB 1216, HB 1224, HB 1228, HB 1234, HB 1250, HB 1277, HB 1278, HB 1286, HB 1332.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1338, HB 1346, HB 1363, HB 1366, HB 1388, HB 1389, HB 1395, HB 1428, HB 1440, HB 1467.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HCR 3029.

**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 8:30 a.m., Thursday, February 28, 2013, which motion prevailed.

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

**William R. Horton, Secretary**

