

JOURNAL OF THE SENATE

Sixty-second Legislative Assembly

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Bismarck, March 24, 2011

The Senate convened at 1:00 p.m., with President Pro Tempore Wardner presiding.

The prayer was offered by Pastor Jack Carlson, First Lutheran Church, Mandan.

The roll was called and all members were present except Senator Uglen.

A quorum was declared by the President Pro Tempore.

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 Fifty-second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 819, line 9, after "President" insert "Pro Tempore"

Page 821, line 29, replace "as i" with "as I"

Page 821, line 50, after "way" insert "to"

Page 822, remove lines 8 through 9

Page 829, line 6, replace "**CONCURRENT**" with "**MEMORIAL**"

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

MOTION

SEN. CHRISTMANN MOVED that HB 1174, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that Reengrossed HB 1269, as amended, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Reengrossed HB 1269, as amended, was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1245, as engrossed: SEN. HOGUE (Finance and Taxation Committee) MOVED that the amendments on SJ pages 837-838 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a verification vote.

CONSIDERATION OF AMENDMENTS

HB 1126, as engrossed: SEN. MATHERN (Human Services Committee) MOVED that the amendments on SJ pages 835-836 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1246, as engrossed: SEN. DOTZENROD (Finance and Taxation Committee) MOVED that the amendments on SJ pages 838-839 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1112: SEN. SITTE (Judiciary Committee) MOVED that the amendments on SJ page 834 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1251, as engrossed: SEN. SORVAAG (Judiciary Committee) MOVED that the amendments on SJ page 839 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1310, as engrossed: SEN. SITTE (Judiciary Committee) MOVED that the amendments on SJ page 839 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1338, as engrossed: SEN. NETHING (Judiciary Committee) MOVED that the amendments on SJ pages 839-840 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1092, as engrossed: SEN. SCHAIBLE (Education Committee) MOVED that the amendments on SJ pages 833-834 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1124: SEN. TRIPLETT (Finance and Taxation Committee) MOVED that the amendments on SJ pages 834-835 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1252: SEN. DEVER (Human Services Committee) MOVED that the amendments on SJ page 839 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1230: A BILL for an Act to amend and reenact section 12.1-34-03 of the North Dakota Century Code, relating to fair treatment of victims and witnesses and confidential records.

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, 2 NAYS, 0 EXCUSED, 1 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; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Dever; Lyson

ABSENT AND NOT VOTING: Uglem

HB 1230 passed.

SECOND READING OF HOUSE BILL

HB 1419: A BILL for an Act to create and enact a new section to chapter 32-03 of the North Dakota Century Code, relating to immunity from civil liability for liquefied petroleum gas dealers; 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 44 YEAS, 2 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; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Miller; Schneider

ABSENT AND NOT VOTING: Uglem

Engrossed HB 1419 passed.

SECOND READING OF HOUSE BILL

HB 1055: A BILL for an Act to amend and reenact section 65-05-12.2 of the North Dakota Century Code, relating to workers' compensation permanent partial impairment benefits; 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 35 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: 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; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjem; Wanzek; Wardner

NAYS: Heckaman; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Taylor; Triplett; Warner

ABSENT AND NOT VOTING: Uglem

Engrossed HB 1055 passed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3003: A concurrent resolution directing the Legislative Management to continue studying the impact of federal health care reform legislation on this state.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed HCR 3003 was declared adopted on a voice vote.

SECOND READING OF HOUSE BILL

HB 1175: A BILL for an Act to create and enact a new subdivision to subsection 8 of section 26.1-04-03 of the North Dakota Century Code, relating to limitations on insurance rebates; and to amend and reenact sections 26.1-04-06 and 26.1-25-16 of the North Dakota Century Code, relating to limitations on insurance rebates.

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; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Uglem

Engrossed HB 1175, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1010: A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts.

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; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Uglem

Engrossed HB 1010, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1191: A BILL for an Act to amend and reenact section 39-04-12, subsection 1 of section 39-04-18, and subsection 4 of section 39-04-19 of the North Dakota Century Code, relating to semitrailer plates; 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 NOT PASS, the roll was called and there were 23 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Cook; Dever; Fischer; Grindberg; Heckaman; Kilzer; Klein; Krebsbach; Laffen; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Olafson; Robinson; Schaible; Schneider; Sitte; Stenehjem; Taylor

NAYS: Andrist; Berry; Bowman; Burckhard; Christmann; Dotzenrod; Erbele; Flakoll; Freborg; Hogue; Holmberg; Larsen; Lee, G.; Lee, J.; Lyson; Nething; Nodland; Oehlke; Sorvaag; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Uglem

Reengrossed HB 1191 lost.

SECOND READING OF HOUSE BILL

HB 1328: A BILL for an Act to amend and reenact sections 35-17-04, 35-29-05, 35-30-02, 35-31-02, and 47-16-03 of the North Dakota Century Code, relating to the procedure for filing an agister's lien, the fees for filing federal tax liens, the procedure to file a processor's lien, the procedure to file an agricultural supplier's lien in the office of the secretary of state or a county recorder, and the procedure to file a landlord's lien in the office of a county recorder.

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; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Uglem

Engrossed HB 1328, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1336: A BILL for an Act to repeal chapter 54-35.2 and section 54-40.3-03 of the North Dakota Century Code, relating to the advisory commission on intergovernmental relations.

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 5 YEAS, 41 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Christmann; Dever; Klein; Sitte; Stenehjem

NAYS: Andrist; Berry; Bowman; Burckhard; Cook; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; 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; Sorvaag; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Uglem

HB 1336 lost.

SECOND READING OF HOUSE BILL

HB 1072: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax deduction to remove the marriage penalty contained in the federal standard deduction for married persons filing jointly; and to provide an effective date.

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; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Uglem

HB 1072 passed.

SECOND READING OF HOUSE BILL

HB 1125: A BILL for an Act to create and enact a new section to chapter 26.1-02 of the North Dakota Century Code, relating to compliance with federal law by health insurers; to provide for application; and to declare an emergency.

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 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Dever; 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; Oehlke; Olafson; Robinson; Schaible; Schneider; Sorvaag; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Cook; Miller; Sitte

ABSENT AND NOT VOTING: Uglem

Engrossed HB 1125 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1464: A BILL for an Act to amend and reenact subsection 9 of section 25-03.3-01 and section 25-03.3-04 of the North Dakota Century Code, relating to retention of sexual offender case files and records and the definition of sexually predatory conduct.

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; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Uglem

HB 1464 passed.

SECOND READING OF HOUSE BILL

HB 1165: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to individual accident and health insurance coverage.

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 33 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjem; Wanzek; Wardner

NAYS: Dotzenrod; Heckaman; Luick; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Taylor; Triplett; Warner

ABSENT AND NOT VOTING: Uglem

Engrossed HB 1165 passed.

SECOND READING OF HOUSE BILL

HB 1371: A BILL for an Act to amend and reenact subsection 1 of section 12.1-27.1-03.3 of the North Dakota Century Code, relating to the creation, possession, or dissemination of sexually expressive images.

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; Uglen; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nothing

HB 1371 passed.

SECOND READING OF HOUSE BILL

HB 1215: A BILL for an Act to amend and reenact section 15.1-06-12 of the North Dakota Century Code, relating to a requirement for lockdown drills at schools.

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, 2 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; Olafson; Robinson; Schaible; Schneider; Sorvaag; Stenehjem; Taylor; Triplett; Uglen; Wanzek; Wardner; Warner

NAYS: Oehlke; Sitte

ABSENT AND NOT VOTING: Nothing

Engrossed HB 1215 passed.

SECOND READING OF HOUSE BILL

HB 1461: A BILL for an Act to amend and reenact section 62.1-04-03 of the North Dakota Century Code, relating to concealed weapons permits; and to declare an emergency.

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; Uglen; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nothing

HB 1461 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1211: A BILL for an Act to amend and reenact sections 15.1-23-01, 15.1-23-02, 15.1-23-03, 15.1-23-06, 15.1-23-08, and 15.1-23-17 of the North Dakota Century Code, relating to home education.

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 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; 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; Stenehjerm; Taylor; Uglem; Wanzek; Wardner; Warner

NAYS: Burckhard; O'Connell; Triplett

ABSENT AND NOT VOTING: Nothing

Engrossed HB 1211 passed.

SECOND READING OF HOUSE BILL

HB 1304: A BILL for an Act to create and enact a new subsection to section 43-25-04 of the North Dakota Century Code, relating to an exemption from massage therapy licensure for energy workers.

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, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Burckhard; Miller; Warner

ABSENT AND NOT VOTING: Grindberg; Nothing

Engrossed HB 1304 passed.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1260, HB 1467.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1142, HB 1045, HB 1005, HB 1162, HB 1393, HB 1421.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1241.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1413.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1307.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2134, SB 2175, SB 2366, SCR 4008, SCR 4018, SCR 4019, SCR 4022.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1132, HB 1133, HB 1182, HB 1335, HB 1428, HB 1459, HCR 3019, HCR 3021, HCR 3026, HCR 3040.

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

MR. PRESIDENT: The Speaker has signed: SB 2134, SB 2175, SB 2366, SCR 4008, SCR 4018, SCR 4019, SCR 4022.

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

MR. SPEAKER: The President has signed: HB 1009, HB 1017, HB 1022, HB 1023, HB 1024, HB 1075, HB 1097, HB 1100, HB 1145, HB 1161, HB 1176, HB 1185, HB 1196, HB 1197, HB 1205, HB 1216, HB 1221, HB 1343, HB 1346, HB 1376, HB 1415, HB 1430, HCR 3007, HCR 3008, HCR 3020.

MOTION

SEN. CHRISTMANN MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, March 25, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1007, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1007 was placed on the Sixth order on the calendar.

Page 1, replace lines 14 through 16 with:

"Salaries and wages	\$11,538,855	\$2,378,006	\$13,916,861
Operating expenses	4,561,857	1,440,428	6,002,285
Capital assets	259,906	545,594	805,500"

Page 1, replace lines 18 through 20 with:

"Total all funds	\$18,403,882	\$2,652,764	\$21,056,646
Less estimated income	<u>13,677,293</u>	<u>1,699,530</u>	<u>15,376,823</u>
Total general fund	\$4,726,589	\$953,234	\$5,679,823"

Page 2, replace lines 10 through 12 with:

"Grand total general fund	\$5,758,076	\$1,058,966	\$6,817,042
Grand total special funds	<u>13,677,293</u>	<u>1,699,530</u>	<u>15,376,823</u>
Grand total all funds	\$19,435,369	\$2,758,496	\$22,193,865"

Page 2, after line 25, insert:

"New home landscaping	0	25,000
Repair irrigation system	0	55,000
Reshape and grade oxbow	0	46,500"

Page 2, replace line 30 with:

"Total all funds	\$15,183,138	\$164,093"
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Page 3, replace line 1 with:

"Total general fund	\$12,025,133	\$164,093"
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Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1007 - Summary of Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Veterans' Home				
Total all funds	\$20,831,646	\$20,861,646	\$195,000	\$21,056,646
Less estimated income	15,151,823	15,308,323	68,500	15,376,823
General fund	\$5,679,823	\$5,553,323	\$126,500	\$5,679,823
Department of Veterans' Affairs				
Total all funds	\$1,137,219	\$1,137,219	\$0	\$1,137,219
Less estimated income	0	0	0	0
General fund	\$1,137,219	\$1,137,219	\$0	\$1,137,219
Bill total				
Total all funds	\$21,968,865	\$21,998,865	\$195,000	\$22,193,865
Less estimated income	15,151,823	15,308,323	68,500	15,376,823
General fund	\$6,817,042	\$6,690,542	\$126,500	\$6,817,042

House Bill No. 1007 - Veterans' Home - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$13,936,861	\$13,936,861	(\$20,000)	\$13,916,861
Operating expenses	5,932,285	5,932,285	70,000	6,002,285
Capital assets	630,500	660,500	145,000	805,500
New Veterans' Home	332,000	332,000		332,000
Total all funds	\$20,831,646	\$20,861,646	\$195,000	\$21,056,646
Less estimated income	15,151,823	15,308,323	68,500	15,376,823
General fund	\$5,679,823	\$5,553,323	\$126,500	\$5,679,823
FTE	120.72	120.72	0.00	120.72

Department No. 313 - Veterans' Home - Detail of Senate Changes

	Adjusts Funding Source of New Home Landscaping ¹	Adjusts Funding Source of Irrigation System Repair ²	Adjusts Funding Source of Regrade of Oxbow ³	Removes Funding for Demolition of Administrator's Old Residence ⁴	Adjusts Funding for Administrator's Housing Allowance ⁵	Adds Funding for a Resident Workshop ⁶
Salaries and wages					(\$20,000)	
Operating expenses					20,000	
Capital assets				(30,000)		100,000
New Veterans' Home						
Total all funds	\$0	\$0	\$0	(\$30,000)	\$0	\$100,000
Less estimated income	(25,000)	(55,000)	(46,500)	(30,000)	0	100,000
General fund	\$25,000	\$55,000	\$46,500	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00
	Adds Funding for Resident	Adds Funding to Move Gazebo ⁶	Total Senate Changes			

	Workshop Tools ⁷		
Salaries and wages			(\$20,000)
Operating expenses	50,000		70,000
Capital assets		75,000	145,000
New Veterans' Home			
Total all funds	\$50,000	\$75,000	\$195,000
Less estimated income	50,000	75,000	68,500
General fund	\$0	\$0	\$126,500
FTE	0.00	0.00	0.00

¹ The funding source of one-time funding for new home landscaping is changed from special funds available from donated mineral lease income to the general fund, as provided in the executive recommendation. The House provided this funding from special funds available from donated mineral lease income.

² The funding source of one-time funding for irrigation system repair is changed from special funds available from donated mineral lease income to the general fund, as provided in the executive recommendation. The House provided this funding from special funds available from donated mineral lease income.

³ The funding source of one-time funding for the regrading of the oxbow is changed from special funds available from donated mineral lease income to the general fund, as provided in the executive recommendation. The House provided this funding from special funds available from donated mineral lease income.

⁴ Funding from special funds available from donated mineral lease income for the demolition of the administrator's old residence is removed.

⁵ This amendment transfers \$20,000 of special fund authority included in the executive recommendation for the administrator's housing allowance from the salaries and wages line item to the operating expenses line item to allow the Veterans' Home to rent a home for the administrator.

⁶ Special funds available from donated mineral lease income are provided to construct a workshop for Veterans' Home residents.

⁷ Special funds available from donated mineral lease income are provided to purchase tools for a resident workshop.

⁸ Special funds available from donated mineral lease income are provided to move the gazebo.

REPORT OF STANDING COMMITTEE

HB 1008, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1008 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1038, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1038 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1044, as reengrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1044 was placed on the Sixth order on the calendar.

Page 1, line 2, after the second comma insert "an emergency medical services advisory council,"

Page 1, line 3, after the semicolon insert "to amend and reenact subsection 1 of section 23-27-01 of the North Dakota Century Code, relating to emergency medical services operations service areas;"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 23-27-01 of the North Dakota Century Code is amended and reenacted as follows:

1. The state department of health shall license emergency medical services operations. ~~After June 30, 2001, the~~ and may designate their service areas. The department shall limit the issuance of a license for any new emergency medical services operation based on the needs of the service area ~~if the applicant for the new license was licensed before July 1, 2001, and was subsequently relicensed under section 23-27-04.5.~~ A license for an emergency medical services operation is nontransferable."

Page 1, after line 18, insert:

"Emergency medical services advisory council.

The state department of health shall establish an emergency medical services advisory council. The council must include at least three representatives appointed by the North Dakota emergency medical services association, one individual to represent basic life support and one individual to represent advanced life support, both appointed by the state health officer, and other members designated by the state health officer, not to exceed a total of fourteen members. The department shall consider the recommendations of the council on the plan for integrated emergency medical services in the state, development of emergency medical services funding areas, development of the emergency medical services funding areas application process and budget criteria, and other issues relating to emergency medical services as determined by the state health officer. Council members are entitled to reimbursement for expenses in the manner provided in section 44-08-04. The department shall establish by policy the length of terms and the method for rotation of membership."

Page 2, line 18, replace "one-half" with "one million two hundred fifty thousand dollars"

Page 2, line 21, replace "\$2,000,000" with "\$4,000,000"

Page 2, line 22, replace "4" with "5"

Page 2, line 26, replace "\$2,000,000" with "\$4,000,000"

Page 2, line 29, remove "The department may spend"

Page 2, remove lines 30 and 31

Page 3, line 1, replace "January 1" with "June 30"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1117: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1117 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1179, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1179 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1199, as reengrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1199 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 50-06-24 of the North Dakota Century Code, relating to guardianship services; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-06-24 of the North Dakota Century Code is amended and reenacted as follows:

50-06-24. Guardianship services.

The department of human services may create and coordinate a unified system for the provision of guardianship services to vulnerable adults who are ineligible for developmental disabilities case management services. The system ~~must~~may include a base unit funding level at the same level as developmental disability corporate guardianship rates, provider standards, staff competency requirements, and guidelines and training for guardians. The department ~~shall~~may adopt rules for guardianship services to vulnerable adults which are consistent with chapters 30.1-26, 30.1-28, and 30.1-29.

SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$64,000, or so much of the sum as may be necessary, to the department of human services for the purpose of funding guardianship program enhancements, for the biennium beginning July 1, 2011, and ending June 30, 2013."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1229, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1229 was placed on the Sixth order on the calendar.

Page 1, line 7, after "each" insert "public and nonpublic"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1238: Judiciary Committee (Sen. Nething, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1238 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1244: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1244 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on page 661 of the Senate Journal, House Bill No. 1244 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 4-01 of the North Dakota Century Code, relating to equine carcasses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

Equine slaughter - Establishments.

The agriculture commissioner shall monitor federal statutory and regulatory actions related to the slaughter of horses, mules, and other equines, and in particular, those actions pertaining to the establishments in which the slaughter and preparation of the carcasses may take place. The agriculture commissioner may pursue or support federal legislative, regulatory, or contractual avenues that would allow for the slaughter and processing of horses, mules, and other equines in this state, without the restriction that the slaughter or product preparation be conducted in establishments separate from any in which cattle, sheep, swine, or goats are slaughtered or their products are prepared."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1248, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1248 was placed on the Sixth order on the calendar.

Page 1, line 2, after "families" insert "; and to provide for a legislative management study of the interstate compact on educational opportunity for military children"

Page 1, after line 11, insert:

"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

During the 2011-12 interim, the legislative management shall consider studying the interstate compact on educational opportunity for military children, as well as its administration, enforcement, cost, and its impact on North Dakota laws, school districts, schools, and children of both military and civilian families, with a view to determining whether North Dakota should become a participating member of the compact. 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

HB 1329, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1329 was placed on the Sixth order on the calendar.

Page 1, line 2, after "property" insert "or services"

Page 1, line 8, remove ", or for the crime of possession of stolen"

Page 1, remove line 9

Page 1, line 10, remove "authorities"

Page 1, line 10, after the period insert "Prosecution of felony offenses under chapter 12.1-23 must be commenced within the later of three years of commission of the last act that is an element of the offense, three years of discovery of the stolen property, or three years of discovery of the loss of the property or services."

Page 1, line 16, remove ", or for the crime of possession of stolen"

Page 1, remove line 17

Page 1, line 18, remove "authorities"

Page 1, line 18, after the period insert "Prosecution of misdemeanor offenses under chapter 12.1-23 must be commenced within the later of two years of commission of the last act that is an element of the offense, two years of discovery of the stolen property, or two years of discovery of the loss of the property or services."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1380: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1380 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1389, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1389 was placed on the Sixth order on the calendar.

Page 1, line 10, after "arrested" insert "or summoned to appear before a magistrate"

Page 1, line 11, after "provide" insert "to a law enforcement officer or"

Page 1, line 11, after "personnel" insert "at the time of the individual's arrest or appearance or"

Page 1, line 11, after "booking" insert "into a correctional facility"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1407, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1407 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1454, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1454 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1466, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1466 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3036: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3036 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "and"

Page 1, line 5, after "states" insert "; and the right to a jury trial in civil traffic cases"

Page 1, line 6, remove "that"

Page 1, line 8, remove "that"

Page 1, line 11, remove "that"

Page 1, line 14, remove "that"

Page 1, after line 16, insert:

"**WHEREAS**, the North Dakota Supreme Court has found a constitutional right to a jury trial in civil traffic cases; and"

Page 2, line 2, remove the first "and"

Page 2, line 2, after the second "and" insert "the feasibility and desirability of eliminating a jury trial right for civil traffic tickets; and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3037: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3037 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "that"

Page 1, line 7, replace "that grant" with "granting"

Page 1, line 11, replace "that grant" with "granting"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3039: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3039 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "has exceeded its authority in" with "is"

Renumber accordingly

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

William R. Horton, Secretary