

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

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Bismarck, January 8, 2009

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

The prayer was offered by Pastor Tim Jenks, Bethel Lutheran Church, Bismarck.

The roll was called and all members were present except Senators Nodland and Taylor.

A quorum was declared by the President.

SECOND READING OF SENATE BILL

SB 2045: A BILL for an Act to amend and reenact subdivision m of subsection 1 of section 50-10.2-02 of the North Dakota Century Code, relating to advance notice requirements of any transfer or discharge of a resident from a nursing home, swing-bed hospital, or basic care or assisted living facility.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nodland; Taylor

MOTION

SEN. CHRISTMANN MOVED that SB 2063 be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2063 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that SB 2084 be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2084 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that SB 2152 be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2152 was rereferred.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fifth and Ninth orders of business and at the conclusion of those orders, the Senate stand in recess until 1:00 p.m., at which time it will meet in the House Chamber for a Joint Session, and after the Joint Session the Senate stand adjourned until 12:00 p.m., Friday, January 9, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2144: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2144 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2145: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2145 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Flakoll, Andrist and Reps. Delmore, Karls, Nathe, Porter introduced:

SB 2164: A BILL for an Act to amend and reenact subsection 4 of section 43-13-01 and section 43-13-13.2 of the North Dakota Century Code, relating to optometrists dispensing therapeutic pharmaceutical agents.

Was read the first time and referred to the **Human Services Committee**.

Sens. Krauter, Lyson and Reps. Damschen, DeKrey, Kerzman, Nottestad introduced:

SB 2165: A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to an apprentice hunter program; and to amend and reenact section 20.1-03-01.3 of the North Dakota Century Code, relating to hunter education requirements.

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

Sens. J. Lee, Dever, Heckaman and Reps. Grande, Keiser, Koppelman introduced:

SB 2166: A BILL for an Act to amend and reenact subsection 2 of section 15-62.2-00.1 of the North Dakota Century Code, relating to financial assistance for students; and to repeal chapter 15-62.3 of the North Dakota Century Code, relating to the tuition assistance grant program.

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

Sens. J. Lee, Flakoll, G. Lee and Reps. Delmore, Uglem, Wieland introduced:

SB 2167: A BILL for an Act to provide for a state policy for reuse, recycling, or resale of state-provided medical equipment.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. J. Lee, Hogue, Warner and Reps. Delmore, Kreidt, Nathe introduced:

SB 2168: A BILL for an Act to create and enact section 23-01-05.5 of the North Dakota Century Code, relating to the confidentiality of autopsy reports; to amend and reenact sections 11-19.1-01, 11-19.1-03, 11-19.1-04, 11-19.1-06, 11-19.1-07, 11-19.1-08, 11-19.1-10, 11-19.1-11, 11-19.1-13, 11-19.1-15, 11-19.1-17, 11-19.1-18, 11-19.1-19, 11-19.1-20, and 23-01-05.4 of the North Dakota Century Code, relating to the powers and duties of the coroner and state forensic examiner; to repeal chapter 11-19 and section 11-19.1-05 of the North Dakota Century Code, relating to the county coroner and the appointment of an assistant coroner; and to provide a penalty.

Was read the first time and referred to the **Human Services Committee**.

Sens. J. Lee, Lyson and Reps. DeKrey, Delmore, Gruchalla introduced:

SB 2169: A BILL for an Act to amend and reenact section 27-20-52 of the North Dakota Century Code, relating to the law enforcement or correctional facility records of a child.

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

Sens. J. Lee, Lyson and Reps. DeKrey, Grande, Gruchalla introduced:

SB 2170: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to registration of certain sexually oriented businesses; and to provide a penalty.

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

Sens. J. Lee, Fischer, Lyson and Reps. Delmore, Grande, Gruchalla introduced:

SB 2171: A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to the termination of a residential lease by a victim of domestic violence.

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

Sens. J. Lee, Dever, Lyson and Reps. DeKrey, Grande, Gruchalla introduced:

SB 2172: A BILL for an Act to amend and reenact section 44-04-18.3 of the North Dakota Century Code, relating to exempting law enforcement work schedules from open records requirements.

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

Sens. Bowman, Krebsbach and Reps. Mueller, Nottestad introduced:

SB 2173: A BILL for an Act to amend and reenact subsection 2 of section 11-11-53 and subsection 8 of section 57-15-06.7 of the North Dakota Century Code, relating to county levies for historical works; and to provide an effective date.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Heckaman, G. Lee and Rep. D. Johnson introduced:

SB 2174: A BILL for an Act to provide for the creation of an autism spectrum disorder task force; to amend and reenact sections 23-09.4-01, 23-09.4-02, 23-09.4-03, 23-09.4-04, 23-09.4-05, 23-09.4-06, and 23-09.4-08 of the North Dakota Century Code, relating to

residential care for children with autism spectrum disorder; and to provide an appropriation.

Was read the first time and referred to the **Human Services Committee**.

Sens. J. Lee, Fischer, Flakoll and Reps. Hawken, Keiser, Potter introduced:

SB 2176: A BILL for an Act to amend and reenact section 47-16-18 of the North Dakota Century Code, relating to the termination of a lease by death.

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

Sens. Wardner, Andrist, Triplett and Reps. N. Johnson, Nelson, Potter introduced:

SB 2179: A BILL for an Act to amend and reenact subsection 7 of section 16.1-03-20 of the North Dakota Century Code, relating to participation in presidential preference caucuses.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Warner, J. Lee and Reps. Glassheim, N. Johnson introduced:

SB 2180: A BILL for an Act to amend and reenact section 43-17-02.1 of the North Dakota Century Code, relating to limitation on prescribing drugs by physician assistants.

Was read the first time and referred to the **Human Services Committee**.

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

Fran A. Gronberg, Secretary

