

## JOURNAL OF THE SENATE

## Sixty-third Legislative Assembly

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Bismarck, March 22, 2013

The Senate convened at 12:30 p.m., with President Pro Tempore Wanzek presiding.

The prayer was offered by Father Arogya Gadagotti, St. James Basilica, Jamestown.

The roll was called and all members were present.

A quorum was declared by the President Pro Tempore.

**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 Forty-eighth and Fiftieth Days be corrected as follows and when so corrected, recommends that it be approved:

Page 781, line 20, insert "amended" before "bill"

Page 781, line 20, delete "and has committee recommendation of DO PASS"

Page 822, line 37, after "passed" insert "and the emergency clause was declared carried"

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

**CONSIDERATION OF AMENDMENTS**

**HB 1261: SEN. SCHAIBLE (Education Committee) MOVED** that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1272, as engrossed: SEN. MARCELLAIS (Education Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**MOTION**

**SEN. KLEIN MOVED** that Engrossed HB 1272, as amended, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1272, as amended, was rereferred.

**MOTION**

**SEN. KLEIN MOVED** that HB 1233 be returned to the Senate floor from the **Human Services Committee** and be rereferred to the **Appropriations Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, HB 1233 was rereferred.

**CONSIDERATION OF AMENDMENTS**

**HB 1219, as engrossed: SEN. SCHAIBLE (Education Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1196: SEN. LAFFEN (Industry, Business and Labor Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1316, as engrossed: SEN. SINNER (Industry, Business and Labor Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with

**DO PASS**, which motion prevailed on a voice vote.

#### CONSIDERATION OF AMENDMENTS

**HB 1011, as engrossed: SEN. BOWMAN (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### CONSIDERATION OF AMENDMENTS

**HB 1289, as reengrossed: SEN. SCHAIBLE (Education Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1040:** A BILL for an Act to create and enact section 30.1-28-10.1 of the North Dakota Century Code, relating to the appointment of an emergency guardian; to amend and reenact section 30.1-28-09 of the North Dakota Century Code, relating to requirements of guardianship proceedings; and to repeal section 30.1-28-10, relating to the appointment of temporary guardians.

#### 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

HB 1040 passed.

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#### MOTION

**SEN. KLEIN MOVED** that Reengrossed HB 1289, as amended, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Reengrossed HB 1289, as amended, was rereferred.

#### SECOND READING OF HOUSE BILL

**HB 1259:** A BILL for an Act to amend and reenact subsection 2 of section 23-15-01 of the North Dakota Century Code, relating to fireworks.

#### 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 24 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Axness; Campbell; Dotzenrod; Flakoll; Grabinger; Grindberg; Hogue; Holmberg; Klein; Krebsbach; Laffen; Larsen; Luick; Lyson; Miller; Murphy; Schaible; Sitte; Sorvaag; Unruh; Wanzek; Warner

**NAYS:** Andrist; Berry; Bowman; Burckhard; Carlisle; Cook; Dever; Erbele; Heckaman; Kilzer; Lee, G.; Lee, J.; Marcellais; Mathern; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schneider; Sinner; Triplett; Wardner

Engrossed HB 1259 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1435:** A BILL for an Act to amend and reenact sections 12.1-23-11, 51-30-01, and 51-30-06 of the North Dakota Century Code, relating to medical information identity theft.

**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 HB 1435 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1109:** A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to transfer of visitation rights of servicemembers; and to amend and reenact section 14-09-00.1 of the North Dakota Century Code, relating to definitions.

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

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

HB 1109 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1392:** A BILL for an Act to amend and reenact sections 12-44.1-01 and 12-44.1-04 and subsection 1 of section 12-44.1-06 of the North Dakota Century Code, relating to correctional facilities.

**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

HB 1392 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1173:** A BILL for an Act to amend and reenact section 54-35-24 of the North Dakota Century Code, relating to the expiration date of the commission on alternatives to incarceration.

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

**NAYS:** Lyson

HB 1173 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1127:** A BILL for an Act to amend and reenact section 41-04.1-08 of the North Dakota Century Code, relating to funds transfers under the Uniform Commercial Code; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 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

Engrossed HB 1127 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1116:** A BILL for an Act to amend and reenact section 12.1-04-06 of the North Dakota Century Code, relating to an evaluation to determine a defendant's fitness to proceed.

**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 HB 1116 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1067:** A BILL for an Act to amend and reenact section 61-02-09 of the North Dakota Century Code, relating to the state water commission acting as a public corporation.

**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

HB 1067 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1232:** A BILL for an Act to amend and reenact sections 43-10.1-03.1 and 50-24.1-02.3 of the North Dakota Century Code, relating to pre-need funeral contracts and medicaid eligibility.

**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

HB 1232 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1035:** A BILL for an Act to amend and reenact subsection 1 of section 23-16-01.1 of the North Dakota Century Code, relating to the moratorium on expansion of long-term care bed capacity.

**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

HB 1035 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1002:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing; to provide exemptions; and to amend and reenact section 54-09-05 of the North Dakota Century Code, relating to the salary of the secretary of state.

**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 HB 1002, as amended, passed.

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**SECOND READING OF HOUSE BILL**

**HB 1201:** A BILL for an Act to amend and reenact section 50-24.1-32 of the North Dakota Century Code, relating to medical assistance services provided by physician assistants; 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 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

HB 1201, as amended, passed.

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**SECOND READING OF HOUSE BILL**

**HB 1001:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; to provide for a report to the budget section; and to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor.

**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 HB 1001, as amended, passed.

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**SECOND READING OF HOUSE BILL**

**HB 1075:** A BILL for an Act to amend and reenact section 27-05-30 of the North Dakota Century Code, relating to judicial referees.

**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

HB 1075, as amended, passed.

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#### SECOND READING OF HOUSE BILL

**HB 1276:** A BILL for an Act to create and enact sections 15.1-19-23 and 23-44-03 and a new subdivision to subsection 9 of section 43-12.1-04 of the North Dakota Century Code, relating to medication administration in primary or secondary schools, exemptions from the Nurse Practices Act, and the exemption of medication administration in primary or secondary schools from the nurse aide registry.

#### 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 HB 1276, as amended, passed.

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#### SECOND READING OF HOUSE BILL

**HB 1185:** A BILL for an Act to amend and reenact section 6-09-46 of the North Dakota Century Code, relating to extension of the rebuilders loan program; to provide an exemption; and to declare an emergency.

#### 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 HB 1185, as amended, passed and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1236:** A BILL for an Act to create and enact section 57-39.5-06 of the North Dakota Century Code, relating to payment of farm machinery gross receipts taxes under a lease agreement; to amend and reenact sections 57-39.5-01, 57-39.5-01.1, and 57-39.5-02 of the North Dakota Century Code, relating to farm machinery gross receipts tax application in lease or rental agreements and what qualifies as used farm machinery for farm machinery gross receipts tax purposes; 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 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 HB 1236, as amended, passed.

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#### SECOND READING OF HOUSE BILL

**HB 1014:** A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

#### 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 HB 1014, as amended, passed.

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#### SECOND READING OF HOUSE BILL

**HB 1005:** A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; to amend and reenact subsection 18 of section 54-11-01 and section 54-11-13 of the North Dakota Century Code, relating to the duties and salary of the state treasurer; to provide legislative intent; and to declare an emergency.

#### MOTION

**SEN. WARDNER MOVED** that Reengrossed HB 1005, as amended, be amended as follows, which motion prevailed on a voice vote.

In addition to the amendments adopted by the Senate as printed on pages 782-784 of the Senate Journal, Reengrossed House Bill No. 1005 is further amended as follows:

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

Page 1, line 2, after "54-11-13" insert ", and subsection 5 of section 57-51.2-02"

Page 1, line 3, after "treasurer" insert "and a tribal oil and gas agreement"

Page 2, after line 7, insert:

**"SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$12,771, or so much of the sum as may be necessary, to the state treasurer for the purpose of defraying information technology expenses relating to changes in oil revenue distributions and other changes, for the biennium beginning July 1, 2013, and ending June 30, 2015."

Page 2, after line 22, insert:

**"SECTION 6. AMENDMENT.** Subsection 5 of section 57-51.2-02 of the North Dakota Century Code is amended and reenacted as follows:

5. The allocation of revenue from oil and gas gross production and oil extraction taxes on the Fort Berthold Reservation must be as follows:
  - a. Production attributable to trust lands. All revenues and exemptions from all oil and gas gross production and oil extraction taxes attributable to production from trust lands on the Fort Berthold Reservation must be evenly divided between the tribe and the state.
  - b. All other production. The tribe must receive twenty percent of the total oil and gas gross production taxes collected from all production attributable to nontrust lands on the Fort Berthold Reservation in lieu of the application of the Three Affiliated Tribes' fees and taxes related to production on such lands. The state must receive the remainder.
  - c. The state's share of the oil and gas gross production tax revenue as divided in subdivisions a and b is subject to distribution among political subdivisions as provided in ~~chapters~~chapter 57-51 and ~~57-51.1.~~"

Renumber accordingly

**HB 1005:** A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; to amend and reenact subsection 18 of section 54-11-01, section 54-11-13, and subsection 5 of section 57-51.2-02 of the North Dakota Century Code, relating to the duties and salary of the state treasurer and a tribal oil and gas agreement; to provide legislative intent; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 HB 1005, as amended, passed and the emergency clause was declared carried.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1084, HB 1228, HB 1350, HB 1357, HB 1359.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1153, HB 1270, HB 1301.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1227, HB 1247, HB 1336.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1309.

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

**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2245, SB 2336.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2040, SB 2190, SB 2312.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2040, SB 2190, SB 2312.

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

**MR. SPEAKER:** The President has signed: HB 1077, HB 1243, HCR 3009, HCR 3012, HCR 3013, HCR 3026.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1077, HB 1243, HCR 3009, HCR 3012, HCR 3013.

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

**MR. PRESIDENT:** The Speaker has signed: HCR 3026.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 22, 2013: SB 2045, SB 2071, SB 2102, SB 2119, SB 2120, SB 2188, SB 2209, SB 2246, SB 2259, SB 2270, SB 2278, SB 2287, SB 2311.

**COMMUNICATION FROM GOVERNOR JACK DALRYMPLE**

This is to inform you that on March 21, 2013, I have signed the following: SB 2062, SB 2111, SB 2112, SB 2117, SB 2122, SB 2141, SB 2154, SB 2261, SB 2284, and SB 2334.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on March 22, 2013: SCR 4001, SCR 4005, SCR 4012, SCR 4013.

**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 1:00 p.m., Monday, March 25, 2013, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1007, as engrossed: 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). Engrossed HB 1007 was placed on the Sixth order on the calendar.

Page 1, replace lines 11 through 16 with:

"Salaries and wages	\$1,648,342	\$358,838	\$2,007,180
Operating expenses	<u>316,294</u>	<u>7,400</u>	<u>323,694</u>
Total all funds	\$1,964,636	\$366,238	\$2,330,874
Less estimated income	<u>424,511</u>	<u>13,415</u>	<u>437,926</u>
Total general fund	\$1,540,125	\$352,823	\$1,892,948"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1007 - Labor Commissioner - Senate Action**

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$2,001,449	\$1,879,598	\$127,582	\$2,007,180
Operating expenses	323,694	323,694		323,694
Accrued leave payments		39,609	(39,609)	
Total all funds	\$2,325,143	\$2,242,901	\$87,973	\$2,330,874
Less estimated income	437,926	437,926	0	437,926
	<u>\$1,887,217</u>	<u>\$1,804,975</u>	<u>\$87,973</u>	<u>\$1,892,948</u>

General fund				
FTE	13.00	13.00	0.00	13.00

### Department No. 406 - Labor Commissioner - Detail of Senate Changes

	Restores Executive Compensation Package <sup>1</sup>	Removes Separate Line Item for Accrued Leave Payments <sup>2</sup>	Total Senate Changes
Salaries and wages	\$87,973	\$39,609	\$127,582
Operating expenses			
Accrued leave payments		(39,609)	(39,609)
Total all funds	\$87,973	\$0	\$87,973
Less estimated income	0	0	0
General fund	\$87,973	\$0	\$87,973
FTE	0.00	0.00	0.00

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

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

#### REPORT OF STANDING COMMITTEE

**HB 1059, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1059 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**HB 1212, as reengrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1212 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1225, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1225 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1278, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1278 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**HB 1333, as reengrossed: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1333 was placed on the Sixth order on the calendar.

Page 2, after line 14, insert:

"(1) The commission shall give all affected counties written notice of hearings in such matters at least fifteen days before the hearing.

- (2) The commission may consider, in addition to other authority granted under this section, safety of the location and road access to saltwater disposal wells, treating plants, and all associated facilities."

Page 2, line 15, remove "Saltwater disposal wells and all associated facilities, including safety relating to"

Page 2, remove line 16

Page 2, line 17, remove "g."

Page 2, line 27, overstrike the third "or"

Page 2, line 29, after "facility" insert ", or damage is the result of an illegal dumping incident"

Page 3, line 3, after "bond" insert "or damage is the result of an illegal dumping incident"

Page 6, line 7, replace the first "the" with "this"

Page 6, line 23, after "information" insert ", if available."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1368, as reengrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1368 was placed on the Sixth order on the calendar.

Page 2, line 6, remove the overstrike over "~~must be~~"

Page 2, line 6, after "six" insert "seven"

Page 2, line 6, remove the overstrike over "~~dollars~~"

Page 2, line 6, remove "may"

Page 2, remove lines 7 and 8

Page 2, line 9, remove "in the "breakfast" category in this state"

Page 2, line 11, remove the overstrike over "~~must be~~"

Page 2, line 11, after "~~nine~~" insert "ten"

Page 2, line 12, remove the overstrike over "~~dollars~~"

Page 2, line 12, remove "may not exceed an amount equal to eighty percent of the rate established"

Page 2, remove line 13

Page 2, line 14, replace "expenses in the "lunch" category in this state" with "and fifty cents"

Page 2, line 15, remove the overstrike over "~~must be~~"

Page 2, line 15, after "~~fifteen~~" insert "seventeen"

Page 2, line 16, remove the overstrike over "~~dollars~~"

Page 2, line 16, remove "may not exceed an amount equal to eighty percent of the rate established"

Page 2, remove line 17

Page 2, line 18, replace "expenses in the "dinner" category in this state" with "and fifty cents"

Page 2, line 28, remove "eighty percent of"

Page 3, line 2, remove "eighty percent of"

Page 3, line 5, remove "eighty percent of"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1372: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1372 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1395, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1395 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1399, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1399 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 2 of section 47-05-02.1 of the North Dakota Century Code, relating to duration of waterfowl production area easements; and to provide an effective date.

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

**SECTION 1. AMENDMENT.** Subsection 2 of section 47-05-02.1 of the North Dakota Century Code is amended and reenacted as follows:

2. The duration of the easement, servitude, or nonappurtenant restriction on the use of real property must be specifically set out, and in no case may the duration of any interest in real property regulated by this section exceed ninety-nine years. The duration of an easement for a waterfowl production area acquired by the federal government, and consented to by the governor or the appropriate state agency after July 1, 1985, may not exceed fifty years. A waterfowl production area easement that exceeds fifty years or which purports to be perpetual may be extended by negotiation between the owner of the easement and the owner of the servient tenement. A waterfowl production area easement that exceeds fifty years or which purports to be permanent and is not extended by negotiation is void. The duration of a wetlands reserve program easement acquired by the federal government pursuant to the Food, Agriculture, Conservation, and Trade Act of 1990 after July 1, 1991, may not exceed thirty years.

**SECTION 2. EFFECTIVE DATE.** This Act becomes effective on June 30, 2017."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1405, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1405 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to authorize collections for deposit into the veterans"

Page 1, line 3, remove "postwar trust fund;"

Page 1, line 6, replace "\$25,000" with "\$75,000"

Page 1, remove lines 12 through 20

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1439, as reengrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1439 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HCR 3014, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3014 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3018, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3018 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3023: Transportation Committee (Sen. Oehlke, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3023 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3025: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3025 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3030: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3030 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3031: Transportation Committee (Sen. Oehlke, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3031 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "enforcement" with "utilization"

Renumber accordingly

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

**William R. Horton, Secretary**