

## JOURNAL OF THE SENATE

## Sixty-third Legislative Assembly

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Bismarck, March 11, 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 except Senator Anderson.

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 the Journal of the Thirty-sixth and Thirty-seventh Days be corrected as follows and when so corrected, recommends that it be approved:

Page 615, line 45, insert "amended" before "bill"

Page 636, line 37, insert "amended" before "bill"

Page 640, line 37, insert "Jr." before "Day"

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

**CONSIDERATION OF AMENDMENTS**

**HB 1125, as engrossed: SEN. SITTE (Transportation Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1157: SEN. J. LEE (Political Subdivisions Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4024:** A concurrent resolution directing the Legislative Management to study the effects of climate change on this state.

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

SCR 4024 was declared lost on a voice vote.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4027:** A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to an outdoor heritage fund; to provide an effective date; and to provide an expiration date.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 10 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Andrist; Armstrong; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever;

Dotzenrod; Erbele; Flakoll; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; O'Connell; Oehlke; Poolman; Robinson; Schaible; Sitte; Sorvaag; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Anderson

SCR 4027 was declared lost on a recorded roll call vote.

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

**SCR 4029:** A concurrent resolution directing the Legislative Management to study the economic activity surrounding the three units of the Theodore Roosevelt National Park and the North Dakota Badlands, including the Little Missouri River, to determine the best practices for sustaining and enhancing this unique and special part of North Dakota and the related tourism, recreation, oil and gas development, livestock and grassland-based agriculture, hunting, historical attractions, and quality of life.

#### **REQUEST**

**SEN. BOWMAN REQUESTED** a verification vote on the adoption of SCR 4029, which request was granted.

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

SCR 4029 was declared lost on a verification vote .

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#### **SECOND READING OF HOUSE BILL**

**HB 1354:** A BILL for an Act to amend and reenact section 20.1-02-04 of the North Dakota Century Code, relating to special deer licenses.

#### **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:** 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

**ABSENT AND NOT VOTING:** Anderson

Engrossed HB 1354 passed.

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#### **SECOND READING OF HOUSE BILL**

**HB 1162:** A BILL for an Act to amend and reenact section 47-30.1-01 of the North Dakota Century Code, relating to definitions for unclaimed property purposes.

#### **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:** 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

**ABSENT AND NOT VOTING:** Anderson

HB 1162 passed.

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#### **SECOND READING OF HOUSE BILL**

**HB 1058:** A BILL for an Act to amend and reenact sections 54-52.1-02, 54-52.1-03.2, and 54-52.1-03.3 of the North Dakota Century Code, relating to benefit coverage and health benefits credit for retired employees not eligible for medicare and retired employees eligible for medicare under the uniform group insurance program; and to provide a contingent effective date.

#### **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:** 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

**ABSENT AND NOT VOTING:** Anderson

HB 1058 passed.

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#### **SECOND READING OF HOUSE BILL**

**HB 1434:** A BILL for an Act to amend and reenact subsection 6 of section 20.1-03-12 of the North Dakota Century Code, relating to fishing license fees for the disabled.

#### **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, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Flakoll

**ABSENT AND NOT VOTING:** Anderson

Engrossed HB 1434 passed.

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#### **REQUEST**

**SEN. FLAKOLL REQUESTED** that the record reflect he intended to vote YEA on HB 1434, which request was granted.

#### **SECOND READING OF HOUSE BILL**

**HB 1369:** A BILL for an Act to amend and reenact subsection 4 of section 14-02.4-02, subsection 5 of section 14-02.5-01, subsection 4 of section 34-01-20, sections 34-05-01.1 and 34-05-01.2, subsection 8 of section 34-05-01.3, sections 34-07-05,

34-11.1-04, 34-14-11, 34-14-12, and 34-14-13 of the North Dakota Century Code, relating to a name change from the department of labor to the department of labor and human rights.

#### 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:** 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

**ABSENT AND NOT VOTING:** Anderson

HB 1369 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1057:** A BILL for an Act to create and enact two new subsections to section 37-01-01, a new section to chapter 37-03, and section 37-01-10.2 of the North Dakota Century Code, relating to the definition and authority of the adjutant general to present awards; and to amend and reenact sections 37-01-09 and 37-01-10.1 of the North Dakota Century Code, relating to service medals awarded to national guard members.

#### 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:** 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

**ABSENT AND NOT VOTING:** Anderson

HB 1057 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1178:** A BILL for an Act to create and enact a new section to chapter 57-06 of the North Dakota Century Code, relating to a penalty for continued failure of a public utility company to submit reports; to amend and reenact sections 57-06-09 and 57-06-21 of the North Dakota Century Code, relating to extensions of time for utility company reporting and applicable penalties and due dates for filing reports with the county auditor and tax commissioner; 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 PASS, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** 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; Oehlke; Poolman; Robinson; Schaible; Schneider;

Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**NAYS:** Armstrong; O'Connell

**ABSENT AND NOT VOTING:** Anderson

HB 1178 passed.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SCR 4018, SCR 4022.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1042, HB 1043, HB 1078, HB 1088, HB 1098, HB 1124, HB 1137, HB 1164, HB 1339, HCR 3009, HCR 3013.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1083, HB 1107.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1091.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1079, HB 1168.

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

**MR. PRESIDENT:** The House has passed, unchanged: SB 2081, SB 2184.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2055, SB 2057, SB 2058, SB 2086, SB 2090, SB 2092, SB 2093, SB 2110.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1034, HB 1036, HB 1051, HB 1069, HB 1070, HB 1072, HB 1073, HB 1074, HB 1081, HB 1087, HB 1089, HB 1092, HB 1094, HB 1101, HB 1108, HB 1110, HB 1155.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1285.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2055, SB 2057, SB 2058, SB 2086, SB 2090, SB 2092, SB 2093, SB 2110.

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

**MR. SPEAKER:** The President has signed: HB 1034, HB 1036, HB 1051, HB 1069, HB 1070, HB 1072, HB 1073, HB 1074, HB 1081, HB 1087, HB 1089, HB 1092, HB 1094, HB 1101, HB 1108, HB 1110, HB 1155, HB 1285.

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

**MR. SPEAKER:** The President has signed: HB 1047, HB 1049, HB 1062, HB 1064, HB 1065, HB 1066, HB 1095, HB 1100, HB 1104, HB 1122, HB 1123, HB 1146, HB 1229, HB 1268, HCR 3001.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1285.

#### **MOTION**

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

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, March 12, 2013, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1026, as engrossed: 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). Engrossed HB 1026 was placed on the Sixth order on the calendar.

Page 2, line 11, remove "1."

Page 2, line 13, replace "and" with "or hold a limited peace officer license under section 12-63-09. These individuals"

Page 2, line 13, replace "that" with "their"

Page 2, remove lines 18 through 24

Page 16, line 6, after "proceeds" insert "during the preceding twelve months"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1054, as engrossed: 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). Engrossed HB 1054 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsections 2 and 3 of"

Page 1, replace lines 4 through 19 with:

**"SECTION 1. AMENDMENT.** Section 4.1-14-01 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-14-01. Certification of forage - Compliance with other standards.**

1. To obtain certification that weeds prohibited according to the standards of the North American weedinvasive species management association are not cut when producing viable seeds and included in baled forage, the owner of the forage shall request that the agriculture commissioner conduct a certification inspection.
2. Upon receiving the request, the agriculture commissioner shall:
  - a. Inspect the forage acreage within ten days before harvest to verify that weeds prohibited according to the standards of the North American weedinvasive species management association are not present and producing viable seeds; and
  - b.
    - (1) Ascertain that the scheduled harvest has occurred;
    - (2) Determine the number of bales for which certification tags or department-approved twine, or both, must be issued; and
    - (3) Verify that the baled forage is stored or will be stored only in an area where weeds prohibited according to the standards of the North American weedinvasive species management association are not present and producing viable seeds.
3. If the agriculture commissioner determines that the conditions of subsection 2 have been met, the commissioner shall issue and affix or

cause to be affixed on each bale of forage one dated certification tag or  
shall authorize the use of department-approved twine to bale the forage."

Renumber accordingly

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

**HB 1142: Transportation Committee (Sen. Oehlke, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1142 was placed on the Fourteenth order on the calendar.

#### **FIRST READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3028:** A concurrent resolution urging the Sixty-third Legislative Assembly to recognize the month of November 2013 as "Chronic Obstructive Pulmonary Disease Awareness Month" throughout the state in recognition of this deadly disease and its effects on the citizens of North Dakota and encourage all residents of North Dakota to learn more about the prevention and treatment of chronic obstructive pulmonary disease.

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**

