

## JOURNAL OF THE SENATE

## Sixty-third Legislative Assembly

\* \* \* \* \*

Bismarck, March 18, 2013

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

The prayer was offered by Reverend Cecil Stanton, Faith Center Church, Bismarck.

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

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 Forty-fifth Day be corrected as follows and when so corrected, recommends that it be approved:

Page 737, line 7, replace "Champlain" with "Chaplain"

Page 740, after line 5, insert:

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

**MR. SPEAKER:** The Senate has temporarily amended Joint Rule 203(2), replacing "forty-fifth legislative day" with "forty-sixth legislative day".

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

**POINT OF PERSONAL PRIVILEGE**

**SEN. POOLMAN** rose on a point of personal privilege.

**REMARKS OF SENATOR POOLMAN**

**MR. PRESIDENT:** I want to take a moment to acknowledge the successes of some of our finest student athletes at Century High School here in Bismarck.

Our Patriot Boys Swimming Team and our Girls Basketball Team both won their respective State Titles this season. The Boys Swim Team won 6 of 12 events in the State Meet, defeating Minot to earn their first ever state title. The Patriot Girls Basketball Team defeated the West Fargo Packers 73-39 on Saturday night to earn back-to-back State Championship Titles. Hannah Larson was named the Senior Athlete of the Year, and a number of our players made the All-Tournament Team.

As a Century teacher and parent, I want to congratulate the Century Patriot Teams on their successful seasons.

**REQUEST**

**SEN. KLEIN REQUESTED** that the remarks of Sen. Poolman be printed in the Journal, which request was granted.

**CONSIDERATION OF AMENDMENTS**

**HB 1030, as engrossed: SEN. UNRUH (Natural Resources 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 HOUSE BILL**

**HB 1132:** A BILL for an Act to provide for a legislative management study of the feasibility and desirability of making political subdivision budget information accessible on the state budget database website and finding better ways to inform taxpayers regarding political subdivision budget or levy deliberations and regarding legislative property tax relief.

**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; 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:** Berry

Engrossed HB 1132 passed.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1371:** A BILL for an Act to amend and reenact section 11-10-02.3 of the North Dakota Century Code, relating to the appointment of state's attorneys.

**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; 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:** Berry

Engrossed HB 1371 passed.

\*\*\*\*\*

**MOTION**

**SEN. KLEIN MOVED** that Engrossed HB 1135 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1135 was rereferred.

**SECOND READING OF HOUSE BILL**

**HB 1177:** A BILL for an Act to amend and reenact section 2-06-06, subsection 7 of section 4.1-47-06, sections 11-09.1-02, 11-11.1-02, 11-28-02, and 11-33-05, subsection 1 of section 11-36-07, subsection 2 of section 11-37-05, sections 23-11-05 and 23-24-05, subsection 6 of section 23-35-03, section 40-23-02, subsection 3 of section 40-38-03, subsection 4 of section 50-01.1-04, and sections 50-01.2-02 and 61-04.1-25 of the North Dakota Century Code, relating to compensation of members of political subdivision boards and committees.

**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; 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:** Berry

Engrossed HB 1177 passed.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1207:** A BILL for an Act to create and enact a new subsection to section 44-06.1-09 of the North Dakota Century Code, relating to notarial acts performed in this state and bordering states; to amend and reenact subsection 1 of section 44-06.1-16, section 44-06.1-18, subsection 5 of section 44-06.1-21, and section 44-06.1-22 of the North Dakota Century Code, relating to notary stamps, the use of civil penalties collected by the secretary of state, and implementation of a notary public database; to provide an effective date; and to declare an emergency.

### MOTION

**SEN. J. LEE MOVED** that Engrossed HB 1207 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 3, remove "section 44-06.1-18,"

Page 1, line 6, remove "to provide an effective date;"

Page 2, remove lines 10 through 24

Renumber accordingly

**HB 1207:** A BILL for an Act to create and enact a new subsection to section 44-06.1-09 of the North Dakota Century Code, relating to notarial acts performed in this state and bordering states; to amend and reenact subsection 1 of section 44-06.1-16, subsection 5 of section 44-06.1-21, and section 44-06.1-22 of the North Dakota Century Code, relating to notary stamps, the use of civil penalties collected by the secretary of state, and implementation of a notary public database; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Armstrong; Axness; 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:** Berry

Engrossed HB 1207, as amended, passed and the emergency clause was declared carried.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1175:** A BILL for an Act to create and enact a new chapter to title 23 of the North Dakota Century Code, relating to an acute cardiovascular emergency medical system.

### 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; 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:** Berry

Engrossed HB 1175, as amended, passed.

\*\*\*\*\*

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

**HB 1326:** A BILL for an Act to create and enact six new sections to chapter 19-13.1 and sections 19-13.1-06.1 and 19-13.1-06.2 of the North Dakota Century Code, relating to the manufacturing and distribution of commercial feed; to amend and reenact sections 19-13.1-02, 19-13.1-04, 19-13.1-06, 19-13.1-07, 19-13.1-08, 19-13.1-09, 19-13.1-11, 19-13.1-12, and 19-13.1-13 of the North Dakota Century Code, relating to the manufacturing and distribution of commercial feed; to repeal sections 19-13.1-01, 19-13.1-03, and 19-13.1-10 of the North Dakota Century Code, relating to rules, enforcement, and registration and licensing requirements applicable to commercial feed; 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; 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:** Berry

Engrossed HB 1326 passed.

\*\*\*\*\*

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

**HB 1321:** A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to the penalty for overtaking a schoolbus.

#### **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; 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:** Berry

HB 1321 passed.

\*\*\*\*\*

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

**HB 1391:** A BILL for an Act to amend and reenact section 40-08-05 of the North Dakota Century Code, relating to qualifications of city council 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 33 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Axness; Campbell; Carlisle; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, J.; Luick; Lyson; Mathern; Murphy; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wardner; Warner

**NAYS:** Armstrong; Bowman; Burckhard; Cook; Hogue; Lee, G.; Marcellais; Miller; Nelson; O'Connell; Oehlke; Poolman; Wanzek

**ABSENT AND NOT VOTING:** Berry

HB 1391 passed.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1181:** A BILL for an Act to create and enact section 26.1-44-03.2 of the North Dakota Century Code, relating to domestic surplus lines insurers.

**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; 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:** Berry

Engrossed HB 1181 passed.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1147:** A BILL for an Act to create and enact a new section to chapter 49-22 of the North Dakota Century Code, relating to route adjustments for gas and liquid transmission lines; to amend and reenact subsections 4 and 10 of section 49-22-03 of the North Dakota Century Code, relating to definitions for siting a gas or liquid transmission line; to repeal section 49-22-07.1 of the North Dakota Century Code, relating to a letter of intent; 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; 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:** Berry

Engrossed HB 1147 passed and the emergency clause was declared carried.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1264:** A BILL for an Act to create and enact a new section to chapter 20.1-02, two new subsections to section 20.1-03-12, and a new section to chapter 20.1-03 of the North Dakota Century Code, relating to depredation kill permits for geese and an early Canada goose season; to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to the early Canada goose season; 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; 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:** Berry

Engrossed HB 1264 passed and the emergency clause was declared carried.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1161:** A BILL for an Act to amend and reenact subsection 12 of section 20.1-02-05 of the North Dakota Century Code, relating to game and fish department licenses; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Armstrong; Axness; 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:** Berry

Engrossed HB 1161 passed.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1156:** A BILL for an Act to amend and reenact sections 11-09.1-03 and 11-09.1-04 and subsection 6 of section 11-09.1-04.1 of the North Dakota Century Code, relating to county home rule.

**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 37 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Axness; Bowman; Burckhard; Campbell; Carlisle; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, J.; Luick; Lyson; Marcellais; Mathern; Murphy; Nelson; Robinson; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek;

Wardner; Warner

**NAYS:** Armstrong; Cook; Dever; Lee, G.; Miller; O'Connell; Oehlke; Poolman; Sitte

**ABSENT AND NOT VOTING:** Berry

Engrossed HB 1156 passed.

\*\*\*\*\*

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

**HB 1224:** A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to hunting with a loaded firearm in a vehicle; 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; 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:** Berry

Engrossed HB 1224 passed.

\*\*\*\*\*

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

**HB 1169:** A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-02 of the North Dakota Century Code, relating to the suspension of hunting, fishing, and trapping privileges as a sentencing alternative.

#### **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 10 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Dotzenrod; Heckaman; Kilzer; Laffen; Luick; Lyson; Marcellais; Mathern; Murphy

**NAYS:** Anderson; Armstrong; Axness; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Erbele; Flakoll; Grabinger; Grindberg; Hogue; Holmberg; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Miller; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Berry

Engrossed HB 1169 failed.

\*\*\*\*\*

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

**HB 1195:** A BILL for an Act to amend and reenact section 20.1-03-27 of the North Dakota Century Code, relating to carrying a game and fish license.

#### **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; 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:** Berry

Engrossed HB 1195 passed.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1282:** A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to using a suppressor for hunting.

#### 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 29 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Armstrong; Bowman; Campbell; Carlisle; Cook; Dever; Erbele; Flakoll; Grindberg; Hogue; Holmberg; Klein; Krebsbach; Laffen; Larsen; Luick; Lyson; Miller; O'Connell; Oehlke; Poolman; Schaible; Schneider; Sitte; Sorvaag; Unruh; Wanzek; Wardner

**NAYS:** Anderson; Axness; Burckhard; Dotzenrod; Grabinger; Heckaman; Kilzer; Lee, G.; Lee, J.; Marcellais; Mathern; Murphy; Nelson; Robinson; Sinner; Triplett; Warner

**ABSENT AND NOT VOTING:** Berry

HB 1282 passed.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1152:** A BILL for an Act to amend and reenact subsection 1 of section 39-22-15 of the North Dakota Century Code, relating to motor vehicle dealer records.

#### 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; 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:** Berry

HB 1152 passed.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1346:** A BILL for an Act to amend and reenact subsection 2 of section 40-08-09 and section 40-09-17 of the North Dakota Century Code, relating to permitting a volunteer firefighter or ambulance crew member receiving compensation from a city to serve as a member of the city council or city commission.



**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; 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:** Berry

Engrossed HB 1346 passed.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1252:** A BILL for an Act to amend and reenact section 58-08-01 of the North Dakota Century Code, relating to compensation of township treasurers.

**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; 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:** Berry

HB 1252 passed.

\*\*\*\*\*

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3012:** A concurrent resolution urging the United States Air Force to select the Grand Forks Air Force Base as the active duty main operating base for the new KC-46A refueling tanker mission.

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

HCR 3012 was declared adopted on a voice vote.

\*\*\*\*\*

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3026:** A concurrent resolution urging the United States Environmental Protection Agency to refrain from enacting regulations that place unreasonable economic burden on electric consumers living in the Northern Great Plains.

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

HCR 3026 was declared adopted on a voice vote.

\*\*\*\*\*

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1305, HB 1456.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1085.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1373.

**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 3035, HCR 3047.

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

**MR. PRESIDENT:** The House has passed, unchanged: SB 2102.

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

**MR. PRESIDENT:** The House has passed, unchanged: SCR 4001, SCR 4005, SCR 4012, SCR 4013.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2142, SB 2147, SB 2185.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2142**

Page 1, line 6, remove "and"

Page 1, line 7, replace "an" with "a retroactive"

Page 1, line 7, after "date" insert "; and to provide an expiration date"

Page 4, after line 13, insert:

**"SECTION 5. EXPIRATION DATE.** This Act is effective through June 30, 2017, and after that date is ineffective."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2147**

Page 3, line 17, remove the overstrike over "~~The second violation of~~"

Page 3, line 18, remove the overstrike over "~~subsection 1 or 2 is a class A misdemeanor~~"

Page 3, line 18, after the second "and" insert an underscored period

Page 3, line 19, remove "after receiving notice of a first violation"

Page 4, line 23, after "commissioner" insert "and include the identification of any logistics or fulfillment houses the licensee used for such shipments"

Page 4, line 24, replace "57-39.2" with "57-39.6"

Page 4, line 25, remove "and include the identification of any logistics or"

Page 4, line 26, remove "fulfillment houses the licensee used for such shipments"

Page 7, line 6, replace "carrier" with "shipper"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2185**

Page 1, line 11, replace "employer" with "employee"

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2151.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2151**

Page 1, line 1, remove "and"

Page 1, line 2, after "penalty" insert "; to provide an effective date; and to declare an emergency"

Page 3, after line 30, insert:

**"SECTION 5. EFFECTIVE DATE.** This Act becomes effective on May 1, 2013.

**SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2062, SB 2111, SB 2117, SB 2122, SB 2141, SB 2154, SB 2284, SB 2334.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1068, HB 1111, HB 1115, HB 1150, HB 1158, HB 1187, HB 1194, HB 1214, HB 1280, HB 1293, HB 1417, HB 1443, HB 1468.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2062, SB 2111, SB 2117, SB 2122, SB 2141, SB 2154, SB 2284, SB 2334.

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

**MR. SPEAKER:** The President has signed: SB 2062, SB 2111, SB 2117, SB 2122, SB 2141, SB 2154, SB 2284, SB 2334.

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

**MR. SPEAKER:** The President has signed: HB 1068, HB 1111, HB 1115, HB 1150, HB 1158, HB 1187, HB 1194, HB 1214, HB 1280, HB 1293, HB 1417, HB 1443, HB 1468.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1120.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 18, 2013: SB 2033, SB 2034, SB 2051, SB 2061, SB 2070, SB 2082, SB 2084, SB 2088, SB 2104, SB 2105, SB 2109, SB 2112, SB 2118, SB 2124, SB 2127, SB 2136, SB 2159, SB 2217, SB 2247, SB 2260, SB 2261, SB 2304, SB 2322.

**COMMUNICATION FROM GOVERNOR JACK DALRYMPLE**

This is to inform you that on March 18, 2013, I have signed the following: SB 2039, SB 2042, SB 2044, SB 2048, SB 2049, SB 2052, SB 2053, SB 2056, SB 2139, SB 2143, SB 2174, and 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 1:00 p.m., Tuesday, March 19, 2013, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**HB 1077: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1077 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1227, 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 1227 was placed on the Sixth order on the calendar.

Page 1, line 7, after the first comma insert "19-20.1-03.3,"

Page 1, line 7, remove "and"

Page 1, line 7, after "19-20.1-07" insert ", and 19-20.2-11"

Page 1, line 8, after "commissioner" insert ", protected information, rulemaking,"

Page 17, line 11, after the first comma insert "19-20.1-03.3,"

Page 17, line 11, remove "and"

Page 17, line 11, after "19-20.1-07" insert ", and 19-20.2-11"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1243: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1243 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1247, 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 1247 was placed on the Sixth order on the calendar.

Page 1, line 2, after "to" insert "a database of"

Page 1, line 6, replace "**Establishment of program**" with "**Database**"

Page 1, line 7, remove "implement a program under which wetland credits may"

Page 1, replace lines 8 and 9 with "create and maintain an electronic database of wetland credits that are available for purchase by an agricultural landowner."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1309, as engrossed: 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). Engrossed HB 1309 was placed on the Sixth order on the calendar.

Page 1, line 3, after "memberships" insert "; and to declare an emergency"

Page 3, after line 22, insert:

**"SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1336: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1336 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to amend and"

Page 1, remove line 3

Page 1, line 4, remove "relating to paddlefish tag license fees"

Page 1, remove lines 14 through 18

Renumber accordingly

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

**HCR 3035:** A concurrent resolution directing the Legislative Management to study the statutory requirements for high school graduation in order to determine their practical applicability to English language learners.

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

**HCR 3047:** A concurrent resolution to create and enact a new section to article VIII of the Constitution of North Dakota, relating to the creation of a department of higher education; to repeal section 6 of article VIII of the Constitution of North Dakota, relating to the state board of higher education; and to provide an effective date.

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

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

**William R. Horton, Secretary**

