

JOURNAL OF THE SENATE

Sixty-second Legislative Assembly

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Bismarck, February 1, 2011

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

The prayer was offered by Monsignor Dennis Skonseng, St. Catherine's Catholic Church, Valley City.

The roll was called and all members were present.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2171: SEN. BURCKHARD (Finance and Taxation Committee) MOVED that the amendments on SJ page 218 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2188: SEN. MATHERN (Transportation Committee) MOVED that the amendments on SJ page 218 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2207: SEN. NETHING (Transportation Committee) MOVED that the amendments on SJ page 219 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2170: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ pages 217-218 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2203: SEN. NETHING (Transportation Committee) MOVED that the amendments on SJ page 219 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2138: SEN. ANDRIST (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 216 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2049, as engrossed: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ page 215 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2193: SEN. HECKAMAN (Agriculture Committee) MOVED that the amendments on SJ pages 218-219 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2263: SEN. DOTZENROD (Political Subdivisions Committee) MOVED that the amendments on SJ page 219 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2140: SEN. SCHNEIDER (Natural Resources Committee) MOVED that the

amendments on SJ pages 216-217 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2088: SEN. HECKAMAN (Agriculture Committee) MOVED that the amendments on SJ pages 215-216 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

MOTION

SEN. NODLAND MOVED that the Senate reconsider its action whereby SB 2235 failed to pass .

REQUEST

SEN. GRINDBERG REQUESTED a verification vote, which request was granted.

The question being on the motion to reconsider the action whereby SB 2235 failed to pass, the motion failed on a verification vote.

SECOND READING OF SENATE BILL

SB 2247: A BILL for an Act to create and enact a new section to chapter 14-07.1 of the North Dakota Century Code, relating to a domestic violence fatality review commission.

MOTION

SEN. CHRISTMANN MOVED that SB 2247 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2247 was rereferred.

SECOND READING OF SENATE BILL

SB 2196: A BILL for an Act to amend and reenact subsection 5 of section 49-22-03 and subsection 1 of section 49-22-22 of the North Dakota Century Code, relating to the definition of energy conversion facility and to siting application fees.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

SB 2196 passed.

SECOND READING OF SENATE BILL

SB 2090: A BILL for an Act to amend and reenact sections 37-01-03, 37-01-22, and 37-01-43 and subsection 7 of section 37-28-02 of the North Dakota Century Code, relating to operation of the North Dakota national guard.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek;

Wardner; Warner

SB 2090 passed.

SECOND READING OF SENATE BILL

SB 2223: A BILL for an Act to amend and reenact section 19-03.1-23.1 of the North Dakota Century Code, relating to aggravating factors in drug offenses.

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, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Dever; Miller; Oehlke; Sitte; Triplett

SB 2223 passed.

SECOND READING OF SENATE BILL

SB 2082: A BILL for an Act to amend and reenact section 14-15.1-03 of the North Dakota Century Code, relating to the confidentiality of identified adoption proceedings.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

SB 2082 passed.

SECOND READING OF SENATE BILL

SB 2225: A BILL for an Act to create and enact a new section to chapter 20.1-03 and a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to a nonresident combination small game and waterfowl hunting license and fee; and to amend and reenact sections 20.1-03-07 and 20.1-03-07.1 of the North Dakota Century Code, relating to nonresident hunting licenses.

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 24 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Christmann; Dotzenrod; Erbele; Freborg; Heckaman; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Nodland; O'Connell; Oehlke; Schaible; Uglem; Wardner; Warner

NAYS: Burckhard; Cook; Dever; Fischer; Flakoll; Grindberg; Hogue; Holmberg; Kilzer; Laffen; Mathern; Murphy; Nelson; Nething; Olafson; Robinson; Schneider; Sitte;

Sorvaag; Stenehjem; Taylor; Triplett; Wanzek

SB 2225 passed.

SECOND READING OF SENATE BILL

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.

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 2 YEAS, 45 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Freborg; Klein

NAYS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; 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; Wanzek; Wardner; Warner

Engrossed SB 2209 lost.

SECOND READING OF SENATE BILL

SB 2051: A BILL for an Act to amend and reenact sections 12.1-14-04, 12.1-17-02, and 12.1-17-07 of the North Dakota Century Code, relating to enhanced penalties for conviction of discrimination in public places, aggravated assault, and harassment involving a hate crime; 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 NOT PASS, the roll was called and there were 10 YEAS, 37 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Heckaman; Marcellais; Mathern; Murphy; Nelson; 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; Nething; Nodland; O'Connell; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjem; Uglem; Wanzek; Wardner

Engrossed SB 2051 lost.

SECOND READING OF SENATE BILL

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.

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, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson;

Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Christmann; Freborg; O'Connell

SB 2283 passed.

SECOND READING OF SENATE BILL

SB 2105: A BILL for an Act to create and enact a new section to chapter 54-61 of the North Dakota Century Code, relating to providing state-funded legal services in criminal cases; to amend and reenact subsection 1 of section 54-61-01 of the North Dakota Century Code, relating to responsibilities of the commission on legal counsel for indigents; and to provide an appropriation.

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, 47 NAYS, 0 EXCUSED, 0 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; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2105 lost.

SECOND READING OF SENATE BILL

SB 2190: A BILL for an Act to create a new subsection to section 54-23.3-04 of the North Dakota Century Code, relating to the powers and duties of the director of the department of corrections and rehabilitation; to amend and reenact section 12-59-20 of the North Dakota Century Code, relating to probation and parole officers; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2190 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2133: A BILL for an Act to create and enact a new section to chapter 5-01 of the North Dakota Century Code, relating to using false identification to obtain alcoholic beverages.

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 37 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Burckhard; Dever; Dotzenrod; Erbele; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Uglem; Wanzek; Wardner

NAYS: Berry; Christmann; Cook; Fischer; Lee, G.; O'Connell; Oehlke; Taylor; Triplett; Warner

Engrossed SB 2133 passed.

SECOND READING OF SENATE BILL

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

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2281 passed.

SECOND READING OF SENATE BILL

SB 2293: A BILL for an Act to amend and reenact sections 23-02.1-19 and 23-02.1-20 of the North Dakota Century Code, relating to signature requirements for death certificates.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

SB 2293 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 2039, SB 2041, SB 2076, SB 2089, SB 2091, SB 2112, SB 2147, SB 2219, SB 2246.

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 2079, SB 2128.

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 1244, HB 1367.

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: HCR 3013.

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

MR. SPEAKER: Your signature is respectfully requested on: SCR 4009.

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

MR. PRESIDENT: The Speaker has signed: SCR 4009.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on February 1, 2011: SCR 4009.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, February 2, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2093: 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 2093 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "amend and reenact paragraph 10 of subdivision b of subsection 10 of" with "provide for a legislative management study of workers' compensation coverage for mental injuries arising from mental stimulus."

Page 1, remove lines 2 and 3

Page 1, replace lines 5 through 20 with:

"SECTION 1. WORKERS' COMPENSATION COVERAGE OF MENTAL INJURIES - LEGISLATIVE MANAGEMENT STUDY. During the 2011-13 interim, the legislative management shall consider studying the feasibility and desirability of providing workers' compensation coverage for a workplace injury that is a mental injury arising from a mental stimulus. 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

SB 2111: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2111 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2134: Agriculture Committee (Sen. Flakoll, 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 2134 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "4.1-08-04,"

Page 1, line 3, remove "and"

Page 1, line 3, after "transfer" insert "; and to provide an expiration date"

Page 1, remove lines 10 through 23

Page 2, remove the overstrike over line 4

Page 2, line 5, remove "1. Up to fifty percent of any nonrefunded assessments collected under"

Page 2, line 6, after the first comma insert "including efforts that focus on honeybee colony health."

Page 2, line 6, overstrike the second comma and insert immediately thereafter an underscored semicolon

Page 2, remove lines 8 and 9

Page 2, line 15, remove the overstrike over "~~consults with~~"

Page 2, line 16, remove "obtains the consent of"

Page 3, after line 3, insert:

"SECTION 5. EXPIRATION DATE. This Act is effective through June 30, 2015, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2167: 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 2167 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a new section to chapter 1-03, two new sections to" with "seven new sections to chapter 15.1-19 of the North Dakota Century Code, relating to bullying."

Page 1, remove lines 2 through 6

Page 1, remove lines 8 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 30

Page 8, remove lines 1 through 28

Page 9, remove lines 1 through 29

Page 10, remove lines 1 through 29

Page 11, remove lines 1 through 30

Page 12, remove lines 1 through 29

Page 13, remove lines 1 through 30

Page 14, replace lines 1 through 9 with:

"SECTION 1. A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Bullying - Definition.

As used in this Act, bullying means:

1. a. Conduct that occurs in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, at a schoolbus stop, or at any public school or school district sanctioned or sponsored activity or event; and which:
 - (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
 - (2) Places the student in actual and reasonable fear of harm;
 - (3) Places the student in actual and reasonable fear of damage to property of the student; or
 - (4) Substantially disrupts the orderly operation of the public school; or
- b. Conduct that is received by a student while the student is in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, at a schoolbus stop, or at any public school or school district sanctioned or sponsored activity or event; and which:
 - (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
 - (2) Places the student in actual and reasonable fear of harm;
 - (3) Places the student in actual and reasonable fear of damage to property of the student; or
 - (4) Substantially disrupts the orderly operation of the public school.

SECTION 2. A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Bullying - Prohibition by policy.

1. Before July 1, 2012, each school district shall adopt a policy providing that while at a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, at a schoolbus stop, or at any public school or school district sanctioned or sponsored activity or event, a student may not:
 - a. Engage in bullying; or
 - b. Engage in reprisal or retaliation against:
 - (1) A victim of bullying;
 - (2) An individual who witnesses an alleged act of bullying;
 - (3) An individual who reports an alleged act of bullying; or
 - (4) An individual who provides information about an alleged act of bullying.
2. The policy required by this section must:
 - a. Include a definition of bullying that at least encompasses the conduct described in section 1 of this Act;
 - b. Establish procedures for reporting and documenting alleged acts of bullying, reprisal, or retaliation;

- c. Establish procedures for school district personnel to follow in investigating reports of alleged bullying, reprisal, or retaliation;
 - d. Set forth the disciplinary measures applicable to an individual who engaged in bullying or who engaged in reprisal or retaliation, as set forth in subsection 1;
 - e. Require the notification of law enforcement personnel if an investigation by school district personnel results in a reasonable suspicion that a crime might have occurred;
 - f. Establish strategies to protect a victim of bullying, reprisal, or retaliation;
 - g. Establish disciplinary measures to be imposed upon an individual who makes a false accusation, report, or complaint pertaining to bullying, reprisal, or retaliation; and
 - h. Establish procedures for notifying the parents of each student involved in an incident determined by school district personnel to constitute bullying, reprisal, or retaliation.
3. In developing the policy required by this section, the school district shall involve parents, school district employees, volunteers, students, school district administrators, law enforcement personnel, domestic violence sexual assault organizations as defined by subsection 3 of section 14-07.1-01, and community representatives.
4. Upon completion of the policy required by this section, the school district shall:
- a. Ensure that the policy is explained to and discussed with its students;
 - b. File a copy of the policy with the superintendent of public instruction;
 - c. Make the policy available in student handbooks, personnel handbooks, and on the school district website;
 - d. Provide a copy of the policy to the parent of each student enrolled in the district;
 - e. Provide a copy of the policy to any person upon request; and
 - f. Provide to the parents of each student enrolled in the school district information regarding:
 - (1) The dynamics of bullying;
 - (2) Cyber-bullying and online safety; and
 - (3) Ways in which parents can support the school district's policy prohibiting bullying.

SECTION 3. A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Superintendent of public instruction - Bullying prohibition - Development of model policy.

Before January 1, 2012, the superintendent of public instruction shall consult with the North Dakota school boards association and the education standards and practices board and:

- 1. Develop a model policy to prohibit bullying; and

2. Propose strategies pertaining to the prevention of bullying for incorporation in teacher preservice training courses.

SECTION 4. A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Professional development activities.

Each school district shall provide training in the prevention of bullying to its teachers through professional development activities and to all volunteers and nonlicensed personnel who have significant contact with students.

SECTION 5. A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Bullying prevention programs.

Each school district shall provide bullying prevention programs to all students from kindergarten through grade twelve and shall provide documentation regarding its bullying prevention programs to the superintendent of public instruction, at the time and in the manner directed by the superintendent.

SECTION 6. A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Causes of action - Immunity.

1. This section does not prevent a victim from seeking redress pursuant to any other applicable civil or criminal law. This section does not create or alter any civil cause of action for monetary damages against any person or school district, nor does this section constitute grounds for any claim or motion raised by either the state or a defendant in any proceedings.
2. Any individual who promptly, reasonably, and in good faith reports an incident of bullying, reprisal, or retaliation to the school district employee or official designated in the school district policy is immune from civil or criminal liability resulting from or relating to the report or to the individual's participation in any administrative or judicial proceeding stemming from the report.
3. A school district and its employees are immune from any liability that might otherwise be incurred as a result of a student having been the recipient of bullying, if the school district implemented a bullying policy, as required by section 2 of this Act and substantially complied with that policy.

SECTION 7. A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Internet safety measures - Policy requirement - Parental notification.

The board of each school district shall develop and implement a policy setting forth internet safety measures designed to protect students from inappropriate subject matter and materials that can be accessed via the internet. The board shall provide a copy of the policy to the parent of each student enrolled in the district."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2189: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2189 was placed on the Sixth order on the calendar.

Page 1, line 3, after "exemption" insert "; to repeal subsection 7 of 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for church property"

Page 1, replace lines 5 through 19 with:

"SECTION 1. AMENDMENT. Subsection 9 of section 57-02-08 of the North Dakota Century Code is amended and reenacted as follows:

9. ~~All real property, not exceeding two acres [.81 hectare] in extent, owned by any religious corporation or organization, upon which there is a building used for the religious services of the organization, or upon which there is a dwelling with usual outbuildings, intended and ordinarily used for the residence of the bishop, priest, rector, or other minister in charge of services, buildings owned by any religious corporation or organization and used for the religious services of the organization, or, if on the same parcel, dwellings with usual outbuildings, intended and ordinarily used for the residence of the bishop, priest, rector, or other minister in charge of services, land directly under and within the perimeter of those buildings, and up to a maximum of five additional acres [2.02 hectares] of area used for parking or reasonable landscaping or sidewalk area adjoining the main church building~~ must be deemed to be property used exclusively for religious services, and exempt from taxation, whether the real property consists of one tract or more. If the residence of the bishop, priest, rector, or other minister in charge of services is located on property not adjacent to the church, that residence with usual outbuildings and land on which it is located, up to two acres [.81 hectare], is exempt from taxation. The exemption for a building used for the religious services of the owner continues to be in effect if the building in whole, or in part, is rented to another otherwise tax-exempt corporation or organization, provided no profit is realized from the rent. ~~All real property owned by any religious corporation or organization and used as a parking lot by persons attending religious services is exempt from taxation. All taxes assessed or levied on any of the property, while the property is used for religious purposes, are void.~~

SECTION 2. REPEAL. Subsection 7 of section 57-02-08 of the North Dakota Century Code is repealed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2301: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2301 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2306: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2306 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2361: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2361 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Robinson introduced:

SCR 4020: A concurrent resolution directing the Legislative Management to study the causes of increases in Department of Human Services caseloads and program utilization.

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

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

William R. Horton, Secretary