

## JOURNAL OF THE SENATE

## Sixty-second Legislative Assembly

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Bismarck, January 13, 2011

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

The prayer was offered by Pastor Donna Dohrmann, Lutheran Church of the Cross, Bismarck.

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

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

**MR. PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Andrist, Chairman)** has carefully examined the Journal of the Second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 43, line 34, replace "Meyer" with "S. Meyer"

Page 43, line 39, replace "Meyer" with "S. Meyer"

Page 43, line 45, replace "Kelsch" with "R. Kelsch"

Page 44, line 6, replace "Meyer" with "S. Meyer"

Page 44, line 15, replace "Meyer" with "S. Meyer"

Page 44, line 30, replace "Meyer" with "S. Meyer"

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

## MOTION

**SEN. KLEIN MOVED** that SB 2174 be returned to the Senate floor from the **Industry, Business and Labor Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2174 was rereferred.

## SECOND READING OF SENATE BILL

**SB 2083:** A BILL for an Act to amend and reenact section 32-09.1-05 of the North Dakota Century Code, relating to service of the director of the office management and budget.

## 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Mathern; Miller; Murphy; Nelson; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Warner

**ABSENT AND NOT VOTING:** Nething; O'Connell; Stenehjem; Wardner

SB 2083 passed.

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### SECOND READING OF SENATE BILL

**SB 2099:** A BILL for an Act to amend and reenact subsection 7 of section 54-24-03 of the North Dakota Century Code, relating to the state library biennial report to the superintendent of public instruction and the governor.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Mathern; Miller; Murphy; Nelson; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Warner

**ABSENT AND NOT VOTING:** Nothing; O'Connell; Stenehjem; Wardner

SB 2099 passed.

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### SECOND READING OF SENATE BILL

**SB 2123:** A BILL for an Act to create and enact a new chapter to title 31 of the North Dakota Century Code, relating to the Uniform Unsworn Foreign Declarations Act; and to amend and reenact section 12.1-11-01 of the North Dakota Century Code, relating to the crime of perjury.

### 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Mathern; Miller; Murphy; Nelson; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Warner

**ABSENT AND NOT VOTING:** Nothing; O'Connell; Stenehjem; Wardner

SB 2123 passed.

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### SECOND READING OF SENATE BILL

**SB 2139:** A BILL for an Act to amend and reenact section 11-15-14 of the North Dakota Century Code, relating to sheriff's fees.

### 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Mathern; Miller; Murphy; Nelson; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Warner

**ABSENT AND NOT VOTING:** Nothing; O'Connell; Stenehjem; Wardner

SB 2139 passed.

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**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: 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 1050, HB 1063, HB 1072, HB 1086.

**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 12:30 p.m., Friday, January 14, 2011, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2066: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2066 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2146: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2146 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2074: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2074 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2115: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2115 was placed on the Eleventh order on the calendar.

**FIRST READING OF SENATE BILLS**

Sens. Klein, Hogue, Sorvaag and Reps. Hatlestad, Heller, Streyle introduced:

**SB 2202:** A BILL for an Act to amend and reenact sections 57-39.2-04.5, 57-39.2-04.6, and 57-40.2-03.3 of the North Dakota Century Code, relating to the sales and use tax exemption for materials used in compressing, processing, gathering, or refining gas, the sales and use tax exemption for materials used in construction or expansion of an oil refinery, and the use tax on contractors; and to provide an effective date.

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

Sens. Uglem, J. Lee, Nodland and Reps. Kaldor, Paur, Vigesaa introduced:

**SB 2203:** A BILL for an Act to amend and reenact section 54-27-26 of the North Dakota Century Code, relating to annual reports for transportation funding.

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

Sens. Sitte, Christmann, Wanzek and Reps. Kasper, Schmidt, Wrangham introduced:

**SB 2204:** A BILL for an Act to prohibit state funding of the northern plains national heritage area.

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

Sens. Nodland, Klein, Schneider and Reps. Gruchalla, Keiser, Vigesaa introduced:

**SB 2205:** A BILL for an Act to amend and reenact subsections 4 and 6 section 65-01-16 and subsection 2 of section 65-04-32 of the North Dakota Century Code, relating to attorney representation in a request for workforce safety and insurance reconsideration, who may appeal a decision of the decision review office, and service of an employer.

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

Sens. Miller, Olafson, Murphy and Reps. Belter, Boe, Schmidt introduced:

**SB 2206:** A BILL for an Act to create and enact a new section to chapter 49-02 of the North Dakota Century Code, relating to anemometer towers; to provide a penalty; and to provide for application.

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

Sens. Lyson, Wardner and Reps. Kempenich, Rust introduced:

**SB 2207:** A BILL for an Act to create and enact section 39-04-18.2 and a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to temporary motor vehicle registration and excise tax; to amend and reenact subdivisions c and e of subsection 2 of section 39-04-18, subsection 2 of section 39-06.1-06, and section 39-06.1-08 of the North Dakota Century Code, relating to motor vehicle registration; and to declare an emergency.

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

Sens. Schaible, Cook, Marcellais and Reps. Rohr, Schmidt introduced:

**SB 2208:** A BILL for an Act to amend and reenact subdivision o of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to the income tax exemption applying to qualifying reservation residents, activities, and sources; and to provide an effective date.

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

Sens. Klein, Nodland, Warner and Reps. Delmore, Keiser, Owens introduced:

**SB 2209:** A BILL for an Act to create and enact two new sections to chapter 48-01.2 of the North Dakota Century Code, relating to using the design-build procurement process for public improvement projects; and to amend and reenact section 48-01.2-01 of the North Dakota Century Code, relating to the definition of design-build.

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

Sens. Wardner, Lyson, Krebsbach and Reps. Hawken, Keiser, Winrich introduced:

**SB 2210:** A BILL for an Act to create and enact two new sections to chapter 54-17 and a new subdivision to subsection 2 of section 54-60.1-01 of the North Dakota Century Code, relating to an affordable housing fund; and to provide an appropriation.

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

Sens. Grindberg, Wardner, Robinson and Reps. Hawken, Kreun, Mueller introduced:

**SB 2211:** A BILL for an Act to amend and reenact subsection 5 of section 37-19.1-02 of the North Dakota Century Code, relating to exemptions to veterans' preference and public employees.

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

Sens. J. Lee, Uglem, Warner and Reps. Kilichowski, Weisz introduced:

**SB 2212:** A BILL for an Act to provide for a state department of health study of department programs for catastrophic diseases; to provide for a report to the legislative management; and to provide an appropriation.

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

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

**William R. Horton, Secretary**