

## JOURNAL OF THE SENATE

## Sixty-second Legislative Assembly

\* \* \* \* \*

Bismarck, April 15, 2011

The Senate convened at 8:00 a.m., with President Wrigley presiding.

The prayer was offered by Senator John Andrist, District 2.

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

A quorum was declared by the President.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. OEHLKE MOVED** that the conference committee report on Engrossed SB 2207 as printed on SJ page 1478 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2207, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2207:** A BILL for an Act to create and enact section 39-04-18.2 and a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to temporary motor vehicle registration and excise tax; to amend and reenact subdivisions c and e of subsection 2 of section 39-04-18, subsection 2 of section 39-06.1-06, and section 39-06.1-08 of the North Dakota Century Code, relating to motor vehicle registration; to provide legislative intent; 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:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Freborg

Reengrossed SB 2207 passed and the emergency clause was declared carried.

\*\*\*\*\*

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. NODLAND MOVED** that the conference committee report on SB 2044 as printed on SJ pages 1477-1478 be adopted, which motion failed on a voice vote.

**MOTION**

**SEN. CHRISTMANN MOVED** that Sen. G. Lee replace Sen. Freborg on the Conference Committee on SB 2150, which motion prevailed on a voice vote.

**MOTION**

**SEN. CHRISTMANN MOVED** that Sen. Luick replace Sen. Freborg on the Conference Committee on SB 2281, which motion prevailed on a voice vote.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 12:30 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Wrigley presiding.

**CORRECTION AND REVISION OF THE JOURNAL**

**MR. PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Andrist, Chairman)** has carefully examined the Journal of the Sixty-sixth and Sixty-seventh Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1391, after line 23, insert:

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1092, HB 1421, HB 1425."

Page 1401, line 15, replace "Reengrossed" with "Engrossed"

Page 1401, line 18, replace "Reengrossed" with "Engrossed"

Page 1402, line 25, replace "Reengrossed" with "Engrossed"

Page 1402, line 28, replace "Reengrossed" with "Engrossed"

Page 1450, remove lines 19 through 20

Page 1450, lines 33 through 34, remove ", subsequently passed, and the emergency clause carried:"

Page 1450, line 34, replace "HB 1029" with "on: HB 1029"

Page 1451, line 32, replace "**HOUSE RECEDE** from" with "**SENATE ACCEDE** to"

Page 1451, line 33, after "adopt" insert "further"

Page 1453, line 12, replace "**HOUSE ACCEDE** to" with "**SENATE RECEDE** from"

Page 1453, line 13, remove "further"

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

**REPORT OF CONFERENCE COMMITTEE**

**SB 2042:** Your conference committee (Sens. Miller, Hogue, Dotzenrod and Reps. Owens, Grande, S. Kelsh) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 898, adopt amendments as follows, and place SB 2042 on the Seventh order:

That the House recede from its amendments as printed on page 898 of the Senate Journal and page 1083 of the House Journal and that Engrossed Senate Bill No. 2042 be amended as follows:

Page 1, line 3, after "expenses" insert "; to provide for a legislative management study; and to provide an effective date"

Page 5, after line 10, insert:

**"SECTION 5. LEGISLATIVE MANAGEMENT STUDY - CHARITABLE GAMING ORGANIZATION ELIGIBILITY.** During the 2011-12 interim, the legislative management shall consider studying the eligibility requirements for the veterans', charitable, educational, religious, fraternal, civic and service, public safety, and public-spirited organizations that conduct charitable gaming. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly.

**SECTION 6. EFFECTIVE DATE.** Sections 1 through 4 of this Act are effective January 1, 2012."

Renumber accordingly

SB 2042 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. MILLER MOVED** that the conference committee report on Engrossed SB 2042 as printed on SJ page 1484 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2042, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2042:** A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-01 and sections 53-06.1-11, 53-06.1-12, and 53-06.1-12.3 of the North Dakota Century Code, relating to consolidation of gaming taxes and allowable expenses; to provide for a legislative management study; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed SB 2042 passed.

\*\*\*\*\*

**REPORT OF CONFERENCE COMMITTEE**

**SB 2327, as engrossed:** Your conference committee (Sens. Dever, Cook, Nelson and Reps. Paur, Grande, Amerman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1091-1092, adopt amendments as follows, and place SB 2327 on the Seventh order:

That the House recede from its amendments as printed on pages 1091 and 1092 of the Senate Journal and page 1285 of the House Journal and that Engrossed Senate Bill No. 2327 be amended as follows:

Page 1, line 18, overstrike "a duty of a state"

Page 1, line 18, remove the overstrike over "~~in any bona~~"

Page 1, line 19, remove the overstrike over "~~file news story, commentary, or editorial~~"

Page 1, line 19, remove "by a public official with no expenditure of"

Page 1, remove lines 20 through 23

Page 1, line 24, replace "purpose of educating the voters on a" with ". Factual information may be presented regarding a ballot question solely for the purpose of educating voters if the information does not advocate for or against or otherwise reflect a position on the adoption or rejection of the"

Renumber accordingly

Engrossed SB 2327 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. DEVER MOVED** that the conference committee report on Engrossed SB 2327 as printed on SJ page 1485 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2327, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2327:** A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 16.1-10-02 of the North Dakota Century Code, relating to the use of state or political subdivision services or property for political purposes; 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 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**NAYS:** Mathern; Nelson

Reengrossed SB 2327 passed.

\*\*\*\*\*

**MOTION**

**SEN. CHRISTMANN MOVED** that Sen. Luick replace Sen. G. Lee on the Conference Committee on HB 1248, which motion prevailed on a voice vote.

**MOTION**

**SEN. CHRISTMANN MOVED** that Sen. Luick replace Sen. Freborg on the Conference Committee on HB 1229, which motion prevailed on a voice vote.

**MOTION**

**SEN. CHRISTMANN MOVED** that the rules be suspended and that the Majority Leader be authorized to select a replacement for any absent member of a conference committee scheduled to meet Friday, April 15, 2011 or Saturday, April 16, 2011, which motion prevailed.

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

**MR. SPEAKER:** The President has appointed Sen. G. Lee to replace Sen. Freborg on the Conference Committee on SB 2150.

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

**MR. SPEAKER:** The President has appointed Sen. Luick to replace Sen. Freborg on the Conference Committee on SB 2281.

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

**MR. SPEAKER:** The President has appointed Sen. Luick to replace Sen. G. Lee on the Conference Committee on HB 1248.

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

**MR. SPEAKER:** The President has appointed Sen. Luick to replace Sen. Freborg on the Conference Committee on HB 1229.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2042, SB 2327, SB 2336.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2207.

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

**MR. PRESIDENT:** The House has adopted the conference committee report on: SB 2231, SB 2247, SB 2308.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2098, SB 2169, SB 2218, SB 2222, SB 2271, SCR 4002.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2311.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1144.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2187, SB 2213, SB 2253, SB 2361.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2302.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2067, SB 2085, SB 2138, SB 2145, SB 2155, SB 2158, SB 2182, SB 2193, SB 2195, SB 2206.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2067, SB 2085, SB 2138, SB 2145, SB 2155, SB 2158, SB 2182, SB 2193, SB 2195, SB 2206.

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

**MR. SPEAKER:** The President has signed: SCR 4001, SCR 4003, SCR 4005, SCR 4006, SCR 4008, SCR 4010, SCR 4013, SCR 4018, SCR 4019, SCR 4022.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1012, HB 1038, HB 1039, HB 1123, HB 1136, HB 1160, HB 1267, HB 1297, HB 1321, HB 1397.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on April 15, 2011: SCR 4001, SCR 4003, SCR 4005, SCR 4006, SCR 4008, SCR 4010, SCR 4013, SCR 4018, SCR 4019, SCR 4022.

**MOTION**

**SEN. CHRISTMANN MOVED** that the absent members be excused, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Monday, April 18, 2011, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2008:** Your conference committee (Sens. Christmann, Wanzek, O'Connell and Reps. Brandenburg, Klein, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1363-1364, adopt amendments as follows, and place SB 2008 on the Seventh order:

That the House recede from its amendments as printed on pages 1363 and 1364 of the Senate Journal and pages 1521 and 1522 and pages 1530 and 1531 of the House Journal and that Senate Bill No. 2008 be amended as follows:

Page 1, line 3, after the semicolon insert "to provide for a legislative management study;"

Page 2, after line 27, insert:

**"SECTION 5. LEGISLATIVE MANAGEMENT STUDY - PIPELINE SAFETY**

**STUDY.** During the 2011-12 interim, the legislative management shall consider studying gas pipelines in the state focusing on safety concerns of gas utility distribution and transmission. The study must include all pipeline activity and address the jurisdiction of pipelines in the state in consultation with the public service commission, industrial commission, and North Dakota one call. The legislative

management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Senate Bill No. 2008 - Public Service Commission - Conference Committee Action

The House removed Section 4 relating to use of the beginning farmer revolving loan fund for costs associated with the rail rate complaint case, by reverting to the Senate version of the bill this language is restored.

The conference committee further amended the bill to include a section added by the House to provide for a Legislative Management study relating to gas pipelines in the state, focusing on safety concerns of gas utility distribution and transmission, in consultation with the Public Service Commission, Industrial Commission, and North Dakota One Call.

SB 2008 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2014:** Your conference committee (Sens. Christmann, Holmberg, Warner and Reps. Bellew, Kreidt, Kaldor) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1117-1118, adopt amendments as follows, and place SB 2014 on the Seventh order:

That the House recede from its amendments as printed on pages 1117 and 1118 of the Senate Journal and pages 1304 and 1305 of the House Journal and that Senate Bill No. 2014 be amended as follows:

Page 1, replace line 12 with:

"Total all funds	\$4,543,318	\$560,935	\$5,104,253"
------------------	-------------	-----------	--------------

Page 1, replace line 14 with:

"Total general fund	\$1,555,815	\$429,550	\$1,985,365"
---------------------	-------------	-----------	--------------

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Senate Bill No. 2014 - Protection and Advocacy Project - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Protection and Advocacy Project	\$5,139,253	\$5,139,253	(\$35,000)	\$5,104,253	\$5,089,253	\$15,000
Total all funds	\$5,139,253	\$5,139,253	(\$35,000)	\$5,104,253	\$5,089,253	\$15,000
Less estimated income	3,118,888	3,118,888	0	3,118,888	3,118,888	0
General fund	\$2,020,365	\$2,020,365	(\$35,000)	\$1,985,365	\$1,970,365	\$15,000
FTE	28.50	28.50	0.00	28.50	28.50	0.00

##### Department No. 360 - Protection and Advocacy Project - Detail of Conference Committee Changes

	Reduces Funding for Protection and Advocacy Project'	Total Conference Committee Changes
Protection and Advocacy Project	(\$35,000)	(\$35,000)

Total all funds	(\$35,000)	(\$35,000)
Less estimated income	0	0
General fund	(\$35,000)	(\$35,000)
FTE	0.00	0.00

<sup>1</sup> Funding from the general fund for the Protection and Advocacy Project is reduced by \$35,000 with specific budget reductions to be determined by the agency. The House reduced funding from the general fund for the Protection and Advocacy Project by \$50,000.

SB 2014 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2157, as engrossed:** Your conference committee (Sens. Andrist, Laffen, Dotzenrod and Reps. Weiler, Heller, Delmore) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1022, adopt amendments as follows, and place SB 2157 on the Seventh order:

That the House recede from its amendments as printed on page 1022 of the Senate Journal and page 1051 of the House Journal and that Engrossed Senate Bill No. 2157 be amended as follows:

Page 1, line 2, remove "and a new paragraph to subdivision a of subsection 3 of section 39-06.1-10"

Page 1, line 3, remove "and demerit points"

Page 1, remove lines 12 through 15

Page 2, line 3, overstrike "knowingly" and insert immediately thereafter "willfully"

Page 2, line 6, replace "knowingly" with "willfully"

Page 2, remove lines 9 through 14

Renumber accordingly

Engrossed SB 2157 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1144, as engrossed:** Your conference committee (Sens. Burckhard, Hogue, Triplett and Reps. Hatlestad, Froseth, S. Meyer) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1302-1303, adopt amendments as follows, and place HB 1144 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1302 and 1303 of the House Journal and pages 1031 and 1032 of the Senate Journal and that Engrossed House Bill No. 1144 be amended as follows:

Page 1, line 2, replace "special use" with "crew housing"

Page 1, line 8, remove "single or multisectional"

Page 1, line 9, replace "used as" with "or skid units, ordinarily designed for"

Page 1, line 9, after "quarters" insert "or a place of business, on a temporary or permanent basis"

Page 1, line 9, remove "whether or not attached to utility services"

Page 1, line 13, replace "special use" with "crew housing"

Page 1, line 14, replace ""Special use" with ""Crew housing"

Page 1, after line 16, insert:

- "3. "Skid unit" means a structure or group of structures, either single or multisectional, which is not built on a permanent chassis and is ordinarily designed for human living quarters or a place of business, on a temporary or permanent basis."

Page 1, line 17, remove "**special use**"

Page 1, line 20, replace "special use" with "crew housing"

Page 1, line 20, after the underscored period insert "Crew housing permit fees imposed by a city or county must be determined on the basis of the value of services and facilities provided to the crew housing facility by the city or county, or both."

Page 1, after line 22, insert:

**"57-02.4-03. Exemptions.**

This chapter does not apply to:

1. Real property that is exempt from property taxation or subject to payments in lieu of taxes.
2. Mobile or manufactured homes as defined under chapter 57-55.
3. A recreational vehicle, camper, or camper trailer required to be licensed by the motor vehicle division of the department of transportation.
4. Park model trailers for which the owner has paid a park model trailer fee under section 39-18-03.2.

**57-02.4-04. Reporting requirement.**

A county or city may establish reporting requirements for crew housing facilities subject to permit fees within the jurisdiction of the county or city."

Renumber accordingly

Engrossed HB 1144 was placed on the Seventh order of business on the calendar.

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

**William R. Horton, Secretary**