

## JOURNAL OF THE SENATE

## Sixty-third Legislative Assembly

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Bismarck, April 3, 2013

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

The prayer was offered by Pastor Bob Thune, First Evangelical Free Church, Bismarck.

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

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**HB 1291, as engrossed: SEN. SCHAIBLE (Education Committee) MOVED** that the amendments be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**HB 1356, as reengrossed: SEN. POOLMAN (Education Committee) MOVED** that the amendments be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**HB 1319, as reengrossed: SEN. FLAKOLL (Education Committee) MOVED** that the amendments be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**HB 1171, as engrossed: SEN. SORVAAG (Industry, Business and Labor Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

## SECOND READING OF HOUSE BILL

**HB 1171:** A BILL for an Act to create and enact a new chapter to title 26.1 of the North Dakota Century Code, relating to unclaimed life insurance benefits; and to amend and reenact section 47-30.1-07 of the North Dakota Century Code, relating to the state's unclaimed property act.

## 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, 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; Lee, G.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**NAYS:** Larsen

**ABSENT AND NOT VOTING:** Lee, J.

Engrossed HB 1171, as amended, passed.

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## CONSIDERATION OF AMENDMENTS

**HB 1138, as engrossed: SEN. LYSON (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 1138:** A BILL for an Act to amend and reenact sections 12-63-09 and 12-63-12 of the North Dakota Century Code, relating to peace officer licenses; and to repeal section 12-63-08 of the North Dakota Century Code, relating to peace officer licenses.

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

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

**NAYS:** Burckhard

**ABSENT AND NOT VOTING:** Lee, J.

Engrossed HB 1138, as amended, passed.

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

**HB 1428:** A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to review of presidential executive orders.

#### **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 32 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Armstrong; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Erbele; Flakoll; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Luick; Lyson; Miller; Oehlke; Poolman; Schaible; Sitte; Sorvaag; Unruh; Wanzek; Wardner

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

**ABSENT AND NOT VOTING:** Lee, J.

Engrossed HB 1428 passed.

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

**HB 1093:** A BILL for an Act to amend and reenact section 43-41-05 of the North Dakota Century Code, relating to the private practice of social work.

#### **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 0 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**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.; 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:** Lee, J.

Engrossed HB 1093 failed.

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

**HB 1180:** A BILL for an Act to create and enact two new sections to chapter 50-06.2 and a new section to chapter 50-24.7 of the North Dakota Century Code, relating to a pilot program for independent home and community-based services case managers; and to provide an expiration 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 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.; 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:** Lee, J.

HB 1180, as amended, passed.

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

**HB 1131:** A BILL for an Act to amend and reenact section 20.1-03-11 of the North Dakota Century Code, relating to big game and gratis licenses; and to declare an emergency.

### **REQUEST**

**SEN. TRIPLETT REQUESTED** that the Senate divide Engrossed HB 1131, which request was granted.

**DIVISION A:** Page 1, line 6 through page 2 through line 9

**DIVISION B:** Remainder of bill

### **ROLL CALL**

The question being on the final adoption of Division A of Engrossed HB 1131, the roll was called and there were 33 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Berry; Bowman; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Luick; Miller; Oehlke; Poolman; Schaible; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner

**NAYS:** Andrist; Axness; Burckhard; Hogue; Lyson; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Triplett; Warner

**ABSENT AND NOT VOTING:** Lee, J.

Division A of Engrossed HB 1131 was adopted on a recorded roll call vote.

### **ROLL CALL**

The question being on the final adoption of Division B of Engrossed HB 1131, the roll was called and there were 35 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Holmberg; Kilzer; Krebsbach; Larsen; Luick; Miller; Murphy; Nelson; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Wanzek; Wardner; Warner

**NAYS:** Burckhard; Hogue; Klein; Laffen; Lee, G.; Lyson; Marcellais; Mathern; O'Connell; Triplett; Unruh

**ABSENT AND NOT VOTING:** Lee, J.

Division B of Engrossed HB 1131 was adopted on a recorded roll call vote.

#### ROLL CALL

The question being on the final passage of the bill, which includes Division A and Division B, which have been read, the roll was called and there were 35 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Axness; Berry; Bowman; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Holmberg; Kilzer; Krebsbach; Laffen; Larsen; Lee, G.; Luick; Miller; Murphy; Nelson; Oehlke; Poolman; Schaible; Schneider; Sinner; Sitte; Sorvaag; Wanzek; Wardner; Warner

**NAYS:** Andrist; Burckhard; Hogue; Klein; Lyson; Marcellais; Mathern; O'Connell; Robinson; Triplett; Unruh

**ABSENT AND NOT VOTING:** Lee, J.

Engrossed HB 1131 passed and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1287:** A BILL for an Act to amend and reenact sections 15.1-21-02.4 and 15.1-21-02.5 of the North Dakota Century Code, relating to eligibility for North Dakota career and technical scholarships and North Dakota academic scholarships.

#### 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 2 YEAS, 44 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Dever; O'Connell

**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.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Lee, J.

Engrossed HB 1287 failed.

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#### SECOND READING OF HOUSE BILL

**HB 1429:** A BILL for an Act to amend and reenact section 15.1-09-58 of the North Dakota Century Code, relating to early childhood education.

#### 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, 4 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; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wardner; Warner

**NAYS:** Lee, G.; O'Connell; Sitte; Wanzek

**ABSENT AND NOT VOTING:** Lee, J.

Engrossed HB 1429 passed.

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#### **MOTION**

**SEN. KLEIN MOVED** that Senate Rule 329 be amended replacing "fifty-ninth legislative day" with "sixtieth legislative day", which motion prevailed.

#### **MOTION**

**SEN. KLEIN MOVED** that HB 1278, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

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

**HB 1327:** A BILL for an Act to create and enact subsection 3 to section 12-60-24 of the North Dakota Century Code, relating to criminal history record checks; and to amend and reenact subsections 1 and 6 of section 62.1-01-01 and sections 62.1-01-03, 62.1-02-05, 62.1-02-10, 62.1-03-01, 62.1-03-05, and 62.1-04-03 of the North Dakota Century Code, relating to concealed weapons laws.

#### **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.; 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:** Lee, J.

Reengrossed HB 1327 passed.

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

**HB 1332:** A BILL for an Act to amend and reenact section 16.1-02-05, subsection 9 of section 16.1-02-12, and sections 16.1-02-13, 16.1-05-04, 16.1-05-07, 16.1-07-06, and 39-06-03.1 of the North Dakota Century Code, relating to eligibility to vote; and to repeal sections 16.1-05-06 and 58-04-09 of the North Dakota Century Code, relating to eligibility to vote.

#### **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 30 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Armstrong; Berry; Bowman; Burckhard; Campbell; Cook; Dever; Erbele; Flakoll; Grindberg; Heckaman; Hogue; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Luick; Lyson; Miller; Oehlke; Poolman; Schaible; Sitte; Sorvaag; Unruh; Wanzek; Wardner

**NAYS:** Anderson; Axness; Carlisle; Dotzenrod; Grabinger; Holmberg; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Sinner; Triplett; Warner

**ABSENT AND NOT VOTING:** Lee, J.

Reengrossed HB 1332, as amended, passed.

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

**HB 1378:** A BILL for an Act to require the department of human services to conduct a study of the cost of services to children; and to provide for a report to the sixty-fourth legislative assembly.

### **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.; 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:** Lee, J.

HB 1378 passed.

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

**HB 1197:** A BILL for an Act to amend and reenact section 12.1-23-11 of the North Dakota Century Code, relating to identity theft; and to provide a penalty.

### **ROLL CALL**

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

**YEAS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; 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:** Lee, J.

Engrossed HB 1197 passed.

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### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**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.

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

HCR 3035 was declared lost on a voice vote.

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### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3028:** A concurrent resolution urging the Sixty-third Legislative Assembly to recognize

the month of November 2013 as "Chronic Obstructive Pulmonary Disease Awareness Month" throughout the state in recognition of this deadly disease and its effects on the citizens of North Dakota and encourage all residents of North Dakota to learn more about the prevention and treatment of chronic obstructive pulmonary disease.

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

HCR 3028 was declared adopted on a voice vote.

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#### MOTION

**SEN. KLEIN MOVED** that SB 2306, SB 2140, SB 2041, SB 2166, SB 2165, SB 2116, SB 2180, SB 2340, SB 2067, SB 2085, and SB 2342 be moved to the top of the calendar, which motion prevailed.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. FLAKOLL MOVED** that the Senate do concur in the House amendments to Engrossed SB 2306 as printed on SJ page 899, which motion prevailed on a voice vote.

Engrossed SB 2306, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2306:** A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota Century Code, relating to youth suicide prevention.

#### ROLL CALL

The question being on the final passage of the amended 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.; 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:** Lee, J.

Reengrossed SB 2306 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. DEVER MOVED** that the Senate do concur in the House amendments to SB 2140 as printed on SJ pages 899-900, which motion prevailed on a voice vote.

SB 2140, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2140:** A BILL for an Act to amend and reenact section 32-09.1-08 of the North Dakota Century Code, relating to the service of the summons and notice of garnishment of earnings; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended 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.; 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:** Lee, J.

Engrossed SB 2140 passed and the emergency clause was declared carried.

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#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOGUE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2041 as printed on SJ page 872, which motion prevailed on a voice vote.

Engrossed SB 2041, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF SENATE BILL**

**SB 2041:** A BILL for an Act to amend and reenact subsections 3 and 4 of section 39-06-42, subsection 3 of section 39-08-01, and subsection 4 of section 39-08-20 of the North Dakota Century Code, relating to impounding and destroying number plates for certain offenses; and to provide a penalty.

#### **ROLL CALL**

The question being on the final passage of the amended 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.; 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:** Lee, J.

Reengrossed SB 2041 passed.

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#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOGUE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2166 as printed on SJ page 941, which motion prevailed on a voice vote.

Engrossed SB 2166, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF SENATE BILL**

**SB 2166:** A BILL for an Act to amend and reenact sections 28-05-09 and 35-27-25 of the North Dakota Century Code, relating to actions for construction liens and miner's liens; and to provide for application.

#### **ROLL CALL**

The question being on the final passage of the amended 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.; 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:** Lee, J.

Reengrossed SB 2166 passed.



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**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)****MR. SPEAKER:** The Senate has passed, unchanged: HB 1193, HB 1200, HB 1310.**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)****MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1246.**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)****MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1052, HB 1080, HCR 3016.**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)****MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1008.**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)****MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1249, HB 1337.**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)****MR. PRESIDENT:** The House has passed, unchanged: SCR 4017.**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)****MR. PRESIDENT:** The House has amended and subsequently passed: SB 2213, SB 2308, SB 2352, SB 2353.**HOUSE AMENDMENTS TO SENATE BILL NO. 2213**Page 1, line 17, replace "No" with:

"1. An"

Page 1, line 17, replace "shall" with "may not"Page 2, line 2, replace "However, vehicles and movable signs" with:

"2. A vehicle or movable sign"

Page 2, line 2, remove "political"Page 2, line 3, replace "messages" with "a political message"Page 2, line 3, replace "by this section shall only" with "in subsection 1 may"Page 2, line 3, after "area" insert "only"

Page 2, after line 5, insert:

"3. Except as provided in subsection 1, a sign placed on private property which displays a political message may not be restricted by a political subdivision, including a home rule city or county, unless the political subdivision demonstrates a burden to the public safety."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2308**

Page 1, line 6, remove the second "and"

Page 1, line 6, after "penalty" insert "; and to provide an effective date"

Page 2, line 26, after "3." insert "In adopting its rules the department shall apply different standards based on the size of the septic system servicer, on the type of the service provided, quantity of septage handled, and number of units. The department may not

require preapproval of a land application site for an application from a rural single-family residence on property owned or leased by the owner or lessee of the single-family residence.

4."

Page 2, line 28, remove "the provisions of this chapter, and the rules and regulations"

Page 2, line 29, remove "authorized herein"

Page 2, line 29, after the underscored period insert "Nothing in this section removes the duty of any person to comply with applicable public health standards."

Page 3, after line 4, insert:

"**SECTION 8. EFFECTIVE DATE.** This Act becomes effective January 1, 2014."

Renumber accordingly

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2352**

Page 1, after line 4, insert:

"1."

Page 1, after line 21, insert:

"2. The land authorized to be conveyed in Ward County is generally described as follows:

The south ½ and the northwest ¼ of section 10 of township 154 north, range 83 west.

The north ½ and the southwest ¼ of section 11 of township 154 north, range 83 west.

The northwest ¼ of section 12 of township 154 north, range 83 west.

The northeast ¼ of section 15 of township 154 north, range 83 west.

3. The land authorized to be conveyed in Williams County is generally described as follows:

The northeast ¼ of section 36 of township 154 north, range 102 west.

Section 25 of township 154 north, range 102 west."

Renumber accordingly

#### **HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2353**

Page 1, line 2, after the semicolon insert "and"

Page 1, line 3, remove "; and to provide an appropriation"

Page 1, line 17, replace "**Statewide**" with "**North Dakota statewide**"

Page 1, line 17, replace "**board**" with "**executive committee**"

Page 1, line 18, replace "**board**" with "**executive committee**"

Page 2, line 5, after "k." insert: "A representative of the North Dakota peace officers association;

L. "

Page 2, line 6, replace "L." with "m."

Page 2, line 7, replace "board" with "committee"

Page 2, line 9, remove "The board shall provide for key components and provide for support of key"

Page 2, remove lines 10 through 12

Page 2, line 13, remove "4."

Page 2, line 13, replace "board" with "committee"

Page 2, line 13, replace "manage" with "prepare recommendations regarding"

Page 2, line 15, replace "2013-15 biennium" with "2013-14 interim"

Page 2, line 17, replace "study" with "consider studying"

Page 2, line 20, replace "board" with "statewide interoperability executive committee. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly"

Page 2, remove lines 21 through 31

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2294.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2294**

Page 1, line 16, replace "one thousand" with "five hundred"

Page 2, line 5, remove ". and the assistance of."

Page 2, line 14, remove the overstrike over "by the highway patrol"

Page 2, line 16, remove the overstrike over "The highway patrol may issue a citation covering any violation of this section, and the"

Page 2, line 16, remove "A"

Page 2, line 17, remove the overstrike over "citation"

Page 2, line 17, remove "notice of violation of this section"

Page 2, line 19, remove the overstrike over "citation"

Page 2, line 19, remove "notice of violation of this section"

Renumber accordingly

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

**MR. PRESIDENT:** The House has failed to pass, unchanged: SCR 4018.

**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 2041, SB 2140, SB 2166, and SB 2306.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2199, SB 2272, SB 2292.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1024, HB 1059, HB 1118, HB 1119, HB 1206, HB 1361, HB 1401, HB 1467.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2199, SB 2272, SB 2292.

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

**MR. SPEAKER:** The President has signed: HB 1024, HB 1059, HB 1118, HB 1119, HB 1206, HB 1361, HB 1401, HB 1467.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1135, HB 1191, HB 1209, HB 1260, HB 1283, HB 1340, HB 1363, HB 1389, HB 1439, HB 1454, HB 1459.

**COMMUNICATION FROM GOVERNOR JACK DALRYMPLE**

This is to inform you that on April 3, 2013, I have signed the following: SB 2043, SB 2064, SB 2065, SB 2078, SB 2158, SB 2181, SB 2191, SB 2198, SB 2216, SB 2234, SB 2250, SB 2265, SB 2279, SB 2318, SB 2329, SB 2348, and SB 2375.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on April 3, 2013: SCR 4015.

**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, April 4, 2013, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1025, as engrossed: Judiciary Committee (Sen. Hogue, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1025 was placed on the Sixth order on the calendar.

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

Page 1, line 1, after "3" insert "and 4"

Page 1, line 2, replace the first "and" with a comma

Page 1, line 2, after "37-17.1-17" insert ", and 40-22-01.1"

Page 1, line 3, after "responses" insert "and financing of repairs"

Page 1, line 7, overstrike "must" and insert immediately thereafter "may"

Page 1, line 8, remove the overstrike over "~~declared~~"

Page 1, line 9, replace "by a jurisdiction having" with "under"

Page 1, line 10, remove ". Compensation for property or damage to property is the responsibility of the"

Page 1, line 11, replace "jurisdiction that commandeered or otherwise used the property" with "and only"

Page 1, line 11, remove the third "the"

Page 1, line 12, remove "responsibility was"

Page 1, line 12, replace "mitigated by agreement" with "waived or agreed upon"

Page 1, line 13, after the period insert "A claim made against the state must be filed and resolved as provided under subsections 4 and 5. A claim made against a county or city must be made in writing to the appropriate governing body within one year after the use, damage, loss, or destruction of the property under proper authority is discovered or reasonably should have been discovered, may only be for actual damages not recovered from claimants' property or other applicable insurance, and may be paid from any combination of funds provided under section 40-22-01.1, disaster relief funds made available to a county or city for this purpose, or other funds at the discretion of the governing body.

**SECTION 2. AMENDMENT.** Subsection 4 of section 37-17.1-12 of the North Dakota Century Code is amended and reenacted as follows:

4. Any person claiming compensation for the use, damage, loss, or destruction of property ~~by the state~~ under this chapter shall file a written claim therefor with the office of management and budget in the form and manner required by the office. The claim for compensation must be received by the office of management and budget within one year after the use, damage, loss, or destruction of the property pursuant to the governor's order under section 37-17.1-05 is discovered or reasonably should have been discovered or compensation under this chapter is waived."

Page 1, line 18, remove the overstrike over "The state, a county or city, any"

Page 1, line 18, remove "Any"

Page 1, line 21, remove the overstrike over "person"

Page 1, line 21, remove "individual"

Page 1, line 22, remove the overstrike over "person"

Page 1, line 22, remove "individual"

Page 2, line 4, after "property" insert "except as compensation may be provided in section 37-17.1-12"

Page 2, line 22, remove "gross"

Page 2, line 23, replace "negligence" with "willful and malicious failure to guard or warn against a dangerous condition, use, structure, or activity"

Page 2, after line 24, insert:

**"SECTION 5. AMENDMENT.** Section 40-22-01.1 of the North Dakota Century Code is amended and reenacted as follows:

**40-22-01.1. Restoration of certain property damaged in flood control or during a declared disaster or emergency - Special assessments for costs.**

When any city ~~shall have~~has constructed any temporary emergency flood control protection devices or works to protect property located within a portion of a city from flood damage or expended funds for the protection of the city from flood or other peril under chapter 37-17.1 or otherwise, the city may ~~cause the removal of~~maintain and remove material used in the construction of ~~such~~the temporary emergency flood control protection devices or works and the repair of damages to land, buildings, or personal property caused by the operation of its equipment upon the property while in the process of installing or removing ~~such~~the temporary emergency flood protection systems. ~~Such~~The city may create by resolution of its governing board a special assessment district encompassing the protected area. Special assessments against the property within the district ~~shall~~must be imposed to cover the costs incurred by the city in constructing and maintaining the emergency flood protection devices or works and in removing the material used and in repairing the damages caused by the operation of equipment while installing or removing

~~such~~the temporary emergency flood protection systems. The amount to be assessed must be established by a resolution adopted by the governing board. Special assessments against any property in the district ~~shall~~must be determined and made in the same manner as is provided for improvements by special assessments to the extent consistent herewith, and the certification and collection, including lien provisions, applicable to other special assessments ~~shall be~~ applicable hereto. Provided, however, that the provisions of sections 40-22-15, 40-22-17, and 40-22-18, relating to a resolution of necessity and protests against special assessments, ~~shall~~sections 40-22-10, 40-22-11, and 40-22-29, relating to engineers' reports, plans, and estimates, and section 40-22-19, relating to contract proposals, do not apply to special assessment districts created ~~pursuant to~~under this section."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1130, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1130, as amended, was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1274, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1274 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1412, as engrossed: Judiciary Committee (Sen. Hogue, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1412 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to immunity from criminal liability in medical emergencies involving controlled substances; and to"

Page 3, line 27, after "alcohol" insert "or drug"

Page 4, after line 8, insert:

**"SECTION 4.** A new section to chapter 19-03.1 of the North Dakota Century Code is created and enacted as follows:

#### **Controlled substance overdose - Limited immunity from prosecution.**

1. For purpose of this section, "overdose" means a controlled substance-induced physiological event that results in a life-threatening emergency to the individual who ingested, inhaled, injected, or otherwise bodily absorbed a controlled substance.
2. An individual who, in good faith, seeks or obtains emergency medical assistance for someone experiencing an overdose may not be charged or prosecuted under this chapter for possession of a controlled substance if evidence for the possession charge was acquired as a result of the individual seeking or obtaining emergency medical assistance.
3. An individual who is experiencing an overdose may not be charged or prosecuted for possession of a controlled substance under this chapter if evidence for the possession charge was acquired as a result of the individual seeking or obtaining emergency medical assistance.
4. The limited immunity described in subsections 2 and 3 may not be extended if law enforcement has reasonable suspicion or probable cause to detain, arrest, or search the individual described in subsection 2 or 3 for criminal activity and the reasonable suspicion or probable cause is based on information obtained before or independent of the individual

described in subsection 2 or 3 taking action to seek or obtain emergency medical assistance and not obtained as a direct result of the action of seeking or obtaining emergency medical assistance. This section is not intended to interfere with or prevent the investigation, arrest, or prosecution of any individual for the delivery or distribution of cannabis, methamphetamine or other controlled substances, drug-induced homicide, or any other crime."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1422, as engrossed: 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). Engrossed HB 1422 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new subsection to section 50-11.1-03 and two new"

Page 1, remove line 2

Page 1, line 3, remove "sizes for licensed child care;"

Page 1, line 10, replace "thirty" with "twenty-four"

Page 1, remove lines 11 through 21

Page 2, remove lines 1 through 24

Page 2, line 26, replace "\$2,100,000" with "\$2,600,000"

Page 2, line 28, after "initiative" insert "under sections 50-11.1-14.1 and 50-11.1-18"

Page 2, line 28, remove "The"

Page 2, remove lines 29 through 31

Page 3, remove lines 1 and 2

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1424, as reengrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1424 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1451, as engrossed: Judiciary Committee (Sen. Hogue, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1451 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "16.1-08.1-03.1,"

Page 1, line 2, after "to" insert "disclosure requirements for petition sponsors and"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 16.1-08.1-03.1 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-03.1. Contributions statement required of persons and measure committees circulating or promoting passage or defeat of initiated or referred measure - Statement of petition sponsors.**

1. At the time the sponsoring committee for an initiated measure petition submits signed petitions to the secretary of state, the committee also shall submit a statement disclosing the total amount of contributions received by the committee to aid the committee in drafting and circulating the petition, the name and mailing address of each person that contributed more than one hundred dollars in the aggregate to the sponsoring committee, the date each such contribution was received, and the total amount of expenditures made by the committee to aid in the drafting and circulation of the petition.
2. Any person or measure committee, as described in section 16.1-08.1-01, that is soliciting or accepting a contribution for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly at any election shall file a statement in accordance with this subsection if the person has received any contribution in excess of one hundred dollars. The statement must include the name and mailing address of each person that contributed in excess of one hundred dollars to the person, the amount of each reportable contribution, and the date each reportable contribution was received. The statement must include the name and mailing address of each recipient of an expenditure exceeding one hundred dollars in the aggregate, the amount of each reportable expenditure, and the date the expenditure was made.
3. A person or measure committee that is soliciting or accepting a contribution for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly may not accept a contribution of more than one hundred dollars from an out-of-state person or political committee unless the contribution is accompanied by a certified statement from the contributor listing the name, address, and amount contributed by each person that contributed more than one hundred dollars of the contribution. The statement must indicate if no person contributed in excess of one hundred dollars of the out-of-state person's or political committee's overall contribution. The certified statement must also list the occupation, employer, and principal place of business for each individual who contributed more than one hundred dollars of the contribution. The person soliciting or accepting a contribution for the purpose of aiding the circulation of a statewide initiative or referendum petition or of promoting passage or defeat of a statewide initiated or referred measure shall include this statement with the contribution statement required to be filed under subsection 2.
4. The statement required of a person or measure committee under subsection 2 must be filed with the secretary of state no later than the twelfth day before the date of the election in which the measure appears or would have appeared on the ballot complete from the beginning of that calendar year through the twentieth day before the date of the election. A complete statement for the entire calendar year for each statement required to be filed under subsections 2 and 3 must be filed no later than the thirty-first day of January of the following year. Even if a person required to report according to this section has not received any contributions in excess of one hundred dollars during the reporting period, the person shall file a statement as required by this chapter. A statement filed according to subsections 2 and 3 during the reporting period must show the following:
  - a. The gross total of all contributions received and expenditures made in excess of one hundred dollars;



- b. The gross total of all contributions received and expenditures made of one hundred dollars, or less; and
  - c. The cash on hand in the filer's account at the start and close of the reporting period.
5. Within one hundred eighty days after the approval of a petition to initiate or refer a measure or to recall an official or after the submission of a petition to convene a grand jury as provided under section 29-10.1-02, the sponsoring committee or the individual responsible for submission of the petition shall file a statement with the secretary of state which discloses whether petition circulators have been or will be paid for the circulation of petitions and which lists the total amount of money paid or which is expected to be paid to circulators."

Page 1, line 18, replace "forty" with "twenty-five"

Page 1, line 20, after "not" insert "be fewer than two hundred twenty-five nor"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1464, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1464 was placed on the Fourteenth order on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2368, as engrossed:** Your conference committee (Sens. Berry, Lyson, Grabinger and Reps. Weisz, Silbernagel, Oversen) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 861-862 and place SB 2368 on the Seventh order.

Engrossed SB 2368 was placed on the Seventh order of business on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3003, as engrossed: Judiciary Committee (Sen. Hogue, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3003 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3011, as engrossed: Judiciary Committee (Sen. Hogue, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3011 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "2" insert "and 3"

Page 1, line 2, after "the" insert "circulation of petitions and the"

Page 1, line 5, replace "twenty" with "forty"

Page 1, line 5, after "ballot" insert "and would provide that the legislative assembly may establish the qualifications for petition circulators"

Page 1, line 8, replace "amendment" with "amendments"

Page 1, line 8, replace "section" with "sections"

Page 1, line 8, after "2" insert "and 3"

Page 1, line 9, replace "is" with "are"

Page 1, after line 14, insert:

"1."

Page 1, after line 19 insert:

"2."

Page 1, line 24, replace "twenty" with "at least forty"

Page 1, line 24, replace "or more" with ", plus the adjustment for inflation provided for under subsection 3."

Page 1, line 24, replace "is due to become" with "becomes"

Page 2, after line 2, insert:

"3. On July first of each odd-numbered year, the legislative council shall calculate the rate of inflation over the previous two years based upon the consumer price index announced by the federal bureau of labor statistics and adjust the threshold upon which the legislative council makes its determination of fiscal impact under subsection 2. The legislative council shall provide public notice of the recalculated threshold by August first of each odd-numbered year.

**SECTION 2. AMENDMENT.** Section 3 of article III of the Constitution of North Dakota is amended and reenacted as follows:

**Section 3.** The legislative assembly may establish qualifications for petition circulators. However, a petition shall may be circulated only by electors. They Each petition circulator shall swear thereon on the petition that the electors who have signed the petition did so in theirthe presence of that circulator. Each elector signing a petition shall also write in the date of signing and histhe elector's post-office address. No law shall may be enacted limiting the number of copies of a petition. The copies shall become part of the original petition when filed.

Renumber accordingly

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

**HCR 3033: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3033 was placed on the Fourteenth order on the calendar.

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

**HCR 3039, as engrossed: Judiciary Committee (Sen. Hogue, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3039 was placed on the Fourteenth order on the calendar.

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

**William R. Horton, Secretary**