

JOURNAL OF THE SENATE

Fifty-ninth Legislative Assembly

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Bismarck, February 14, 2005

The Senate convened at 12:40 p.m., with President Dalrymple presiding.

The prayer was offered by Father Bill Gerlach, Church of the Nativity, Fargo.

The roll was called and all members were present except Senators Bercier, Mutch, and Traynor.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2001: SEN. MATHERN (Appropriations Committee) MOVED that the amendments on SJ pages 415-416 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2010: SEN. THANE (Appropriations Committee) MOVED that the amendments on SJ pages 419-420 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2008: SEN. LINDAAS (Appropriations Committee) MOVED that the amendments on SJ page 418 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2017: SEN. MATHERN (Appropriations Committee) MOVED that the amendments on SJ page 420 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2009: SEN. SCHOBINGER (Appropriations Committee) MOVED that the amendments on SJ pages 418-419 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2022: SEN. TALLACKSON (Appropriations Committee) MOVED that the amendments on SJ pages 421-422 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2157, as engrossed: SEN. FISCHER (Appropriations Committee) MOVED that the amendments on SJ pages 422-423 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a verification vote.

MOTION

SEN. CHRISTMANN MOVED that Engrossed SB 2168 be moved to the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2019: SEN. THANE (Appropriations Committee) MOVED that the amendments on SJ pages 420-421 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2333: SEN. FREBORG (Education Committee) MOVED that the amendments on SJ pages 426-427 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

SEN. FLAKOLL REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2333, which request was granted.

ROLL CALL

The question being the motion to adopt the amendments to SB 2333, the roll was called and there were 37 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Bowman; Every; Heitkamp; Kilzer; Krauter; O'Connell; Robinson

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

The motion to adopt the amendments to SB 2333 passed.

Engrossed SB 2333 was placed on the Eleventh order on the calendar.

MOTION

SEN. CHRISTMANN MOVED that SB 2217, which is on the Sixth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2217 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that Engrossed SB 2374, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed SB 2374 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 3:30 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Dalrymple presiding.

CONSIDERATION OF AMENDMENTS

SB 2195: SEN. FISCHER (Appropriations Committee) MOVED that the amendments on SJ page 423 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2343: SEN. TRIPLETT (Judiciary Committee) MOVED that the amendments on SJ pages 394-395 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2007: SEN. ANDRIST (Appropriations Committee) MOVED that the amendments on SJ pages 416-417 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

SEN. MATHERN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2007, which request was granted.

ROLL CALL

The question being the motion to adopt the amendments to SB 2007, the roll was called and there were 9 YEAS, 35 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Hacker; Holmberg; Kilzer; Lee, J.; Stenehjerm; Tollefson

NAYS: Brown; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Syverson; Tallackson; Taylor; Thane; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

The motion to adopt the amendments to SB 2007 failed to pass.

SB 2007 was placed on the Eleventh order on the calendar.

CONSIDERATION OF AMENDMENTS

SB 2069: SEN. J. LEE (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 422 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2222: SEN. ERBELE (Education Committee) MOVED that the amendments on SJ page 424 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2295: SEN. HEITKAMP (Natural Resources Committee) MOVED that the amendments on SJ pages 425-426 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2325: SEN. DEVER (Political Subdivisions Committee) MOVED that the amendments on SJ page 426 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2336: SEN. BROWN (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 427 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2349: SEN. COOK (Political Subdivisions Committee) MOVED that the amendments on SJ pages 427-428 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. COOK MOVED that Engrossed SB 2349 be amended as follows, which motion prevailed on a voice vote.

Page 2, line 20, after "governor" insert ", one of whom must represent a minority population"

Renumber accordingly

Reengrossed SB 2349 was placed on the Eleventh order on the calendar.

CONSIDERATION OF AMENDMENTS

SB 2353: SEN. MATHERN (Appropriations Committee) MOVED that the amendments on SJ pages 428-429 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2361: SEN. DEVER (Political Subdivisions Committee) MOVED that the amendments on SJ page 429 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2391: SEN. WARDNER (Finance and Taxation Committee) MOVED that the amendments on SJ pages 429-430 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that SB 2396, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2409: SEN. DEVER (Appropriations Committee) MOVED that the amendments on SJ page 431 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SCR 4013: SEN. BROWN (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 431 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2290: SEN. HEITKAMP (Natural Resources Committee) MOVED that the amendments on SJ pages 424-425 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2168, as engrossed: SEN. G. LEE (Appropriations Committee) MOVED that the amendments on SJ page 423 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion failed.

MOTION

SEN. CHRISTMANN MOVED that Engrossed SB 2168 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed SB 2168 was rereferred.

SECOND READING OF SENATE BILL

SB 2178: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an individual and corporate income tax credit for certain investments in a dairy farm milking operation; and to provide an effective date.

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 17 YEAS, 27 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Seymour; Tallackson; Taylor; Triplett; Urlacher; Wardner; Warner

NAYS: Andrist; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Nething; Schobinger; Stenehjerm; Syverson; Thane; Tollefson; Trenbeath

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

Engrossed SB 2178 lost.

MOTION

SEN. CHRISTMANN MOVED that SB 2274, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2147: A BILL for an Act to create and enact a new section to chapter 4-01, a new section to chapter 6-09, a new section to chapter 57-39.2, and a new section to chapter 57-39.5 of the North Dakota Century Code, relating to the establishment of a beef marketing and a livestock loan guarantee program and to provide a sales tax exemption; to amend and reenact section 4-14.1-03.1 and subsection 1 of section 57-38.6-01 of the North Dakota Century Code, relating to agricultural grants; to provide for a report; to provide an appropriation; and to provide an expiration date.

MOTION

SEN. TAYLOR MOVED that Engrossed SB 2147 be further amended as follows, which motion prevailed on a voice vote.

In addition to the amendments adopted by the Senate as printed on pages 238-240 of the Senate Journal, Engrossed Senate Bill No. 2147 is further 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 6-09 of the North Dakota Century Code, relating to the establishment of a livestock loan guarantee program; to amend and reenact section 4-14.1-03.1 of the North Dakota Century Code, relating to agricultural grants; to provide for a report; and to provide an expiration date."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4-14.1-03.1 of the North Dakota Century Code is amended and reenacted as follows:

4-14.1-03.1. Agricultural products utilization commission - Authority.

1. The North Dakota agricultural products utilization commission may apply for, accept, and expend any appropriation, grant, gift, or service made available from public or private sources consistent with the purpose of this chapter.
2. The commission may administer grant programs consistent with the purpose of this chapter including a:
 - a. A basic and applied research grant program;
 - b. A utilization and marketing grant program;
 - c. A cooperative marketing grant program;
 - d. A nature-based tourism grant program;
 - e. A technical assistance grant program for value-added businesses;
 - f. A farm diversification grant program;
 - g. An agricultural prototype development grant program; and a
 - h. A North American marketing grant program. ~~The~~
3. As a condition of the grant, the commission may require, by contract, repayment of a grant, in whole or in part, that the recipient repay some or all of the grant if the grant recipient does not fulfill the conditions under which the grant was awarded of the grant. Repayment may be monetary or may be of any other type or method determined by the commission to be in the public interest.

SECTION 2. A new section to chapter 6-09 of the North Dakota Century Code is created and enacted as follows:

Livestock loan guarantee program - Establishment - Rules.

1. The Bank of North Dakota shall establish and administer a livestock loan guarantee program that is designed to expand livestock feeding in this state.
2. Under the program, the Bank may guarantee a loan made by a bank, a credit union, a savings and loan association, or any other lending institution in this state to the owner of a commercial feedlot that backgrounds or feeds cattle to harvest-ready weight. In the event of a default, the Bank shall pay to the lender the amount agreed upon, provided that the amount may not exceed eighty-five percent of the principal due the lender at the time the claim is approved.
3. The Bank shall adopt rules governing additional terms, conditions, and procedures necessary to meet the requirements of this section. The rules must include an administrative fee payable to the Bank and must provide that equity requirements may not exceed fifteen percent.

SECTION 3. REPORT TO COMMITTEES. Between the first and tenth legislative days of the regular session of the sixtieth legislative assembly as selected by the legislative council, the agriculture commissioner, the Bank of North Dakota, and the North Dakota stockmen's association shall provide a joint report regarding the livestock loan guarantee program to the standing agriculture committee of each house of the legislative assembly.

SECTION 4. EXPIRATION DATE. Section 2 of this Act is effective through June 30, 2009, and after that date is ineffective."

Renumber accordingly

SB 2147: A BILL for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to the establishment of a livestock loan guarantee program; to amend and reenact section 4-14.1-03.1 of the North Dakota Century Code, relating to agricultural grants; to provide for a report; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

Reengrossed SB 2147 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2179: A BILL for an Act to amend and reenact section 5-01-17 of the North Dakota Century Code, relating to domestic winery wine sales and special events; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

Engrossed SB 2179 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2204: A BILL for an Act to amend and reenact sections 13-01-14 and 51-14-01 of the North Dakota Century Code, relating to medical services provider late payment charges and credit service charges.

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

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

Engrossed SB 2204 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2213: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to dental medical assistance reimbursement; and to provide an expiration date.

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

YEAS: Andrist; Brown; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Bowman; Christmann; Holmberg

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

Engrossed SB 2213 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2360: A BILL for an Act to create and enact a new section to chapter 50-25.1 of the North Dakota Century Code, relating to child abuse and neglect records and information; and to amend and reenact section 50-25.1-10 of the North Dakota Century Code, relating to privileged communications.

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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Fairfield; Mutch; Traynor

Engrossed SB 2360 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2401: A BILL for an Act to amend and reenact section 19-03.1-23.1 of the North Dakota Century Code, relating to increased penalties for possessing a firearm during a controlled substance offense; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Mathern

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

Engrossed SB 2401 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2318: A BILL for an Act to amend and reenact subsection 1 of section 54-05.1-03 of the North Dakota Century Code, relating to registration as a lobbyist.

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 3 YEAS, 41 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Every; Fairfield; Tallackson

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

SB 2318 lost.

SECOND READING OF SENATE BILL

SB 2340: A BILL for an Act to amend and reenact subsection 1 of section 53-06.2-02, subsection 3 of section 53-06.2-11, and section 53-06.2-13 of the North Dakota Century Code, relating to 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 43 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Andrist

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

SB 2340 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2344: A BILL for an Act to amend and reenact subsection 6 of section 53-06.2-05 and section 53-06.2-08 of the North Dakota Century Code, relating to the use of racing commission fee collections.

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 29 YEAS, 15 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Mathern; Nelson; O'Connell; Robinson; Seymour; Syverson; Tallackson; Taylor; Thane; Trenbeath; Triplett; Warner

NAYS: Andrist; Brown; Christmann; Cook; Dever; Holmberg; Kilzer; Kringstad; Lyson; Nething; Schobinger; Stenehjerm; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

SB 2344 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2362: A BILL for an Act to amend and reenact subdivision u of subsection 1 of section 57-38-01.2 and subdivision g of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to income tax deduction for income of national guard and reserve volunteers for federal active duty; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

SB 2362 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2038: A BILL for an Act to create and enact a new section to chapter 54-59 of the North Dakota Century Code, relating to establishment of a statewide information technology improvements revolving fund; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 41 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Mathern; Seymour

NAYS: Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Nelson; Nething; O'Connell; Robinson; Schobinger; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

SB 2038 lost.

SECOND READING OF SENATE BILL

SB 2209: A BILL for an Act to amend and reenact subsection 14 of section 49-23-01 of the North Dakota Century Code, relating to the definition of one-call system operators.

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

YEAS: Andrist; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Bowman; Tallackson

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

SB 2209 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2214: A BILL for an Act to provide an appropriation for a capital project and to authorize the industrial commission to issue and sell evidences of indebtedness for capital projects; 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 NOT PASS, the roll was called and there were 1 YEA, 43 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Mathern

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

SB 2214 lost.

SECOND READING OF SENATE BILL

SB 2221: A BILL for an Act to provide an appropriation for petitioning costs for indigent individuals who have been referred to corporate guardianships.

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

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

SB 2221 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2235: A BILL for an Act to establish liability related to the planting of genetically engineered wheat.

MOTION

SEN. TRIPLETT MOVED that SB 2235 be amended as follows, which motion prevailed on a voice vote.

Page 2, line 23, remove "grossly"

Page 2, line 27, after "had" insert "not"

Renumber accordingly

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 14 YEAS, 30 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Robinson; Seymour; Tallackson; Taylor; Triplett; Warner

NAYS: Andrist; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Nething; O'Connell; Schobinger; Stenehjerm; Syverson; Thane; Tollefson; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

Engrossed SB 2235 lost.

SECOND READING OF SENATE BILL

SB 2296: A BILL for an Act to amend and reenact section 61-04-06.2 of the North Dakota Century Code, relating to water permit terms.

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

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

SB 2296 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2315: A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to a freeze on the taxable valuation of the homestead of a person sixty-five years of age or older or who is permanently and totally disabled; 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 NOT PASS, the roll was called and there were 11 YEAS, 33 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Dever; Fairfield; Heitkamp; Lyson; Mathern; Nelson; Schobinger; Seymour; Syverson; Thane; Warner

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Nething; O'Connell; Robinson; Stenehjerm; Tallackson; Taylor; Tollefson; Trenbeath; Triplett; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

SB 2315 lost.

SECOND READING OF SENATE BILL

SB 2317: A BILL for an Act to create and enact a new section to chapter 54-21 of the North Dakota Century Code, relating to the establishment of a service center in the state capitol; to amend and reenact section 54-05.1-03 of the North Dakota Century Code, relating to the payment of registration fees by lobbyists; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 44 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

SB 2317 lost.

SECOND READING OF SENATE BILL

SB 2319: A BILL for an Act to create and enact a new section to chapter 38-08.1 of the North Dakota Century Code, relating to regulation of geophysical exploration seismic shot hole operations; and to amend and reenact sections 38-08.1-01 and 38-08.1-04.1 of the North Dakota Century Code, relating to definitions and exploration permit requirements to conduct geophysical exploration.

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 8 YEAS, 36 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Every; Fairfield; Mathern; O'Connell; Seymour; Taylor; Triplett; Warner

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Nelson; Nething; Robinson; Schobinger; Stenehjerm; Syverson; Tallackson; Thane; Tollefson; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

SB 2319 lost.

SECOND READING OF SENATE BILL

SB 2320: A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to a legislative council state-tribal relations committee; and to provide an expiration date.

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 6 YEAS, 38 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Every; Fairfield; Krauter; Mathern; O'Connell; Seymour

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Nelson; Nething; Robinson; Schobinger; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

SB 2320 lost.

MOTION

SEN. CHRISTMANN MOVED that SB 2352, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2365: A BILL for an Act to provide an appropriation to the department of commerce for the purpose of providing state matching funds for wind-to-hydrogen demonstration projects.

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 11 YEAS, 33 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Taylor; Warner

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Nething; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

SB 2365 lost.

SECOND READING OF SENATE BILL

SB 2380: A BILL for an Act to amend and reenact section 39-21-41.4 of the North Dakota Century Code, relating to the use of safety belts; and to repeal section 39-21-41.5 of the North Dakota Century Code, relating to secondary enforcement of safety belt violations.

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 8 YEAS, 36 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Espegard; Kilzer; Lindaas; Mathern; Nelson; Robinson; Tallackson; Thane

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Nething; O'Connell; Schobinger; Seymour; Stenehjem; Syverson; Taylor; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor

SB 2380 lost.

MOTION

SEN. CHRISTMANN MOVED that SB 2025 be moved to the top of the Eleventh order, which motion prevailed.

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 2177, SB 2240, SB 2256, SB 2259, SB 2267, SB 2321, SB 2324, SB 2339, SB 2346, SB 2378, SB 2382, SCR 4016, SCR 4021, SCR 4023, SCR 4026.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1061, HB 1235, HB 1273, HB 1304, HB 1314, HB 1360, HB 1386, HB 1391, HB 1397, HB 1409, HB 1454, HB 1519, HCR 3007.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1032, HB 1110.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed unchanged: SCR 4020.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Tuesday, February 15, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2031: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2031 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2037: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2037 was placed on the Sixth order on the calendar.

Page 1, line 4, after the third comma insert "54-59-21,"

Page 1, line 8, after the comma insert "access to the criminal justice information sharing system,"

Page 3, line 22, replace "primarily intended to affect state agencies" with "which does not materially affect the public and is not intended to have the force and effect of law."

Page 3, line 25, replace "reviewed" with "approved"

Page 9, line 12, after "policy" insert "; oversee the enterprise architecture process, including the makeup and responsibilities of domain teams, the architecture team, and the architecture review board;" and remove "shall"

Page 9, line 13, after "review" insert "and approve or reject" and replace "by the department" with "through the enterprise architecture process"

Page 9, line 20, replace "a" with "the enterprise architecture" and after "process" insert "and"

Page 9, line 21, remove "involving"

Page 9, line 24, after "reviewed" insert "and approved"

Page 9, line 28, overstrike "by the department" and after "~~budget~~" insert "under this section"

Page 9, line 30, overstrike the second "by"

Page 9, line 31, overstrike "the department" and insert immediately thereafter "under this section"

Page 11, after line 27, insert:

"SECTION 10. AMENDMENT. Section 54-59-21 of the North Dakota Century Code is amended and reenacted as follows:

54-59-21. Criminal justice information sharing board - Membership - Duties and powers. The criminal justice information sharing board consists of the chief justice of the supreme court or the chief justice's designee, the attorney general or the attorney general's designee, and the chief information officer of the state. The chief information officer is chairman of the board. The information technology department shall provide staff support to the board. The board shall set policy relating to the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions. The board shall provide operational oversight for criminal justice information sharing activities and shall approve and provide oversight of criminal justice information sharing budgets. Access to the criminal justice information sharing system is limited to entities within the criminal justice system and to those entities approved by the board. The board may appoint an executive committee and an advisory committee that would serve in an advisory capacity to the board."

Page 12, line 3, after the second comma insert "the oil and gas division and the geological survey of the industrial commission, the public service commission, the water commission," and remove the overstrike over "~~office of~~"

Page 12, line 4, remove the overstrike over "~~management and budget after advisement by the~~"

Page 12, line 7, remove the overstrike over "~~in conjunction with the office of management and budget~~"

Page 12, line 8, remove the overstrike over "~~office of management and budget, after receiving advice from the~~"

Page 12, line 9, remove the overstrike over the overstruck comma

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2047: Transportation Committee (Sen. Trenbeath, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2047 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "23-12-14,"

Page 1, line 2, after "to" insert "medical records and"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 23-12-14 of the North Dakota Century Code is amended and reenacted as follows:

23-12-14. Copies of medical records.

1. As used in this section, "health care provider" means a licensed individual or licensed facility providing health care services. Upon the request of a health care provider's patient or any person authorized by a patient, the provider shall provide a free copy of a patient's health care records to a health care provider designated by the patient or the person authorized by the patient if the records are requested for the purpose of transferring that patient's health care to another health care provider for the continuation of treatment.
2. Except as provided in subsection 1, upon the request for medical records with the signed authorization of the patient, the health care provider shall provide medical records at a charge of no more than twenty dollars for the first twenty-five pages and seventy-five cents per page after twenty-five pages. This charge includes any administration fee, retrieval fee, and postage expense.

Page 1, line 10, remove the overstrike over the overstruck comma and replace "that is in motion" with "and excluding injury as the result of an individual entering or alighting from a stopped motor vehicle if the injury is not caused by another motor vehicle."

Page 1, line 11, remove "or an injury that is caused by another vehicle"

Page 1, line 19, remove the overstrike over "~~one hundred fifty dollars per week per person prorated for any lesser~~"

Page 1, line 20, remove the overstrike over "~~period for work loss or survivors' income loss, or~~"

Page 2, line 18, remove the overstrike over "~~work loss,~~"

Page 2, remove the overstrike over line 19

Page 2, line 20, remove the overstrike over "~~loss,~~"

Page 2, line 23, remove "in excess of"

Page 2, line 24, remove "two hundred fifty dollars" and after the second comma insert "diagnostic,"

Page 2, remove line 28

Page 2, line 29, replace "fee schedule in effect at the time of the service. The term does" with "do"

Page 4, line 13, remove the overstrike over "~~Replacement services loss means expenses not exceeding fifteen dollars per day~~"

Page 4, remove the overstrike over lines 14 through 18

Page 4, line 19, remove the overstrike over "~~49.~~"

Page 4, line 22, remove the overstrike over "~~20.~~" and remove "19."

Page 4, line 25, remove the overstrike over "~~24.~~" and remove "20."

Page 5, remove the overstrike over lines 4 through 20

Page 6, line 1, remove the overstrike over "~~may pay all benefits~~"

Page 6, remove the overstrike over line 2

Page 6, line 3, remove the overstrike over "~~the use and benefit of all dependent survivors~~"

Page 6, line 17, after "the" insert "judgment" and overstrike "of eighteen percent per annum" and insert immediately thereafter "allowed in section 28-20-34"

Page 6, line 18, replace "A" with "Neither the injured person nor a", remove "not", and replace "ninety" with "one hundred eighty"

Page 7, line 3, after "any" insert "reasonably demonstrable" and remove "and reasonable attorney's"

Page 7, remove line 4

Page 7, line 5, remove "suspend or terminate benefits pending compliance with this request"

Page 7, line 30, replace the first "twenty-five" with "seventy-five" and after the second "twenty-five" insert "pages"

Page 8, line 15, remove the overstrike over "~~survivors' income loss and~~"

Page 8, line 16, remove the overstrike over "~~replacement services loss and~~"

Page 8, line 18, remove the overstrike over "~~If survivors' income loss and replacement~~"

Page 8, remove the overstrike over lines 19 through 26

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2050: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2050 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2186: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2186 was placed on the Sixth order on the calendar.

Page 1, after line 12, insert:

- "2. "Deceptive practices" means any misstatement or omission of any material fact, or submission of a false statement, in light of the circumstances under which it was made, by a person acting with the intent to defraud in filing an insurance claim."

Page 1, line 13, replace "2." with "3."

Page 2, remove lines 9 through 11

Page 2, line 13, replace "noncommercial" with "owner-occupied"

Page 2, line 14, replace "A personal insurance policy must be individually underwritten for" with:

- "5. "Weather-related event" means wind or hail."

Page 2, remove line 15

Page 2, line 18, remove "The insurer or its agent may"

Page 2, line 19, remove "not report these events to a consumer reporting agency or insurance support organization."

Page 2, line 25, after "activity" insert "and the claim does not involve deceptive practices on the part of the insured"

Page 2, line 26, after "insured" insert "and the claim does not involve deceptive practices on the part of the insured"

Page 2, remove lines 27 through 29

Page 2, line 30, replace "7." with "5.", after "A" insert "first-party property", and replace "natural" with "weather-related"

Page 2, line 31, remove "phenomena-related"

Page 3, line 3, replace "8." with "6." and replace "five" with "ten"

Page 3, line 8, after "property" insert ", unless the insurer can provide evidence that the previous owner did not mitigate the damage"

Page 3, remove lines 9 through 13

Page 3, line 14, replace "26.1-25.2-06" with "26.1-25.2-05"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2188: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2188 was placed on the Sixth order on the calendar.

Page 1, line 9, remove the overstrike over "~~but the rate used for~~"

Page 1, line 10, remove the overstrike over "~~capitalization under this section may not be less than~~", after "~~one-half~~" insert "eight and six-tenths", and remove the overstrike over "~~percent~~" and insert immediately thereafter "for taxable year 2005"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2190, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2190 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide for retroactive application"

Page 1, line 19, after "is" insert "a single premium immediate annuity," and after "irrevocable" insert an underscored comma

Page 2, replace lines 10 through 14 with:

"3. An annuity that contains a provision that allows for cancellation of the annuity upon a denial of medical assistance may not be considered an available asset unless the annuity is canceled and the proceeds are not used to purchase an annuity that meets the requirements of subsection 2. Any proceeds from a cancellation described in this subsection which are not used to purchase an annuity described in subsection 2 must be considered an available asset of the annuity owner and the owner's spouse."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2242: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2242 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subdivision a of"

Page 1, line 4, remove "and residence"

Page 1, line 6, replace "Subsection" with "Subdivision a of subsection"

Page 1, line 8, remove "15."

Page 1, line 22, remove the first underscored comma

Page 1, line 24, replace "an" with "any" and remove "who is a shareholder."

Page 2, remove line 1

Page 2, line 2, remove "improvement." and replace "subsection" with "subdivision"

Page 2, remove lines 13 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 14

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2255, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2255 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2281, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2281 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2287: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2287 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2301, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2301 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2303: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2303 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new section to chapter 54-05.1 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove "assembly;", replace "section" with "sections", and after "54-05.1-03" insert "and 54-05.1-04"

Page 1, line 4, after "lobbyist" insert "registration and" and after "requirements" insert "and the authority of the secretary of state"

Page 1, line 10, after "1." insert "a."

Page 1, after line 20, insert:

"b."

Page 1, line 21, overstrike "the" and insert immediately thereafter ":

(1) The and overstrike the comma

Page 1, line 22, overstrike the first "the" and insert immediately thereafter "; and

(2) The"

Page 1, line 23, overstrike "all persons, corporations, limited liability companies,"

Page 1, line 24, overstrike "associations, groups, or organizations" and insert immediately thereafter "any person"

Page 2, line 2, after the period insert:

"c."

Page 2, line 4, after "registered" insert:

"d."

Page 2, line 9, after the period insert:

"e."

Page 2, line 10, overstrike "twenty" and insert immediately thereafter "twenty-five"

Page 2, line 13, remove the overstrike over "~~August~~" and remove "the"

Page 2, line 14, remove the overstrike over "~~following the expiration of the registration period~~" and remove "day of each calendar quarter"

Page 2, line 16, remove the overstrike over "~~fifty~~", remove "twenty-five", and remove the overstrike over "~~on any single~~"

Page 2, line 17, remove the overstrike over "~~occasion~~"

Page 2, line 18, after "individual" insert ", including the spouse or other family member of a member of the legislative assembly or the governor,"

Page 3, line 2, remove the overstrike over "~~October first~~" and remove "the end of the calendar quarter after the report"

Page 3, line 3, remove "was due"

Page 3, replace lines 11 through 31 with:

"SECTION 2. AMENDMENT. Section 54-05.1-04 of the North Dakota Century Code is amended and reenacted as follows:

54-05.1-04. Powers of secretary of state - Granting and revoking of certificates - Referrals and reports to the attorney general.

1. ~~It is the duty and responsibility of the~~ The secretary of state shall:
 - a. ~~To grant~~ Grant a certificate of registration and ~~to~~ design and furnish a distinctive lobbyist identification badge to any ~~person~~ individual registering under section 54-05.1-03 who supplies the required information ~~therein required~~.
 - b. ~~To revoke~~ Revoke the certificate of registration of any ~~person~~ individual who has been convicted of violating any ~~of the provisions~~ provision of this chapter.
 - c. ~~To refer~~ Refer on the secretary of state's own motion or on the verified complaint of any ~~member of the legislative assembly or on the verified complaint of any state official, board, commission, department, or agency, or on the verified complaint of any~~ other person, to the attorney general for investigation, the activities of any ~~person~~ individual who the secretary of state has reason to believe has been acting as a lobbyist and who may be in violation of ~~the requirements of~~ this chapter.

- d. ~~To make~~ Make available upon request of any citizen expenditures by categories reported by registered lobbyists to have been expended on each individual in carrying out that ~~person's~~ registrant's work.
- e. ~~To supply~~ Supply a current list of registered lobbyists for each legislator upon request.
- 2. ~~In addition, the~~ The secretary of state may revoke the certificate of registration issued ~~pursuant to~~ under this chapter for failure to file the reports required by this chapter when due, but no certificate may be revoked if, ~~prior to~~ before the last day for filing ~~such~~ the reports, the secretary of state has been informed in writing of extenuating circumstances justifying ~~such~~ the failure.
- 3. The secretary of state shall compile and make available to the public a report of the total amount of expenditures reported by registrants.
- 4. The secretary of state may establish procedures for registration of lobbyists and filing of lobbyist expenditure reports through the internet or other electronic means, and may make lobbyist expenditure reports available on the secretary of state's internet web site."

Page 4, remove lines 1 through 12

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2341, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2341 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2350: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2350 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2355: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2355 was placed on the Sixth order on the calendar.

Page 1, line 3, after "dealer" insert "; and to provide for application"

Page 1, line 10, replace "pesticide control board" with "North Dakota state university extension service or its designee"

Page 1, line 15, replace the first "board" with "extension service" and replace the second "board" with "extension service"

Page 1, line 17, replace "board" with "extension service"

Page 1, line 18, replace "board" with "extension service"

Page 1, after line 18, insert:

"SECTION 2. APPLICATION. Any document filed before the effective date of this Act designating the secretary of state as agent for service of process, including any written powers of attorney, must be transferred to the extension service on the effective date of this Act."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2356: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2356 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to amend and reenact sections"

Page 1, remove line 3

Page 1, line 4, remove "regulation of mixed fighting style competitions"

Page 1, remove the underscore under lines 8 through 15

Page 1, line 16, remove the underscore under "hold, or participate in any mixed fighting style competition in this state" and replace "unless and until a mixed" with a period

Page 1, remove lines 17 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 7

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2383, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2383 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2407: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2407 was placed on the Sixth order on the calendar.

Page 1, line 9, after the third "or" insert "subsection 35, 36, 37, or 38 of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4029: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4029 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1037, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1037 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1114: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1114 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1117: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1117 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1147: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1147 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1212: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1212 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1219: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1219 was placed on the Fourteenth order on the calendar.

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

William R. Horton, Secretary