

**JOURNAL OF THE SENATE**

**Sixty-third Legislative Assembly**

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**Bismarck, February 26, 2013**

The Senate convened at 9:00 a.m., with President Wrigley presiding.

The prayer was offered by Pastor Jacob DeBoer, Trinity and Dawson Lutheran Churches, Steele and Dawson.

The roll was called and all members were present.

A quorum was declared by the President.

**CONSIDERATION OF AMENDMENTS**

**SB 2002: SEN. WARNER (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 2002:** A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges.

**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 2002 passed.

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**CONSIDERATION OF AMENDMENTS**

**SB 2003: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**.

**REQUEST**

**SEN. HOLMBERG REQUESTED** that the Senate divide the amendments to Engrossed SB 2003, which request was granted.

**DIVISION A:** Section 4

**DIVISION B:** The remainder of the amendment

The question being the adoption of Division A of the proposed amendments to Engrossed SB 2003, the motion failed on a voice vote.

Division A of the proposed amendments to Engrossed SB 2003 failed on a voice vote.

The question being the adoption of Division B of the proposed amendments to Engrossed SB 2003, the motion passed on a voice vote.

Division B of the proposed amendments to Engrossed SB 2003 was adopted on a voice

vote.

#### CONFLICT OF INTEREST

**SEN. LAFFEN STATED** that he had a conflict of interest on SB 2003.

#### MOTION

**SEN. KLEIN MOVED** that Sen. Laffen be allowed to vote on SB 2003, which motion prevailed on a voice vote.

#### REQUEST

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

#### ROLL CALL

Therefore, the question being on the motion to adopt the amendments to SB 2003, which consists of Division B only, 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; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner; Warner

**NAYS:** Miller; Triplett

The proposed amendments to SB 2003 were adopted on a recorded roll call vote.

#### SECOND READING OF SENATE BILL

**SB 2003:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system; to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the assessment of institutions of higher education; to amend and reenact sections 15-10-47 and 15-62.2-02, subsection 2 of section 15-70-04, and section 54-44.1-11 of the North Dakota Century Code, relating to construction project variance reports, student financial assistance grants, tribally controlled community college grants, and the cancellation of unexpended appropriations; to provide an exemption; to provide for transfer of funds; to authorize the state board of higher education to issue and sell bonds for capital projects; to provide for budget section reports; and to declare an emergency.

#### MOTION

**SEN. CARLISLE MOVED** that Engrossed SB 2003 be amended as follows.

Page 1, replace line 24 with:

"System governance	7,349,806	227,502	7,577,308"
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Page 2, replace line 16 with:

"Total all funds	\$104,428,941	\$47,848,895	\$152,277,836"
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Page 2, replace line 18 with:

"Total general fund	\$101,372,712	\$48,605,212	\$149,977,924"
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Page 7, replace line 1 with:

"Grand total all funds	\$611,231,666	\$468,853,980	\$1,080,085,646"
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Page 7, replace line 3 with:

"Grand total general fund	\$606,525,437	\$307,744,268	\$914,269,705"
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Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment removes funding of \$1.3 million from the general fund for University System governance which was added in amendments approved by the Senate Appropriations Committee.

**REQUEST**

**SEN. CARLISLE REQUESTED** a verification vote on the motion to adopt the proposed amendments to Engrossed SB 2003, which request was granted.

The proposed amendments to Engrossed SB 2003 failed on a verification vote.

**MOTION**

**SEN. GRINDBERG MOVED** that SB 2003 be amended as follows.

Page 1, line 2, after "system" insert "; to provide an appropriation to the state board of higher education for a settlement payment for the termination of the contract of the commissioner of higher education"

Page 7, replace line 1 with:

"Grand total all funds	\$611,231,666	\$471,008,500	\$1,082,240,166"
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Page 7, replace line 3 with:

"Grand total general fund	\$606,525,437	\$309,898,788	\$916,424,225"
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Page 7, after line 28, insert:

**"SECTION 3. APPROPRIATION - COMMISSIONER OF HIGHER EDUCATION CONTRACT TERMINATION - LIMITATION - APPLICATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$854,520, or so much of the sum as may be necessary, to the state board of higher education for the purpose of providing a settlement payment for the termination of the contract of the commissioner of higher education, for the period beginning with the effective date of this Act and ending June 30, 2015. The funding provided under this section may be used only for a settlement payment and is available to the state board of higher education upon the termination of the contract that was in effect on January 1, 2013, for the commissioner of higher education. For purposes of this section and the contract of the commissioner of higher education, "chancellor of the North Dakota university system" means the commissioner of higher education as provided for under Section 6 of Article VIII of the Constitution of North Dakota. The office of management and budget shall reduce the available appropriation provided under this section by \$35,605 on the first day of each month beginning July 1, 2013, until the contract has been terminated as provided for in this section. Notwithstanding the provisions of Section 54-44.1-11 the office of management and budget shall cancel any unexpended appropriation provided under this section thirty days after June 30, 2015."

Page 14, line 19, replace "Section 18" with "Sections 3 and 19"

Renumber accordingly

**REQUEST**

**SEN. GRINDBERG REQUESTED** a verification vote on the motion to adopt the proposed amendments to SB 2003, which request was granted.

The proposed amendments to SB 2003 failed on a verification vote.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Axness; Berry; Burckhard; Campbell; Carlisle; Cook; 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; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**NAYS:** Armstrong; Bowman; Dever; Klein; Miller; Schaible

Engrossed SB 2003 passed and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**SB 2004: SEN. KILZER (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 2004:** A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; to repeal section 23-46-05 of the North Dakota Century Code, relating to state financial assistance for emergency medical services; and to provide legislative intent.

#### MOTION

**SEN. MATHERN MOVED** that Engrossed SB 2004 be amended as follows.

Page 1, replace lines 21 and 22 with:

"Less estimated income	156,956,525	(16,720,612)	140,235,913
Total general fund	\$32,913,780	\$13,637,237	\$46,551,017"

Page 2, remove lines 23 through 25

Re-number accordingly

#### REQUEST

**SEN. HECKAMAN REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2004, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2004, the roll was called and there were 14 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

The proposed amendments to Engrossed SB 2004 failed on a recorded roll call vote.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Murphy; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner

**NAYS:** Grabinger; Marcellais; Mathern; Nelson; Triplett; Warner

Engrossed SB 2004 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2018: SEN. GRINDBERG (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 2018:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of commerce; to create and enact a new chapter to title 6, a new section to chapter 10-30.5, section 54-45.5-10, and three new sections to chapter 54-65 of the North Dakota Century Code, relating to a loan guarantee program, the research North Dakota venture program, the energy conservation fund, and the research North Dakota program; to amend and reenact sections 4-14.1-02, 4-14.1-03, 4-44-03, 17-02-05, 54-17-07.3, 54-17-40, 54-18-21, 57-43.1-03, 57-43.1-03.1, 57-43.1-03.3, and 57-43.1-08 of the North Dakota Century Code, relating to the agricultural fuel tax fund, ethanol production incentive fund, the agricultural research fund, housing finance programs, and the housing incentive fund; to provide exemptions; to provide for transfers; to provide a continuing appropriation; to provide for an upper great plains transportation institute study; to provide for legislative management studies; 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 SB 2018 passed and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**SB 2359: SEN. KLEIN (Industry, Business and Labor 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 2359:** A BILL for an Act to create and enact sections 61-40-10 and 61-40-11 of the North Dakota Century Code, relating to the western area water supply authority; and to amend and reenact sections 61-40-01 and 61-40-06 of the North Dakota Century Code, relating to the western area water supply authority.

#### 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 33 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Andrist; Axness; Carlisle; Dotzenrod; Grabinger; Marcellais; Mathern; Murphy; Nelson; Oehlke; Robinson; Schneider; Sinner; Warner

Engrossed SB 2359 passed.

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#### MOTION

**SEN. KLEIN MOVED** that the Senate stand in recess until 10:55 a.m., which motion prevailed.

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

#### SECOND READING OF SENATE BILL

**SB 2373:** A BILL for an Act to amend and reenact section 61-40-09 of the North Dakota Century Code, relating to the western area water supply authority.

#### 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 2373 failed.

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#### SECOND READING OF SENATE BILL

**SB 2336:** A BILL for an Act to create and enact a new section to chapter 57-38 and subsection 10 of section 57-51.1-03 of the North Dakota Century Code, relating to income tax withholding on oil and gas royalty payments to nonresidents and an oil extraction tax exemption for wells completed outside the Bakken and Three Forks formations; to amend and reenact subsection 4 of section 38-08-04 and sections 57-51.1-01, 57-51.1-02, 57-51.1-03, and 57-51.1-03.1 of the North Dakota Century Code, relating to oil extraction tax rates and exemptions; to provide an effective date; and to provide an expiration date.

#### MOTION

**SEN. TRIPLETT MOVED** that Engrossed SB 2336 be amended as follows, which motion failed on a voice vote.

Page 1, line 6, after the first "to" insert "determination of stripper well status on an individual well basis under the oil extraction tax and"

Page 3, line 20, overstrike the first "property"

Page 3, line 20, overstrike ""property" whose" and insert immediately thereafter "well, for which the"

Page 3, line 20, after "oil" insert ", at the well's maximum efficient rate"

Page 3, line 22, overstrike "per well"

Page 3, line 25, remove the overstrike over "and"

Page 3, line 27, remove "outside the Bakken and Three Forks formations, and forty barrels per day for"

Page 3, remove line 28

Page 3, line 29, remove "Forks formation"

Page 4, line 2, overstrike "property"

Page 6, line 18, overstrike the first "property"

Page 6, line 18, overstrike ""property" whose" and insert immediately thereafter "well for which the"

Page 6, line 18, after "oil" insert ", at the well's maximum efficient rate"

Page 6, line 23, remove the overstrike over "and"

Page 6, line 25, remove "outside the Bakken and Three Forks formations, and forty barrels per day for"

Page 6, remove line 26

Page 6, line 27, remove "Forks formation"

Page 6, line 30, overstrike "property"

Page 8, line 18, overstrike "property"

Page 8, line 18, remove "A well that"

Page 8, remove lines 19 through 27

Page 9, line 12, overstrike "property"

Page 9, line 12, remove "A well that"

Page 9, remove lines 13 through 21

Page 14, line 27, remove "stripper well or"

Page 14, line 27, overstrike "property"

Page 14, line 29, remove "stripper well's or"

Page 14, line 29, overstrike "well property's" and insert immediately thereafter "well's"

Page 15, line 9, remove "stripper well or"

Page 15, line 9, overstrike "property"

Page 15, line 11, remove "stripper well's or"

Page 15, line 11, overstrike "well property's" and insert immediately thereafter "well's"

Page 16, line 19, replace "Section 6" with "Sections 3 and 6"

Page 16, line 19, replace "is" with "are"

Page 16, line 20, replace "applies" with "apply"

Renumber accordingly

#### MOTION

**SEN. TRIPLETT MOVED** that Engrossed SB 2336 be amended as follows, which motion failed on a voice vote.

Page 7, line 21, overstrike "four"

Page 7, line 21, replace "and one-half" with "six"

Page 8, line 13, remove ", or beginning on the first day of the"

Page 8, remove line 14

Page 8, line 15, remove "average statewide daily production exceeds one million barrels per day, whichever occurs first"

Renumber accordingly

#### REQUEST

**SEN. TRIPLETT REQUESTED** that the Senate divide Engrossed SB 2336, which request was granted.

**DIVISION A:** Section 2

**DIVISION B:** Section 1

**DIVISION C:** Sections 3, 6, 7, 9

**DIVISION D:** Sections 4, 8, 10

**DIVISION E:** Section 5

#### REQUEST

**SEN. TRIPLETT REQUESTED** a recorded roll call vote on Division A of Engrossed SB 2336, which request was granted.

#### ROLL CALL

The question being on the final adoption of Division A of Engrossed SB 2336, 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

Division A of Engrossed SB 2336 was adopted on a recorded roll call vote.

#### REQUEST

**SEN. TRIPLETT REQUESTED** a recorded roll call vote on Division B of Engrossed SB 2336, which request was granted.

#### ROLL CALL

The question being on the final adoption of Division B of Engrossed SB 2336, 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

Division B of Engrossed SB 2336 was adopted on a recorded roll call vote.

#### REQUEST

**SEN. TRIPLETT REQUESTED** a recorded roll call vote on Division C of Engrossed SB 2336, which request was granted.

#### ROLL CALL

The question being on the final adoption of Division C of Engrossed SB 2336, the roll was called and there were 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Armstrong; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Erbele; Flakoll; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach;

Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; O'Connell; Oehlke; Poolman; Schaible; Sitte; Sorvaag; Unruh; Wanzek; Wardner

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

Division C of Engrossed SB 2336 was adopted on a recorded roll call vote.

#### REQUEST

**SEN. TRIPLETT REQUESTED** a recorded roll call vote on Division D of Engrossed SB 2336, which request was granted.

#### ROLL CALL

The question being on the final adoption of Division D of Engrossed SB 2336, 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; 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:** Flakoll

Division D of Engrossed SB 2336 was adopted on a recorded roll call vote.

#### MOTION

**SEN. WARDNER MOVED** the previous question, which motion prevailed.

#### REQUEST

**SEN. TRIPLETT REQUESTED** a recorded roll call vote on Division E of Engrossed SB 2336, which request was granted.

#### ROLL CALL

The question being on the final adoption of Division E of Engrossed SB 2336, the roll was called and there were 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

Division E of Engrossed SB 2336 was adopted on a recorded roll call vote.

#### ROLL CALL

The question being on the final passage of the amended bill, which includes Division A, Division B, Division C, Division D, and Division E, which have been read, the roll was called and there were 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

Engrossed SB 2336 passed.

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**SECOND READING OF SENATE BILL**

**SB 2153:** A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to highway-rail grade crossing safety projects; to amend and reenact section 54-27-19 of the North Dakota Century Code, relating to the highway tax distribution fund; and to provide a continuing appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 22 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Armstrong; Axness; Campbell; Cook; Dotzenrod; Flakoll; Grabinger; Heckaman; Lyson; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schneider; Sinner; Sitte; Triplett; Warner

**NAYS:** Anderson; Andrist; Berry; Bowman; Burckhard; Carlisle; Dever; Erbele; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Miller; Schaible; Sorvaag; Unruh; Wanzek; Wardner

Engrossed SB 2153 failed.

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**SECOND READING OF SENATE BILL**

**SB 2258:** A BILL for an Act to amend and reenact section 57-51-15 of the North Dakota Century Code, relating to allocation of gross production taxes; and to provide an effective date.

**ROLL CALL**

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

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

SB 2258 failed.

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**SECOND READING OF SENATE BILL**

**SB 2309:** A BILL for an Act to create and enact subsection 10 to section 57-51.1-03 of the North Dakota Century Code, relating to an exemption from the oil extraction tax; and to provide an effective date.

**ROLL CALL**

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

**YEAS:** Andrist; Lyson

**NAYS:** Anderson; 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

SB 2309 failed.

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#### SECOND READING OF SENATE BILL

**SB 2351:** A BILL for an Act to amend and reenact sections 54-27.2-03 and 57-51.1-07.5 of the North Dakota Century Code, relating to the budget stabilization fund, the strategic investment and improvements fund, and oil and gas tax revenue deposits; to provide an effective date; 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

SB 2351 failed.

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#### SECOND READING OF SENATE BILL

**SB 2253:** A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for the primary residence of certain military servicemembers called to federal active duty service; and to provide an effective date.

#### 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; Berry; Bowman; Dever; Dotzenrod; Grabinger; Heckaman; Hogue; Lyson; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Sinner; Sorvaag

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

SB 2253 failed.

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#### MOTION

**SEN. KLEIN MOVED** that SB 2229 be moved to the bottom of the calendar, which motion prevailed.

#### MOTION

**SEN. KLEIN MOVED** that the Senate stand in recess until 3:35 p.m., which motion prevailed.

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

#### MOTION

**SEN. KLEIN MOVED** that SB 2229 be moved to the top of the Eleventh order, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2229:** A BILL for an Act to amend and reenact section 15.1-09-58 of the North Dakota Century Code, relating to early childhood education; and to provide an appropriation for early childhood education grants.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 35 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Armstrong; Axness; Berry; Burckhard; Campbell; Dotzenrod; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Krebsbach; Laffen; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wardner; Warner

**NAYS:** Bowman; Carlisle; Cook; Dever; Erbele; Kilzer; Klein; Larsen; Lee, G.; Schaible; Sitte; Wanzek

Engrossed SB 2229 passed.

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**SECOND READING OF SENATE BILL**

**SB 2356:** A BILL for an Act to provide an appropriation to the department of human services for grants to children's advocacy centers.

**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

SB 2356 passed.

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**SECOND READING OF SENATE BILL**

**SB 2030:** A BILL for an Act to amend and reenact sections 23-35.1-01, 23-35.1-02, 23-35.1-03, and 23-35.1-04 of the North Dakota Century Code, relating to regional public health network definitions, joint powers agreement review, annual plan, and receipt and use of moneys; and to provide an appropriation.

**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; 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:** Kilzer

SB 2030 passed.

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**SECOND READING OF SENATE BILL**

**SB 2148:** A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to North Dakota foster care scholarships.

**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 2148 passed.

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**SECOND READING OF SENATE BILL**

**SB 2350:** A BILL for an Act to provide an appropriation to the court facility and maintenance fund for grants to counties for security equipment in county courthouses.

**ROLL CALL**

The question being on the final passage of the amended 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; Mathern; Nelson; O'Connell; Robinson; Schneider; Sinner

**NAYS:** Anderson; 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; Oehlke; Poolman; Schaible; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed SB 2350 failed.

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**SECOND READING OF SENATE BILL**

**SB 2182:** A BILL for an Act to provide an appropriation to the department of human services for transitional employment services.

**MOTION**

**SEN. MATHERN MOVED** that SB 2182 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 5, replace "\$308,000" with "\$240,000"

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment decreases the appropriation to the department of human services for transitional employment services from \$308,000 to \$240,000.

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

**YEAS:** Anderson; Axness; Berry; Dotzenrod; Erbele; Grabinger; Heckaman; Lee, J.; Luick; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Wanzek; Warner

**NAYS:** Andrist; Armstrong; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Flakoll; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lyson; Miller; Oehlke; Poolman; Unruh; Wardner

Engrossed SB 2182 failed.

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#### SECOND READING OF SENATE BILL

**SB 2317:** A BILL for an Act to create and enact two new subsections to section 39-01-01 of the North Dakota Century Code, relating to definitions; and to amend and reenact sections 39-18-01, 39-18-02, 39-18-06, and 39-18-08 of the North Dakota Century Code, relating to mobile home and manufactured home dealer regulation.

#### 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; 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

**NAYS:** O'Connell

Engrossed SB 2317 passed.

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#### SECOND READING OF SENATE BILL

**SB 2129:** A BILL for an Act to amend and reenact section 54-21.3-04.1 of the North Dakota Century Code, relating to the state building code and accessibility standards.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 37 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson; Andrist; Bowman; Campbell; Hogue; Klein; Krebsbach; Lee, G.; Unruh; Wardner

Engrossed SB 2129 passed.

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#### SECOND READING OF SENATE BILL

**SB 2156:** A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a corporate income tax credit for contributions to rural leadership North Dakota; to amend and reenact subsection 3 of section 57-38-01.26, section 57-38-30, and subsection 1 of section 57-38-30.3 of the North Dakota Century Code, relating to authorized investments of an angel fund for income tax credit purposes and a reduction in income tax rates for corporations,

individuals, estates, and trusts; and to provide an effective date.

#### MOTION

**SEN. DOTZENROD MOVED** that Engrossed SB 2156 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 section 57-20-07.2 of the North Dakota Century Code, relating to a state-paid property tax relief credit; to provide an appropriation; and to provide an effective date.

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

**SECTION 1.** Section 57-20-07.2 of the North Dakota Century Code is created and enacted as follows:

##### 57-20-07.2. State-paid property tax relief credit.

1. The owner of taxable property is entitled to a credit against property taxes levied against the total amount of property or mobile home taxes in dollars levied against the taxable value of the property. The credit is equal to twelve and one-half percent of property or mobile home taxes levied in dollars against that property.
2. The owner, operator, or lessee of railroad property assessed by the state board of equalization under chapter 57-05 or public utility operative property assessed by the state board of equalization under chapter 57-06 is entitled to a credit against property taxes levied within each county against that property in the amount provided in subsection 1 against property taxes levied in dollars against that property in that county.
3. The owner, operator, or lessee of operative property of an air carrier transportation company assessed and taxed under chapter 57-32 is entitled to a credit in the amount provided in subsection 1 against property taxes in dollars levied against that property. The tax commissioner shall determine the total amount of credits under this subsection and certify the amount to the state treasurer for transfer from the general fund to the air transportation fund. The credit for each air transportation company must be allocated to each city or municipal airport authority where that company makes regularly scheduled landings, in the same manner as the tax collected from that company is allocated.
4. The tax commissioner shall determine the total amount of credits under this section for each county from the abstract of the tax list filed by the county auditor under section 57-20-04, as audited and corrected by the tax commissioner. The tax commissioner shall certify to the state treasurer for payment, by June first following receipt of the abstract of the tax list, the amount determined for each county under this subsection. No penalty or interest applies to any state payment under this section, regardless of when the payment is made.
5. Upon receipt of the payment from the state treasurer under subsection 4, the county treasurer shall apportion and distribute the payment to the county and the taxing districts in the county on the basis on which the general real estate tax for the preceding year is apportioned and distributed.
6. After payments to counties under subsection 4 have been made, the tax commissioner shall certify to the state treasurer as necessary any supplemental amounts payable to counties or the air transportation fund or any amounts that must be returned by counties or returned from the air transportation fund for deposit in the state general fund to correct any errors in payments or reflect any abatement or compromise of taxes, court-ordered tax reduction or increase, or levy of taxes against omitted property. The county auditor shall provide any supplemental information

requested by the tax commissioner after submission of the abstract of the tax list. The county treasurer shall apply to the tax commissioner for any supplemental payments to which the county treasurer believes the county is entitled.

7. Notwithstanding any other provision of law, for any property other than mobile homes, the property tax credit under this section does not apply to any property subject to payments or taxes that are stated by law to be in lieu of personal or real property taxes.

**SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$250,000,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of state-paid property tax relief credits under section 57-20-07.2, for the biennium beginning July 1, 2013, and ending June 30, 2015.

**SECTION 3. EFFECTIVE DATE.** This Act becomes effective July 1, 2013."

Renumber accordingly

#### REQUEST

**SEN. HECKAMAN REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2156, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2156, the roll was called and there were 14 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Andrist

The proposed amendments to Engrossed SB 2156 failed on a recorded roll call vote.

#### REQUEST

**SEN. ANDRIST REQUESTED** that the record reflect he intended to vote NAY on SB 2156 Floor Amendment 13.8182.02002, which request was granted.

#### REQUEST

**SEN. SCHNEIDER REQUESTED** that the Senate divide Engrossed SB 2156, which request was granted.

**DIVISION A:** Section 3

**DIVISION B:** Remainder of bill

#### REQUEST

**SEN. SCHNEIDER REQUESTED** a recorded roll call vote on Division A of Engrossed SB 2156, which request was granted.

#### ROLL CALL

The question being on the final adoption of Division A of Engrossed SB 2156, the roll was called and there were 33 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

Division A of Engrossed SB 2156 was adopted on a recorded roll call vote.

#### REQUEST

**SEN. SCHNEIDER REQUESTED** a recorded roll call vote on Division B of Engrossed SB 2156, which request was granted.

#### ROLL CALL

The question being on the final adoption of Division B of Engrossed SB 2156, 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; 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:** Dotzenrod

Division B of Engrossed SB 2156 was adopted on a recorded roll call vote.

#### ROLL CALL

The question being on the final passage of the amended bill, which includes Division A and Division B, which have been read, the roll was called and there were 42 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Erbele; Flakoll; Grabinger; Grindberg; 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; Warner

**NAYS:** Dotzenrod; Heckaman; Mathern; Schneider; Triplett

Engrossed SB 2156 passed.

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#### SECOND READING OF SENATE BILL

**SB 2237:** A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a corporate income tax credit for contributions to rural leadership North Dakota; to amend and reenact subsection 3 of section 57-38-01.26, section 57-38-30, and subsection 1 of section 57-38-30.3 of the North Dakota Century Code, relating to authorized investments of an angel fund for income tax credit purposes and a reduction in income tax rates for corporations, individuals, estates, and trusts; 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 NOT PASS, the roll was called and there were 2 YEAS, 45 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Marcellais; Miller

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

Engrossed SB 2237 failed.

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**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 2006, SB 2015, SB 2031, SB 2088, SB 2125, SB 2183, SB 2205, SB 2244, SB 2269, SB 2323, SB 2345, SB 2353, SB 2370.

**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 2019, SB 2212, SB 2284, SB 2330, SB 2339, SB 2347, SB 2369, SB 2374, SCR 4017.

**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 2012, SB 2013, SB 2014.

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

**MR. PRESIDENT:** The House respectfully requests the return of: HB 1059.

**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 9:00 a.m., Wednesday, February 27, 2013, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2101: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2101 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "11-18-02.2,"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 11-18-02.2 of the North Dakota Century Code is amended and reenacted as follows:

**11-18-02.2. Statements of full consideration to be filed with state board of equalization or recorder - Procedure - ~~Secrecy of information~~ - Penalty.**

1. Any grantee or grantee's authorized agent who presents a deed in the office of the county recorder shall certify on the face of the deed any one of the following:
  - a. A statement that the grantee has filed a report of the full consideration paid for the property conveyed with the state board of equalization.
  - b. A statement that the grantee has filed a report of the full consideration paid for the property conveyed with the recorder.
  - c. A statement of the full consideration paid for the property conveyed.
  - d. A statement designating one of the exemptions in subsection 7 which the grantee believes applies to the transaction.
2. Any party who presents an affidavit of affixation to real property of a manufactured home in the office of the county recorder in accordance with section 47-10-27 and who acquired the manufactured home before the affixation of the manufactured home to the real property shall either contain in or present in addition to the affidavit of affixation any one of the following:
  - a. A statement that the party has filed with the state board of equalization a report of the full consideration paid for the manufactured home before the affixation.

- b. A statement that the party has filed with the recorder a report of the full consideration paid for the manufactured home before the affixation.
    - c. A statement of the full consideration paid by the party for the manufactured home before the affixation.
  3. The recorder may not record any deed unless the deed contains one of the statements required by subsection 1 or record any affidavit of affixation unless the affidavit contains or is accompanied by one of the statements required by subsection 2.
  4. The recorder shall accumulate and at least monthly forward to the state board of equalization a report containing the information filed in the recorder's office pursuant to subsection 1 or subsection 2.
  5. The state board of equalization shall prescribe the necessary forms for the statements and reports to be used in carrying out this section, and the forms must contain a space for the explanation of special circumstances that may have contributed to the amount of the consideration.
  6. For purposes of subsection 1, the word "deed" means an instrument or writing whereby any real property or interest therein is granted, conveyed, or otherwise transferred to the grantee, purchaser, or other person, except any instrument or writing that transfers any ownership in minerals or interests in minerals underlying land if that ownership has been severed from the ownership of the overlying land surface or any instrument or writing for the easement, lease, or rental of real property or any interest therein.
  7. This section does not apply to deeds transferring title to the following types of property, or to deeds relating to the following transactions:
    - a. Property owned or used by public utilities.
    - b. Property classified as personal property.
    - c. A sale when the grantor and the grantee are of the same family or corporate affiliate, if known.
    - d. A sale that resulted as a settlement of an estate.
    - e. All sales to or from a government or governmental agency.
    - f. All forced sales, mortgage foreclosures, and tax sales.
    - g. All sales to or from religious, charitable, or nonprofit organizations.
    - h. All sales when there is an indicated change of use by the new owners.
    - i. All transfer of ownership of property for which is given a quitclaim deed.
    - j. Sales of property not assessable by law.
    - k. Agricultural lands of less than eighty acres [32.37 hectares].
      - l. A transfer that is pursuant to a judgment.
  8. ~~The state board of equalization shall guard the secrecy of information contained on statements filed with the board under subsection 1 or subsection 2, and any information contained on statements and any information provided by local officials must be limited to data necessary~~

~~to perform official duties and may not include the names of any grantors or grantees to deeds or of any parties to affidavits of affixation. Any reports made available to the public must be made in a manner that will not reveal the names of any grantors, grantees, or parties. The recorder shall guard the secrecy of information contained on reports filed in the recorder's office under subdivision b of subsection 1 or subdivision b of subsection 2.~~

- 9- Any person that, in the statements provided for in subsection 1 or subsection 2, willfully falsifies the consideration paid for the transferred real property or the manufactured home, as applicable, or interest therein or that falsely certifies that the person has filed a report of full consideration with the state board of equalization is guilty of a class B misdemeanor."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2245: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2245 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "in" with "from"

Page 1, line 5, after "removing" insert "nonoxygenated"

Page 1, line 6, replace "any octane from" with "all octanes available for blending in"

Page 1, line 6, after "refinery" insert "rack"

Page 1, line 6, replace "which inhibits" with "or inhibit"

Page 1, line 7, after "blender" insert ", or both"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2279: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2279 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 provide for a legislative management study of the forestry stewardship tax.

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - FORESTRY STEWARDSHIP TAX.** During the 2013-14 interim, the legislative management shall consider studying the benefits and implications on tax policy of the forestry stewardship tax. 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

#### REPORT OF STANDING COMMITTEE

**SB 2355: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2355 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "23-07-02.3,"

Page 1, line 3, remove "23-19-07,"

Page 1, line 19, after "rule" insert "that the council is authorized by law to adopt"

Page 2, line 5, remove the overstrike over "5:"

Page 2, line 7, after the overstruck period insert "Advise the state health officer regarding the conduct and disposition of hearings and appeals that may come before the state health officer."

Page 3, remove lines 14 through 28

Page 5, remove lines 19 through 31

Page 6, remove lines 1 through 5

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4019: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4019 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4020: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4020 was placed on the Eleventh order on the calendar.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Schneider, Sitte and Reps. Beadle, Hawken, Mock, Oversen introduced:

**SCR 4025:** A concurrent resolution directing the Legislative Management to study the manner in which disciplinary hearings involving students are conducted at each institution under the control of the state board of higher education and ensure that the parameters and policies applicable to those hearings are well-articulated, appropriate for a public institution, and consistently and properly applied.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Grindberg, Lyson, Schneider and Reps. Beadle, Delmore, N. Johnson introduced:

**SCR 4026:** A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to the creation of a legacy scholarship fund; and to amend and reenact section 26 of article X of the Constitution of North Dakota, relating to the legacy fund.

Was read the first time and referred to the **Education Committee**.

Sens. Axness, Sinner, Triplett and Reps. Guggisberg, S. Kelsh, Oversen introduced:

**SCR 4027:** A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to an outdoor heritage fund; to provide an effective date; and to provide an expiration date.

Was read the first time and referred to the **Natural Resources Committee**.

Sen. Miller introduced:

**SCR 4028:** A concurrent resolution to amend and reenact section 6 of article VIII of the Constitution of North Dakota, relating to the creation of a North Dakota university system council of regents; and to provide an effective date.

Was read the first time and referred to the **Education Committee**.

Sens. Dotzenrod, Armstrong, Poolman and Rep. N. Johnson introduced:

**SCR 4029:** A concurrent resolution directing the Legislative Management to study the economic activity surrounding the three units of the Theodore Roosevelt National Park and the North Dakota Badlands, including the Little Missouri River, to determine the best practices for sustaining and enhancing this unique and special part of North Dakota and the related tourism, recreation, oil and gas development, livestock and grassland-based agriculture, hunting, historical attractions, and quality of life.

Was read the first time and referred to the **Natural Resources Committee**.

Sen. Cook introduced:

**SCR 4030:** A concurrent resolution to amend and reenact sections 5 and 15 of article X of the Constitution of North Dakota, relating to uniformity of property taxation among classes of property and requiring use of assessed value as the actual value of property for property tax purposes; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

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

**William R. Horton, Secretary**