

## JOURNAL OF THE SENATE

## Sixty-second Legislative Assembly

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Bismarck, March 10, 2011

The Senate convened at 1:00 p.m., with President Wrigley presiding.

The prayer was offered by Reverend Craig Schweitzer, Good Shepherd Lutheran Church, Bismarck.

## MOTION

**SEN. STENEHJEM MOVED** that the Senate stand in recess until 1:17 p.m., which motion prevailed.

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

The roll was called and all members were present except Senators Dotzenrod, Fischer, Flakoll, J. Lee, and Wanzek.

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**SB 2369: SEN. GRINDBERG (Appropriations Committee) MOVED** that the amendments on SJ page 674 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**HB 1114, as engrossed: SEN. SORVAAG (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 674 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**HB 1087: SEN. NETHING (Judiciary Committee) MOVED** that the amendments on SJ page 681 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**HB 1099, as engrossed: SEN. COOK (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 681-682 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**HB 1423, as engrossed: SEN. UGLEM (Human Services Committee) MOVED** that the amendments on SJ pages 682-683 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3034:** A concurrent resolution recognizing the local and international work of the North Dakota-founded and based charity--The GOD'S CHILD Project--and congratulating this North Dakotan humanitarian effort on its 20th anniversary.

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

HCR 3034 was declared adopted on a voice vote.

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## MOTION

**SEN. CHRISTMANN MOVED** that HB 1244, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3001:** A concurrent resolution directing the Legislative Management to continue its study of North Dakota Century Code provisions that relate to agriculture.

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

HCR 3001 was declared adopted on a voice vote.

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**SECOND READING OF HOUSE BILL**

**HB 1028:** A BILL for an Act to amend and reenact sections 12-48.1-02, 12.1-32-02.1, and 12.1-32-09.1 of the North Dakota Century Code, relating to offender eligibility for release programs.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wardner; Warner

**ABSENT AND NOT VOTING:** Dotzenrod; Flakoll; Wanzek

HB 1028 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1079:** A BILL for an Act to amend and reenact subsection 1 of section 39-12-05 of the North Dakota Century Code, relating to steering axle weight limits on the national system of interstate and defense highways.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wardner; Warner

**ABSENT AND NOT VOTING:** Dotzenrod; Flakoll; Wanzek

Engrossed HB 1079 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1254:** A BILL for an Act to create and enact a new subsection to section 39-12-02 of the North Dakota Century Code, relating to permits for vehicles of excessive size or weight.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wardner; Warner

**ABSENT AND NOT VOTING:** Dotzenrod; Flakoll; Wanzek

Engrossed HB 1254, as amended, passed.

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

**HB 1223:** A BILL for an Act to amend and reenact subsection 3 of section 57-02-08 of the North Dakota Century Code, relating to property tax exemption of the leasehold interest when a political subdivision leases property from another political subdivision.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wardner; Warner

**ABSENT AND NOT VOTING:** Dotzenrod; Flakoll; Wanzek

HB 1223 passed.

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

**HB 1101:** A BILL for an Act to amend and reenact section 57-02-27.1 of the North Dakota Century Code, relating to the valuation of properties in townships; 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 PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wardner; Warner

**ABSENT AND NOT VOTING:** Dotzenrod; Flakoll; Wanzek

HB 1101 passed.

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#### **MOTION**

**SEN. CHRISTMANN MOVED** that a committee of two be appointed to escort Consul General Martin Loken of Canada to the rostrum, which motion prevailed. The President appointed Sens. Olafson and Triplett.

#### **REMARKS OF CONSUL GENERAL MARTIN LOKEN OF CANADA**

Thank you, President Wrigley, and to all Senators, for inviting me to speak. It's a tremendous honor to join you to celebrate the North Dakota-Canada partnership.

Across three centuries, our countries have progressively developed the closest, warmest, most integrated and most successful relationship in the world. We are partners, neighbors, allies and most of all, we are true friends.

All this holds particularly true right here in North Dakota, where we share a long, secure border that's a gateway for extensive business and personal ties.

Not only is the U.S. Canada's major export market, Canada is also America's largest export market – larger than China, larger than Mexico, larger than Japan or all the countries of the European Union combined. We have the biggest two-way trading relationship in the world, with about \$600 billion in goods and services crossing our border last year.

North Dakota is one of 34 U.S. states that looks to Canada as its largest customer. In fact, last year over 60% of your exports went to Canada. Two-way trade in goods alone was about \$3.6 billion in 2010, or approximately \$5,000 for every man, woman and child in North Dakota.

Trade means jobs. More than 8 million across the US and some 21,400 in North Dakota alone are supported by Canada-US trade. And more jobs still are tied to the important investments that we have in each others' countries. Our economies are so closely integrated that "we make things together", rather than just sell things to one another. And I think there's great potential to do more, especially right here in our continent's Heartland.

I wish to commend you -- the state's hardworking Senators, as well as the administration, the business community and many, many others for the way you have navigated your great state through difficult times in the global economy. Your low unemployment rate and your growing, diverse and resilient economy are the envy of many.

Similarly, Canada has weathered the recession better than most. We have a strong financial sector and our recovery is well on track. We look forward to creating jobs and increasing trade and investment opportunities within the highly integrated North American economy. This requires that we do all we can to keep markets open to the benefit of our citizens and avoid protectionist measures that only serve to restrain job growth and slow our collective economic recovery.

Mr. President, we can't talk about the Canada-US relationship, or the North Dakota-Canada relationship, without referring to energy. Canada is your country's largest, most secure, most stable, and friendliest supplier of oil, natural gas, electricity, and uranium. The United States imports far more oil from Canada than from any other country in the world – more than from Saudi Arabia and Kuwait combined, more than from Venezuela and Iraq combined.

Our energy infrastructure, including oil and gas pipeline networks and electricity grids, is tightly integrated and is a foundation for North American energy security. Like North Dakota, Canada is fortunate to have tremendous energy resources. Canada's oil sands comprise the third-largest oil deposit in the world with more than 175 billion barrels of reserves.

To develop the oil sands resource and to meet the energy security needs of the US, new pipeline construction and technology development provide jobs, revenue and other benefits to North Dakotans. The proposed Keystone XL pipeline, along with existing Canadian pipelines, offers much-needed access to markets for your state's rapidly growing production of oil from the Bakken, and other fields, some of which extend across the border to Canada.

At the same time, North Dakota and Canada are aggressively researching and investing in various renewable energy technologies; and the world's largest carbon capture and storage project has been operating across our border for over ten years. Together, we are leaders in responsible North American energy production and transmission.

Our strong partnership with North Dakota might be traced back to 1800 when a trade route was established between Canadian fur trading posts near Lake Winnipeg to the Native American villages along the Missouri river. Since then, our people-to-people ties have grown spectacularly. Hockey and baseball teams, high school choirs and weekend shoppers travel back and forth across our border by the tens of thousands.

Our two nations have grown up together and we have forged ties that run wide and deep at

the local and national levels. Because we have much in common, our national interests throughout history have often intersected. Our friendship has been manifested in the defense of our shared values when Canadian and US soldiers have fought and died together in many conflicts, including, more recently, Afghanistan. I want to take this opportunity to honor the brave military personnel from North Dakota who serve around the world in the name of freedom and those who have made the ultimate sacrifice.

Mr. President, as I mentioned, our long, secure border is a gateway for extensive business and personal ties. Canadian and US law enforcement officials – including the Grand Forks sector of the US Border Patrol, cooperate closely and successfully to address threats to our countries. And this will continue. And when it comes to our common border, there is perhaps no more beautiful tribute to border cooperation anywhere in the world than the International Peace Garden established in 1932 honoring the friendship between our nations.

Mr. President, as we all know, we anticipate a very difficult Spring this year when it comes to flooding, particularly in the Red River Basin. We all want to minimize harm from flooding. Recent discussions between leaders in the region have led to a renewed level of cooperation on shared water issues – including Devils Lake. We must continue to assume a spirit of cooperation as we look for solutions to water challenges, including flooding. By continuing to work closely together, we are better placed to ensure that our shared resources are protected for all, including generations to come.

In closing, let me underline that my office looks forward to continuing to work with North Dakota legislators and with Governor Dalmryple's administration to do everything we can to enhance our linkages. Building on the strength of our ties, the future looks very bright indeed. I'm delighted that Rod Backman works with my office as Canada's Honorary Consul in North Dakota. We thank Rod for all that he does, including helping to make this "Canada Day at the North Dakota Capitol" a reality.

Mr. President and Senators, thank you for celebrating our relationship, for passing the resolution declaring "Canada Day at the State Capitol" and for the great honor you have extended my country in inviting me to speak. I hope you and your staffs will join us later today as we continue to celebrate with a reception at the Ramkota. Merci beaucoup. Thank you very much.

#### **MOTION**

**SEN. CHRISTMANN MOVED** that the remarks of Consul General Loken be printed in the Senate Journal, which motion prevailed.

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

**HB 1341:** A BILL for an Act to amend and reenact section 4-02-27.3 of the North Dakota Century Code, relating to the disposition of property used for county fairs; and to repeal section 4-02-06 of the North Dakota Century Code, relating to the filing of agricultural fair exhibition dates.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wardner; Warner

**ABSENT AND NOT VOTING:** Dotzenrod; Flakoll; Wanzek

HB 1341 passed.

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

**HB 1157:** A BILL for an Act to create and enact a new subsection to section 57-40.5-03 of the North Dakota Century Code, relating to an exemption from aircraft excise tax for

aircraft acquired by an aviation museum; 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 PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wardner; Warner

**ABSENT AND NOT VOTING:** Dotzenrod; Flakoll; Wanzek

HB 1157 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1183:** A BILL for an Act to create and enact a new section to chapter 26.1-47 of the North Dakota Century Code, relating to preferred provider arrangements with dental service providers; and to provide for application.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wardner; Warner

**ABSENT AND NOT VOTING:** Dotzenrod; Flakoll; Wanzek

HB 1183 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1388:** A BILL for an Act to amend and reenact section 28-05-07 of the North Dakota Century Code, relating to filing of a notice of lis pendens.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wardner; Warner

**ABSENT AND NOT VOTING:** Dotzenrod; Flakoll; Wanzek

HB 1388 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1365:** A BILL for an Act to provide for a legislative management study of statutes of limitation and venue requirements for civil actions in North Dakota.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wardner; Warner

**ABSENT AND NOT VOTING:** Dotzenrod; Flakoll; Wanzek

Engrossed HB 1365 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1192:** A BILL for an Act to amend and reenact section 29-04-05 of the North Dakota Century Code, relating to the commencement of a criminal prosecution; and to repeal sections 29-09-02, 29-09-06, and 29-09-07 of the North Dakota Century Code, relating to criminal procedure and the methods of prosecution.

**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 43 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wardner; Warner

**NAYS:** Erbele

**ABSENT AND NOT VOTING:** Dotzenrod; Flakoll; Wanzek

Engrossed HB 1192 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1202:** A BILL for an Act to provide an appropriation for an automated external defibrillator maintenance and readiness monitoring grant.

**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 17 YEAS, 27 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Burckhard; Christmann; Heckaman; Holmberg; Luick; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Taylor; Triplett; Warner

**NAYS:** Berry; Cook; Dever; Erbele; Fischer; Freborg; Grindberg; Hogue; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjem; Uglem; Wardner

**ABSENT AND NOT VOTING:** Dotzenrod; Flakoll; Wanzek

Reengrossed HB 1202 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1073:** A BILL for an Act to amend and reenact sections 15.1-32-01, 15.1-32-12, 15.1-32-13, and 15.1-32-15 of the North Dakota Century Code, relating to special education.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wardner; Warner

**ABSENT AND NOT VOTING:** Dotzenrod; Flakoll; Wanzek

Engrossed HB 1073 passed.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3030:** A concurrent resolution directing the Legislative Management to study the feasibility and desirability of requiring use of cigarette tax stamps.

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

Engrossed HCR 3030 was declared adopted on a voice vote.

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**REQUEST**

**SEN. STENEHJEM REQUESTED** that the day's roll call reflect the presence of Sens. Fischer and J. Lee, which request was granted.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1090, HB 1105, HB 1107, HB 1153, HB 1219, HB 1262, HB 1305, HB 1326, HB 1453, HCR 3029.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1119.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1471.

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

**MR. PRESIDENT:** The House has passed, unchanged: SB 2034, SB 2040, SB 2125, SB 2133, SB 2139, SB 2146, SB 2341.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2145.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2145**

Page 1, line 15, remove "If the alcoholic beverage is sold as part of an event."

Page 1, line 16, remove "the sale may not be for consumption at that event."

Page 1, line 18, after the underscored period insert "If the alcoholic beverage is sold as part of a fundraising event, the sale may not be for consumption at that event."



Renumber accordingly

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2104, SB 2117.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2104**

Page 1, line 1, after "6-01-17" insert "and subdivision a of subsection 1 of section 13-04.1-11"

Page 1, line 2, after "branches" insert "and investigation and examination authority of money brokers"

Page 2, after line 3, insert:

**"SECTION 2. AMENDMENT.** Subdivision a of subsection 1 of section 13-04.1-11 of the North Dakota Century Code is amended and reenacted as follows:

- a. May make such public or private investigation within or outside this state as it deems necessary to determine whether any person has violated or is about to violate any provision of this chapter or any rule or order hereunder, or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder. The licensee shall pay an investigation fee and must be charged by the department of financial institutions at an hourly rate to be set by the commissioner, sufficient to cover all reasonable expenses of the department associated with the visitation provided for by this section. Fees must ~~be paid to the state treasurer and deposited in the financial institutions regulatory fund.~~

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2117**

Page 1, line 14, replace "state park" with "general"

Renumber accordingly

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

**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2093.

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

**MR. SPEAKER:** The President has signed: HB 1026, HB 1064, HB 1065, HB 1076, HB 1081, HB 1082, HB 1088, HB 1104, HB 1115, HB 1116, HB 1118, HB 1121, HB 1135, HB 1180, HB 1273, HB 1288, HB 1315, HB 1366, HB 1436, HCR 3002.

**COMMUNICATION FROM GOVERNOR JACK DALRYMPLE**

This is to inform you that on March 9, 2011, I have signed the following: SB 2301.

**MOTION**

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

**MOTION**

**SEN. CHRISTMANN 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 12:30 p.m., Friday, March 11, 2011, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1040, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1040 was placed on the Sixth order on the calendar.

Page 1, line 4, after "capacity" insert "; and to provide for a report to the legislative management"

Page 2, after line 6, insert:

**"SECTION 3. HEALTH CARE BED RECOMMENDATIONS - REPORT TO LEGISLATIVE MANAGEMENT.** During the 2011-12 interim, the state health council shall review current health care bed recommendations and determine if changes should be made to better serve the population of North Dakota. The state health council shall report its findings to the legislative management by July 1, 2012."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1078, as engrossed: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1078 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1083: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1083 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1084: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1084 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1085, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1085 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "suspension of" with "conditions on an early childhood"

Page 1, line 3, after "document" insert "upon a report"

Page 1, line 8, remove the overstrike over "~~of license, self-declaration, or registration document~~" and insert immediately thereafter "- Investigation upon a report of child abuse or neglect"

Page 1, line 10, remove the overstrike over "~~suspend a license, self-declaration, or registration document~~"

Page 1, line 11, after "of" insert "or may"

Page 1, line 11, after "an" insert "accused"

Page 1, line 16, after "member" insert "or household member"

Page 1, line 16, replace "would" with "or the presence of the accused individual is likely to"

Page 1, line 18, overstrike "shall" and insert immediately thereafter ":

a. Shall"

Page 1, after line 20, insert:

"b. Shall notify the parent of any child receiving early childhood services when an owner, operator, holder of a self-declaration, in-home provider, adult staff member, or adult household member of the program providing care to the child is under investigation under subsection 1.

- c. May notify the parent of any child receiving early childhood services that a staff member or household member is under investigation under subsection 1 if the staff member or household member is a minor."

Page 1, line 21, overstrike "of the program"

Page 2, line 1, replace "a suspension" with "any action taken"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1091, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1091 was placed on the Sixth order on the calendar.

Page 1, line 6, overstrike "into"

Page 1, line 7, overstrike "it" and insert immediately thereafter "the investment advisory contract"

Page 1, line 8, overstrike "shall" and insert immediately thereafter "may"

Page 1, line 10, after "This" insert "subdivision"

Page 1, line 12, after the period insert "Upon request, the commissioner may waive the requirements of this subdivision for an investment advisory contract that conforms to the limitations of section 205 of the Investment Advisers Act of 1940 [Pub. L. 768: 54 Stat. 852; 15 U.S.C. 80b-5] and the rules adopted thereunder."

Page 2, remove lines 1 and 2

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1095: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1095 was placed on the Sixth order on the calendar.

Page 1, line 10, after "by" insert "the tribe or a tribal member"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1098, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1098 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1108: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1108 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1122, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1122 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1131, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1131 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1137: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1137 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1152, as reengrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1152 was placed on the Sixth order on the calendar.

Page 1, line 1, after the semicolon insert "to provide for a legislative management study;"

Page 1, after line 7, insert:

**"SECTION 2. PATIENT-CENTERED MEDICAL HOMES - LEGISLATIVE MANAGEMENT STUDY.** During the 2011-12 interim, the legislative management shall consider studying and evaluating the positive and negative impacts of implementation of patient-centered medical homes in the state, including consideration of whether implementation is resulting in North Dakotans experiencing health care savings and improved medical results as well as whether implementation is impacting North Dakota's critical access hospitals. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1156, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1156 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1159: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1159 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1188, as engrossed: Judiciary Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1188 was placed on the Sixth order on the calendar.

Page 1, line 11, overstrike "Police"

Page 1, line 12, overstrike "officers, sheriffs, deputies, and game and fish department personnel" and insert immediately thereafter "All law enforcement officers of this state"

Page 1, line 14, replace "two" with "one"

Page 2, line 1, replace "two" with "one"

Page 2, line 7, replace "two" with "one"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1204, as engrossed: Judiciary Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1204 was placed on the Sixth order on the calendar.

Page 1, line 8, remove the overstrike over "or"

Page 1, line 9, remove "of record"

Page 1, line 10, remove ", or a similar offense in another state"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1240: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1240 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1261, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1261 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1263: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1263 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1337, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1337 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1396: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1396 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3005: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3005 was placed on the Fourteenth order on the calendar.

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

**William R. Horton, Secretary**

