

JOURNAL OF THE SENATE

Sixty-third Legislative Assembly

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Bismarck, March 14, 2013

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

The prayer was offered by Champlain Don Schmid, Bismarck Baptist Home, Bismarck.

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

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

HB 1085, as engrossed: SEN. SINNER (Industry, Business and Labor 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 4026: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to the creation of a legacy scholarship fund; and to amend and reenact section 26 of article X of the Constitution of North Dakota, relating to the legacy fund.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and is **PLACED ON THE CALENDAR WITHOUT RECOMMENDATION**. The roll was called and there were 25 YEAS, 21 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Axness; Berry; Burckhard; Dotzenrod; Flakoll; Grabinger; Grindberg; Heckaman; Holmberg; Krebsbach; Laffen; Lee, J.; Lyson; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Sinner; Sorvaag; Triplett; Warner

NAYS: Andrist; Armstrong; Bowman; Carlisle; Cook; Dever; Erbele; Hogue; Kilzer; Klein; Larsen; Lee, G.; Luick; Miller; Oehlke; Poolman; Schaible; Sitte; Unruh; Wanzek; Wardner

ABSENT AND NOT VOTING: Campbell

SCR 4026 was declared adopted on a recorded roll call vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4030: A concurrent resolution to amend and reenact sections 5 and 15 of article X of the Constitution of North Dakota, relating to uniformity of property taxation among classes of property and requiring use of assessed value as the actual value of property for property tax purposes; and to provide an effective date.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of **DO PASS**. The roll was called and there were 43 YEAS, 3 NAYS, 0 EXCUSED, 1 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; Miller; Murphy; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner; Warner

NAYS: Nelson; O'Connell; Triplett

ABSENT AND NOT VOTING: Campbell

Engrossed SCR 4030 was declared adopted on a recorded roll call vote.

MOTION

SEN. KLEIN MOVED Senate Rule 508 be temporarily amended, replacing "forty-third legislative day" with "forty-sixth legislative day", which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1113: A BILL for an Act to create and enact section 17-02-01.1 of the North Dakota Century Code, relating to the definition of eligible facility for ethanol production incentives; to amend and reenact sections 10-30.5-02 and 52-02.1-04 of the North Dakota Century Code, relating to the North Dakota development fund, incorporated, and new jobs training; and to repeal sections 17-02-01 and 54-62-03 of the North Dakota Century Code, relating to ethanol production incentives and the advisory commission on faith-based and community initiatives.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; 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: Campbell

HB 1113, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1112: A BILL for an Act to amend and reenact subsection 2 of section 52-04-12 and subsection 4 of section 52-06-02 of the North Dakota Century Code, relating to use of liens to collect contributions owed to job service North Dakota and to unemployment insurance eligibility in the case of a labor dispute; 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 32 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Berry; Bowman; Burckhard; 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

NAYS: Axness; Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Sinner; Triplett; Warner

ABSENT AND NOT VOTING: Campbell

HB 1112, as amended, passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1214: A BILL for an Act to repeal section 14 of chapter 149 of the 2009 Session Laws,

relating to the parenting coordinator program and elimination of the expiration date for chapter 14-09.2 of the North Dakota Century Code; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Campbell

Engrossed HB 1214 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1443: A BILL for an Act to provide for collaboration in developing diabetes goals and plans.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; 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: Campbell

HB 1443 passed.

SECOND READING OF HOUSE BILL

HB 1194: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to short-term insurance; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; 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: Campbell

Engrossed HB 1194 passed.

MOTION

SEN. KLEIN MOVED that Joint Rule 203 be amended temporarily, replacing "forty-fifth legislative day" with "forty-sixth legislative day", which motion prevailed.

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 4023.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1068, HB 1111, HB 1115, HB 1150, HB 1158, HB 1187, HB 1280, HB 1293, HB 1417, HB 1468.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1026.

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 1054.

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 3033.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2033, SB 2034, SB 2061, SB 2084, SB 2088, SB 2109, SB 2112, SB 2118, SB 2124, SB 2127, SB 2136, SB 2159, SB 2217, SB 2247, SB 2260.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2261.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2259.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2259

Page 1, line 6, after the second underscored comma insert "archaeological."

Renumber accordingly

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1120.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2051, SB 2070, SB 2082, SB 2104, SB 2105, SB 2304, SB 2322.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1056, HB 1142, HB 1154, HB 1230.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1120.

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

MR. PRESIDENT: The Speaker has signed: SB 2051, SB 2070, SB 2082, SB 2104, SB 2105, SB 2304, SB 2322.

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

MR. SPEAKER: The President has signed: SB 2051, SB 2070, SB 2082, SB 2104, SB 2105, SB 2304, SB 2322.

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

MR. SPEAKER: The President has signed: HB 1056, HB 1120, HB 1142, HB 1154, HB 1230.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 14, 2013: SB 2039, SB 2042, SB 2044, SB 2048, SB 2049, SB 2052, SB 2053, SB 2056, SB 2139, SB 2143, SB 2174, SB 2177.

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 12:30 p.m., Friday, March 15, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1132, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1132 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1135, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1135 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1170, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1170 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1175, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1175 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; to provide a statement of"

Page 1, line 3, remove "legislative intent; and to provide a continuing appropriation"

Page 1, line 12, remove "**- Continuing appropriation**"

Page 2, line 21, replace "and shall pay" with an underscored period

Page 2, remove line 22

Page 2, remove lines 26 through 30

Page 4, remove lines 16 through 19

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1176, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1176 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1177, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1177 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1207, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1207 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1209: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1209 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1305: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1305 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1371, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1371 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1373, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1373 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1456, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1456 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3033: A concurrent resolution directing the Legislative Management to study opportunities to reduce the risk of death and disease among smokers who will not quit smoking, by considering tobacco harm reduction strategies that encourage smokers to switch from cigarettes to less risky tobacco products and by accurately informing the public of the health risks posed by smokeless tobacco products, vapor products, and tobacco-derived products relative to cigarettes.

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