

JOURNAL OF THE SENATE

Sixty-second Legislative Assembly

* * * * *

Bismarck, January 11, 2011

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

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

The roll was called and all members were present except Senators Mathern, O'Connell, and Stenehjem.

A quorum was declared by the President.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Rep. R. Kelsch and Sen. Dever introduced:

HCR 3006: A concurrent resolution designating House and Senate employment positions and fixing compensation.

Was read the first time.

MOTION

SEN. KLEIN MOVED that the rules be suspended, that HCR 3006 not be printed, not be referred to committee, but be read in title only, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Rep. R. Kelsch and Sen. Dever introduced:

HOUSE CONCURRENT RESOLUTION NO. 3006

A concurrent resolution designating House and Senate employment positions and fixing compensation.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That for the Sixty-second Legislative Assembly, the following positions are designated as employee positions of the House and Senate and are to be paid the daily wages indicated:

HOUSE

Chief clerk	\$161
Assistant chief clerk	142
Journal reporter	157
Calendar clerk	142
Bill clerk	136
Sergeant-at-arms	126
Administrative assistant to majority leader	148
Staff assistant to majority leader	148
Administrative assistant to minority leader	148
Staff assistant to minority leader	148

Administrative assistant to Speaker	148
Chief committee clerk	148
Appropriations Committee clerk	148
Assistant Appropriations Committee clerk	142
Committee clerk for three-day committee	142
Committee clerk for two-day committee	132
Assistant committee clerk	132
Deputy sergeant-at-arms	104
Chief page and bill book clerk	115
Legislative assistant	98

SENATE

Secretary of the Senate	\$161
Assistant secretary of the Senate	142
Journal reporter	157
Calendar clerk	142
Bill clerk	136
Sergeant-at-arms	126
Administrative assistant to majority leader	148
Staff assistant to majority leader	148
Administrative assistant to minority leader	148
Staff assistant to minority leader	148
Chief committee clerk	148
Appropriations Committee clerk	148
Assistant Appropriations Committee clerk	142
Committee clerk for three-day committee	142
Committee clerk for two-day committee	132
Assistant committee clerk	132
Payroll clerk	120
Deputy sergeant-at-arms	104
Chief page and bill book clerk	115
Legislative assistant	98

BE IT FURTHER RESOLVED, that each employee of the Sixty-second Legislative Assembly is entitled to an additional \$1 per day for each previous regular session of the Legislative Assembly during which that employee was paid for at least 45 days, as either an

employee of the House or the Senate, and to receive this additional compensation, which may not exceed \$10 per day, that employee must certify to the Legislative Council the year of each regular session during which that employee was employed as required by this resolution; and

BE IT FURTHER RESOLVED, that each majority and each minority leader is entitled to one administrative assistant and two staff assistants, but each majority or minority leader may hire fewer or more assistants so long as the total daily compensation for the assistants hired does not exceed the total daily amount authorized for those positions by this resolution; and

BE IT FURTHER RESOLVED, that the report of the Employment Committee of the respective house identify the number of employees in each position by listing every employee and the position for which employed; and

BE IT FURTHER RESOLVED, that with the approval of the Employment Committee of the respective house, a position may be converted to a part-time position, with the daily compensation converted to a per hour rate of pay, and a part-time employee may hold more than one part-time position so long as the positions held do not exceed a full-time equivalent position; and

BE IT FURTHER RESOLVED, that if any employee resigns, is discharged, or for other reasons terminates employment, the compensation provided by this resolution for that employee ceases effective the last day of employment.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3006: A concurrent resolution designating House and Senate employment positions and fixing compensation.

ROLL CALL

The question being on the final adoption of the resolution, which has been, 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; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern; O'Connell; Stenehjem

HCR 3006 was declared adopted on a recorded roll call vote.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Employment (Sen. Dever, Chairman) recommends the following Senate employees for the Sixty-second Legislative Assembly:

2011 SENATE EMPLOYEES

William Horton	<u>Secretary of the Senate</u>	Bismarck
Dale Nabben	<u>Assistant Secretary of the Senate</u>	Bismarck
Alison Morrell	<u>Journal Reporter</u>	Edinburg
Jane Schaible	<u>Bill Clerk</u>	Bismarck
Joe Wolf	<u>Calendar Clerk</u>	Bismarck
Jacob Eiseman	<u>Sergeant-at-Arms</u>	Bismarck
Renae Doan	<u>Administrative Assistant to Majority Leader</u>	McKenzie

Brady Pelton	<u>Staff Assistant to Majority Leader</u>	Killdeer
Kathy Wachter	<u>Administrative Assistant to Minority Leader</u>	Bismarck
Amanda Kubik	<u>Staff Assistant to Minority Leader</u>	Bismarck
Merideth Pickett		Bismarck
Pauline Ziegler	<u>Chief Committee Clerk</u>	Bismarck
Alice Delzer	<u>Appropriations Committee Clerk</u>	Mandan
Rose Laning	<u>Assistant Appropriations Committee Clerk</u>	Bismarck
	<u>Committee Clerks</u>	
Mary Monson		Osnabrock
Katie Oliver		Bismarck
Jody Hauge		Mandan
Angela Rittmiller		Bismarck
Teresa Jorgenson		Williston
Greta Nelson		Bismarck
Mary Jo Wocken		Bismarck
Diane Davis		Bismarck
Veronica Sparling		Bismarck
Eva Liebelt		Bismarck
Ann Tongen	<u>Assistant Committee Clerk</u>	Bismarck
Chip Thomas	<u>Deputy Sergeant-at-Arms</u>	Bismarck
Marsha Lembke	<u>Assistant Sergeant-at-Arms</u>	Bismarck
Robert Porter- Video Camera Operator		Mandan
Julie McBride	<u>Supply Room Coordinator</u>	Bismarck
Rita Giesen	<u>Chief Page and Bill Book Clerk</u>	Center
Cody Friesz	<u>Desk Page</u>	Bismarck
Linda Lang	<u>Page and Bill Book Clerk</u>	Mandan
Noreen Gabriel		Hazen
Wanda Baar-Hoechst		Bismarck
Audrey Grafsgaard	<u>Information Kiosk</u>	Bismarck
Ron Feist	<u>Parking Lot Attendant</u>	McKenzie
Jackie Pfliger	<u>Payroll Clerk</u>	Bismarck

SEN. DEVER MOVED that the report be adopted, which motion prevailed on a voice vote.

OATH OF OFFICE

PRESIDENT WRIGLEY ADMINISTERED the Oath of Office to the 2011 Senate employees.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

MR. SPEAKER: The Senate has passed, unchanged: HCR 3006.

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

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1037.

MOTION

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

MOTION

SEN. KLEIN MOVED that the Senate be on the Fifth and Ninth orders of business and at the

conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, January 13, 2011, which motion prevailed.

FIRST READING OF SENATE BILLS

Sens. Flakoll, Holmberg, O'Connell and Reps. R. Kelsch, Hawken, Delmore introduced:

SB 2150: A BILL for an Act to create and enact a new section to chapter 15.1-09.1, four new sections to chapter 15.1-18.2, two new sections to chapter 15.1-21, and seven new sections to chapter 15.1-27 of the North Dakota Century Code, relating to regional education associations, the professional development advisory committee, North Dakota scholarships, and supplemental teacher-effectiveness compensation plans; to amend and reenact sections 15.1-07-33, 15.1-09-58, 15.1-09.1-02, 15.1-21-02.1, 15.1-21-02.4, 15.1-21-02.5, 15.1-21-02.6, 15.1-21-08, 15.1-21-18, 15.1-21-19, 15.1-27-03.1, 15.1-27-04, 15.1-27-07.2, 15.1-27-11, and 15.1-27-35.3 of the North Dakota Century Code, relating to technology, regional education associations, curriculum requirements, assessments, scholarships, student consultations, and state aid; to repeal section 15.1-27-15 of the North Dakota Century Code, relating to isolated schools; to provide an appropriation; to provide a continuing appropriation; and to provide for compensation increases, transition payments, and the distribution of transportation grants, principal mentorship grants, and regional education association grants.

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

Sens. G. Lee, Hogue, Nething and Reps. Weisz, Hofstad, D. Johnson introduced:

SB 2161: A BILL for an Act to create and enact a new subsection to section 32-12.1-03 of the North Dakota Century Code, relating to political subdivision liability; and to amend and reenact section 24-06-31 of the North Dakota Century Code, relating to obstructions in highways.

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

Sens. Dever, J. Lee, Mathern and Reps. N. Johnson, Metcalf, J. Nelson introduced:

SB 2163: A BILL for an Act to create and enact a new section to chapter 15.1-18.2 and three new sections to chapter 50-06.4 of the North Dakota Century Code, relating to traumatic brain injury services.

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

Sens. Lyson, Sitte, Krebsbach and Reps. Grande, Porter, Schatz introduced:

SB 2164: A BILL for an Act to amend and reenact sections 43-31-02, 43-31-07, and 43-31-16 of the North Dakota Century Code, relating to requirements for detection of deception instruments and examiners.

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

Sens. Mathern, J. Lee and Reps. Thoreson, Hogan, Wieland introduced:

SB 2166: A BILL for an Act to amend and reenact section 25-03.1-34.2 of the North Dakota Century Code, relating to detoxification services in interstate contracts for treatment of mental illness or chemical dependency.

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

Sens. Marcellais, Mathern, Lyson and Rep. Gruchalla introduced:

SB 2167: A BILL for an Act to create and enact a new section to chapter 1-03, two new sections to chapter 15.1-02, a new section to chapter 15.1-18.2, twelve new sections to chapter 15.1-19, three new sections to chapter 15.1-21, and a new section to chapter 15.1-32 of the North Dakota Century Code, relating to bullying; to amend and reenact sections 12.1-15-01, 12.1-17-07, 12.1-17-07.1, and 12.1-31-01 of the North Dakota Century Code, relating to crimes that include bullying; and to provide a penalty.

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

Sens. Cook, Oehlke, O'Connell and Reps. Froseth, Kempenich, Thoreson introduced:

SB 2171: A BILL for an Act to amend and reenact section 57-39.2-04.7 of the North Dakota Century Code, relating to sales and use tax exemption for equipment used in telecommunications infrastructure development; and to provide an effective date.

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

Sens. Oehlke, Hogue, Dotzenrod, Krebsbach and Reps. D. Johnson, Wrangham introduced:

SB 2172: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of

the North Dakota Century Code, relating to a sales tax exemption for receipts from coin-operated amusement or entertainment machines; to amend and reenact subsections 21, 22, and 23 of section 57-39.2-01 and subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code, relating to a sales tax exemption for receipts from coin-operated amusement or entertainment machines; and to provide an effective date.

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

Sens. Burckhard, Dotzenrod, Laffen and Rep. Brabandt introduced:

SB 2173: A BILL for an Act to amend and reenact subsection 3 of section 43-19.1-14 of the North Dakota Century Code, relating to an applicant otherwise qualified for registration as a professional engineer and additional qualifications.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sen. Nething and Rep. DeKrey introduced:

SB 2174: A BILL for an Act to create and enact subsection 6 to section 10-01.1-06, sections 10-15-51.1 and 10-15-52.7, subsection 12 to section 10-15-54, sections 10-15-57.1 and 10-15-57.2, subsection 3 to section 10-19.1-149, subsection 3 to section 10-32-153, subsection 3 to section 10-33-142, subsection 3 to section 45-10.2-112, section 45-21-04.3, and subsection 3 to section 45-22-24 of the North Dakota Century Code, relating to listing of commercial registered agents, cooperative associations, corporations, limited liability companies, nonprofit corporations, limited partnerships, and general partnerships; and to amend and reenact sections 10-06.1-17 and 10-15-08.1, subsection 37 of section 10-19.1-01, subsection 4 of section 10-19.1-10, sections 10-19.1-13 and 10-19.1-31, subsection 2 of section 10-19.1-51, section 10-19.1-52, subsection 2 of section 10-19.1-58, subsection 1 of section 10-19.1-68, subsection 2 of section 10-19.1-70, subsection 1 of section 10-19.1-73, subsection 2 of section 10-19.1-84, subsection 1 of section 10-19.1-104, section 10-19.1-141, subsection 2 of section 10-19.1-146, section 10-19.1-147, subsection 39 of section 10-32-02, sections 10-32-07, 10-32-09, and 10-32-10, subsection 1 of section 10-32-40, subsection 2 of section 10-32-51, section 10-32-68, subsection 2 of section 10-32-87, section 10-32-88, subsection 2 of section 10-32-94, subsection 1 of section 10-32-108, sections 10-32-144 and 10-32-150, subsection 5 of section 10-32-152, subsection 27 of section 10-33-01, subsections 3 and 4 of section 10-33-06, section 10-33-10, subsections 1, 2, and 3 of section 10-33-15, sections 10-33-26 and 10-33-28, subsection 2 of section 10-33-38, sections 10-33-39 and 10-33-43, subsection 2 of section 10-33-44, subsection 2 of section 10-33-46, sections 10-33-49, 10-33-51, and 10-33-52, subsection 2 of section 10-33-54, subsection 11 of section 10-33-84, subsection 2 of section 10-33-87, section 10-33-94, subsection 3 of section 10-33-98, section 10-33-134, subsection 1 of section 10-33-140, sections 10-35-33, 45-10.2-10, 45-10.2-85, and 45-10.2-87, subsection 15 of section 45-10.2-109, subsection 3 of section 45-22-03, and sections 45-22-04, 45-22-16, and 45-23-03 of the North Dakota Century Code, relating to annual reports of corporate limited liability company farms, cooperative associations, business corporations, limited liability companies, nonprofit corporations, publicly traded corporations, limited partnerships, limited liability partnerships, and limited liability limited partnerships.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. G. Lee, Oehlke, Triplett and Reps. Ruby, Weisz, Delmore introduced:

SB 2175: A BILL for an Act to amend and reenact section 24-02-07.3 of the North Dakota Century Code, relating to prequalification and selection of consultants by the department of transportation.

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

Sens. G. Lee, Lyson, Murphy and Reps. Damschen, Holman, Pietsch introduced:

SB 2176: A BILL for an Act to amend and reenact section 50-25.1-03 of the North Dakota Century Code, relating to individuals required to report child abuse and neglect.

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

Sens. Murphy, Flakoll, Wardner and Reps. Gruchalla, Hawken, Vigasaa introduced:

SB 2177: A BILL for an Act to create and enact a new section to chapter 39-10 of the North Dakota Century Code, relating to overtaking a bicycle.

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

Sens. Cook, Hogue, Miller and Reps. Belter, Headland, Streyle introduced:

SB 2178: A BILL for an Act to amend and reenact subsection 1 of section 57-38-30.3 of the North Dakota Century Code, relating to a reduction in income tax rates for individuals, estates, and trusts; and to provide an effective date.

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

Sen. Wardner and Rep. N. Johnson introduced:

SB 2179: A BILL for an Act to amend and reenact section 15.1-16-03 of the North Dakota Century Code, relating to a per diem increase for members of the North Dakota education factfinding commission.

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

Sens. Wardner, Cook, Lyson and Reps. Glassheim, D. Johnson introduced:

SB 2180: A BILL for an Act to amend and reenact sections 40-57.3-01, 40-57.3-01.1, and 40-57.3-02 and subsection 22 of section 57-39.2-04 of the North Dakota Century Code, relating to city lodging tax and state sales tax application to stays of thirty days or more and the city visitors' committee; and to provide an effective date.

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

Sens. Olafson, Lyson, Schneider and Reps. Damschen, Klemin, Monson introduced:

SB 2181: A BILL for an Act to amend and reenact section 14-10-06 of the North Dakota Century Code, relating to mitigating factors for contributing to the consumption or possession of alcoholic beverages by a minor.

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

Sens. Nething, O'Connell and Rep. Kingsbury introduced:

SB 2182: A BILL for an Act to create and enact a new section to chapter 51-12 of the North Dakota Century Code, relating to false advertisements regarding location of business; and to provide a penalty.

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

Sens. Hogue, Fischer, Wardner and Reps. Bellew, Klein, Weisz introduced:

SB 2183: A BILL for an Act to amend and reenact subdivision d of subsection 1 of section 6-08-16 and subsections 2 and 3 of section 6-08-16.2 of the North Dakota Century Code, relating to the penalties for issuing a check without sufficient funds or without an account; and to provide a penalty.

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

Sens. Hogue, Cook and Reps. Bellew, Weisz introduced:

SB 2184: A BILL for an Act to provide for a legislative management study relating to the feasibility and desirability of extending the sales tax exemption on purchases of tangible property to all charitable nonprofit organizations.

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

Sens. Oehlke, Burckhard, Robinson and Reps. Mock, Hofstad introduced:

SB 2185: A BILL for an Act to create and enact seven new sections to chapter 43-52 of the North Dakota Century Code, relating to regulation of sign language interpreters; to amend and reenact sections 43-52-01, 43-52-02, and 43-52-03 of the North Dakota Century Code, relating to regulation of sign language interpreters; and to provide a penalty.

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

Sens. Wardner, Nodland, Andrist and Reps. Brandenburg, Kaldor introduced:

SB 2186: A BILL for an Act to amend and reenact section 54-35-18 of the North Dakota Century Code, relating to the energy development and transmission committee.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Olafson, Hogue and Rep. Thoreson introduced:

SCR 4007: A concurrent resolution providing for the application for an amendments convention to the Constitution of the United States to be called for the purpose of proposing an amendment that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

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

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

William R. Horton, Secretary