

JOURNAL OF THE SENATE

Sixty-third Legislative Assembly

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Bismarck, February 19, 2013

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

The prayer was offered by District Superintendent Jim Kraemer, Prairie Lakes District Church of the Nazarene, Oakes.

The roll was called and all members were present.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2334, as engrossed: SEN. SCHAIBLE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2238: SEN. FLAKOLL (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2008: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2129: SEN. KLEIN (Industry, Business and Labor Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SCR 4011: SEN. LAFFEN (Natural Resources Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

MOTION

SEN. KLEIN MOVED that after action taken on the Sixth order, SB 2250, SB 2048, and Engrossed SB 2240 be placed on the Eleventh order for second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2250: SEN. SCHAIBLE (Government and Veterans Affairs Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2250: A BILL for an Act to create and enact a new section to chapter 23-12 of the North Dakota Century Code, relating to participation in the health information organization.

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

YEAS: Anderson; Andrist; Armstrong; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Luick; Lyson; Marcellais; Miller;

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

NAYS: Axness; Lee, G.; Lee, J.; Mathern; Triplett

Engrossed SB 2250 passed.

CONSIDERATION OF AMENDMENTS

SB 2048: SEN. TRIPLETT (Natural Resources Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2048: A BILL for an act to amend and reenact subsection 3 of section 57-51.1-07.1 of the North Dakota Century Code, relating to the resources trust fund.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2048 passed.

CONSIDERATION OF AMENDMENTS

SB 2240, as engrossed: SEN. ARMSTRONG (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2240: A BILL for an Act to create and enact a new subsection to section 39-06.1-10 and a new section to chapter 39-20 of the North Dakota Century Code, relating to the twenty-four seven sobriety program; to amend and reenact subsection 7 of section 39-06.1-10, sections 39-06.1-11, 39-08-01, 39-08-01.2, 39-20-01, 39-20-03.1, 39-20-04, 39-20-04.1, and 39-20-05, subsection 6 of section 39-20-07, and section 39-20-14 of the North Dakota Century Code, relating to driving while under the influence; to provide for a legislative management study; to provide a penalty; and to provide an appropriation.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2240 passed.

| | | |
|-----------------------|---------|---------|
| Operating expenses | | |
| Total all funds | \$6,893 | \$6,893 |
| Less estimated income | 6,893 | 6,893 |
| General fund | \$0 | \$0 |
| FTE | 0.00 | 0.00 |

¹Funding is added due to a calculation error in the executive compensation package.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2017 passed.

SECOND READING OF SENATE BILL

SB 2022: A BILL for an Act to provide an appropriation for defraying the expenses of the commission on legal counsel for indigents.

MOTION

SEN. WARNER MOVED that SB 2022 be amended as follows, which motion prevailed on a voice vote.

Page 1, replace lines 12 through 15 with:

| | | | |
|---|------------------|----------------|------------------|
| "Commission on legal counsel for indigents | \$11,779,282 | \$2,781,005 | \$14,560,287 |
| Less special funds | <u>1,970,852</u> | <u>531,199</u> | <u>2,502,051</u> |
| Total general fund | \$9,808,430 | \$2,249,806 | \$12,058,236" |

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2022 - Commission on Legal Counsel for Indigent - Senate Action

| | Executive Budget | Senate Changes | Senate Version |
|--------------------------------------|------------------|----------------|------------------|
| Comm. on Legal Counsel for Indigents | \$14,547,802 | \$12,485 | \$14,560,287 |
| Total all funds | \$14,547,802 | \$12,485 | \$14,560,287 |
| Less estimated income | <u>2,501,677</u> | <u>374</u> | <u>2,502,051</u> |
| General fund | \$12,046,125 | \$12,111 | \$12,058,236 |
| FTE | 33.00 | 0.00 | 33.00 |

Department No. 188 - Commission on Legal Counsel for Indigent - Detail of Senate Changes

| | |
|--------------------|----------------------|
| Corrects Executive | Total Senate Changes |
|--------------------|----------------------|

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

Reengrossed SB 2021 passed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4010: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to the foundation aid stabilization fund; and to amend and reenact section 24 of article X of the Constitution of North Dakota, relating to the foundation aid stabilization fund.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 0 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; Murphy; Nelson; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Miller; O'Connell

Engrossed SCR 4010 was declared adopted on a recorded roll call vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4013: A concurrent resolution supporting the second United States Navy ship to carry the name of our Great State - USS NORTH DAKOTA (SSN-784).

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

SCR 4013 was declared adopted on a voice vote.

SECOND READING OF SENATE BILL

SB 2329: A BILL for an Act to amend and reenact section 15.1-23-09 of the North Dakota Century Code, relating to home education.

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 41 YEAS, 6 NAYS, 0 EXCUSED, 0 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; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner

NAYS: Lee, J.; Murphy; Nelson; O'Connell; Triplett; Warner

Engrossed SB 2329 passed.

SECOND READING OF SENATE BILL

SB 2198: A BILL for an Act to create and enact a new section to chapter 25-03.3 of the North

Dakota Century Code, relating to annual reviews and petitions for discharge during a period of imprisonment; and to amend and reenact section 12.1-04-07 of the North Dakota Century Code, relating to reports regarding a defendant's fitness to proceed in a criminal proceeding.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2198 passed.

SECOND READING OF SENATE BILL

SB 2225: A BILL for an Act to amend and reenact section 14-03-09 of the North Dakota Century Code, relating to the authority to solemnize marriages.

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

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

NAYS: Cook

Engrossed SB 2225 passed.

SECOND READING OF SENATE BILL

SB 2319: A BILL for an Act to amend and reenact section 19-03.4-03 of the North Dakota Century Code, relating to drug paraphernalia; and to provide a penalty.

ROLL CALL

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

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

NAYS: Anderson; Wanzek

Engrossed SB 2319 passed.

SECOND READING OF SENATE BILL

SB 2074: A BILL for an Act to amend and reenact subsection 1 of section 26.1-02.1-05 of the North Dakota Century Code, relating to penalties for insurance fraud; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 3 NAYS, 0 EXCUSED, 0 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; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sorvaag; Unruh; Wanzek; Wardner; Warner

NAYS: Mathern; Sitte; Triplett

Engrossed SB 2074 passed.

SECOND READING OF SENATE BILL

SB 2367: A BILL for an Act to amend and reenact subsection 1 of section 39-10-46 of the North Dakota Century Code, relating to overtaking and passing a schoolbus.

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, 47 NAYS, 0 EXCUSED, 0 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.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

SB 2367 failed.

SECOND READING OF SENATE BILL

SB 2300: A BILL for an Act to create and enact a new subsection to section 61-16.2-05 of the North Dakota Century Code, relating to flood plain management ordinances; and to amend and reenact section 61-16.2-10 of the North Dakota Century Code, relating to exceptions to flood plain management actions or construction.

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 15 YEAS, 32 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; Campbell; Cook; Dotzenrod; Erbele; Heckaman; Klein; Larsen; Lee, G.; Luick; Lyson; Miller; Schaible; Sitte; Wanzek

NAYS: Anderson; Andrist; Armstrong; Axness; Berry; Burckhard; Carlisle; Dever; Flakoll; Grabinger; Grindberg; Hogue; Holmberg; Kilzer; Krebsbach; Laffen; Lee, J.; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wardner; Warner

SB 2300 failed.

SECOND READING OF SENATE BILL

SB 2365: A BILL for an Act to create and enact a new section to chapter 20.1-05 of the North Dakota Century Code, relating to hunting big game on or over highways or roads.

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

YEAS: O'Connell

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

SB 2365 failed.

SECOND READING OF SENATE BILL

SB 2343: A BILL for an Act to amend and reenact section 16.1-12-02.2 of the North Dakota Century Code, relating to write-in votes.

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

YEAS: Andrist; 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; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sorvaag; Unruh; Wanzek; Wardner; Warner

NAYS: Anderson; Armstrong; Miller; Sitte; Triplett

SB 2343 passed.

SECOND READING OF SENATE BILL

SB 2280: A BILL for an Act to provide for the display of Indian nation flags at certain locations in the state capitol.

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 18 YEAS, 29 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axness; Bowman; Dotzenrod; Grabinger; Heckaman; Holmberg; Larsen; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oehlke; Robinson; Schneider; Sinner; Triplett; Warner

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

SB 2280 failed.

SECOND READING OF SENATE BILL

SB 2268: A BILL for an Act to create and enact a new section of the North Dakota Century Code, relating to publication of park district board proceedings.

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 8 YEAS, 39 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Armstrong; Axness; Carlisle; Luick; Miller; Sinner; Sitte

NAYS: Anderson; Berry; Bowman; Burckhard; Campbell; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Lyson; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

SB 2268 failed.

SECOND READING OF SENATE BILL

SB 2299: A BILL for an Act to create and enact section 16.1-08.1-03.13 of the North Dakota Century Code, relating to campaign contribution statements required of initiated petition sponsoring committees; to amend and reenact section 16.1-08.1-01, subsection 3 of section 16.1-08.1-02, subsection 2 of section 16.1-08.1-03, sections 16.1-08.1-03.1, 16.1-08.1-03.2, 16.1-08.1-03.3, 16.1-08.1-03.5, and 16.1-08.1-03.7, subsection 3 of section 16.1-08.1-03.8, subsection 2 of section 16.1-08.1-03.9, subsection 2 of section 16.1-08.1-03.10, subsection 2 of section 16.1-08.1-03.11, and sections 16.1-08.1-04, 16.1-08.1-05, 16.1-08.1-06, 16.1-08.1-06.1, and 16.1-08.1-07 of the North Dakota Century Code, relating to campaign finance; to repeal section 16.1-08.1-03.12 of the North Dakota Century Code, relating to campaign contribution statements required of political organizations; to provide a penalty; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Anderson; Andrist; Klein; Miller

Engrossed SB 2299 passed.

SECOND READING OF SENATE BILL

SB 2346: A BILL for an Act to amend and reenact sections 16.1-08.1-01, 16.1-08.1-03.5, 16.1-08.1-05, and 16.1-08.1-07 of the North Dakota Century Code, relating to campaign contributions and expenditures; to repeal subsection 1 of section 16.1-08.1-03.3 of the North Dakota Century Code, relating to campaign contributions; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 43 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Mathern; Schneider; Triplett; Warner

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

SB 2346 failed.

SECOND READING OF SENATE BILL

SB 2308: A BILL for an Act to create and enact four new subsections to section 61-28-02 and a new section to chapter 61-28 of the North Dakota Century Code, relating to the regulation of septic system servicing; to amend and reenact subsection 4 of section 61-28-08 of the North Dakota Century Code, relating to civil penalties for violating chapter 61-28 of the North Dakota Century Code; to repeal chapter 23-19 of the North Dakota Century Code, relating to the regulation of cesspools, septic tanks, and privies; and to provide a penalty.

ROLL CALL

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

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

Engrossed SB 2308 passed.

SECOND READING OF SENATE BILL

SB 2340: A BILL for an Act to provide for a legislative management study of penalties for minor drug crimes.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2340 passed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4006: A concurrent resolution to create and enact a new section to article III of the Constitution of North Dakota, relating to limited legislative review of initiated measures substantially affecting the state budget; and to amend and reenact section 8 of article III of the Constitution of North Dakota, relating to the effective date of initiated measures.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 28 YEAS, 19 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Armstrong; Berry; Bowman; Burckhard; Campbell; Cook; Dever; Erbele; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Murphy; Oehlke; Schaible; Sorvaag; Unruh; Wanzek; Wardner

NAYS: Anderson; Axness; Carlisle; Dotzenrod; Flakoll; Grabinger; Heckaman; Marcellais; Mathern; Miller; Nelson; O'Connell; Poolman; Robinson; Schneider; Sinner; Sitte; Triplett; Warner

Engrossed SCR 4006 was declared adopted on a recorded roll call vote.

SECOND READING OF SENATE BILL

SB 2320: A BILL for an Act to amend and reenact subsection 15 of section 12.1-32-15 of the North Dakota Century Code, relating to the release of juvenile records and other information to schools.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2320 passed.

SECOND READING OF SENATE BILL

SB 2324: A BILL for an Act to provide a producer exemption for the slaughtering and processing of poultry.

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, 47 NAYS, 0 EXCUSED, 0 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.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

SB 2324 failed.

SECOND READING OF SENATE BILL

SB 2227: A BILL for an Act to amend and reenact sections 29-32.1-01 and 29-32.1-09 of the North Dakota Century Code, relating to limitations and summary disposition for postconviction relief proceedings.

MOTION

SEN. LYSON MOVED that SB 2227 be amended as follows, which motion prevailed on a

voice vote.

Page 2, line 17, replace "that" with ", including DNA evidence, which"

Renumber accordingly

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 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; 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; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Armstrong; Mathern; Sinner

Engrossed SB 2227 passed.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2078, SB 2234, SB 2272, SB 2303, SB 2310, SB 2368.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2214.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, February 20, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2006: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2006 was placed on the Sixth order on the calendar.

Page 1, replace line 12 with:

| | | | |
|---------------------|-------------|-----------|--------------|
| "Salaries and wages | \$1,005,639 | \$150,770 | \$1,156,409" |
|---------------------|-------------|-----------|--------------|

Page 1, replace lines 16 and 17 with:

| | | | |
|-----------------------|-------------------|-----------------|--------------------|
| "Total all funds | \$13,083,688 | (\$60,230) | \$13,023,458 |
| Less estimated income | <u>12,533,688</u> | <u>(60,230)</u> | <u>12,473,458"</u> |

Page 1, after line 24, insert:

"SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$6,000,000, or so much of the sum as may be necessary, to the North Dakota aeronautics commission for the purpose of awarding grants under section 2-05-06.5, for the biennium beginning July 1, 2013, and ending June 30, 2015."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2006 - Aeronautics Commission - Senate Action

| | Executive Budget | Senate Changes | Senate Version |
|---------------------------|------------------|----------------|----------------|
| Salaries and wages | \$1,150,090 | \$6,319 | \$1,156,409 |
| Operating expenses | 1,977,049 | | 1,977,049 |
| Capital assets | 390,000 | | 390,000 |
| Grants | 9,500,000 | | 9,500,000 |
| Additional airport grants | | 6,000,000 | 6,000,000 |
| Total all funds | \$13,017,139 | \$6,006,319 | \$19,023,458 |
| Less estimated income | 12,467,139 | 6,006,319 | 18,473,458 |
| General fund | \$550,000 | \$0 | \$550,000 |
| FTE | 6.00 | 0.00 | 6.00 |

Department No. 412 - Aeronautics Commission - Detail of Senate Changes

| | Corrects Executive Compensation Package ¹ | Adds Funding for Airport Grants ² | Total Senate Changes |
|---------------------------|--|--|----------------------|
| Salaries and wages | \$6,319 | | \$6,319 |
| Operating expenses | | | |
| Capital assets | | | |
| Grants | | | |
| Additional airport grants | | 6,000,000 | 6,000,000 |
| Total all funds | \$6,319 | \$6,000,000 | \$6,006,319 |
| Less estimated income | 6,319 | 6,000,000 | 6,006,319 |
| General fund | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 |

¹Funding is added due to a calculation error in the executive compensation package.

²This amendment adds a new section appropriating \$6 million from the strategic investment and improvements fund for awarding grants to airports served by at least one airline which is certified by the Federal Aviation Administration.

REPORT OF STANDING COMMITTEE

SB 2031: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2031 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2088: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2088 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsections 1 and 2 of section 43-39-01,"

Page 1, line 2, remove the first comma

Page 1, remove lines 7 through 23

Page 2, remove lines 1 and 2

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2091: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2091 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2125: 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). SB 2125 was placed on the Sixth order on the calendar.

Page 1, after line 7 insert:

"1. For purposes of this section and section 2 of this Act, "caretaker" means the individual who is responsible for the physical control of a child and who is the child's biological or adoptive parent, the spouse of the child's biological or adoptive parent, or an individual acting in the stead of a child's parent at the request of the parent or another with authority to make the request.

2. "

Page 1, line 8, replace "caregiver" with "caretaker"

Page 1, line 8, after "responsible" insert "at that time"

Page 1, line 8, after "child" insert "under the age of thirteen years"

Page 1, line 10, replace "caregiver" with "caretaker"

Page 1, line 11, remove "For"

Page 1, replace lines 12 and 13 with "3. A caretaker who is responsible at that time for the care of a child at least thirteen years of age but under the age of seventeen years and who is unable to make contact with or otherwise verify the whereabouts and safety of that child for a period of forty-eight hours is guilty of a class B misdemeanor if the caretaker willfully or negligently fails to report the child as missing to law enforcement immediately after the forty-eight-hour period expires."

Page 1, line 17, replace "caregiver" with "caretaker"

Page 1, line 17, replace "caregiver's" with "caretaker's"

Page 1, line 17, replace "caregiver" with "caretaker"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2183: 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). SB 2183 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the first "subsection" with "subsections 3 and"

Page 1, line 1, replace the second "subsection" with "subsections 3 and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 3 of section 16.1-01-09 of the North Dakota Century Code is amended and reenacted as follows:

3. Each copy of any petition provided for in this section, before being filed, must have attached an affidavit executed by the circulator in substantially the following form:

State of North Dakota)

) ss.

County of _____)

(county where signed)

I, _____, being sworn, say that I am a qualified elector

(circulator)

and have been a resident of the state for at least two years; that I

reside at _____;

(address)

that each signature contained on the attached petition was executed in my presence; and that to the best of my knowledge and belief each individual whose signature appears on the attached petition is a qualified elector; and that each signature contained on the attached petition is the genuine signature of the individual whose name it purports to be.

(signature of circulator)

Subscribed and sworn to before me on _____, _____, at

_____, North Dakota.

(city)

(Notary Seal) _____

(signature of notary)

Notary Public

My commission expires _____"

Page 1, line 11, replace "three" with "two"

Page 1, line 11, remove "and who, according to the"

Page 1, remove line 12

Page 1, line 13, remove "not including any special election"

Page 1, after line 15, insert:

"SECTION 3. AMENDMENT. Subsection 3 of section 16.1-01-09.1 of the North Dakota Century Code is amended and reenacted as follows:

- 3. Each copy of a petition provided for in this section, before being filed, must have attached an affidavit executed by the circulator in substantially the following form:

State of North Dakota)

) ss.

County of _____)

(county where signed)

I, _____, being sworn, say that I am a qualified elector

(circulator)

and have been a resident of the state for at least two years; that I

reside at _____;

(address)

that each signature contained on the attached petition was executed in my presence; and that to the best of my knowledge and belief each individual whose signature appears on the attached petition is a qualified elector; and that each signature contained on the attached petition is the genuine signature of the individual whose name it purports to be.

(signature of circulator)

Subscribed and sworn to before me on _____, _____, at

_____, North Dakota.

(city)

(Notary Seal)

(signature of notary)

Notary Public

My commission expires _____"

Page 1, line 22, replace "three" with "two"

Page 1, line 22, remove "and who."

Page 1, remove line 23

Page 2, line 1, remove "statewide elections, not including any special election"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2193, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2193 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2219: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2219 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2246: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2246 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 1 of section 54-10-14 of the North Dakota Century Code, relating to audits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 54-10-14 of the North Dakota Century Code is amended and reenacted as follows:

1. The state auditor shall audit the following political subdivisions once every two years, except as provided in this section or otherwise by law:
 - a. Counties.
 - b. Cities, and when a city is audited, to include any political subdivision that was created by the city and has bonding authority.
 - c. Park districts.
 - d. School districts.
 - e. Firefighters relief associations.
 - f. Airport authorities.
 - g. Public libraries.
 - h. Water resource districts.
 - i. Garrison Diversion Conservancy District.
 - j. Rural fire protection districts.
 - k. Special education districts.
 - l. Area career and technology centers.
 - m. Correction centers.
 - n. Recreation service districts.
 - o. Weed boards.
 - p. Irrigation districts.
 - q. Rural ambulance service districts.
 - r. Southwest water authority.
 - s. Regional planning councils.
 - t. Soil conservation districts.
 - u. ~~Housing authorities not required to be audited by the federal department of housing and urban development.~~

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2269, as reengrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2269 was placed on the Sixth order on the calendar.

Page 1, line 2, after the second semicolon insert "to provide for reports to the legislative management;"

Page 2, line 17, after "4." insert "The health care consortium shall report to the budget section of the legislative management on the status of funding available and anticipated uses of the funding for the consortium during the 2013-14 interim."

Page 2, line 21, replace "\$75,000" with "\$100,000"

Page 2, line 22, after the comma insert "and from special funds, derived from private gifts and grants, the sum of \$100,000, or so much of the sum as may be necessary,"

Page 2, line 23, after the comma insert "as part of the North Dakota 2020 and beyond initiative,"

Page 2, line 24, after the period insert "The legislative management may spend funding from the general fund only to the extent special funds from private gifts and grants are received on a dollar-for-dollar basis."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2345: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2345 was placed on the Sixth order on the calendar.

Page 1, line 24, overstrike "one hundred" and insert immediately thereafter "fifty"

Page 2, line 2, overstrike "one hundred" and insert immediately thereafter "fifty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2363: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (4 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2363 was placed on the Eleventh order on the calendar.

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

William R. Horton, Secretary

