

## JOURNAL OF THE SENATE

## Sixty-second Legislative Assembly

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Bismarck, March 21, 2011

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

The prayer was offered by Reverend Corey Warner, Zoar Congregational Church, Mott.

The roll was called and all members were present.

A quorum was declared by the President.

## MOTION

**SEN. CHRISTMANN MOVED** that the Senate resolve itself into a Confirmation Session, which motion prevailed.

## REPORT OF SELECT COMMITTEE

**MR. PRESIDENT:** Your **Select Committee (Sen. Krebsbach, Chairman)** appointed to consider the nomination to the North Dakota State Board of Higher Education, do advise and consent to the appointment of Grant Shaft.

## MOTION

**SEN. KREBSBACH MOVED** that the report be adopted.

## ROLL CALL

The question being, "will the Senate advise and consent to the appointment of Grant Shaft to the North Dakota State Board of Higher Education," the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; 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

**NAYS:** Christmann

The Senate advises and consents to the appointment of Grant Shaft to the North Dakota State Board of Higher Education.

## REPORT OF SELECT COMMITTEE

**MR. PRESIDENT:** Your **Select Committee (Sen. Klein, Chairman)** appointed to consider the nomination to the North Dakota State Board of Higher Education, do advise and consent to the appointment of Terry Hjelmstad.

## MOTION

**SEN. OLAFSON MOVED** that the report be adopted.

## ROLL CALL

The question being, "will the Senate advise and consent to the appointment of Terry Hjelmstad to the North Dakota State Board of Higher Education," 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; 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

**ABSENT AND NOT VOTING:** Holmberg

The Senate advises and consents to the appointment of Terry Hjelmstad to the North Dakota State Board of Higher Education.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Confirmation Session be dissolved, which motion prevailed.

**POINT OF PERSONAL PRIVILEGE**

**SEN. WANZEK** rose on a point of personal privilege.

**REMARKS OF SENATOR WANZEK**

**MR. PRESIDENT:** Over the weekend, the North Dakota High School Activities Association crowned a new Class B State Girls Basketball Champion. I rise today to offer congratulations to the Carrington Cardinals Girls Basketball team. The Lady Cardinals earned their first ever state basketball title this weekend with their hard-fought win over the Central Cass Squirrels, beating the formidable rival 54 to 46.

Coming into the Girls State B as the sixth ranked team, the Carrington Cardinals worked hard throughout the tournament, defeating Washburn 42-28 in their first game of the tournament and the #2-rated Kenmare Honkers in the semi-final game with an impressive score of 62 to 27.

The Cardinals were led by offensively by Becca Scherr, who scored 13 points in the final quarter alone and 19 points overall. Also demonstrating individual prowess and earning the title of Co-MVP's of the tournament were Emily Thompson and Sierra Rosenau. Each demonstrated excellent team leadership, consistently shooting the basket, blocking shots, and making rebounds. The two standouts had the honor of being accepted into this year's All-Tournament Team as well.

Though the championship game was a tooth-and-nail battle throughout, the cardinals rallied in the final quarter to make their season record an impressive 23-3. On behalf of myself and the North Dakota Senate, I would like to congratulate the Carrington Cardinals Girls Basketball team on their impressive season and victory at the Girls State "B". I would also like to commend the parents, teachers, school administrators, and community members who, together, helped make the team's state title possible. The result of hard work, put in by so many is inspiring and indeed impressive.

**REQUEST**

**SEN. CHRISTMANN REQUESTED** that the remarks of Sen. Wanzek be printed in the Journal, which request was granted.

**CONSIDERATION OF AMENDMENTS**

**HB 1141: SEN. SORVAAG (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 770-771 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1426, as engrossed: SEN. BERRY (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 774-775 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

**MOTION**

**SEN. CHRISTMANN MOVED** that Engrossed HB 1164 be rereferred to the **Transportation Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed HB 1164 was rereferred.

**MOTION**

**SEN. CHRISTMANN MOVED** that Engrossed HB 1038, as amended, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed HB 1038, as amended, was rereferred.

**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1191, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that HCR 3008 be placed after HB 1216 on the Fourteenth order, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1393, as engrossed: SEN. LYSON (Natural Resources Committee) MOVED** that the amendments on SJ page 774 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1241, as engrossed: SEN. SCHNEIDER (Natural Resources Committee) MOVED** that the amendments on SJ pages 772-773 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1421, as engrossed: SEN. LARSEN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 774 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1045, as engrossed: SEN. COOK (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 770 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 1089:** A BILL for an Act to create and enact a new section to chapter 54-27 of the North Dakota Century Code, relating to effective dates of federal census data for use in tax distributions made by the state treasurer; to amend and reenact section 54-27-19 of the North Dakota Century Code, relating to the highway tax distribution fund; and to declare an emergency.

**MOTION**

**SEN. OEHLKE MOVED** that HB 1089, as amended, be amended as follows, which motion prevailed on a voice vote.

In lieu of the amendments adopted by the Senate as printed on pages 742 and 743 of the Senate Journal, House Bill No. 1089 is amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 54-27 of the North Dakota Century Code, relating to effective dates of federal census data for use in tax distributions made by the state treasurer; to"

Page 1, line 2, after "fund" insert "; to provide for retroactive application; and to declare an emergency"

Page 3, after line 18, insert:

"**SECTION 2.** A new section to chapter 54-27 of the North Dakota Century Code is created and enacted as follows:

**Effective date of census data - Tax distributions.**

Unless otherwise provided by this code, the effective date for federal decennial census data on any population-based tax distributions made by the state treasurer is July first following the release of the federal decennial census data.

**SECTION 3. RETROACTIVE APPLICATION.** Section 2 of this Act is retroactive in application to March 1, 2011.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### 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

HB 1089, as amended, passed and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1167:** A BILL for an Act to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to women veterans' month; 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; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

HB 1167, as amended, passed and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1214:** A BILL for an Act to create and enact sections 15.1-02-18.1, 15.1-02-18.2, and 15.1-02-18.3 of the North Dakota Century Code, relating to the statewide longitudinal data system and the mandatory provision of information; to amend and reenact sections 15.1-02-18 and 52-01-03 of the North Dakota Century Code, relating to the statewide longitudinal data system; and to repeal section 44-04-18.14 of the North Dakota Century Code, relating to the followup information on North Dakota education and training system.

#### 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, 1 NAY, 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; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**NAYS:** Sitte

Engrossed HB 1214, as amended, passed.

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**SECOND READING OF HOUSE BILL**

**HB 1023:** A BILL for an Act to provide an appropriation for defraying the expenses of the commission on legal counsel for indigents.

**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

HB 1023 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1197:** A BILL for an Act to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to a veteran indicator on an operator's license.

**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

HB 1197 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1216:** A BILL for an Act to provide that hydraulic fracturing is an acceptable recovery process in North Dakota; 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, 1 NAY, 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; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**NAYS:** Mathern

Engrossed HB 1216 passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3008:** A concurrent resolution urging Congress to clearly delegate responsibility for the regulation of hydraulic fracturing to the states.

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

HCR 3008 was declared adopted on a voice vote.

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**SECOND READING OF HOUSE BILL**

**HB 1343:** A BILL for an Act to provide an appropriation for defraying the expenses of the industrial commission; 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 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

HB 1343 passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1024:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota racing 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 24 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Christmann; Dever; Dotzenrod; Erbele; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Lee, J.; Luick; Lyson; Marcellais; Mathern; Nething; Nodland; Robinson; Schaible; Schneider; Taylor; Wanzek; Wardner; Warner

**NAYS:** Andrist; Berry; Burckhard; Cook; Fischer; Flakoll; Freborg; Heckaman; Hogue; Laffen; Larsen; Lee, G.; Miller; Murphy; Nelson; O'Connell; Oehlke; Olafson; Sitte; Sorvaag; Stenehjem; Triplett; Uglem

HB 1024 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1022:** A BILL for an Act to provide an appropriation for defraying the expenses of the state seed department.

**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

HB 1022 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1221:** A BILL for an Act to amend and reenact section 49-05-16 of the North Dakota Century Code, relating to advance determination of prudence; 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 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 HB 1221 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1017:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of administrative hearings.

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; 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

**NAYS:** Fischer

HB 1017 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1097:** A BILL for an Act to amend and reenact section 54-02-02 of the North Dakota Century Code, relating to the state flag.

#### 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

Engrossed HB 1097 passed.

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### SECOND READING OF HOUSE BILL

**HB 1415:** A BILL for an Act to create and enact a new subsection to section 20.1-02-04 of the North Dakota Century Code, relating to the duty of the game and fish director to issue deer licenses to the wounded warrior project.

### 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

Engrossed HB 1415 passed.

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### SECOND READING OF HOUSE BILL

**HB 1009:** A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association; and to create and enact a new section to chapter 4-02.1 of the North Dakota Century Code, relating to the naming of the state fair grandstand.

### 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

Engrossed HB 1009 passed.

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### SECOND READING OF HOUSE BILL

**HB 1395:** A BILL for an Act to provide for a substance abuse services pilot voucher payment program; to provide a continuing appropriation; and to provide for a report to the legislative management.

### 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 1 YEA, 46 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** O'Connell

**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; Oehlke; Olafson; Robinson; Schaible;



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

HB 1395 lost.

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### SECOND READING OF HOUSE BILL

**HB 1196:** A BILL for an Act to amend and reenact section 39-24.1-07 of the North Dakota Century Code, relating to operating a snowmobile while under the influence of alcohol or drugs; and to provide a penalty.

### 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

HB 1196 passed.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1075, HB 1100, HB 1145, HB 1161, HB 1176, HB 1185, HB 1205, HB 1346, HB 1376, HB 1430, HCR 3007, HCR 3020, HCR 3022.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1270, HB 1386.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1158, HB 1353.

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

**MR. PRESIDENT:** The House has passed, unchanged: SB 2149, SB 2151, SB 2265, SB 2270, SB 2288, SB 2293, SB 2305, SB 2347, SB 2367, SCR 4005, SCR 4012, SCR 4016, SCR 4020, SCR 4021.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2082, SB 2129, SB 2138, SB 2173, SB 2185, SB 2219, SB 2231.

### HOUSE AMENDMENTS TO SENATE BILL NO. 2082

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 14-15.1 of the North Dakota Century Code, relating to the confidentiality of identified adoption proceedings.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new section to chapter 14-15.1 of the North Dakota Century Code is created and enacted as follows:

**Confidentiality of records.** All files, records, and proceedings under this chapter are confidential pursuant to section 14-15-16. This confidentiality requirement is retroactive pursuant to subsection 25 of section 14-15-16.

ReNUMBER accordingly

## HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2129

Page 1, line 1, replace the first comma with "and"

Page 1, line 1, remove ", 57-51.1-07.2, and"

Page 1, line 2, remove "57-51.1-07.3"

Page 1, remove line 4

Page 1, line 5, remove "fund"

Page 1, line 9, overstrike "**Apportionment and use of proceeds of**" and insert immediately thereafter "**Gross production**"

Page 1, line 9, after "**tax**" insert "allocation"

Page 1, line 10, overstrike "provided for in this chapter"

Page 1, line 10, overstrike "apportioned" and insert immediately thereafter "allocated monthly"

Page 1, line 14, overstrike "Credit thirty-three and one-third percent of the revenues to the oil and gas impact"

Page 1, overstrike line 15

Page 1, line 16, overstrike "b."

Page 1, line 22, overstrike "and"

Page 1, after line 22, insert:

"b. Allocate thirty-three and one-third percent of the revenues to the oil and gas impact grant fund, but not in an amount exceeding eight million dollars per biennium; and"

Page 1, line 23, overstrike "Credit" and insert immediately thereafter "Allocate"

Page 1, line 23, overstrike "to the"

Page 1, line 23, remove "permanent oil tax trust"

Page 1, line 23, overstrike "fund" and insert immediately thereafter "under subsection 3"

Page 2, line 14, replace "f." with "3."

Page 2, line 14, replace "deduction of the amount allocated to counties" with "the allocations"

Page 2, line 14, replace "this subsection" with "subsections 1 and 2"

Page 2, line 18, replace "permanent oil tax trust" with "state general"

Page 2, line 18, after the underscored period insert "If the amount available for a monthly allocation under this subsection is insufficient to deposit thirty percent of all revenue collected under this chapter in the legacy fund, the state treasurer shall transfer the amount of the shortfall from the state general fund share of oil extraction tax collections and deposit that amount in the legacy fund."

Page 2, line 19, overstrike "3." and insert immediately thereafter "4."

Page 2, line 21, overstrike "4" and insert immediately thereafter "5"

Page 2, line 23, overstrike "5" and insert immediately thereafter "6"

Page 2, line 24, overstrike "4." and insert immediately thereafter "5."

Page 2, line 27, remove the overstrike over "state-general"

Page 2, line 27, remove "permanent oil tax trust"

Page 4, line 18, overstrike "5" and insert immediately thereafter "6"

Page 4, line 30, overstrike "5." and insert immediately thereafter "6."

Page 4, line 31, overstrike "3" and insert immediately thereafter "4"

Page 4, line 31, overstrike "4" and insert immediately thereafter "5"

Page 5, line 2, remove the overstrike over "state-general"

Page 5, line 2, remove "permanent oil tax trust"

Page 5, line 6, overstrike "3" and insert immediately thereafter "4"

Page 5, line 6, overstrike "4" and insert immediately thereafter "5"

Page 5, line 23, overstrike "3" and insert immediately thereafter "4"

Page 5, line 23, overstrike "4" and insert immediately thereafter "5"

Page 5, line 27, overstrike "4" and insert immediately thereafter "5"

Page 6, line 4, overstrike "6." and insert immediately thereafter "7."

Page 6, line 4, overstrike "sixty" and insert immediately thereafter "thirty"

Page 6, line 4, overstrike "fiscal" and insert immediately thereafter "calendar"

Page 6, line 6, overstrike "fiscal" and insert immediately thereafter "calendar"

Page 6, line 6, overstrike the first "tax"

Page 6, line 6, overstrike the second "tax"

Page 6, line 7, overstrike "showing" and insert immediately thereafter "including"

Page 6, line 8, overstrike "The amount received by the county in its own behalf, the amount of those funds"

Page 6, overstrike lines 9 and 10

Page 6, line 11, overstrike "amount of those funds unexpended at the end of the fiscal year" and insert immediately thereafter "The county's statement of revenues and expenditures"

Page 6, line 20, overstrike "sixty" and insert immediately thereafter "fifteen"

Page 6, line 21, overstrike "tax"

Page 6, line 21, overstrike "a report" and insert immediately thereafter "the reports"

Page 6, overstrike lines 23 through 25

Page 7, line 26, remove the overstrike over "state's-general"

Page 7, line 26, remove "permanent oil tax"

Page 7, line 27, remove "trust"

Page 7, remove lines 28 and 29

Page 8, remove lines 1 through 27

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2138

Page 1, replace lines 7 through 12 with:

- "1. If a private sector employee separates from employment voluntarily and following that separation the employer is unsuccessful in locating or contacting the employee in order to pay any accrued paid time off, that employer's obligation to pay the accrued paid time off ceases two years from the date wages are due to be paid under section 34-14-03. This section does not apply if during the two-year period there is a change in the employer's physical address or mailing address."

Renumber accordingly

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2173

In lieu of the amendments adopted by the House as printed on page 941 of the House Journal, Senate Bill No. 2173 is amended as follows:

Page 1, line 12, replace "prior to" with "before"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2185

Page 1, line 4, after the first semicolon insert "and"

Page 1, line 4, remove "; and to provide an effective date"

Page 2, line 9, replace "certified under this chapter" with "the person is an individual who holds a valid nationally recognized certification"

Page 2, line 18, overstrike "licensed" and insert immediately thereafter "certified"

Page 2, line 22, overstrike "licensed" and insert immediately thereafter "certified"

Page 3, line 4, overstrike "successfully"

Page 3, overstrike line 5

Page 3, line 11, remove the overstrike over "40:"

Page 3, line 11, remove the overstrike over "~~An individual who has successfully completed an accredited interpreter training~~"

Page 3, remove the overstrike over lines 12 through 14

Page 3, remove lines 21 and 22

Renumber accordingly

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2219

Page 1, line 15, after "2." insert "The board, when possible, has requested bids or offers from at least two persons."

Page 1, line 15, after "reasonable" insert "bids or"

Page 1, line 17, replace "3." with "4."

Page 1, line 21, replace "4." with "5."

Renumber accordingly

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2231

Page 1, line 1, replace "subsection" with "subsections"

Page 1, line 1, after "1" insert "and 7"

Page 1, line 2, replace "definition of those required to register as" with "registration of"

Page 2, after line 15, insert:

**"SECTION 2. AMENDMENT.** Subsection 7 of section 12.1-32-15 of the North Dakota Century Code is amended and reenacted as follows:

7. Registration consists of a written statement signed by the individual, giving the information required by the attorney general, and the fingerprints and photograph of the individual. An individual who is not required to provide a sample of blood and other body fluids under section 31-13-03 or by the individual's state or court of conviction or adjudication shall submit a sample of blood and other body fluids for inclusion in a centralized data base of DNA identification records under section 31-13-05. The collection, submission, testing and analysis of, and records produced from, samples of blood and other body fluids, are subject to chapter 31-13. Evidence of the DNA profile comparison is admissible in accordance with section 31-13-02. A report of the DNA analysis certified by the state crime laboratory is admissible in accordance with section 31-13-05. A district court shall order an individual who refuses to submit a sample of blood or other body fluids for registration purposes to show cause at a specified time and place why the individual should not be required to submit the sample required under this subsection. Within three days after registration, the registering law enforcement agency shall forward the statement, fingerprints, and photograph to the attorney general and shall submit the sample of the individual's blood and body fluids to the state crime laboratory. If an individual required to register under this section has a change in vehicle or computer online identity, the individual shall inform in writing, within three days after the change, the law enforcement agency with which that individual last registered of the individual's new vehicle or computer online identity. If an individual required to register pursuant to this section has a change in name, school, or residence or employment address, that individual shall inform in writing, at least ten days before the change, the law enforcement agency with whom that individual last registered of the individual's new name, school, residence address, or employment address. A change in school or employment address includes the termination of school or employment for which an individual required to register under this section shall inform in writing within five days of the termination the law enforcement agency with whom the individual last registered. The law enforcement agency, within three days after receipt of the information, shall forward it to the attorney general. The attorney general shall forward the appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence, school, or employment. Upon a change of address, the individual required to register shall also register within three days at the law enforcement agency having local jurisdiction of the new place of residence, school, or employment. The individual registering under this section shall periodically confirm the information required under this subsection in a manner and at an interval determined by the attorney general. A law enforcement agency that has previously registered an

offender may omit the fingerprint portion of the registration if that agency has a set of fingerprints on file for that individual and is personally familiar with and can visually identify the offender. These provisions also apply in any other state that requires registration."

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2232.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2232**

Page 1, line 21, after "and" insert "are not open records under"

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2159.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2321, SCR 4024.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2142, SB 2148, SB 2208, SB 2233, SB 2237, SB 2251, SB 2259.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1113, HB 1139, HB 1222, HB 1319, HB 1391, HB 1465, HCR 3032.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2142, SB 2148, SB 2208, SB 2233, SB 2237, SB 2251, SB 2259.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1066, HB 1096, HB 1130, HB 1200, HB 1271, HB 1399, HCR 3024.

**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 1:00 p.m., Tuesday, March 22, 2011, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1005, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1005 was placed on the Sixth order on the calendar.

Page 1, replace lines 12 and 13 with:

"Operating expenses	<u>126,505</u>	<u>120,000</u>	<u>246,505</u>
Total general fund	\$682,585	\$165,293	\$847,878"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1005 - Indian Affairs Commission - Senate Action**

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$601,373	\$601,373		\$601,373

Operating expenses	246,505	196,505	50,000	246,505
Total all funds	\$847,878	\$797,878	\$50,000	\$847,878
Less estimated income	0	0	0	0
General fund	\$847,878	\$797,878	\$50,000	\$847,878
FTE	4.00	4.00	0.00	4.00

### Department No. 316 - Indian Affairs Commission - Detail of Senate Changes

	Adds Funding for Suicide Prevention Program <sup>1</sup>	Total Senate Changes
Salaries and wages		
Operating expenses	50,000	50,000
Total all funds	\$50,000	\$50,000
Less estimated income	0	0
General fund	\$50,000	\$50,000
FTE	0.00	0.00

<sup>1</sup> The amendment increases funding for a suicide prevention program directed at Native American tribes by \$50,000 from the general fund, to provide a total of \$100,000 for the program. This restores the funding removed by the House and provides the level included in the executive budget.

#### REPORT OF STANDING COMMITTEE

**HB 1162, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1162 was placed on the Sixth order on the calendar.

Page 3, line 14, remove "amend or"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1182: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1182 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1335, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1335 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1413, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1413 was placed on the Sixth order on the calendar.

Page 1, line 2, after "waters" insert "; and to declare an emergency"

Page 2, after line 7, insert:

**"SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1428: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1428 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1459, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1459 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1462, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1462 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HCR 3019, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HCR 3019 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3040: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3040 was placed on the Fourteenth order on the calendar.

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

**William R. Horton, Secretary**