

JOURNAL OF THE SENATE

Sixty-third Legislative Assembly

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Bismarck, March 27, 2013

The Senate convened at 1:00 p.m., with President Pro Tempore Wanzek presiding.

The prayer was offered by Reverend Renee Splichal Larson, Heart River Lutheran Church, Mandan.

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

A quorum was declared by the President Pro Tempore.

THE SENATE RECOGNIZED THE PRESENCE OF:

Miss Teen North Dakota Sarah Edgar

CONSIDERATION OF AMENDMENTS

HB 1041, as engrossed: SEN. J. LEE (Human Services Committee) MOVED that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1180: SEN. DEVER (Human Services 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.

MOTION

SEN. KLEIN MOVED that HB 1180, as amended, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, HB 1180, as amended, was rereferred.

MOTION

SEN. KLEIN MOVED that Engrossed HB 1131, which is on the Fourteenth order, be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1131 was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1166, as engrossed: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a verification vote.

CONSIDERATION OF AMENDMENTS

HB 1241: SEN. ARMSTRONG (Judiciary 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 1215, as engrossed: SEN. HOGUE (Judiciary Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1425: A BILL for an Act to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to an enhanced operator's license; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEAS,

45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Miller

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; Mathern; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

Engrossed HB 1425, as amended, failed.

SECOND READING OF HOUSE BILL

HB 1202: A BILL for an Act to amend and reenact section 54-59-08 of the North Dakota Century Code, relating to use of wide area network services.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 1 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.; Luick; Lyson; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Lee, J.; Mathern

ABSENT AND NOT VOTING: Marcellais

Engrossed HB 1202, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1314: A BILL for an Act to create and enact a new chapter to title 23 of the North Dakota Century Code, relating to genetic privacy; 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 NOT PASS, the roll was called and there were 4 YEAS, 42 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dever; Schaible; Sitte; Wanzek

NAYS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; 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; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

Engrossed HB 1314 failed.

MOTION

SEN. KLEIN MOVED that a committee of two be appointed to escort North Dakota United States Senator Heidi Heitkamp to the rostrum. The President appointed Senators Wardner

and Schneider, which motion prevailed.

REMARKS OF NORTH DAKOTA UNITED STATES SENATOR HEIDI HEITKAMP

Mr. President and Members of the Chamber:

Thank you so much for this wonderful opportunity to return home. My love of North Dakota and my love of North Dakota politics began on this side of the Statehouse. I started my interest in state government back when I was a bill status reporter in the 1977 Legislative Session. That was the beginning of computerization and I think Jack McDonald, who is an old friend, will remember the days when we sat in the chamber on the floor and were able to watch as a citizen legislature did the job for the people of their state. You may not always agree with the outcome, but we know that true democracy happens in rooms like this all across the country. So it is with some amount of sadness that I report to you that Washington doesn't quite work this way. Washington is not quite the place that the North Dakota Legislature is, where you debate, consider, and don't always agree, but you make decisions. We struggle everyday to do what you do here, almost effortlessly, which is resolve controversy and move on. I would like to give you a brief report and wish you well as you deliberate, as you consider all of the issues that are confronting the state of North Dakota. I think you know that a great deal of those issues involve partnership with the United States Government.

I would like to start by giving you a list of things that we think are important. By we, I am speaking about the entire Congressional Delegation. The great thing about North Dakota is that, regardless of party, we know how to work together to get the job done. Job number one for us in North Dakota is getting a farm bill and making sure that farm bill moves forward. It is essential to do risk mitigation in our farm policy. The good news is that we are led in the Senate by a wonderful leader by the name of Debbie Stabenow. When people ask why I have such great hope for a farm bill, I say "Have you met Debbie Stabenow, because she is someone that knows how to move this effort along". We will be marking up a farm bill, I think, sometime in April, and hopefully resolving it, voting on it and getting it crossed over to the House. What I'm hopeful about is that the House will feel the same sense of urgency that we felt in marking up the Senate farm bill and that we will be in conference. The good news for North Dakota is that I have been honored with a gavel. I am currently the Subcommittee Chair for Rural Development. If the farm bill goes to conference, I will be on the Conference Committee. I want you to know, my priorities will be: crop insurance, crop insurance, crop insurance; making sure that the conservation programs don't run over our farmers; making sure that we have an energy title that works for our state, which is all of the above in energy, and also making sure that we do not leave behind our opportunity to export and research.

The second issue I would like to talk about is the issue of energy. Most of you know that I have spent a number of years on the North Dakota Industrial Commission and before that as your State Tax Commissioner. I am well familiar with the challenges of the oil and gas industry in our state and also more concerned about the challenges looking forward in Washington, DC. The challenges for oil and gas, in Washington, nowhere compare to the challenges for our coal industry. As we look at cheaper forms of natural gas, new developments in shale production for natural gas, it is creating a challenge for our coal industry. I believe that an energy policy that represents all of the above, that includes coal, is the right decision for America. It is not an easy thing to promote in Washington, DC. You have my undying efforts in making sure that we have a policy that includes all of North Dakota's wonderful resources, including coal.

I would like to talk about Indian Country. As you debate and as you talk about all of the great riches of North Dakota, and as we move forward in terms of employment and what we can do to grow our economy and diversify our economy, I urge you to work in partnership with Tribal Governments and with the Federal Government to make sure we leave no North Dakota citizen behind, make sure that we are respectful in a government-to-government way, and that we begin to address the unique issues that we have in making sure that our state government, our local governments and our federal government are providing a true safety net and a true web of public security for people living on the reservation.

I currently serve on the Banking and Housing Committee. There are two main issues in North Dakota to solve. First is water, making sure that we take care of ourselves when we have too much, but making sure that we never be too short. I know that these are challenges for the eastern part of the state, in terms of municipal and industrial water development. We are working everyday to try and secure our rights to the Missouri River, trying to secure our

rights to our future development opportunities using that great resource and using the lake that we have. If we move beyond that and we talk about the other challenge, it is in housing. We have a situation now where we are the beneficiaries in terms of a work force and what is happening across the rest of the country. I, like many of you, have visited a lot of the workers' camps and a lot of the new workers we have in oil country. As soon as the economy improves at home, I wonder where they are going to live. I wonder where they are going to go. I wonder where we are going to find the workers for the next generation, the next iteration of the Bakken, if we do not provide housing, if we do not provide community. We are not attractive as a place to locate. Senator John Hoeven and I are doing a series of meetings across the state. It has been a great partnership with Senator Hoeven, for me. We are being joined by housing and economical experts across our great state who are offering ideas. I know that you have a number of pending measures here, in housing. I urge you to consider great flexibility in those as we move forward, because without a home, without an opportunity to bring your family, we surely will suffer the consequence in terms of workforce development.

Lastly, I would like to talk about where we are with sequestration and where we are with the past commitments the federal government has made. Too often we talk about something as if it has been authorized, that the job is done, and we all know we need an appropriation. In these trying times with a budget that is almost 16 trillion dollars, a debt in this country, a deficit that is just below a trillion dollars, and all time low interest rates, yet we are still spending. The third biggest expenditure we have in the federal government is interest on our debt. We cannot afford to continue to do what we are doing. It means we are going to have to be more innovative. We are going to have to be more collaborative. I want to offer all of you the hand of friendship, the hand of cooperation, as we move forward in this work that we have to do for our great state, in making sure that the next generation will look back on all of us - whether you are a leader in this body or you are a leader in the United States Senate - with great pride - that we squared our shoulders, as Barbara Mikulski said, "Put on our lipstick", and went out and fought for our state.

Thank you so much for letting me come. Thank you so much for all the great work you do for the state of North Dakota. I appreciate this opportunity to visit with you.

MOTION

SEN. KLEIN MOVED that the remarks of United States Senator Heidi Heitkamp be printed in the journal, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1097: A BILL for an Act to create and enact a new subsection to section 57-39.2-12 of the North Dakota Century Code, relating to electronic filing of sales and use tax returns and electronic payment of sales and use 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 PASS, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; 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: Grabinger

ABSENT AND NOT VOTING: Marcellais

HB 1097 passed.

SECOND READING OF HOUSE BILL

HB 1046: A BILL for an Act to amend and reenact section 40-57.1-03 of the North Dakota Century Code, relating to city or county authority to reduce or revoke a previously

granted property tax exemption or option to make payments in lieu of 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 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; 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

ABSENT AND NOT VOTING: Marcellais

Engrossed HB 1046 passed.

SECOND READING OF HOUSE BILL

HB 1176: A BILL for an Act to amend and reenact subsection 3 of section 14-06.1-09, subsection 3 of section 50-01.2-00.1, section 50-01.2-03, subsection 6 of section 50-06-01.4, subsection 17 of section 50-06-05.1, section 50-09-29, and subsection 3 of section 54-06-20 of the North Dakota Century Code, relating to eligibility for the supplemental nutrition assistance program and the temporary assistance for needy families program.

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; 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

ABSENT AND NOT VOTING: Marcellais

Engrossed HB 1176 passed.

SECOND READING OF HOUSE BILL

HB 1172: A BILL for an Act to amend and reenact subsection 1 of section 50-24.1-07 of the North Dakota Century Code, relating to the recovery from the estate of a medical assistance recipient.

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; 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

ABSENT AND NOT VOTING: Marcellais

HB 1172 passed.

SECOND READING OF HOUSE BILL

HB 1226: A BILL for an Act to amend and reenact section 57-12-09 of the North Dakota Century Code, relating to notice of increased assessment for property tax purposes; 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 20 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Armstrong; Berry; Burckhard; Carlisle; Cook; Dever; Grindberg; Kilzer; Klein; Laffen; Larsen; Lee, G.; Luick; Miller; Poolman; Schaible; Sinner; Sitte; Unruh; Wardner

NAYS: Anderson; Andrist; Axness; Bowman; Campbell; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Krebsbach; Lee, J.; Lyson; Mathern; Murphy; Nelson; O'Connell; Oehlke; Robinson; Schneider; Sorvaag; Triplett; Wanzek; Warner

ABSENT AND NOT VOTING: Marcellais

HB 1226 failed.

SECOND READING OF HOUSE BILL

HB 1277: A BILL for an Act to amend and reenact subdivision d of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to individual income tax deductions for capital gains, dividends, and interest earnings; 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 4 YEAS, 42 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Burckhard; Hogue; Larsen; O'Connell

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

ABSENT AND NOT VOTING: Marcellais

Engrossed HB 1277 failed.

SECOND READING OF HOUSE BILL

HB 1320: A BILL for an Act to amend and reenact section 12.1-17-07 of the North Dakota Century Code, relating to harassment offenses through electronic communications.

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; 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

ABSENT AND NOT VOTING: Marcellais

Engrossed HB 1320 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do concur in the House amendments to Engrossed SB 2147 as printed on SJ page 770, which motion prevailed on a voice vote.

Engrossed SB 2147, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the bill, which has been read, 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; 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

ABSENT AND NOT VOTING: Marcellais

Reengrossed SB 2147 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do concur in the House amendments to Engrossed SB 2106 as printed on SJ page 795, which motion prevailed on a voice vote.

Engrossed SB 2106, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2106: A BILL for an Act to create and enact sections 57-36-05.3, 57-36-05.4, and 57-36-06.1 of the North Dakota Century Code, relating to the operation of roll-your-own cigarette-making machines; to amend and reenact sections 57-36-01 and 57-36-33 of the North Dakota Century Code, relating to the definitions of cigarette and roll-your-own cigarette-making machine for tobacco products tax purposes; to provide a penalty; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 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; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: O'Connell

ABSENT AND NOT VOTING: Marcellais

Reengrossed SB 2106 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do concur in the House amendments to SB 2266 as printed on SJ page 795, which motion prevailed on a voice vote.

SB 2266, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2266: A BILL for an Act to amend and reenact sections 10-06.1-17 and 10-15-05, subsection 2 of section 10-15-12, section 10-19.1-01, subsection 1 of section 10-19.1-10, sections 10-19.1-17 and 10-19.1-115, subsection 2 of section 10-19.1-146, subsection 1 of section 10-32-07, section 10-32-14, subsection 1 of section 10-33-06, section 10-33-14, subsection 3 of section 10-34-04, and subsection 2 of section 10-35-28 of the North Dakota Century Code, relating to cooperative association of articles of incorporation and address of the principal office, business corporation definitions, articles of incorporation, amendment of articles of incorporation, involuntary dissolution, limited liability company articles of organization and amendment of the articles of organization, nonprofit corporation articles of incorporation and amendment of articles of incorporation, and contents of the registration a real estate investment trust.

ROLL CALL

The question being on the final passage of the bill, which has been read, 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; 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

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2266 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to SB 2337 as printed on SJ page 795, which motion prevailed on a voice vote.

SB 2337, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2337: A BILL for an Act to amend and reenact subsection 4 of section 14-09-08.20, section 26.1-36.3-01, subsection 4 of section 26.1-36.3-04, and sections 26.1-36.3-06 and 26.1-36.3-11 of the North Dakota Century Code, relating to basic health benefit plans and standard health benefit plans; to repeal sections 26.1-36-09.4, 26.1-36.3-08, 26.1-36.3-10, and 26.1-36.4-07 of the North Dakota Century Code, relating to basic health benefit plans and standard health benefit plans; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, 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; 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

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2337 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to SB 2161 as printed on SJ page 751, which motion prevailed on a voice vote.

SB 2161, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2161: A BILL for an Act to amend and reenact sections 50-25.1-02, 50-25.1-04.3, and 50-25.1-04.5 of the North Dakota Century Code, relating to the child fatality review panel.

ROLL CALL

The question being on the final passage of the bill, which has been read, 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; 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

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2161 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to SB 2083 as printed on SJ page 719, which motion prevailed on a voice vote.

SB 2083, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2083: A BILL for an Act to create and enact three new subsections to section 43-48-03 of the North Dakota Century Code, relating to exemptions from clinical laboratory practice licensing requirements; to amend and reenact subsection 3 of section 43-48-05 of the North Dakota Century Code, relating to terms of North Dakota board of clinical laboratory practice members; and to repeal section 43-48-12 of the North Dakota Century Code, relating to clinical laboratory practice licensing grandfather provisions.

ROLL CALL

The question being on the final passage of the bill, which has been read, 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; 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

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2083 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOGUE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2368 as printed on SJ page 861 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2368: Sens. Berry, Lyson, Grabinger.

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

MR. SPEAKER: The Senate has passed, unchanged: HCR 3014, HCR 3022, HCR 3023, HCR 3025, HCR 3030.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1007, HCR 3031.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1114, HB 1257, HCR 3004, HCR 3018, HCR 3020.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2089, SB 2107, SB 2135, SB 2145, SB 2178, SB 2271, SCR 4011.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2172.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2134.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2067, SB 2129, SB 2207, SB 2306, SB 2330.

HOUSE AMENDMENTS TO SENATE BILL NO. 2067

Page 2, line 18, after "confidential" insert "if the report is made in good faith,"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2129

Page 3, line 1, replace "A building constructed after" with "After"

Page 3, line 1, after the second underscored comma insert "a newly designed and constructed building"

Page 3, line 2, remove the underscored comma

Page 3, line 3, replace "instructional" with "institutional"

Page 3, line 7, after the underscored period insert "If a multiple unit building does not have a primary exterior public entrance, an individual unit within that building is not required to include an automatic door or power-assisted manual door unless that individual unit is in excess of seven thousand five hundred square feet [696.77 square meters]."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2207

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

Page 1, line 4, after "application" insert "; and to provide an expiration date"

Page 1, after line 14, insert:

"SECTION 3. EXPIRATION DATE. This Act is effective through December 31, 2014, and after that date is ineffective."

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2306

Page 1, line 7, replace "Annually" with "Once every two years"

Page 1, line 7, replace "may" with "shall"

Page 1, line 11, remove "information and training materials"

Page 1, line 12, after "charge" insert ". information and training materials, including those available through the Jason foundation"

ReNUMBER accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2330

Page 1, line 1, remove "section 57-38-35.2, subsection 1 of section 57-38-45,"

Page 1, line 2, remove "and"

Page 1, line 2, remove "income tax penalties,"

Page 1, line 3, remove "interest, and"

Page 1, remove lines 5 through 23

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 6

Page 5, line 19, remove "Sections 1 and 2 of this Act are effective for interest and"

Page 5, line 20, replace "penalties accruing after July 31, 2013. Section 3 of this" with "This"

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 2140.

HOUSE AMENDMENTS TO SENATE BILL NO. 2140

Page 1, line 2, after "earnings" insert "; and to declare an emergency"

Page 1, after line 6, insert:

"1."

Page 1, line 9, overstrike "The" and insert immediately thereafter:

"2. Service of a garnishee summons and disclosure statement upon a bank or credit union must be made by delivery of the summons and disclosure statement to a specifically named president or vice president of the bank"

or credit union or to the registered agent for service of process of the bank or credit union. Delivery of the summons and disclosure statement to the specifically named individual may be in hand as established by the sworn affidavit of the individual who delivered the summons and disclosure statement or by any form of mail or third-party commercial delivery service, if delivery is restricted to the named individual or registered agent and the sender receives a receipt signed by that individual or registered agent.

3. A"

Page 1, after line 15, insert:

"**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass, unchanged: SB 2183, SB 2321.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2069, SB 2142, SB 2151, and SB 2185.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2083, SB 2106, SB 2147, SB 2161, SB 2266, and SB 2337.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2368, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2368: Sens. Berry; Lyson; Grabinger

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2025, SB 2026, SB 2069, SB 2073, SB 2079, SB 2080, SB 2142, SB 2151, SB 2157, SB 2185, SB 2317, SB 2320, SB 2347, SB 2374.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1129, HB 1225, HB 1253, HB 1292, HB 1372.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2025, SB 2026, SB 2069, SB 2073, SB 2079, SB 2080, SB 2142, SB 2151, SB 2157, SB 2185, SB 2317, SB 2320, SB 2347, SB 2374.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: SB 2025, SB 2026, SB 2069, SB 2073, SB 2079, SB 2080, SB 2142, SB 2151, SB 2157, SB 2185, SB 2317, SB 2320, SB 2347, SB 2374.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: HB 1129, HB 1225, HB 1253, HB 1292, HB 1372.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1035, HB 1040, HB 1067, HB 1116, HB 1173, HB 1232, HB 1259, HB 1392, HB 1435.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on March 26, 2013, I have signed the following: SB 2045, SB 2119, SB 2246, SB 2270, SB 2287, and SB 2311.

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, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Thursday, March 28, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1037: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1037 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1117, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1117 was placed on the Sixth order on the calendar.

Page 2, line 1, after the first underscored comma insert "date of birth."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1133, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1133 was placed on the Sixth order on the calendar.

Page 1, line 1, after "BILL" insert "for an Act"

Page 3, replace lines 18 through 29 with:

"7. "Controlled substance analog":

- a. Means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in schedule I or II and:
 - (1) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system which is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or
 - (2) With respect to a particular individual, which the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II.
- b. Does not include:
 - (1) A controlled substance;
 - (2) Any substance for which there is an approved new drug application;
 - (3) With respect to a particular individual, any substance, if an exemption is in effect for investigational use, for that individual.

under section 505 of the federal Food, Drug and Cosmetic Act [21 U.S.C 355] to the extent conduct with respect to the substance is pursuant to the exemption; or

- (4) Any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1140, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1140 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1145, as reengrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1145 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1163: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1163 was placed on the Sixth order on the calendar.

Page 1, line 11, after "and" insert "may be considered in determining whether there"

Page 1, line 11, remove "not"

Page 1, line 12, after "condition" insert ", but pain alone is not a substantial acceleration or a substantial worsening"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1183, as reengrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1183 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1191, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1191 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1260: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1260 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1274, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1274 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1283, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1283 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1340: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS**

(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1340 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1362, 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 1362 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1363, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1363 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1366, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1366 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1454, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1454 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1459: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1459 was placed on the Fourteenth order on the calendar.

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

William R. Horton, Secretary

