

## JOURNAL OF THE SENATE

## Sixty-third Legislative Assembly

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Bismarck, April 19, 2013

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

The prayer was offered by Senator Erbele, District 28.

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

A quorum was declared by the President.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2072:** Your conference committee (Sens. Miller, Larsen, Heckaman and Reps. Headland, Kiefert, Boschee) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1086-1087, adopt amendments as follows, and place SB 2072 on the Seventh order:

That the House recede from its amendments as printed on pages 1086 and 1087 of the Senate Journal and pages 1171-1173 of the House Journal and that Senate Bill No. 2072 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new subsection to section 4-30-01 and four new sections to chapter 4-30 of the North Dakota Century Code, relating to shared animal ownership agreements; to"

Page 1, line 1, after "sections" insert "4-30-36,"

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

Page 1, after line 9, insert:

**"SECTION 2.** A new subsection to section 4-30-01 of the North Dakota Century Code is created and enacted as follows:

"Shared animal ownership agreement" means any contractual arrangement under which an individual:

- a. Acquires an ownership interest in a milk-producing animal;
- b. Agrees to pay another for, reimburse another for, or otherwise accept financial responsibility for the care and boarding of the milk-producing animal at the dairy farm; and
- c. Is entitled to receive a proportionate share of the animal's raw milk production as a condition of the contractual arrangement.

**SECTION 3. AMENDMENT.** Section 4-30-36 of the North Dakota Century Code is amended and reenacted as follows:

**4-30-36. Standards for grade A milk and milk products - Adoption of amendments.**

1. Only grade A milk may be sold as fluid beverage for human consumption. The minimum standards for milk and milk products designated as grade A are the same as the minimum requirements of the Pasteurized Milk Ordinance which includes provisions from the "Grade A Condensed and Dry Milk Products and Condensed and Dry Whey - Supplement 1 to the Grade A PMO". The commissioner may adopt ~~as regulations other~~ standards in the interest of public safety, wholesomeness of product,

consumer interest, sanitation, good supply, salability, and promotion of grade A milk and milk products.

2. It is not a violation of this section to transfer or obtain raw milk under a shared animal ownership agreement. However, a person may not resell raw milk or raw milk products obtained under a shared animal ownership agreement."

Page 2, after line 10, insert:

"**SECTION 7.** A new section to chapter 4-30 of the North Dakota Century Code is created and enacted as follows:

**Shared animal ownership agreement - Notification of commissioner.**

1. If during a calendar year the owner of a dairy farm licensed to sell grade A or manufacturing grade milk in this state enters or continues to participate in a shared animal ownership agreement, the owner shall notify the agriculture commissioner.
2. The notification must be in writing and must be submitted within thirty days after the conclusion of each calendar year.

**SECTION 8.** A new section to chapter 4-30 of the North Dakota Century Code is created and enacted as follows:

**Shared animal ownership agreement - Requirements.**

A person that transfers an animal's raw milk production in accordance with a shared animal ownership agreement does not violate this chapter provided:

1. The milk is transferred at the dairy farm where the milk-producing animal is located or delivered to another location in accordance with a shared animal ownership agreement;
2. The individual receiving the milk has entered a shared animal ownership agreement with the owner of the dairy farm and is receiving the milk on the individual's own behalf or on behalf of another who has entered a shared animal ownership agreement with the owner of the dairy farm;
3. The shared animal ownership agreement contains a prominent statement warning that:
  - a. The milk is not pasteurized;
  - b. Potential pathogens may be present in the milk; and
  - c. There are potential health concerns associated with the consumption of raw milk or raw milk products.
4. Annually, the owner of the dairy farm provides to individuals who have entered shared animal ownership agreements with the owner:
  - a. The standards used to ensure the health of the milk-producing animals that are part of the shared animal ownership agreement;
  - b. The standards used to ensure the production of milk;
  - c. The results of any tests performed on the milk-producing animals, together with an explanation of the test results; and
  - d. The results of any tests performed on the milk from the milk-producing animals, together with an explanation of the test results.

**SECTION 9.** A new section to chapter 4-30 of the North Dakota Century Code is created and enacted as follows:

**Shared animal ownership agreement - Prohibition.**

A person may not publish any statement that asserts or implies the approval or endorsement by the commissioner of shared animal ownership agreements and the acquisition of raw milk under such agreements.

**SECTION 10.** A new section to chapter 4-30 of the North Dakota Century Code is created and enacted as follows:

**Commissioner - Rulemaking authority - Limitation.**

Notwithstanding chapter 28-32, the commissioner may not adopt any rule that restricts, limits, or imposes additional requirements on any individual transferring or obtaining raw milk in accordance with the terms of a shared animal ownership agreement.

**SECTION 11. LEGISLATIVE MANAGEMENT STUDY - RAW MILK.** During the 2013-14 interim, the legislative management shall consider studying the availability of raw or unpasteurized milk, for human consumption, in this state. The study should examine the nature and extent of governmental oversight with respect to the safety of the milk; the health of the animals used to produce the milk; and the conditions under which the product is produced, transferred, or obtained. 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

SB 2072 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2244, as reengrossed:** Your conference committee (Sens. Larsen, Dever, Axness and Reps. Hofstad, Laning, Muscha) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 942 and place SB 2244 on the Seventh order.

Reengrossed SB 2244 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1061, as engrossed:** Your conference committee (Sens. Lyson, Unruh, Murphy and Reps. Anderson, Silbernagel, S. Kelsh) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1310 and place HB 1061 on the Seventh order.

Engrossed HB 1061 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1063, as engrossed:** Your conference committee (Sens. Burckhard, Unruh, Triplett and Reps. Schmidt, Brabandt, Mock) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1204-1205 and place HB 1063 on the Seventh order.

Engrossed HB 1063 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1440, as engrossed:** Your conference committee (Sens. Andrist, J. Lee, Dotzenrod and Reps. Hofstad, Froseth, S. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1262-1264, adopt amendments as follows, and place HB 1440 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1262-1264 of the House Journal and pages 1149-1151 of the Senate Journal and that Engrossed House Bill No. 1440

be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact sections 61-35-26.1, 61-35-26.2, 61-35-26.3, and 61-35-26.4 of the North Dakota Century Code, relating to water services by cities and water districts and state water commission policies on funds for water districts and cities.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** Section 61-35-26.1 of the North Dakota Century Code is created and enacted as follows:

**61-35-26.1. Statement of intent.**

It is the intent of the legislative assembly that potable water should be available in sufficient quality and quantity to meet citizens' needs for a healthy and safe standard of living and to promote economic growth and development. In order to meet this objective in the most economical way, water service districts and city water service systems shall coordinate their service plans. Competition for users and duplication of service must be avoided whenever possible.

**SECTION 2.** Section 61-35-26.2 of the North Dakota Century Code is created and enacted as follows:

**61-35-26.2. Plans for water service by providers - Filing plans - Existing agreements.**

1. A city planning to expand water service through annexation shall develop a city water service area plan. The city shall consult with any other water service provider, including a district, whose water service area is affected by the city's water service area plan of the establishment of the plan.
2. The city shall file the city water service area plan with the commission. Upon filing of the plan with the commission, the city may proceed with water service to the annexed area as provided in section 61-35-26. A city water service area plan is enforceable when there is a water service agreement among the water service providers, including a district, that are encompassed by or which abut the water service area boundary.
3. Sections 61-35-26.1 through 61-35-26.4 do not supersede an existing water service agreement between a city and a district.

**SECTION 3.** Section 61-35-26.3 of the North Dakota Century Code is created and enacted as follows:

**61-35-26.3. State water commission funding.**

Before providing a grant or loan to a district or city for a water service project in any area within the extraterritorial zoning jurisdiction of any affected city, the commission shall require that district and city to have a water service agreement. The absence of a water service agreement may not affect the funding by the commission of other projects for a district or city which are not related to potable water service and are not located within the extraterritorial zoning jurisdiction.

**SECTION 4.** Section 61-35-26.4 of the North Dakota Century Code is created and enacted as follows:

**61-35-26.4. Water service agreement - Mediation - Administrative law judge.**

1. If a water service agreement between the district and the city is not executed within sixty days after the city notifies the district that a city water service area plan has been developed, the matter must be submitted to a committee for mediation. The committee must be comprised of a mediator retained jointly by the city and the district, two

members appointed by the governing body of the city, and two members appointed by the district. The retained mediator shall arrange and preside over the mediation proceedings.

2. If the mediation committee is unable to resolve the dispute to the satisfaction of the parties involved, either party may petition the office of administrative hearings to appoint an administrative law judge to determine the terms of the water service agreement. Before a hearing may be held, at least two weeks' written notice must be given to the parties involved in the dispute. At the hearing, the retained mediator who presided over the mediation proceedings may provide information to the administrative law judge on the dispute between the parties involved and any proposed resolutions or recommendations made by a majority of the members appointed to the committee. Any resident of or person owning property in a city or district involved in the dispute, or a representative of such a resident or property owner, and any representative of a city or district involved, may appear at the hearing and present evidence on any matter to be determined by the administrative law judge. A decision by the administrative law judge must consider the following factors related to water service in the annexed area in making a decision under this subsection:
  - a. The recommendation of the mediation committee;
  - b. The firefighting flow capacity of the water system;
  - c. The anticipated growth patterns of the district and city involved in the dispute;
  - d. Special conditions or needs, including topographic or physical features influencing service;
  - e. The system capacity and trunk main delivery structure of each provider;
  - f. The age, condition, and worth of the affected existing infrastructure;
  - g. Outstanding debt attributable to current users;
  - h. The impact on future revenues lost from existing and future customers;
  - i. Whether development would have occurred without annexation; and
  - j. Any other factor determined to be relevant by the administrative law judge."

Renumber accordingly

Engrossed HB 1440 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1166, as engrossed:** Your conference committee (Sens. Campbell, Cook, Triplett and Reps. Owens, Schmidt, Zaiser) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1130 and place HB 1166 on the Seventh order.

Engrossed HB 1166 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1338, as engrossed:** Your conference committee (Sens. Schaible, Dever, Nelson and Reps. Brabandt, Silbernagel, S. Kelsh) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1260-1261 and place HB 1338 on the Seventh order.

Engrossed HB 1338 was placed on the Seventh order of business on the calendar.

### REPORT OF CONFERENCE COMMITTEE

**HB 1171, as engrossed:** Your conference committee (Sens. Sorvaag, Klein, Sinner and Reps. Keiser, Sukut, M. Nelson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1225-1226, adopt amendments as follows, and place HB 1171 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1225 and 1226 of the House Journal and pages 968 and 969 of the Senate Journal and that Engrossed House Bill No. 1171 be amended as follows:

Page 1, line 9, after "contract" insert "issued in this state"

Page 1, line 20, after "insurance" insert "issued in this state"

Page 2, line 9, replace "Within ninety days of the effective date of this Act" with "Before November 1, 2014"

Page 2, line 17, replace "ninety days" with "twelve months"

Page 2, line 17, after the first "the" insert "potential"

Page 2, line 20, remove the second "and"

Page 2, line 21, after "b." insert "Review the insurer's records to determine whether the individual who has died purchased any other products with the insurer; and

c."

Page 3, line 8, after "4." insert "Every insurer shall implement procedures to account for:

- a. Nicknames, initials used in lieu of a first or middle name, use of a middle name, compound first and middle names, and interchanged first and middle names;
- b. Compound last names, maiden or married names, and hyphens, blank spaces, and apostrophes in last names;
- c. Incomplete date of birth data and transposition of the month and date portions of a date of birth; and
- d. Incomplete social security numbers.

5."

Page 3, line 14, replace "5." with "6."

Page 3, line 17, replace "6." with "7."

Page 3, line 20, replace "under chapter 47-30.1" with "as provided under this chapter"

Page 3, line 21, replace "7." with "8."

Page 3, line 21, replace "one hundred twenty days" with "twelve months"

Page 3, line 22, replace "notify" with ":

a. Notify"

Page 3, line 23, remove the underscored colon

Page 3, line 24, replace "a. A" with "a"

Page 3, line 25, after "submitted" insert "and completed"

Page 3, line 25, remove the underscored semicolon

Page 3, line 26, replace "b.     The" with "that the"

Page 3, line 28, replace the underscored period with "and unable to complete the necessary payment; and"

Page 3, line 29, replace "8." with "b."

Page 3, line 29, replace "Upon providing notice under subsection 7, an insurer immediately shall submit the" with "Submit any"

Page 4, line 1, remove "as provided"

Page 4, after line 2, insert:

"9.   Except as otherwise provided under this chapter, chapter 47-30.1 applies to the escheatment of unclaimed life insurance benefits or unclaimed retained asset accounts.

**Rulemaking.**

The commissioner may adopt rules to limit an insurer's death master file comparisons and revised death master file comparisons required under this chapter to the insurer's electronic searchable files, to allow the commissioner to approve an insurer's plan and timeline for conversion of the insurer's files to electronic searchable files, and to allow for phasing-in compliance with this chapter according to an insurer's plan and timeline approved by the commissioner."

Page 4, line 6, after "practices" insert "- Liability limitation"

Page 4, line 7, after the second underscored period insert "This chapter does not create a private cause of action for violation of this chapter. Once an insurer submits unclaimed life insurance benefits or unclaimed retained asset accounts, plus any applicable accrued interests, to the state abandoned property office in compliance with this chapter, the insurer is relieved and indemnified from additional liability to any person relating to the proceeds submitted. This indemnification from liability is in addition to any other protections provided by law."

Page 4, line 11, overstrike "Funds" and insert immediately thereafter "Except as otherwise provided under this section, funds"

Page 4, line 12, overstrike "more than"

Page 4, line 13, overstrike "three years" and insert immediately thereafter "one year"

Page 4, line 14, overstrike ", but property described in"

Page 4, overstrike line 15

Page 4, line 16, overstrike "years"

Page 4, line 16, after "is" insert "a policy"

Page 4, line 25, after the first "the" insert "insurance"

Page 4, line 26, overstrike "that" and insert immediately thereafter "of the potential death of"

Page 4, line 26, overstrike "has died" and insert immediately thereafter ", in which case the company shall comply with subsection 6"

Page 5, line 20, overstrike "Notwithstanding any other provision of law, if" and insert immediately thereafter "If"

Page 5, line 20, after the second "the" insert "death or potential"

Page 5, line 21, overstrike "and the beneficiary has not communicated with the insurer"

Page 5, line 22, after "four" insert "twelve"

Page 5, line 22, remove the overstrike over "months"

Page 5, line 22, remove "ninety days"

Page 5, line 22, after the second "the" insert "death or potential"

Page 5, remove line 26

Page 5, line 27, after "b." insert "Review the insurer's records to determine whether the individual who has died purchased any other products with the insurer;

c."

Page 6, line 3, replace the underscored period with " ; and

d. Report and deliver the unclaimed property to the administrator as abandoned property if the benefits are due in accordance with the applicable insurance policy or annuity contract and the beneficiary has not submitted and completed a claim with the insurer."

Renumber accordingly

Engrossed HB 1171 was placed on the Seventh order of business on the calendar.

#### **CORRECTION AND REVISION OF THE JOURNAL**

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

Page 1425, line 40, replace "Marcellais" with "Nelson"

Page 1536, line 43, replace "rereferred to the **Finance and Taxation Committee**" with "returned to the **Conference Committee**"

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

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. KLEIN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1012 and Engrossed HB 1020, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on:

**Engrossed HB 1012:** Sens. Kilzer, Erbele, Mathern

**Engrossed HB 1020:** Sens. Grindberg, Holmberg, Robinson

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

**HB 1139:** A BILL for an Act to create and enact a new subsection to section 39-12-05.3 of the North Dakota Century Code, relating to weight exemption for implements of husbandry; 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.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner;



Warner

**ABSENT AND NOT VOTING:** Nelson

Engrossed HB 1139 passed.

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

**HB 1102:** A BILL for an Act to amend and reenact section 15-62.2-01 of the North Dakota Century Code, relating to the student financial assistance and scholars program.

### **ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Nelson

HB 1102 passed.

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### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ANDRIST MOVED** that the conference committee report on Reengrossed HB 1440 as printed on SJ pages 1262-1264 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1440, as amended, was placed on the Fourteenth order of business.

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

**HB 1440:** A BILL for an Act to create and enact sections 61-35-26.1, 61-35-26.2, 61-35-26.3, and 61-35-26.4 of the North Dakota Century Code, relating to water services by cities and water districts and state water commission policies on funds for water districts and cities.

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

**ABSENT AND NOT VOTING:** Nelson

Reengrossed HB 1440, as amended, passed.

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### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. SITTE MOVED** that the conference committee report on Engrossed HB 1205 as printed on SJ page 1423 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1205, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1205:** A BILL for an Act to amend and reenact sections 39-04-10.3 and 39-04-10.14 and subdivisions j and o of subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to number license plates for certain veterans.

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

**ABSENT AND NOT VOTING:** Nelson

Engrossed HB 1205, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. LAFFEN MOVED** that the conference committee report on Engrossed HB 1080 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. J. LEE MOVED** that the conference committee report on Engrossed HB 1157 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. UNRUH MOVED** that the conference committee report on Reengrossed HB 1251 be adopted, which motion prevailed on a voice vote.

**MOTION**

**SEN. KLEIN 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.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1139, as engrossed:** Your conference committee (Sens. Campbell, Sitte, Sinner and Reps. Schatz, Weisz, Oversen) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1260 and place HB 1139 on the Seventh order.

Engrossed HB 1139 was placed on the Seventh order of business on the calendar.

**REMARKS OF SENATOR SINNER**

It is a distinct honor for me to introduce to the Senate a truly delightful and amazing young woman, Rosie Sauvageau, Miss North Dakota. Rosie has been one of my daughter's very best friends for the past several years, so I have had the pleasure of knowing her for some time.

Rosie is a 2010 graduate of Concordia College with majors in Communication/Theatre Arts and Apparel Design. She is an accomplished musical performer and an active composer. In her year as Miss North Dakota, Rosie has identified her platform as:

"Celebrate Diversity: One Nation, All People".

Rosie did not grow up in a family particularly interested in pageants. In fact, the first pageant Rosie ever attended was one in which she was also first competed in. She was encouraged to compete in that local pageant by a good friend and former Miss North Dakota, for the opportunity to showcase her musical skills and the opportunity to obtain a college

scholarship. Rosie's first pageant in North Dakota was the 2010 state pageant held in Williston where she was awarded 2nd Runner-Up and the following year she won 1st Runner-Up. At that point Rosie felt ready to retire from pageants but her mother encouraged her to compete in one more local pageant. She won that local pageant and followed that with the 2012 title of Miss North Dakota.

Rosie has dedicated her reign to reaching out to all people through music. She is an accomplished classical pianist as well as a singer/songwriter. This year she is scheduled to perform with local musicians from around the state, conduct workshops and appear in schools around North Dakota, to bring people together through her music. For Rosie, finding a common bond through music is a great connector. As Rosie puts it, "I am confident I can help be the glue that will enable acceptance."

In January 2013, Rosie competed in the Miss America pageant in Las Vegas and won the preliminary talent award with her song and piano performance rendition of Bob Dylan's "To Make You Feel My Love". Mr. President and fellow Senators, I would like to welcome to the Senate today, Miss North Dakota, my friend, Rosie Sauvageau.

### **MOTION**

**SEN. KLEIN MOVED** that a committee of two be appointed to escort Miss North Dakota Rosie Sauvageau to the rostrum, which motion prevailed.

The President appointed Sens. Flakoll and Sinner to the escort committee.

### **REMARKS OF ROSIE SAUVAGEAU MISS NORTH DAKOTA 2012**

Good afternoon! I'm so excited to be here and tell you a bit about my year as Miss North Dakota, my personal story and an in depth look at my tour around North Dakota.

I am a Fargo native but I was born in Bryan, Texas. I was adopted at 9 weeks old and have lived in the Fargo area ever since. I have a younger brother, two years younger than myself, who is my parent's biological child and a younger sister who was also adopted from Texas, although my sister and I are not biologically related. So, within my immediate family there is a lot of diversity, being that my parents and my brother are Caucasian and myself and my sister are African-American. In addition to that, my parents had a daycare when I was growing up that at one point, had 5 children from 5 different counties, practicing 3 different religions. Not only was my immediate family diverse, but my home life and the daycare as well. Because of this, I learned a lot about different cultures, religions, backgrounds and how unique our differences can be.

When I arrived at my first day of kindergarten I was confused. Coming from a home life that was very diverse I walked into my first kindergarten class and noticed I was the only person of color but I understood if I could find an easy connector with people, a way to create an initial bond, I could cross over any barriers that might be in place because of physical differences.

Music has always been a huge part of my life. My mom is a music lover and made me listen to classical music as a child. She wouldn't let me watch very much TV unless it was a show with music in it. We fell into this daily routine of her pushing my highchair up to the piano in our house and turning on Sesame Street, hoping and wishing that I would be interested or inspired by the piano and take an interest in music. One day that seemed like any other, my mother did this regular routine but this day was different from the others. I started to play along with the Sesame Street theme song. My mom knew two things at this point: 1- her plan had worked, and 2 - I had an interest and a talent in music. I was two years old when this happened and my journey in music continued from there. I have been classically trained in piano, cello, organ, guitar, clarinet and accordion and actively stayed involved in choir, band, orchestra and theater throughout high school in college.

When I was a senior in college a good friend of mine and former Miss North Dakota, Jacqueline Johnson, encouraged me to consider competing in the Miss North Dakota Scholarship Organization. I decided to compete and placed 2nd Runner Up the first year, 1st Runner Up the second year, and this year was crowned Miss North Dakota in June. Since being crowned in June I've traveled over 10,000 miles and had the opportunity to speak and perform for over 25,000 people.

I've focused in on the topic of diversity. Diversity meaning simply a difference that we have - whether our skin is light or dark, whether we grew up on a farm or in the city, maybe we've lived in North Dakota our entire lives or maybe you've just moved here. Perhaps music is your connector, your common bond and your area of expertise, or maybe your area is art or sports, fishing or hunting. There are a lot of things we can find that make us unique and add to our diversity story, but these things are what make life interesting. Respecting these differences, keeping an open mind and trying to find a simple connector, an easy common bond, is a great way to start.

My easy connector is music. What is yours?

#### **MOTION**

**SEN. KLEIN MOVED** that the remarks of Sen. Sinner and Miss ND Rosie Sauvageau be printed in the Journal, which motion prevailed.

#### **POINT OF PERSONAL PRIVILEGE**

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

#### **REMARKS OF SENATOR MARCELLAIS**

**MR. PRESIDENT:** I rise today to recognize a prominent North Dakotan, prolific author, and member of the Turtle Mountain Band of Chippewa Indian Tribe who will be presented with our state's highest honor this evening. Ms. Louise Erdrich will be presented with the Theodore Roosevelt Rough Rider Award tonight in Wahpeton, where she grew up and where her parents still live today.

The eldest of seven children, she was born in Little Falls, Minnesota. The daughter of Ralph Erdrich, a German-American, and his wife, Rita (Gourneau), half French-American and half Ojibwa. Both her parents taught at the Wahpeton Indian Boarding School in Wahpeton set up by the Bureau of Indian Affairs. Her maternal grandfather, Mr. Patrick Gourneau served as Tribal Chairmen for the Turtle Mountain Band of Chippewa Indians for several years.

She received international acclaim for her works of fiction. For her first novel, she won the 1984 National Book Critics Circle Award for Fiction. Notable recent accomplishments include her work "The Plague of Doves", which was a finalist for the 2009 Pulitzer Prize, and "The Round House" for which she received the national Book Award on November 15, 2012.

To date, she has authored fourteen novels, three collections of poetry, and six children's books. All of these have made her a widely admired figure in the literary community.

Her North Dakota heritage provides the canvas on which she paints the backdrop of her stories. Many of her novels are set on a fictional reservation in North Dakota, where her characters come to life. And although the names of the places and families in her stories may be imagined, her storytelling makes them ring true to anyone who is familiar with North Dakota.

Through her stories, readers from around the world have been able to obtain a window into the trials, the tribulations, and the joys of life on the reservation in the upper Midwest.

Mr. President, as we are aware, this award is presented to present and former North Dakotans who have reflected credit and honor upon the great State of North Dakota and its citizens by way of their achievements. The accomplishments of Ms. Louise Erdrich makes the Turtle Mountain Band of Chippewa Indians proud. The honor that she has brought to the great state of North Dakota, makes her an excellent selection for this award.

Mr. President, members of the Senate, please join in celebrating her achievements as she receives this most prestigious honor this evening in Wahpeton, North Dakota.

#### **REQUEST**

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

#### **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 Sixty-third, Sixty-seventh, and Sixty-ninth Days be corrected as follows and when so corrected, recommends that it be approved:

Page 1211, line 44, remove ", unchanged"

Page 1404, Line 5, replace "Reengrossed" with "Engrossed"

Page 1404, Line 8, replace "**Reengrossed**" with "**Engrossed**"

Page 1545, After line 14 insert:

**"REPORT OF CONFERENCE COMMITTEE**

**HB 1139, as engrossed:** Your conference committee (Sens. Campbell, Sitte, Sinner and Reps. Schatz, Weisz, Oversen) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1260 and place HB 1139 on the Seventh order.

Engrossed HB 1139 was placed on the Seventh order of business on the calendar."

Page 1548, after Line 38 insert:

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

**MR. SPEAKER:** The President has signed: SB 2087, SB 2113, SB 2114, SB 2163, SB 2207, SB 2255, SB 2352."

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

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LYSON MOVED** that the Senate do not concur in the House amendments to SB 2233 as printed on SJ pages 1482-1491 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2233: Sens. Hogue, Burckhard, Triplett.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2243 as printed on SJ page 918 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2243: Sens. Dever, J. Lee, Axness.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2193 as printed on SJ pages 1380-1390, which motion prevailed on a voice vote.

Engrossed SB 2193, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2193:** A BILL for an Act to provide for the establishment of an autism spectrum disorder database; to provide for a department of human services study and report to the legislative management; to provide an appropriation; and to provide an expiration 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 15 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axness; Bowman; Dotzenrod; Flakoll; Grabinger; Heckaman; Marcellais; Mathern; Murphy; O'Connell; Robinson; Schneider; Sinner; Sitte; Warner

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

**ABSENT AND NOT VOTING:** Nelson

Reengrossed SB 2193 failed.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. LARSEN MOVED** that the conference committee report on Reengrossed SB 2244 as printed on SJ page 942 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2244, as amended, was placed on the Eleventh order of business.

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

**SB 2244:** A BILL for an Act to provide for a legislative management study relating to child care services.

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

**ABSENT AND NOT VOTING:** Nelson

Reengrossed SB 2244 passed.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. MILLER MOVED** that the conference committee report on SB 2072 as printed on SJ pages 1086-1087 be adopted, which motion prevailed on a voice vote.

SB 2072, as amended, was placed on the Eleventh order of business.

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

**SB 2072:** A BILL for an Act to create and enact a new subsection to section 4-30-01 and four new sections to chapter 4-30 of the North Dakota Century Code, relating to shared animal ownership agreements; to amend and reenact subsection- 21 of section 4-30-01 and sections 4-30-36, 4-30-36.2, 4-30-36.3, and 4-30-36.4 of the North Dakota Century Code, relating to dairy products regulations; and to provide for a legislative management study.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson; Campbell; Dever; Grabinger; Larsen; Marcellais

**ABSENT AND NOT VOTING:** Nelson

Engrossed SB 2072 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ANDRIST MOVED** that the conference committee report on Engrossed HB 1163 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. LAFFEN MOVED** that the conference committee report on Reengrossed HCR 3016 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. UNRUH MOVED** that the conference committee report on Reengrossed HB 1061 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. BURCKHARD MOVED** that the conference committee report on Reengrossed HB 1063 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. CAMPBELL MOVED** that the conference committee report on Reengrossed HB 1166 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. SCHAIABLE MOVED** that the conference committee report on Reengrossed HB 1338 be adopted, which motion prevailed on a voice vote.

**MOTION**

**SEN. KLEIN MOVED** that the Senate stand in recess until 4:30 p.m., which motion prevailed.

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

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FLAKOLL MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2222 as printed on SJ pages 1390-1393 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2222: Sens. Flakoll, Poolman, Marcellais.

**MOTION**

**SEN. ERBELE MOVED** that the Senate reconsider its action whereby HCR 3047, as amended, failed to pass. .

**REQUEST**

**SEN. GRINDBERG REQUESTED** a recorded roll call vote, which request was granted.

**ROLL CALL**

The question being on the motion to reconsider the action whereby HCR 3047, as amended, failed to pass, the roll was called and there were 25 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bowman; Burckhard; Carlisle; Cook; Dever; Erbele; Flakoll; Grindberg; Hogue; Klein; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Schaible; Sitte; Sorvaag; Unruh; Wanzek; Wardner

**NAYS:** Andrist; Axness; Berry; Campbell; Dotzenrod; Grabinger; Heckaman; Holmberg; Kilzer; Krebsbach; Mathern; Murphy; O'Connell; Oehlke; Poolman; Robinson; Schneider; Sinner; Triplett; Warner

**ABSENT AND NOT VOTING:** Marcellais; Nelson

The motion prevailed on a recorded roll call vote.

### SECOND READING OF HOUSE BILL

**HB 1233:** A BILL for an Act to amend and reenact sections 11-23-01, 50-03-08, 50-06-20, 50-09-27, and 50-24.1-14 and subsection 34 of section 57-15-06.7 of the North Dakota Century Code, relating to the county social service board budget, programs funded at state expense, and county tax levy limitations; to repeal sections 50-06.2-05.1 and 50-09-21.1, subsection 26 of section 57-15-06.7, and section 57-15-57 of the North Dakota Century Code, relating to foster care and subsidized adoption costs and a levy for county welfare; to provide for a legislative management study; to provide an effective date; and to provide an expiration date.

### MOTION

**SEN. J. LEE MOVED** that Reengrossed HB 1233 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 6, remove "to provide for a legislative"

Page 1, line 7, replace "management study;" with "to provide for the development of a plan for the administration and funding of state and county social services programs; to provide an appropriation;"

Page 4, replace lines 12 through 19 with:

**"SECTION 10. DEVELOPMENT OF PLAN FOR ADMINISTRATION AND FUNDING OF STATE AND COUNTY SOCIAL SERVICES PROGRAMS.** During the 2013-14 interim, the department of human services and county representatives shall develop a plan for the phased restructuring of the administration and funding of all state and county social services programs. The plan must provide for the phased unification of all state and county social services programs into state-administered and state-funded social services programs. The plan must provide for the continuation of local access to social services and local input into the service delivery system. Before September 1, 2014, the department shall present its findings, the proposed plan, and any legislative changes necessary to implement that plan, to the legislative management.

**SECTION 11. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$21,180,735, or so much of the sum as may be necessary, to the department of human services for the purpose of providing additional state financial support for county social services programs and defraying the expenses associated with developing a plan pursuant to section 10 of this Act, for the biennium beginning July 1, 2013, and ending June 30, 2015."

Renumber accordingly

**HB 1233:** A BILL for an Act to amend and reenact sections 11-23-01, 50-03-08, 50-06-20, 50-09-27, and 50-24.1-14 and subsection 34 of section 57-15-06.7 of the North Dakota Century Code, relating to the county social service board budget, programs funded at state expense, and county tax levy limitations; to repeal sections 50-06.2-05.1 and 50-09-21.1, subsection 26 of section 57-15-06.7, and section 57-15-57 of the North Dakota Century Code, relating to foster care and subsidized adoption costs and a levy for county welfare; to provide for the development of a plan for the administration and funding of state and county social services programs; to provide an appropriation; to provide an effective date; 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 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;



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

**NAYS:** Miller; Sitte; Unruh

**ABSENT AND NOT VOTING:** Marcellais; Nelson

Reengrossed HB 1233, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. LARSEN MOVED** that the conference committee report on Reengrossed HB 1170 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. HOGUE MOVED** that the conference committee report on Reengrossed HCR 3034 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. SORVAAG MOVED** that the conference committee report on Reengrossed HB 1171 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1171, as amended, was placed on the Fourteenth order of business.

**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 44 YEAS, 1 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; Lee, G.; Lee, J.; Luick; Lyson; Mathern; Miller; Murphy; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**NAYS:** Larsen

**ABSENT AND NOT VOTING:** Marcellais; Nelson

Reengrossed HB 1171, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ARMSTRONG MOVED** that the conference committee report on Engrossed HB 1138 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1138, as amended, was placed on the Fourteenth order of business.

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

**ABSENT AND NOT VOTING:** Marcellais; Nelson

Engrossed HB 1138, as amended, passed.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1102.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently failed to pass: SB 2193.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2222, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2222:** Sens. Flakoll; Poolman; Marcellais

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2233 and SB 2243, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2233:** Sens. Hogue; Burckhard; Triplett

**SB 2243:** Sens. Dever; J. Lee; Axness

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

**MR. PRESIDENT:** The House has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2001:** Reps. Thoreson; Brandenburg; Guggisberg

**SB 2014:** Reps. Thoreson; Hawken; Glassheim

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

**MR. PRESIDENT:** The House has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2018:** Reps. Martinson; Skarphol; Williams

**SB 2074:** Reps. Klemin; Brabandt; Hanson

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

**MR. PRESIDENT:** The House has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2226:** Reps. Porter; Laning; Muscha

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1038, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1038:** Reps. Hofstad; Fehr; Wieland

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

**MR. SPEAKER:** The Senate has appointed as a conference committee to act with a like committee from the House on:

**HB 1012:** Sens. Kilzer; Erbele; Mathern

**HB 1020:** Sens. Grindberg; Holmberg; Robinson

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Froseth to replace Rep. Belter on the Conference Committee on HB 1198.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Headland to replace Rep. Belter on the Conference Committee on HB 1234.

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

**MR. PRESIDENT:** The House has not adopted the conference committee report on: SB 2243.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1061, HB 1063, HB 1163, HB 1166, HB 1338, HCR 3016.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1080, HB 1157, HB 1251.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1170, HCR 3034.

**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 2072, SB 2244.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1138, HB 1171.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1139.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1205, HB 1440.

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

**MR. PRESIDENT:** The House has adopted the conference committee report on: HB 1138.

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

**MR. PRESIDENT:** The House has adopted the conference committee report on: SB 2131.

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

**MR. PRESIDENT:** The House has adopted the conference committee report on: SB 2175, SB 2227, SB 2330.

**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: HB 1134, HB 1171.

**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: HB 1170, HB 1338.

**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: HCR 3034.

**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 2115, SB 2144, SB 2152, SB 2225, SB 2299, SB 2361.

**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 2353.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2115, SB 2144, SB 2152, SB 2175, SB 2225, SB 2227, SB 2299, SB 2330, SB 2361.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2126, SB 2129, SB 2132, SB 2162, SB 2213.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1126, HB 1133, HB 1227.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2126, SB 2129, SB 2132, SB 2162, SB 2213.

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

**MR. SPEAKER:** The President has signed: SB 2047, SB 2094, SB 2218, SB 2310, SB 2339, SB 2344.

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

**MR. SPEAKER:** The President has signed: SB 2126, SB 2129, SB 2132, SB 2162, SB 2213.

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

**MR. SPEAKER:** The President has signed: HB 1126, HB 1133, HB 1227.

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

**MR. SPEAKER:** The President has signed: HB 1281, HCR 3017.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1281, HCR 3017.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 19, 2013: SB 2047, SB 2095, SB 2218, SB 2310, SB 2339, SB 2344.

**COMMUNICATION FROM GOVERNOR JACK DALRYMPLE**

This is to inform you that on April 19, 2013, I have signed the following: SB 2047, SB 2087, SB 2113, SB 2114, SB 2207, SB 2255, SB 2310, and SB 2352.

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

**MR. PRESIDENT:** The House has sustained the Governor's veto on HB 1156. The vote was 48 YEAS, 44 NAYS, 2 ABSENT AND NOT VOTING.

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

**MR. PRESIDENT:** The House has sustained the Governor's veto on HB 1209. The vote was 61 YEAS, 31 NAYS, 2 ABSENT AND NOT VOTING.

**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 8:00 a.m., Monday, April 22, 2013, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1258: Education Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1258 was placed on the Sixth order on the calendar.

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

Page 1, line 1, after "15.1-21-02.5" insert "and 15.1-21-02.6"

Page 2, replace lines 6 through 14 with:

- "6. a. Completed two units of:
- (1) ~~Two units of the~~The same foreign-or-native American language;
  - (2) The same native American language;
  - (3) American sign language; or
  - (4) Career and technical education from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction; and
- b. One unit selected from:
- (1) Foreign languages;
  - (2) Native American languages;
  - (3) American sign language;
  - (4) Fine arts; or
  - (5) Career and technical education;"

Page 2, after line 29, insert:

**"SECTION 2. AMENDMENT.** Section 15.1-21-02.6 of the North Dakota Century Code is amended and reenacted as follows:

**5.1-21-02.6. North Dakota scholarship - Amount - Applicability.**

- 1. a. (1) The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education in this state and maintains a cumulative grade point average of 2.75.
- b. (2) The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction either a North Dakota academic scholarship or a North Dakota career and technical education scholarship



7. a. For purposes of North Dakota scholarship eligibility under this section, "full-time" means enrollment in at least twelve credits during a student's first two semesters and enrollment in at least fifteen credits during each semester thereafter or enrollment in the equivalent number of credits, as determined by the state board of higher education, with respect to students in a quarter system.
- b. (1) If a student requires fewer than fifteen credits to graduate, the student may retain scholarship eligibility by enrolling in fewer than fifteen but at least twelve credits during the semester, or the equivalent number of credits, as determined by the state board of higher education, with respect to students in a quarter system.
- (2) Students who graduated from high school during the 2009-10 or the 2010-11 school year and who have completed six semesters may retain scholarship eligibility by enrolling in only twelve credits during each of the student's final two semesters, or the equivalent number of credits, as determined by the state board of higher education, with respect to students in a quarter system."

Renumber accordingly

#### REPORT OF CONFERENCE COMMITTEE

**SB 2163:** Your conference committee (Sens. Oehlke, Burckhard, Triplett and Reps. Froseth, Dockter, Haak) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 917, adopt amendments as follows, and place SB 2163 on the Seventh order:

That the House recede from its amendments as printed on page 917 of the Senate Journal and page 1008 of the House Journal and that Senate Bill No. 2163 be amended as follows:

Page 1, line 10, overstrike "The tax rate"

Page 1, line 10, after "for" insert "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" and insert immediately thereafter "five hundred thousand"

Page 1, line 13, remove the overstrike over the second "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 "c." insert "b."

Page 1, line 15, remove the overstrike over "Exceeding one million" and insert immediately thereafter "five hundred thousand"

Page 1, line 15, remove the overstrike over "dollars"

Page 1, line 15, after "hundred" insert "the tax is fifteen"

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

Page 1, line 16, after "is" insert "plus"

Page 1, line 16, remove the overstrike over "~~two~~" and insert immediately thereafter "and twenty-five hundredths"

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

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

Page 1, line 17, remove "is one"

Page 1, overstrike line 18

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

Renumber accordingly

SB 2163 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2369, as reengrossed:** Your conference committee (Sens. Schaible, Dever, Marcellais and Reps. Kasper, Boehning, Zaiser) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1242-1248 and place SB 2369 on the Seventh order.

Reengrossed SB 2369 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1138, as engrossed:** Your conference committee (Sens. Armstrong, Lyson, Grabinger and Reps. K. Koppelman, Boehning, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1224-1225 and place HB 1138 on the Seventh order.

Engrossed HB 1138 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HCR 3034, as engrossed:** Your conference committee (Sens. Hogue, Armstrong, Nelson and Reps. Maragos, Karls, Delmore) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1234 and place HCR 3034 on the Seventh order.

Engrossed HCR 3034 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1134, as engrossed:** Your conference committee (Sens. Lyson, Unruh, Triplett and Reps. Drovda, Froseth, S. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1258-1260, adopt amendments as follows, and place HB 1134 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1258-1260 of the House Journal and pages 1144 and 1145 of the Senate Journal and that Engrossed House Bill No. 1134 be amended as follows:

Page 1, line 22, remove "or"

Page 2, line 3, replace the underscored comma with an underscored semicolon

Page 2, line 3, after "or" insert:

"e. Equipped with"

Page 2, line 4, after "commission" insert "which reduce the volume or intensity of the flare by more than sixty percent"



Page 2, line 15, overstrike "and a showing" and insert immediately thereafter "that shows to the satisfaction of the industrial commission"

Page 3, line 23, after "years" insert "and thirty days"

Page 4, line 9, after "years" insert "and thirty days"

Renumber accordingly

Engrossed HB 1134 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1170, as engrossed:** Your conference committee (Sens. Larsen, Dever, Axness and Reps. Damschen, Fehr, Oversen) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1309-1310 and place HB 1170 on the Seventh order.

Engrossed HB 1170 was placed on the Seventh order of business on the calendar.

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

**William R. Horton, Secretary**

