

JOURNAL OF THE SENATE

Sixty-second Legislative Assembly

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Bismarck, January 14, 2011

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

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church, Bismarck.

The roll was called and all members were present except Senators Dever, Flakoll, Laffen, 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 Sixth and Eighth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 64, line 52, replace "FRAN A. GRONBERG" with "WILLIAM R. HORTON"

Page 77, line 34, remove "amended"

Page 78, line 9, remove "amended"

Page 78, line 26, remove "amended"

Page 78, line 41, remove "amended"

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

SECOND READING OF SENATE BILL

SB 2066: A BILL for an Act to create and enact a new subsection to section 24-17-02 and a new subsection to section 24-17-03 of the North Dakota Century Code, relating to political signs.

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 40 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dotzenrod; Erbele; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Taylor; Triplett; Uglen; Wanzek; Warner

ABSENT AND NOT VOTING: Dever; Flakoll; Laffen; Nething; O'Connell; Stenehjem; Wardner

SB 2066 passed.

SECOND READING OF SENATE BILL

SB 2115: A BILL for an Act to amend and reenact subsection 7 of section 43-37-02, sections 43-37-03, 43-37-04, 43-37-05, 43-37-06, 43-37-08, and 43-37-09, and subsection 1 of section 43-37-13 of the North Dakota Century Code, relating to the practice, licensing, and disciplining of audiologists and speech-language pathologists and the composition, powers, and compensation of the board of examiners on audiology and

speech-language pathology.

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 40 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dotzenrod; Erbele; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; 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: Dever; Flakoll; Laffen; Nething; O'Connell; Stenehjerm; Wardner

SB 2115 passed.

SECOND READING OF SENATE BILL

SB 2146: A BILL for an Act to amend and reenact section 43-28.1-10 of the North Dakota Century Code, relating to the new dental practice grant program.

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 40 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dotzenrod; Erbele; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; 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: Dever; Flakoll; Laffen; Nething; O'Connell; Stenehjerm; Wardner

SB 2146 passed.

SECOND READING OF SENATE BILL

SB 2074: A BILL for an Act to amend and reenact subsection 1 of section 50-24.1-07 of the North Dakota Century Code, relating to the recovery by the state from the estate of a permanently institutionalized medical assistance recipient.

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 40 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dotzenrod; Erbele; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; 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: Dever; Flakoll; Laffen; Nething; O'Connell; Stenehjerm; Wardner

SB 2074 passed.

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 2083, SB 2099, SB 2123, SB 2139.

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 1030, HB 1087, HB 1102, HB 1117, HB 1118, HB 1124, HB 1138.

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 1:30 p.m., Monday, January 17, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2027: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2027 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2032: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2032 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2065: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2065 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2067: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2067 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2087: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2087 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2096: 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). SB 2096 was placed on the Sixth order on the calendar.

Page 4, line 7, remove "the commissioner may authorize"

Page 4, line 7, after "bank" insert "may apply to the commissioner for authority"

Page 4, line 9, remove ". subject to rules the state banking board may adopt"

Page 4, line 9, after the underscored period insert "If the commissioner's decision with respect to an application is unfavorable, the applicant bank may appeal the decision to the state banking board by filing a notice of appeal with the commissioner within twenty business days after the commissioner has notified the applicant bank of the decision."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2101: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2101 was placed on the

Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2104: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2104 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2110: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2110 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2126: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2126 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2127: Transportation Committee (Sen. G. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2127 was placed on the Eleventh order on the calendar.

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

William R. Horton, Secretary