

## JOURNAL OF THE SENATE

## Sixty-second Legislative Assembly

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Bismarck, January 20, 2011

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

The prayer was offered by Chaplain Colleen Ressler, Medcenter One St. Vincent's Care Center, Bismarck.

The roll was called and all members were present except Senator Nothing.

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 Eleventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 111, line 14, remove "SB 2126"

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

**MOTION**

**SEN. CHRISTMANN MOVED** that SCR 4009 be returned to the Senate floor from the **Political Subdivisions Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

Pursuant to Sen. Christmann's motion, SCR 4009 was rereferred.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2217 be returned to the Senate floor from the **Industry, Business and Labor Committee** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**SEN. GRINDBERG REQUESTED** the unanimous consent of the Senate to withdraw SB 2217. There being no objection, it was so ordered by the President.

**CONSIDERATION OF AMENDMENTS**

**SB 2073: SEN. OLAFSON (Judiciary Committee) MOVED** that the amendments on SJ page 111 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2114:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to background checks for potential workforce safety and insurance job applicants; to amend and reenact subsection 3 of section 65-04-32, subdivision h of subsection 8 of section 65-05-07, section 65-05-20.1, subsection 2 of section 65-05-28, subsection 4 of section 65-05.1-04, subdivision b of subsection 2 of section 65-05.1-06.1, and subsection 1 of section 65-05.1-08 of the North Dakota Century Code, relating to service of administrative orders by regular mail, nonpayment of weight loss and smoking programs unless ordered by the organization, eligibility for the scholarship program, travel reimbursements for injured workers, work trial and work search, payment of mileage during training programs, and eligibility for the revolving loan fund; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Nothing

SB 2114 passed.

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### SECOND READING OF SENATE BILL

**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.

### 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Nothing

SB 2179 passed.

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### SECOND READING OF SENATE BILL

**SB 2113:** A BILL for an Act to amend and reenact sections 20.1-13.1-01 and 20.1-13.1-03, subsections 2 and 3 of section 20.1-13.1-05, subsections 2 and 4 of section 20.1-13.1-08, sections 20.1-13.1-10, 20.1-15-01, and 20.1-15-03, subsections 2 and 3 of section 20.1-15-05, subsections 2 and 4 of section 20.1-15-08, sections 20.1-15-11 and 20.1-15-15, subsection 4 of section 39-06.2-10.6, sections 39-20-01 and 39-20-02, subsections 2, 3, and 4 of section 39-20-03.1, subsections 2 and 3 of section 39-20-03.2, subsections 2 and 4 of section 39-20-05, and sections 39-20-07, 39-20-14, 39-24.1-01, 39-24.1-03, and 39-24.1-08 of the North Dakota Century Code, relating to chemical tests and the state crime laboratory.

### 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Nothing

SB 2113 passed.

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**SECOND READING OF SENATE BILL**

**SB 2040:** A BILL for an Act to amend and reenact subsection 2 of section 25-03.1-11 of the North Dakota Century Code, relating to evaluations in involuntary mental health commitments.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2040 passed.

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**SECOND READING OF SENATE BILL**

**SB 2069:** A BILL for an Act to create and enact a new section to chapter 37-01 of the North Dakota Century Code, relating to reimbursement of certain medical expenses for North Dakota national guard members while on state active duty; and to declare an emergency.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2069 passed.

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**SECOND READING OF SENATE BILL**

**SB 2072:** A BILL for an Act to amend and reenact subsections 1 and 6 of section 50-24.1-02.8 of the North Dakota Century Code, relating to the treatment of transfers involving annuities for purposes of determining eligibility for medical assistance; and to declare an emergency.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner;

Warner

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2072 passed.

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**SECOND READING OF SENATE BILL**

**SB 2085:** A BILL for an Act to create and enact subsection 3 to section 4.1-47-05 and subdivision c to subsection 1 of section 4.1-47-31 of the North Dakota Century Code, relating to the process by which the noxious weed list is amended and the penalty for selling noxious weeds; to amend and reenact section 4.1-47-02 of the North Dakota Century Code, relating to the control and sale of noxious weeds; to provide a penalty; and to allow the agriculture commissioner to use environment and rangeland protection funds for invasive species control.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2085 passed.

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**SECOND READING OF SENATE BILL**

**SB 2092:** A BILL for an Act to amend and reenact section 54-01-17.1 of the North Dakota Century Code, relating to execution of easements to state-owned land.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**NAYS:** 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; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2092 lost.

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**SECOND READING OF SENATE BILL**

**SB 2094:** A BILL for an Act to amend and reenact section 23-40-02 of the North Dakota Century Code, relating to the deadline by which an emergency medical services operator must file its application for funding with the state department of health; and to declare an emergency.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2094 passed.

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#### SECOND READING OF SENATE BILL

**SB 2117:** A BILL for an Act to create and enact subsection 12 to section 55-08-01.3 and sections 55-08-18 and 55-08-19 of the North Dakota Century Code, relating to parks and recreation department rule violations and penalties; to amend and reenact section 55-08-17 and subsection 13 of section 55-11-09 of the North Dakota Century Code, relating to parks and recreation department rule violations and penalties; to provide a penalty; and to declare an emergency.

#### 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 40 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Andrist; Christmann; Fischer; Holmberg; Klein; Stenehjem

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2117 passed.

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#### SECOND READING OF SENATE BILL

**SB 2116:** A BILL for an Act to create and enact subsection 5 to section 23-06-03 of the North Dakota Century Code, relating to the designation of a person authorized to direct disposition of a decedent's remains in the event of death while in military service.

#### 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Nothing

SB 2116 passed.

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**SECOND READING OF SENATE BILL**

**SB 2118:** A BILL for an Act to create and enact chapter 65-06.3 of the North Dakota Century Code, relating to volunteers providing initial emergency assistance when responding to a disaster or an emergency situation; and to provide an appropriation.

**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 4 YEAS, 42 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Mathern; Schneider; Warner

**NAYS:** 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; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Nothing

SB 2118 lost.

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**SECOND READING OF SENATE BILL**

**SB 2136:** A BILL for an Act to amend and reenact section 12-44.1-18.2 of the North Dakota Century Code, relating to work release fees paid by offenders in a correctional 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Nothing

SB 2136 passed.

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**SECOND READING OF SENATE BILL**

**SB 2141:** A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to the granting of performance-based sentence reduction to offenders in a correctional facility; and to amend and reenact section 12-54.1-01 of the North Dakota Century Code, relating to performance-based sentence reduction.

**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, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible;

Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**NAYS:** Flakoll

**ABSENT AND NOT VOTING:** Nothing

SB 2141 passed.

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**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2212 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2212 was rereferred.

**SECOND READING OF SENATE BILL**

**SB 2153:** A BILL for an Act to create and enact a new section to chapter 25-17 of the North Dakota Century Code, relating to the state department of health's food program for individuals with metabolic diseases; and to amend and reenact sections 23-41-03, 25-17-03, and 26.1-36-09.7 of the North Dakota Century Code, relating to the food program for individuals with metabolic diseases.

**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 10 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Heckaman; Marcellais; Mathern; Nelson; O'Connell; Robinson; Schneider; Taylor; Triplett; Warner

**NAYS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Murphy; Nodland; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjerm; Uglem; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Nothing

SB 2153 lost.

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**SECOND READING OF SENATE BILL**

**SB 2154:** A BILL for an Act to amend and reenact section 43-17-03 of the North Dakota Century Code, relating to membership of the state board of medical examiners; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Nothing

SB 2154 passed.

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**SECOND READING OF SENATE BILL**

**SB 2156:** A BILL for an Act to amend and reenact sections 24-02-26 and 24-02-27 of the North Dakota Century Code, relating to arbitration on construction claims.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Nothing

SB 2156 passed.

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**SECOND READING OF SENATE BILL**

**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.

**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 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman; Erbele; Larsen; Sitte

**ABSENT AND NOT VOTING:** Nothing

SB 2176 passed.

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**SECOND READING OF SENATE BILL**

**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.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Nothing

SB 2166 passed.

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#### SECOND READING OF SENATE BILL

**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.

#### 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Nothing

SB 2173 passed.

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#### SECOND READING OF SENATE BILL

**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.

#### 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Nothing

SB 2181 passed.

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#### SECOND READING OF SENATE BILL

**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.

#### 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 45 YEAS, 1 NAY, 0 EXCUSED, 1 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; O'Connell; Oehlke; Olafson; Robinson; Schaible;

Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Uglem; Wanzek; Wardner; Warner

**NAYS:** Triplett

**ABSENT AND NOT VOTING:** Nothing

SB 2183 passed.

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**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 2025, SB 2026, SB 2044, SB 2068, SB 2071, SB 2075, SB 2081, SB 2084, SB 2086, SB 2095, SB 2096, SB 2098, SB 2102.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2103.

**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 1026, HB 1045, HB 1081, HB 1083, HB 1094, HB 1131, HB 1145, HB 1153, HB 1157, HB 1159, HCR 3005.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1132.

**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 adjourned until 12:30 p.m., Friday, January 21, 2011, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2045: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2045 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2064: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2064 was placed on the Sixth order on the calendar.

Page 2, line 11, remove the overstrike over "~~twenty-five~~"

Page 2, line 11, remove "forty"

Page 2, line 12, remove the overstrike over "~~twenty-five~~"

Page 2, line 12, remove "forty"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2077: 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). SB 2077 was placed on the Sixth order on the calendar.

Page 2, line 9, remove the overstrike over "~~is not severely impaired in any of the~~"

Page 2, remove the overstrike over line 10

Page 2, line 11, remove the overstrike over "and"

Page 2, line 11, remove "the recipient is determined to be impaired"

Page 2, line 12, remove the overstrike over "~~Has health, welfare, or safety needs, including a need for supervision or a~~"

Page 2, remove the overstrike over line 13

Page 2, line 14, remove the overstrike over "~~care home or an assisted living facility~~"

Page 2, line 14, remove "In at least one of the activities of daily"

Page 2, remove line 15

Page 2, line 16, remove "transferring"

Page 2, line 17, remove the overstrike over "~~is impaired in~~"

Page 2, line 17, remove "In at least"

Page 2, line 17, remove the overstrike over "~~following four~~"

Page 2, line 18, remove the overstrike over "~~preparing meals, doing housework, taking medicine, and doing~~"

Page 2, line 19, remove "of medication assistance."

Page 2, line 19, remove ", housekeeping, and meal preparation"

Page 2, line 20, overstrike "d." and insert immediately thereafter "e."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2100: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2100 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2121: 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). SB 2121 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "\$694,840" with "\$1,293,211"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2131: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2131 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2149: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2149 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2151: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2151 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2163: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE**

**REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2163 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "three" with "two"

Page 1, line 8, replace "pertaining to the education of" with "to teachers and counselors serving"

Page 1, remove lines 12 through 18

Page 1, line 22, replace the second "with" with "having"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2168: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2168 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2169: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2169 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2205: 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 2205 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "appeal a decision of" with "file a request for assistance from"

Page 1, line 19, overstrike "date of service of an" and insert immediately thereafter "day the"

Page 1, line 19, after "order" insert "was mailed"

Page 2, line 3, overstrike "specifically"

Page 2, line 3, overstrike "alleged"

Page 2, line 4, replace "reasons" with "reason"

Renumber accordingly

#### FIRST READING OF SENATE BILLS

Sens. Luick, Miller, Uglen, Wanzek and Reps. Schmidt, Wall introduced:

**SB 2280:** A BILL for an Act to create and enact a new section to chapter 61-32 of the North Dakota Century Code, relating to subsurface field tile leaching projects.

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

Sens. Berry, Flakoll, Schneider and Reps. R. Kelsch, Grande, Porter introduced:

**SB 2281:** A BILL for an Act to create and enact a new section to chapter 15.1-18.2 and a new section to chapter 32-12.1 of the North Dakota Century Code, relating to concussion management program requirements.

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

Sens. Fischer, Wardner, Dotzenrod and Reps. Hofstad, Kreun, Onstad introduced:

**SB 2282:** A BILL for an Act to amend and reenact section 61-02-12 of the North Dakota Century Code, relating to compensation of members of the state water commission.

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

Sens. Fischer, Dotzenrod and Reps. Hofstad, Kreun introduced:

**SB 2283:** A BILL for an Act to amend and reenact section 61-21-47 of the North Dakota Century Code, relating to drainage project expenditures in excess of the maximum levy.

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

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

**SB 2284:** A BILL for an Act to provide for an interstate compact on industrialized or modular buildings.

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

Sens. Nething, Lyson, Robinson and Reps. Dahl, Delmore, Skarphol introduced:

**SB 2285:** A BILL for an Act to amend and reenact section 12.1-10-05 of the North Dakota Century Code, relating to disobedience of a judicial order; and to declare an emergency.

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

Sens. Berry, Flakoll, Luick and Reps. Gruchalla, Guggisberg, Porter introduced:

**SB 2287:** A BILL for an Act to amend and reenact subsection 2 of section 39-01-01 of the North Dakota Century Code, relating to emergency lights on response vehicles.

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

Sen. Holmberg introduced:

**SB 2288:** A BILL for an Act to create and enact a new section to chapter 14-05 of the of the North Dakota Century Code, relating to summary real estate disposition judgments.

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

Sens. Uglem, G. Lee, Schaible and Reps. Kilichowski, Mueller, Paur introduced:

**SB 2289:** A BILL for an Act to amend and reenact section 15-20.1-22 of the North Dakota Century Code, relating to grants for innovations.

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

Sens. O'Connell, Andrist, Nodland and Reps. Anderson, Damschen, Hunskor introduced:

**SB 2290:** A BILL for an Act to create and enact a new section to chapter 38-08 of the North Dakota Century Code, relating to enforcement of laws, rules, and regulations concerning the conservation of oil and gas; and to provide a penalty.

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

Sens. Erbele, Klein and Reps. Brandenburg, Klein, Kretschmar introduced:

**SB 2291:** A BILL for an Act to provide an appropriation to the state historical society for a grant for operating costs relating to the Lawrence Welk homestead.

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

Sens. Hogue, Burckhard and Reps. Bellew, Dosch, Metcalf introduced:

**SB 2292:** A BILL for an Act to amend and reenact subsection 4 of section 57-39.2-04 of the North Dakota Century Code, relating to the sales tax exemption for nonprofit entities; and to provide an effective date.

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

#### **FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. J. Lee, Berry, O'Connell and Reps. Heller, Hogan, Karls introduced:

**SCR 4009:** A concurrent resolution declaring February 2011 as "American Heart Month" and Friday, February 4, 2011, "National Wear Red Day" in North Dakota and encouraging all citizens to wear red to raise awareness of cardiovascular disease.

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

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

**William R. Horton, Secretary**

