

JOURNAL OF THE SENATE

Sixty-third Legislative Assembly

* * * * *

Bismarck, March 28, 2013

The Senate convened at 12:30 p.m., with President Wrigley presiding.

The prayer was offered by Pastor Sharon D. Korsmo, Retired ELCA, Bismarck.

The roll was called and all members were present except Senators O'Connell and Warner.

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 Fifty-third and Fifty-fourth Days and recommends be corrected as follows and when so corrected, recommends that it be approved:

Page 870, line 39, insert "amended" before "bill"

Page 871, line 13, insert "amended" before "bill"

Page 871, line 34, insert "amended" before "bill"

Page 872, line 8, insert "amended" before "bill"

Page 895, line 17, insert "amended" before "bill"

Page 895, line 40, insert "amended" before "bill"

Page 896, line 22, insert "amended" before "bill"

Page 896, line 46, insert "amended" before "bill"

Page 897, line 15, insert "amended" before "bill"

Page 897, line 39, insert "amended" before "bill"

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

THE SENATE RECOGNIZED THE PRESENCE OF:

Miss Rodeo Mandan Codi Ann Miller

THE SENATE RECOGNIZED THE PRESENCE OF:

Miss Rodeo North Dakota Krystal Carlascio

CONSIDERATION OF AMENDMENTS

HB 1163: SEN. ANDRIST (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.

CONSIDERATION OF AMENDMENTS

HB 1133, as engrossed: SEN. HOGUE (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 1117, as engrossed: SEN. BERRY (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.

SECOND READING OF HOUSE BILL

HB 1260: A BILL for an Act to amend and reenact subsection 1 of section 62.1-02-01.1 of the North Dakota Century Code, relating to jurisdiction for petitions to restore firearm 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 42 YEAS, 3 NAYS, 0 EXCUSED, 2 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; Mathern; Miller; Murphy; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner

NAYS: Lyson; Marcellais; Nelson

ABSENT AND NOT VOTING: O'Connell; Warner

HB 1260 passed.

SECOND READING OF HOUSE BILL

HB 1241: A BILL for an Act to amend and reenact section 62.1-02-04 of the North Dakota Century Code, relating to a firearm or dangerous weapon in a gaming site.

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 39 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; 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; Murphy; Oehlke; Poolman; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner

NAYS: Grabinger; Heckaman; Marcellais; Mathern; Nelson; Robinson

ABSENT AND NOT VOTING: O'Connell; Warner

HB 1241, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1215: A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to the carrying of a firearm with a concealed weapons permit.

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 18 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Berry; Bowman; Campbell; Carlisle; Cook; Dever; Erbele; Grindberg; Klein; Larsen; Lee, G.; Luick; Miller; Schaible; Sitte; Unruh

NAYS: Andrist; Axness; Burckhard; Dotzenrod; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Krebsbach; Laffen; Lee, J.; Lyson; Marcellais; Mathern; Murphy; Nelson; Oehlke; Poolman; Robinson; Schneider; Sinner; Sorvaag; Triplett; Wanzek;

Wardner

ABSENT AND NOT VOTING: O'Connell; Warner

Engrossed HB 1215, as amended, failed.

SECOND READING OF HOUSE BILL

HB 1366: A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to the carrying of a firearm with a concealed weapons permit.

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 9 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Carlisle; Cook; Klein; Larsen; Luick; Miller; Unruh

NAYS: Andrist; Axness; Berry; Bowman; Burckhard; Campbell; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Krebsbach; Laffen; Lee, G.; Lee, J.; Lyson; Marcellais; Mathern; Murphy; Nelson; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Wanzek; Wardner

ABSENT AND NOT VOTING: O'Connell; Warner

Engrossed HB 1366 failed.

SECOND READING OF HOUSE BILL

HB 1183: A BILL for an Act to create and enact three new sections to chapter 62.1-01 of the North Dakota Century Code, relating to forbidding state governmental entities from providing aid and assistance to the federal government or any other governmental entity for the investigation, enforcement, and prosecution of federal firearms laws not in force as of January 1, 2013; and to provide for retroactive application.

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 7 YEAS, 38 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Armstrong; Carlisle; Larsen; Luick; Poolman; Unruh; Wanzek

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

ABSENT AND NOT VOTING: O'Connell; Warner

Reengrossed HB 1183 failed.

SECOND READING OF HOUSE BILL

HB 1283: A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to the carrying of a firearm with a concealed weapons permit; 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 NOT PASS, the roll was called and there were 28 YEAS, 17 NAYS,

0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Berry; Bowman; Campbell; Carlisle; Cook; Dever; Erbele; Grindberg; Holmberg; Klein; Laffen; Larsen; Lee, G.; Luick; Miller; Oehlke; Poolman; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek

NAYS: Andrist; Burckhard; Dotzenrod; Flakoll; Grabinger; Heckaman; Hogue; Kilzer; Krebsbach; Lee, J.; Lyson; Marcellais; Mathern; Murphy; Nelson; Robinson; Wardner

ABSENT AND NOT VOTING: O'Connell; Warner

Engrossed HB 1283 passed but the emergency clause failed.

SECOND READING OF HOUSE BILL

HB 1166: A BILL for an Act to amend and reenact subsection 2 of section 40-63-04 of the North Dakota Century Code, relating to the business or investment income tax exemption for the purchase, lease, or rehabilitation of property within a renaissance zone; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: O'Connell; Warner

Engrossed HB 1166, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1363: A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota Century Code, relating to maximum allowable cost lists for pharmaceuticals; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: O'Connell; Warner

Engrossed HB 1363 passed.

SECOND READING OF HOUSE BILL

HB 1459: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales tax rebate for certain purchases of replacement property for property damaged or destroyed by 2011 flooding; to

provide an effective date; and to provide an expiration 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 26 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Axness; Burckhard; Campbell; Carlisle; Dotzenrod; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Klein; Krebsbach; Larsen; Lee, J.; Lyson; Marcellais; Mathern; Poolman; Robinson; Schneider; Sitte; Triplett; Unruh; Wanzek; Wardner

NAYS: Anderson; Armstrong; Berry; Bowman; Cook; Dever; Erbele; Flakoll; Kilzer; Laffen; Lee, G.; Luick; Miller; Murphy; Nelson; Oehlke; Schaible; Sinner; Sorvaag

ABSENT AND NOT VOTING: O'Connell; Warner

HB 1459 passed.

SECOND READING OF HOUSE BILL

HB 1037: A BILL for an Act to provide for a legislative management study of the autism spectrum disorder.

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 9 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Armstrong; Heckaman; Mathern; Murphy; Nelson; Oehlke; Robinson; Schneider; Sinner

NAYS: Anderson; Andrist; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Poolman; Schaible; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner

ABSENT AND NOT VOTING: O'Connell; Warner

HB 1037 failed.

SECOND READING OF HOUSE BILL

HB 1454: A BILL for an Act to provide for a legislative management study of access to dental services.

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 43 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Erbele; Unruh

ABSENT AND NOT VOTING: O'Connell; Warner

Engrossed HB 1454 passed.

SECOND READING OF HOUSE BILL

HB 1340: A BILL for an Act to create and enact a new section to chapter 54-09 of the North Dakota Century Code, relating to records filed with the secretary of state; and to amend and reenact subsection 1 of section 35-13-02, subsection 6 of section 41-09-73, and subsection 7 of section 54-09-04 of the North Dakota Century Code, relating to confidential information in the possession of the secretary of state and fees collected by the secretary of state.

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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: O'Connell; Warner

HB 1340 passed.

SECOND READING OF HOUSE BILL

HB 1191: A BILL for an Act to provide for security interests in rents.

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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: O'Connell; Warner

Engrossed HB 1191 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. OEHLKE MOVED that the Senate do concur in the House amendments to Engrossed SB 2046 as printed on SJ page 872, which motion prevailed on a voice vote.

Engrossed SB 2046, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2046: A BILL for an Act to amend and reenact subsection 7 of section 39-06-04 and sections 39-06.2-02, 39-06.2-06, 39-06.2-07, 39-06.2-08, 39-06.2-08.1, 39-06.2-09, 39-06.2-09.1, 39-06.2-10, 39-06.2-10.5, 39-06.2-12, and 39-06.2-16 of the North Dakota Century Code, relating to commercial driver's licenses.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner

ABSENT AND NOT VOTING: O'Connell; Warner

Reengrossed SB 2046 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LYSON MOVED that the Senate do concur in the House amendments to SB 2231 as printed on SJ page 872, which motion prevailed on a voice vote.

SB 2231, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2231: A BILL for an Act to amend and reenact sections 20.1-03-12, 20.1-03-12.1, and 20.1-03-12.2 of the North Dakota Century Code, relating to hunting fees.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Cook; Dever; Erbele; Klein; Larsen; Miller

ABSENT AND NOT VOTING: O'Connell; Warner

Engrossed SB 2231 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. OEHLKE MOVED that the Senate do concur in the House amendments to Engrossed SB 2043 as printed on SJ page 872, which motion prevailed on a voice vote.

Engrossed SB 2043, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2043: A BILL for an Act to amend and reenact subsection 8 of section 39-24-01, subsection 2 of section 39-29-01, and subsection 1 of section 39-29-09 of the North Dakota Century Code, relating to off-highway vehicles and snowmobiles.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: O'Connell; Warner

Reengrossed SB 2043 passed.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1046, HB 1097, HB 1172, HB 1176, HB 1320.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1202.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1425.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1226, HB 1277, HB 1314.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2064, SB 2078, SB 2158, SB 2168, SB 2169, SB 2170, SB 2181, SB 2191, SB 2198, SB 2216, SB 2234, SB 2279, SB 2318, SB 2329, SB 2348, SCR 4008.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2065.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2095, SB 2116, SB 2163, SB 2210, SB 2243, SB 2325.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2095

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to repeal section 15-62.2-04 of the North Dakota Century Code, relating to state board of higher education deposits and expenditures.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Section 15-62.2-04 of the North Dakota Century Code is repealed."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2116

Page 1, line 8, remove "the following"

Page 1, line 16, after "vacancy" insert "In appointing the board members, the governor shall appoint three veterinarians, one veterinarian technician, and one individual representing the public. In appointing the veterinarian members of the board, the governor shall make an effort to appoint"

Page 1, line 18, after the underscored semicolon insert "and"

Page 1, line 19, replace the underscored semicolon with an underscored period

Page 1, remove lines 20 and 21

Page 2, line 15, remove "appointed before July 1, 2013."

Page 2, remove line 16

Page 2, line 17, replace "except that the initial terms" with "Terms"

Page 2, line 17, remove "one"

Page 2, line 18, replace "term expires" with "two terms expire"

Page 2, remove lines 21 through 24

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2163

Page 1, line 10, overstrike "The tax rate for" and insert immediately thereafter "For"

Page 1, line 10, remove the overstrike over "a-licensed"

Page 1, remove the overstrike over line 11

Page 1, line 12, remove the overstrike over "a. ~~Not exceeding~~"

Page 1, line 13, remove the overstrike over "~~one million dollars~~" and insert immediately thereafter "the tax"

Page 1, line 13, remove the overstrike over "is"

Page 1, line 14, remove the overstrike over "~~one~~"

Page 1, line 14, remove the overstrike over "~~percent of gross proceeds.~~"

Page 1, line 15, after "e." insert "b."

Page 1, line 15, remove the overstrike over "~~Exceeding one million dollars but not exceeding one million five hundred~~"

Page 1, line 16, remove the overstrike over "~~thousand dollars~~"

Page 1, line 16, after "percent" insert "the tax is ten thousand dollars plus two percent"

Page 1, line 16, remove the overstrike over "~~of gross proceeds~~" and insert immediately thereafter "exceeding one million dollars"

Page 1, line 16, remove the overstrike over the overstruck period

Page 1, line 17, after "d." insert "c."

Page 1, line 17, remove the overstrike over "~~Exceeding one million five hundred thousand dollars~~"

Page 1, line 17, replace "is one" with "the tax is twenty thousand dollars plus two and one-half"

Page 1, line 18, after "proceeds" insert "exceeding one million five hundred thousand dollars"

Page 1, line 23, remove the overstrike over "six"

Page 1, line 23, replace "nine and two-tenths" with "and three-tenths"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2210

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of creation of a record of North Dakota veterans."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - RECORD OF NORTH DAKOTA VETERANS. During the 2013-14 interim, the legislative management shall consider studying the feasibility and desirability of creating a record of all North Dakota veterans since the Vietnam War and a record of all North Dakotans killed in action since statehood. The study may include consideration of what types of

personal and military information may be appropriate to include in the record, the projected cost of creating this record, which entity would be responsible for creating and maintaining the record, and the appropriate format for the compiled information. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2243

Page 1, line 1, remove "; and"

Page 1, line 2, remove "to provide an appropriation"

Page 1, line 11, after the period insert "The legislative council may contract for consulting and coordination of study services to assist the legislative management in conducting the behavioral health study."

Page 1, remove lines 14 through 19

Renumber accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2325

Page 1, line 22, replace "eighty-five" with "sixty-five"

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 2094.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2094

Page 1, line 16, remove the overstrike over "~~or formal action by~~"

Page 1, line 17, remove the overstrike over "~~an institution's student governing board or committee~~"

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 failed: SB 2310.

HOUSE AMENDMENTS TO SENATE BILL NO. 2310

Page 1, line 1, replace "subsection" with "subsections"

Page 1, line 1, after "4" insert "and 6"

Page 1, line 10, remove "In addition, any information contained in the report which"

Page 1, replace lines 11 through 14 with "In addition, the following information contained in the report is an exempt record as defined in section 44-04-17.1 unless the requester is a party to the accident, a party's legal representative, or the insurer of any party to the accident or the agent of that insurer:

- a. Driver identification number of a party in the report;
- b. Street address of a party in the report;
- c. Telephone number of a party in the report;

- d. Insurance company name and policy number of a party in the report; and
- e. Date of birth of a party in the report.

SECTION 2. AMENDMENT. Subsection 6 of section 39-08-13 of the North Dakota Century Code is amended and reenacted as follows:

- 6. Upon request of any person and upon payment of a fee of two dollars, the director or the law enforcement agency may furnish to a requester a copy of that portion of an investigating officer's accident report which does not disclose the opinion of the reporting officer or contain any exempt information that may not be disclosed, if the report shows that the accident is one for which a driver is required to file a report under section 39-08-09."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass, unchanged: SB 2148, SB 2167, SB 2297, SB 2360.

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 2043, SB 2046, and SB 2231.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2083, SB 2089, SB 2106, SB 2107, SB 2134, SB 2135, SB 2145, SB 2147, SB 2161, SB 2172, SB 2178, SB 2266, SB 2271, SB 2337, SCR 4011.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2083, SB 2089, SB 2106, SB 2107, SB 2134, SB 2135, SB 2145, SB 2147, SB 2161, SB 2172, SB 2178, SB 2266, SB 2271, SB 2337, SCR 4011.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 28, 2013: 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.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on March 27, 2013, I have signed the following: SB 2040, SB 2071, SB 2102, SB 2120, SB 2188, SB 2209, SB 2259, SB 2278, and SB 2312.

MOTION

SEN. KLEIN MOVED that the absent members 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 10:00 a.m., Friday, March 29, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1017, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1017, as amended, was placed on the Sixth order on the calendar.

Page 1, remove lines 12 through 23

Page 2, replace line 1 with:

"Salaries and wages	\$24,019,028	\$2,989,371	\$27,008,399
Operating expenses	12,524,493	632,235	13,156,728

Capital assets	4,183,170	(298,109)	3,885,061
Grants	7,718,500	(896,000)	6,822,500
Land habitat and deer depredation	12,904,686	(153,300)	12,751,386
Noxious weed control	600,000	50,000	650,000
Missouri River enforcement	200,000	80,940	280,940
Grants, gifts, and donations	800,000	0	800,000
Nongame wildlife conservation	120,000	0	120,000
Lonetree reservoir	1,749,065	212,944	1,962,009
Wildlife services	<u>868,800</u>	<u>(484,400)</u>	<u>384,400</u>
Total special funds	\$65,687,742	\$2,133,681	\$67,821,423"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1017 - Game and Fish Department - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$26,854,290	\$25,450,367	\$1,558,032	\$27,008,399
Operating expenses	13,097,240	12,956,728	200,000	13,156,728
Capital assets	3,885,061	3,885,061		3,885,061
Grants	6,922,500	6,822,500		6,822,500
Land habitat and deer depredation	12,751,103	12,689,583	61,803	12,751,386
Noxious weed control	650,000	650,000		650,000
Missouri River enforcement	280,902	273,913	7,027	280,940
Grants, gifts, and donations	800,000	800,000		800,000
Nongame wildlife conservation	120,000	120,000		120,000
Lonetree Reservoir	1,961,841	1,924,951	37,058	1,962,009
Wildlife Services	768,800	384,400		384,400
Accrued leave payments		816,366	(816,366)	
Total all funds	\$68,091,737	\$66,773,869	\$1,047,554	\$67,821,423
Less estimated income	<u>68,091,737</u>	<u>66,773,869</u>	<u>1,047,554</u>	<u>67,821,423</u>
General fund	\$0	\$0	\$0	\$0
FTE	157.00	158.00	0.00	158.00

Department No. 720 - Game and Fish Department - Detail of Senate Changes

	Restores Executive Compensation Package ¹	Removes Separate Line Item for Accrued Leave Payments ²	Restores Funding for Rent Allowance ³	Total Senate Changes
Salaries and wages	\$793,618	\$764,414		\$1,558,032
Operating expenses			200,000	200,000
Capital assets				
Grants				
Land habitat and deer depredation	31,481	30,322		61,803
Noxious weed control				
Missouri River enforcement	3,579	3,448		7,027
Grants, gifts, and donations				
Nongame wildlife conservation				
Lonetree Reservoir	18,876	18,182		37,058
Wildlife Services				
Accrued leave payments		(816,366)		(816,366)
Total all funds	\$847,554	\$0	\$200,000	\$1,047,554
Less estimated income	<u>847,554</u>	<u>0</u>	<u>200,000</u>	<u>1,047,554</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

¹ Funding reductions made by the House to the state employee compensation and benefits package are restored to the Governor's recommended level.

² The accrued leave payments line item added by the House is removed and the associated funding returned to line items with salaries and wages funding.

³ Funding removed by the House for rent allowance for employees living in areas affected by energy development is restored.

REPORT OF STANDING COMMITTEE

HB 1023, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1023, as amended, was placed on the Sixth order on the calendar.

Page 1, after line 10, insert:

"ATTORNEY GENERAL

Operating expenses	<u>\$70,000</u>
Total general fund	\$70,000

Subdivision 2."

Page 1, line 14, replace "2" with "3"

Page 1, line 18, replace "3" with "4"

Page 1, line 22, replace "4" with "5"

Page 2, line 4, replace "5" with "6"

Page 2, line 8, replace "6" with "7"

Page 2, line 12, replace "7" with "8"

Page 2, line 16, replace "8" with "9"

Page 2, line 20, replace "9" with "10"

Page 2, line 24, replace "10" with "11"

Page 2, replace line 26 with:

"Grand total general fund
\$59,594,701"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1023 - Attorney General - Senate Action

Funding of \$70,000 from the general fund is added for reimbursements to cities and counties for prosecution witness fees.

REPORT OF STANDING COMMITTEE

HB 1031: Agriculture Committee (Sen. Miller, Chairman) recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1031 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1038, as reengrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1038 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for the establishment of an autism spectrum disorder database and an autism spectrum disorder voucher program; to provide for a department of human services study and report to the legislative management; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1.

Autism spectrum disorder database - Rulemaking - Confidentiality.

1. The state department of health shall establish and administer an autism spectrum disorder database. The database must include a record of all reported cases of autism spectrum disorder in the state and any other information determined relevant and appropriate by the department in order to complete epidemiologic surveys of the autism spectrum disorder, enable research and analysis of the autism spectrum disorder, and provide services to individuals with an autism spectrum disorder.
2. The state department of health shall establish criteria regarding who is qualified to report a case of autism spectrum disorder to the database. In establishing this criteria, the department shall require that the reporter be a doctoral-level professional and be appropriately licensed, credentialed, and experienced in the field of autism spectrum disorder, including intellectual testing and other formal evidenced-based assessments for autism spectrum disorders. The department shall consult with experts in establishing this criteria.
3. The database established under this section must:
 - a. Include the reported individual's diagnoses under the American psychiatric association's diagnostic and statistical manual of mental disorders, fifth edition; and
 - b. Include a complete physical evaluation of the reported individual, performed by a licensed physician.
4. The state health council shall adopt rules to provide for mandatory reporting to the autism spectrum disorder database and to establish reporting requirements, including timeliness requirements.
5. The state department of health shall keep confidential all records of the database which could be used to identify a reported individual; however, the department may provide these records to other state agencies as necessary to effect the purposes of this database without regard to the confidential nature of the records. If the department provides confidential records of the database to a state agency, the department shall notify the receiving agency of the confidential nature of the records and the receiving agency shall treat these records as confidential.

SECTION 2.

Autism spectrum disorder voucher program - Appeal.

1. The department of human services shall establish a voucher program to assist in funding equipment and general educational needs related to autism spectrum disorder for individuals under age twenty-two who have been diagnosed with autism spectrum disorder. The program may include funding for assistive technology; video modeling videos or

- equipment; language-generating devices; training and educational material for parents; parenting education; sensory equipment; tutors; safety equipment; travel tools; self-care equipment; timers; visual representation systems; language comprehension equipment; and registration and related expenses for workshops and training to improve independent living skills, employment opportunities, and other executive or social skills. In determining the amount of a voucher for which an applicant may be determined eligible under this section, the department shall consider the applicant's level of functioning.
2. The department shall adopt rules addressing management of this voucher program and establishing the eligibility requirements and exclusions for this voucher program. The program may not provide a voucher for early intensive behavioral intervention, including applied behavioral analysis, intensive early interventional behavioral therapy, intensive behavioral intervention, the Lovaas method, the Denver model, LEAP (learning experiences - an alternative program for preschoolers and parents), TEACCH (treatment and education of autistic and related communication handicapped children), pivotal response training, or discrete trial training.
 3. A decision on a voucher application which is issued by the department under this section may be appealed as provided under chapter 28-32.

SECTION 3. DEPARTMENT OF HUMAN SERVICES AUTISM SPECTRUM DISORDER STUDY AND REPORT TO THE LEGISLATIVE MANAGEMENT. During the 2013-14 interim, in consultation with clinicians who have expertise in the evaluation, diagnosis, and treatment of autism spectrum disorder, the department of human services shall study autism spectrum disorder services, including the most feasible service delivery system for individuals not served in the developmental disability system who have an autism spectrum disorder. Before August 1, 2014, the department of human services shall report to the legislative management the outcome and recommendations of this study.

SECTION 4. APPROPRIATION - STATE DEPARTMENT OF HEALTH - AUTISM SPECTRUM DISORDER DATABASE. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,648, or so much of the sum as may be necessary, to the state department of health for the purpose of establishing and administering an autism spectrum disorder database, for the biennium beginning July 1, 2013, and ending June 30, 2015. The state department of health is authorized one full-time equivalent position for this purpose.

SECTION 5. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - STATE AUTISM COORDINATOR. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$400,000, or so much of the sum as may be necessary, to the department of human services for the purpose of hiring a state autism coordinator who would be responsible for implementing a resource and service center to provide information and services for individuals with autism spectrum disorder, developing a statewide outreach plan, conducting regional meetings and an annual conference, and developing a protocol for use after screenings, for the biennium beginning July 1, 2013, and ending June 30, 2015. The department of human services is authorized one full-time equivalent position for this purpose.

SECTION 6. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - STATEWIDE AUTISM SPECTRUM DISORDER TRAINING EFFORT. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the department of human services for the purpose of implementing a statewide autism spectrum disorder training effort, including physician training, regional training, school staff training, and parent training, for the biennium beginning July 1, 2013, and ending June 30, 2015."

REPORT OF STANDING COMMITTEE

HB 1059, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (9 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1059 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1118, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1118 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1119: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1119 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1135, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1135 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1197, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1197 was placed on the Sixth order on the calendar.

Page 2, line 7, overstrike "one" and insert immediately thereafter "five"

Page 2, line 8, overstrike "A" and insert immediately thereafter "B"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1209: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1209 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1272, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1272, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1289, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed HB 1289, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1360, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1360, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1368, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed HB 1368, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1389, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1389 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1405, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1405, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1426, as reengrossed: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1426 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1439, as reengrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed HB 1439 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1458, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1458 was placed on the Fourteenth order on the calendar.

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

William R. Horton, Secretary

