

JOURNAL OF THE SENATE

Fifty-ninth Legislative Assembly

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Bismarck, February 17, 2005

The Senate convened at 8:30 a.m., with President Dalrymple presiding.

The prayer was offered by Pastor Tim Jenks, Bethel Lutheran, Bismarck.

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

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2144: SEN. TRENBEATH (Transportation Committee) MOVED that the amendments on SJ pages 562-566 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2342, as engrossed: SEN. THANE (Appropriations Committee) MOVED that the amendments on SJ page 496 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2342: 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 developmental disabilities service providers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bercier; Traynor

Reengrossed SB 2342 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2168, as engrossed: SEN. G. LEE (Appropriations Committee) MOVED that the amendments on SJ page 568 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2168: A BILL for an Act to amend and reenact sections 15.1-07-28, 15.1-09-06, and 15.1-27-40 of the North Dakota Century Code, relating to educational associations governed by joint powers agreements; to provide for a legislative council study; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bercier; Traynor

Reengrossed SB 2168 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2247, as engrossed: SEN. KRINGSTAD (Appropriations Committee) MOVED that the amendments on SJ pages 569-570 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2247: A BILL for an Act to provide an appropriation for state employee bonus payments; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Bowman; Christmann; Grindberg; Schobinger

ABSENT AND NOT VOTING: Bercier; Traynor

Reengrossed SB 2247 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. CHRISTMANN MOVED that SB 2145 be placed at the top of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2145: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ pages 567-568 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2145: A BILL for an Act to provide for acquisition of certain land by the parks and recreation department; to provide an appropriation; to provide for a legislative council study; to provide for reports to the legislative council; and to declare an emergency.

MOTION

SEN. STENEHJEM MOVED that the question be put at 9:29 a.m., which motion prevailed.

POINT OF ORDER

SEN. O'CONNELL STATED that rules of debate prohibit a speaker from calling the question until one more person has spoken. The President agreed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 29 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Brown; Cook; Dever; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mathern; Nething; Stenehjem; Syverson; Tallackson; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner

NAYS: Bowman; Christmann; Erbele; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mutch; Nelson; O'Connell; Robinson; Schobinger; Seymour; Taylor; Warner

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2145 passed, the title was agreed to, but the emergency clause lost for lack of a two-thirds majority.

CONSIDERATION OF AMENDMENTS

SB 2323, as engrossed: SEN. KILZER (Appropriations Committee) MOVED that the amendments on SJ page 572 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2323: A BILL for an Act to provide an appropriation for a cancer research grant.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Brown; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nothing; O'Connell; Robinson; Seymour; Syverson; Tallackson; Taylor; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Bowman; Christmann; Holmberg; Kilzer; Kringstad; Mutch; Schobinger; Stenehjem; Thane

ABSENT AND NOT VOTING: Bercier; Traynor

Reengrossed SB 2323 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that SB 2358 be moved to the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2366: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ pages 498-499 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2366: A BILL for an Act to create and enact chapter 43-26.1 of the North Dakota Century Code, relating to the practice of physical therapy; to amend and reenact subsection 1 of section 10-31-04 of the North Dakota Century Code, relating to statutory cross-reference; to repeal chapter 43-26 of the North Dakota Century Code, relating to the practice of physical therapy; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 25 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; Dever; Erbele; Espgaard; Flakoll; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Nelson; Syverson; Tallackson; Taylor; Trenbeath; Triplett; Urlacher; Warner

NAYS: Bowman; Brown; Every; Fairfield; Fischer; Freborg; Heitkamp; Krauter; Lyson; Mathern; Mutch; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Thane; Tollefson; Wardner

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2366 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2396: SEN. TRENBEATH (Transportation Committee) MOVED that the amendments on SJ pages 430-431 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2396: A BILL for an Act to create and enact a new section to chapter 26.1-40 and two new sections to chapter 51-07 of the North Dakota Century Code, relating to prohibitions on

improper practices by insurance companies and certain automobile repair practices; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 6 YEAS, 39 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Mutch; Schobinger; Tallackson; Thane; Trenbeath; Warner

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; Seymour; Stenehjem; Syverson; Taylor; Tollefson; Triplett; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2396 lost.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 10:45 a.m., which motion prevailed.

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

MOTION

SEN. CHRISTMANN MOVED that SB 2358 be moved to the top of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2358: SEN. G. LEE (Education Committee) MOVED that the amendments on SJ pages 496-498 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2358: A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to conference attendance by school personnel; to amend and reenact sections 15.1-06-02, 15.1-06-04, 15.1-06-06, and 15.1-27-35 of the North Dakota Century Code, relating to professional development days and school approval; and to repeal section 15.1-09-42 of the North Dakota Century Code, relating to conference attendance by school personnel.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 28 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Stenehjem; Syverson; Tollefson; Trenbeath; Triplett; Urlacher; Wardner

NAYS: Espegard; Every; Fairfield; Hacker; Heitkamp; Holmberg; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Seymour; Tallackson; Taylor; Thane; Warner

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2358 passed and the title was agreed to.

MOTION

SEN. STENEHJEM MOVED that the vote by which SB 2358 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2372: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ pages 499-500 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2372: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to establishment of a responsible choice commission and a comprehensive program to address impaired driving, alcohol and drug abuse, and other destructive behavior; and to provide a continuing appropriation.

MOTION

SEN. LINDAAS MOVED that Engrossed SB 2372 be amended as follows, which motion was rejected as the amendments were ruled incompatible with the bill.

Page 1, line 13, replace ".25" with ".10" and replace ".066" with ".026"

Page 1, line 14, replace ".25" with ".18" and replace ".066" with ".048"

Page 2, line 4, replace "seventeen" with "two"

Page 2, line 5, remove "from nine cents per gallon for"

Renumber accordingly

MOTION

SEN. LINDAAS MOVED that the Senate reconsider its action whereby the amendments to SB 2372 were adopted, which motion was withdrawn.

MOTION

SEN. STENEHJEM MOVED that Engrossed 2372 be placed at the bottom of the Eleventh order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2373: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments on SJ pages 500-501 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. STENEHJEM MOVED that the Senate stand in recess for five minutes, which motion prevailed.

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

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 12:30 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2373: A BILL for an Act to create and enact a new section to chapter 25-03.1 of the North Dakota Century Code, relating to the commitment of individuals who are chemically dependent on methamphetamine or other controlled substances; and to provide a penalty.

MOTION

SEN. ROBINSON MOVED that Reengrossed SB 2373 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 10, replace "any interested party" with "an immediate family member or guardian of the individual"

Page 1, line 14, after the period insert "For purposes of this section, "immediate family member" means a parent, stepparent, child, stepchild, spouse, or sibling."

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 44 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espesgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch;

Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Urlacher; Wardner; Warner

NAYS: Triplett

ABSENT AND NOT VOTING: Bercier; Traynor

Reengrossed SB 2373 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2003: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ pages 543-553 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

SEN. MATHERN REQUESTED that the Senate divide the amendments to SB 2003, which request was granted on a voice vote.

DIVISION A: All of the proposed amendments with the exception of Section 19.

DIVISION B: Section 19 of the proposed amendments.

The question being the adoption of Division A of the proposed amendments to SB 2003, the motion passed on a voice vote.

Division A of the proposed amendments to SB 2003 was adopted on a voice vote.

REQUEST

SEN. MATHERN REQUESTED a recorded roll call vote on Division B of the proposed amendments to SB 2003, which request was granted.

ROLL CALL

The question being the adoption of Division B of the proposed amendments to SB 2003, the roll was called and there were 25 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Erbele; Fischer; Flakoll; Freborg; Grindberg; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Stenehjem; Syverson; Thane; Tollefson; Trenbeath; Urlacher; Wardner

NAYS: Dever; Espgaard; Every; Fairfield; Hacker; Heitkamp; Holmberg; Kilzer; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Schobinger; Seymour; Tallackson; Taylor; Triplett; Warner

ABSENT AND NOT VOTING: Bercier; Traynor

Division B of the proposed amendments to SB 2003 was adopted.

Therefore, the question being the adoption of the proposed amendments which include Divisions A and B of the proposed amendments. The proposed amendments to SB 2003 were adopted on a voice vote.

Engrossed SB 2003 was placed on the Eleventh order for immediate second reading.

SECOND READING OF SENATE BILL

SB 2003: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system; to authorize the state board of higher education to issue and sell bonds for capital projects; to provide statements of legislative intent; to provide for a report to the budget section; to provide for a performance audit of the university of North Dakota school of medicine and health sciences; and to declare an emergency.

MOTION

SEN. BROWN MOVED that Engrossed SB 2003 be amended as follows:

Page 12, line 13, replace "386,388,067" with "391,388,067"

Page 12, line 15, replace "548,791,564" with "553,791,564"

Page 12, after line 15, insert:

"SECTION 4. APPROPRIATION - PARITY AND EQUITY FUNDING. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the various higher education institutions to fund parity and provide incremental equity adjustments, for the biennium beginning July 1, 2005, and ending June 30, 2007.

AGENCY OR INSTITUTION	PARITY	EQUITY	TOTAL
Bismarck state college	\$167,601	\$919,969	\$1,087,570
Lake region state college	42,755	486,994	529,749
Williston state college	49,676		49,676
University of North Dakota	840,853		840,853
University of North Dakota school of medicine and health sciences	234,059		234,059
North Dakota state university	707,168	783,676	1,490,844
State college of science	199,202		199,202
Dickinson state university	143,233		143,233
Mayville state university	75,310		75,310
Minot state university	220,777		220,777
Valley city state university	94,350		94,350
Minot state university - Bottineau	<u>34,377</u>		<u>34,377</u>
Total	\$2,809,361	\$2,190,639	\$5,000,000"

Page 17, line 19, remove "14," after the second comma insert "16," and replace "20" with "21"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment adds a new section to the bill to appropriate \$5 million of funding from the general fund to fund parity and provide incremental equity adjustments.

REQUEST

SEN. MATHERN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2003, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2003, the roll was called and there were 21 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Brown; Every; Fairfield; Flakoll; Grindberg; Hacker; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Seymour; Syverson; Tallackson; Taylor; Triplett; Urlacher; Wardner; Warner

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

ABSENT AND NOT VOTING: Bercier; Traynor

The proposed amendments to Engrossed SB 2003 failed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2003 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2004: SEN. ANDRIST (Appropriations Committee) MOVED that the amendments on SJ pages 553-556 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2004: A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; to amend and reenact subsection 1 of section 19-02.1-24, section 19-08-04, subsections 5 and 8 of section 23-09-01, and sections 23-09-16, 23-09-24, 23-09.1-02.2, and 23-10-03 of the North Dakota Century Code, relating to licensure of food vending machines, beverage sales, food and lodging establishments, assisted living facilities, pushcarts, mobile food units, salvaged food distributors, bed and breakfasts, mobile home parks, trailer parks, and campgrounds; to repeal sections 19-08-05, 23-09-17, 23-09.1-03, and 23-10-05 of the North Dakota Century Code, relating to license fee amounts for beverage sales, food and lodging establishments, mobile food units, pushcarts, bed and breakfasts, mobile home parks, trailer parks, and campgrounds; and to provide for a legislative council study.

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, 1 NAY, 0 EXCUSED, 2 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; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Mathern

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2004 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2005: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments on SJ page 557 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

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.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Lee, J.; Traynor

Engrossed SB 2005 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2011: SEN. TALLACKSON (Appropriations Committee) MOVED that the amendments on SJ pages 557-558 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2011: A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol.

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.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Lee, J.; Traynor

Engrossed SB 2011 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2012: SEN. BOWMAN (Appropriations Committee) MOVED that the amendments on SJ pages 558-560 be adopted and then be placed on the Eleventh order with **DO PASS.**

REQUEST

SEN. MATHERN REQUESTED that the Senate divide the amendments to SB 2012, which request was granted on a voice vote.

DIVISION A: All of the proposed amendments except Section 7.

DIVISION B: Section 7 of the proposed amendments.

The question being the adoption of Division A of the proposed amendments to SB 2012, the motion passed on a voice vote.

Division A of the proposed amendments to SB 2012 was adopted on a voice vote.

REQUEST

SEN. BROWN REQUESTED a recorded roll call vote on Division B of the proposed amendments to SB 2012, which request was granted.

ROLL CALL

The question being the adoption of Division B of the proposed amendments to SB 2012, the roll was called and there were 28 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Dever; Erbele; Espegard; Fischer; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, J.; Lyson; Mutch; Nething; Schobinger; Seymour; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Urlacher; Wardner

NAYS: Brown; Cook; Every; Fairfield; Flakoll; Heitkamp; Krauter; Lee, G.; Lindaas; Mathern; Nelson; O'Connell; Robinson; Stenehjem; Syverson; Triplett; Warner

ABSENT AND NOT VOTING: Bercier; Traynor

Division B of the proposed amendments to SB 2012 was adopted.

Therefore, the question being the adoption of the proposed amendments which include Divisions A and B, the proposed amendments to SB 2012 were adopted on a voice vote.

Engrossed SB 2012 was placed on the Eleventh order for immediate second reading.

SECOND READING OF SENATE BILL

SB 2012: A BILL for an Act to provide an appropriation for defraying the expenses of the department of transportation; to create and enact section 24-02-40.1 and a new section to chapter 24-08 of the North Dakota Century Code, relating to grant or revenue anticipation financing by the department of transportation and naming of the medal of honor bridge; to amend and reenact section 24-01-03 of the North Dakota Century Code, relating to highway and bridge maintenance; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; 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; Mutch; Nelson; Nething; Robinson; Schobinger; Seymour; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Brown; O'Connell; Stenehjem

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2012 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2015: SEN. KRINGSTAD (Appropriations Committee) MOVED that the amendments on SJ pages 560-562 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2015: A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to the incarceration of female inmates in grade one correctional facilities; and to provide an expiration date.

MOTION

SEN. KRAUTER MOVED that Engrossed SB 2015 be amended as follows:

Page 2, line 2, replace "1,100,000" with "3,600,000"

Page 2, line 3, replace "13,540,401" with "16,040,401"

Page 2, line 5, replace "17,558,679" with "20,058,679"

Page 2, line 14, replace "1,100,000" with "3,600,000"

Page 2, line 15, replace "127,857,099" with "130,357,099"

Page 2, line 17, replace "99,295,290" with "101,795,290"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**Dept. 530 - Department of Corrections and Rehabilitation**

This amendment adds \$2.5 million to the equity pool line item for a total of \$3.6 million available to the Department of Corrections and Rehabilitation for salary equity adjustments for all eligible employees.

REQUEST

SEN. KRAUTER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2015, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2015, the roll was called and there were 20 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Cook; Dever; Espegard; Every; Fairfield; Freborg; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nething; O'Connell; Robinson; Seymour; Tallackson; Taylor; Trenbeath; Triplett; Warner

NAYS: Andrist; Bowman; Brown; Christmann; Erbele; Fischer; Flakoll; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Traynor

The proposed amendments to Engrossed SB 2015 failed.

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, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Warner

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2015 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that Engrossed SB 2372 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2372: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to establishment of a responsible choice commission and a comprehensive program to address impaired driving, alcohol and drug abuse, and other destructive behavior; and to provide a continuing appropriation.

MOTION

SEN. LINDAAS MOVED that Engrossed SB 2372 be amended as follows:

Page 1, line 4, replace "and" with "to amend and reenact sections 5-03-07 and 5-03-08 of the North Dakota Century Code, relating to the tax on beer at wholesale and allocation of tax revenues;" and after "appropriation" insert "; and to provide an effective date"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 5-03-07 of the North Dakota Century Code is amended and reenacted as follows:

5-03-07. Imposition of tax - Rate. A tax is hereby imposed upon all alcoholic beverage wholesalers for the privilege of doing business in this state. The amount of such tax shall be determined by the gallonage sold by wholesalers according to the following schedule:

Beer in bulk containers - per wine gallon	\$.08 .10 (-.024 .026 per liter)
Beer in bottles and cans - per wine gallon	.46 .18 (-.042 .048 per liter)
Wine containing less than 17% alcohol by volume - per wine gallon	.50 (.132 per liter)
Wine containing 17%-24% alcohol by volume - per wine gallon	.60 (.159 per liter)
Sparkling wine - per wine gallon	1.00 (.264 per liter)
Distilled spirits - per wine gallon	2.50 (.66 per liter)
Alcohol - per wine gallon	4.05 (1.07 per liter)

SECTION 2. AMENDMENT. Section 5-03-08 of the North Dakota Century Code is amended and reenacted as follows:

5-03-08. Taxes and fees deposited in the general fund - Responsible choices fund. All moneys collected by the tax commissioner under this chapter must be transferred to the state treasurer, within ten days after the end of the month in which they were collected, and deposited in the state general fund, except for the revenue

from two cents per wine gallon for beer in bulk containers and for beer in bottles and cans of the tax imposed by section 5-03-07, which must be deposited in the responsible choices fund."

Page 1, underscore lines 8 through 24

Page 2, underscore lines 1 through 4

Page 2, line 5, underscore "mission of the responsible choices commission. Any" and insert immediately thereafter "funds in the responsible choices fund and any other" and underscore "funding obtained by the"

Page 2, underscore lines 6 and 7

Page 2, after line 7, insert:

"SECTION 4. EFFECTIVE DATE. Sections 1 and 2 of this Act are effective for taxable events occurring after June 30, 2005."

Renumber accordingly

REQUEST

SEN. COOK REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2372, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2372, the roll was called and there were 12 YEAS, 33 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Freborg; Lindaas; Mathern; Nothing; Robinson; Seymour; Tallackson; Taylor; Triplett; Warner

NAYS: Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nelson; O'Connell; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Traynor

The proposed amendments to Engrossed SB 2372 failed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Mutch; Nelson; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2372 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 3:15 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Grindberg presiding.

CONSIDERATION OF AMENDMENTS

SB 2217: SEN. WARDNER (Finance and Taxation Committee) MOVED that the amendments on SJ pages 568-569 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2217: A BILL for an Act to create and enact two new sections to chapter 57-38 and a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to corporate income tax credits and a sales tax exemption for blending of biodiesel fuel and purchase of biodiesel production equipment; and to provide an effective 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 39 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Cook; Freborg; Lee, G.; Lee, J.; Mutch; Stenehjem

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2217 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2270, as engrossed: SEN. ESPEGARD (Appropriations Committee) MOVED that the amendments on SJ page 572 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2270: A BILL for an Act to create and enact section 4-14.1-07.1 of the North Dakota Century Code, relating to ethanol plant production incentives; to amend and reenact section 4-14.1-10 of the North Dakota Century Code, relating to the ethanol production incentive fund; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 33 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Brown; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Grindberg; Hacker; Heitkamp; Holmberg; Klein; Krebsbach; Kringstad; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Seymour; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Bowman; Christmann; Cook; Freborg; Kilzer; Krauter; Lee, G.; Lee, J.; Mutch; Schobinger; Stenehjem; Syverson

ABSENT AND NOT VOTING: Bercier; Traynor

Reengrossed SB 2270 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2269: SEN. WARNER (Human Services Committee) MOVED that the amendments on SJ pages 570-572 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2269: A BILL for an Act to create and enact chapter 43-53 of the North Dakota Century Code, relating to creation of the North Dakota marriage and family therapy licensure board; to provide a penalty; and to provide for a legislative council study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 4 NAYS, 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; Nelson; Nething;

Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Andrist; Mathern; Mutch; Robinson

ABSENT AND NOT VOTING: Bercier; O'Connell; Traynor

Engrossed SB 2269 passed and the title was agreed to.

PRESIDING OFFICER

PRESIDENT DALRYMPLE assumed the chair.

CONSIDERATION OF AMENDMENTS

SB 2330: SEN. CHRISTMANN (Appropriations Committee) MOVED that the amendments on SJ pages 572-573 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2330: A BILL for an Act to create and enact a new subsection to section 57-35.3-05 of the North Dakota Century Code, relating to financial institutions tax credits for tax overpayments; to provide an effective date; 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 26 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nothing; Schobinger; Stenehjem; Triplett

NAYS: Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Seymour; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2330 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2400: SEN. MATHERN (Appropriations Committee) MOVED that the amendments on SJ pages 573-574 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2400: A BILL for an Act to provide a statement of legislative intent regarding state employee compensation adjustments.

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, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Triplett; Urlacher; Wardner; Warner

NAYS: Trenbeath

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2400 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2037: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to higher education information technology; and to amend and reenact subsection 11 of section 28-32-01 and sections 54-35-15.2, 54-59-02.1, 54-59-05, 54-59-07, 54-59-09, 54-59-11, 54-59-19, 54-59-21, and 54-59-22 of the North Dakota Century Code, relating to exclusion of certain policies, standards, and guidelines of the information technology department from compliance with the Administrative Agencies Practice Act, powers and duties of the information technology committee and the information technology department, prioritization of proposed major information technology projects, access to the criminal justice information sharing system, and information technology plans and reports.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2037 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2047: A BILL for an Act to amend and reenact sections 23-12-14, 26.1-41-01, 26.1-41-09, 26.1-41-11, 26.1-41-12, and 26.1-41-19 of the North Dakota Century Code, relating to medical records and no-fault motor vehicle insurance; and to repeal section 26.1-41-17 of the North Dakota Century Code, relating to equitable allocation of losses.

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; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Fairfield; Traynor

Engrossed SB 2047 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2186: A BILL for an Act to create and enact chapter 26.1-25.2 of the North Dakota Century Code, relating to personal insurance loss history information.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2186 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2188: A BILL for an Act to amend and reenact subsection 4 of section 57-02-27.2 of the North Dakota Century Code, relating to the capitalization rate used for valuation and assessment of agricultural lands for property tax purposes; 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 PASS, the roll was called and there were 28 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Brown; Cook; Dever; Espgaard; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mathern; Mutch; Nething; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Tollefson; Trenbeath; Triplett; Wardner

NAYS: Bowman; Christmann; Erbele; Every; Fairfield; Fischer; Heitkamp; Klein; Krauter; Lindaas; Nelson; O'Connell; Robinson; Taylor; Thane; Urlacher; Warner

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2188 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2190: A BILL for an Act to amend and reenact section 50-24.1-02.8 of the North Dakota Century Code, relating to transfers involving annuities.

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

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

NAYS: Andrist

ABSENT AND NOT VOTING: Bercier; Holmberg; Lindaas; Traynor

Reengrossed SB 2190 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2242: A BILL for an Act to amend and reenact subdivision a of subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to ownership of a residence by a corporation, limited liability company, limited liability partnership, or limited partnership as a disqualifying factor for the farm building property tax exemption; 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 PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2242 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2303: A BILL for an Act to amend and reenact sections 54-05.1-03 and 54-05.1-04 of the North Dakota Century Code, relating to lobbyist registration and reporting requirements and the authority of the secretary of state; 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 44 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: O'Connell

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2303 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2355: A BILL for an Act to amend and reenact section 4-35-11 of the North Dakota Century Code, relating to designation of the agent for service of process for a nonresident pesticide applicator or dealer; and to provide for application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2355 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2356: A BILL for an Act to create and enact a new section to chapter 53-01 of the North Dakota Century Code, relating to mixed fighting style competitions.

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

NAYS: Heitkamp; Schobinger; Thane

ABSENT AND NOT VOTING: Andrist; Bercier; Traynor

Engrossed SB 2356 passed and the title was agreed to.

VOTING INTENTION

SEN. ANDRIST REQUESTED that the record reflect that he intended to vote YEA on Engrossed SB 2356, which request was granted.

SECOND READING OF SENATE BILL

SB 2374: A BILL for an Act to provide for an unemployment compensation shared work demonstration project; to provide for a legislative council study; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 33 YEAS, 11 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Seymour; Warner

ABSENT AND NOT VOTING: Bercier; Nothing; Traynor

Engrossed SB 2374 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2383: A BILL for an Act to create and enact a new subsection to section 50-25.1-02 of the North Dakota Century Code, relating to the definition of children's advocacy center; to amend and reenact section 50-25.1-05 and subsection 3 of section 50-25.1-11 of the North Dakota Century Code, relating to the role of children's advocacy centers in the investigation of child abuse and neglect; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Mutch; Nelson; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjøm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2383 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2391: A BILL for an Act to create and enact a new section to chapter 57-38, a new subdivision to subsection 1 of section 57-38-01.2, a new subdivision to subsection 2 of section 57-38-30.3, and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for individuals for planned gifts to qualified North Dakota nonprofit organizations; 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 PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2391 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2407: A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to school district approval for exemption of school district property taxes by a city or county; 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 PASS, the roll was called and there were 15 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Cook; Every; Fairfield; Freborg; Heitkamp; Krauter; Kringstad; Lee, G.; Mutch; Nelson; O'Connell; Schobinger; Seymour; Taylor; Warner

NAYS: Andrist; Bowman; Brown; Christmann; Dever; Erbele; Espgaard; Fischer; Flakoll; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Lee, J.; Lindaas; Lyson; Mathern; Nething; Robinson; Stenehjem; Syverson; Tallackson; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2407 lost.

SECOND READING OF SENATE BILL

SB 2409: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the establishment of an alternatives-to-abortion services program; to provide for reports to the legislative council; to provide an appropriation; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bercier; Traynor

Engrossed SB 2409 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2031: A BILL for an Act to provide an appropriation for providing training for law enforcement officers and other emergency service providers.

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 35 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Freborg; Heitkamp; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Seymour; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Andrist; Fischer; Flakoll; Grindberg; Hacker; Holmberg; Kilzer; Klein; Schobinger; Stenehjem

ABSENT AND NOT VOTING: Bercier; Traynor

SB 2031 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2050: A BILL for an Act to amend and reenact section 3 of chapter 538 of the 2003 Session Laws and section 26 of chapter 539 of the 2003 Session Laws, relating to the implementation date for streamlined sales and use tax agreement compliance; 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, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Schobinger

ABSENT AND NOT VOTING: Bercier; Traynor

SB 2050 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2287: A BILL for an Act to amend and reenact section 14-03-22 of the North Dakota Century Code, relating to the fee for a marriage license.

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

YEAS: Fischer

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

ABSENT AND NOT VOTING: Bercier; Traynor

SB 2287 lost.

SECOND READING OF SENATE BILL

SB 2350: A BILL for an Act to provide an appropriation to the department of corrections and rehabilitation for the construction of a new facility or remodeling of an existing facility for offenders at the James River correctional center on the state hospital campus in Jamestown; to provide for state agency and university system June 2005 payroll, paid July 2005, to be charged against the 2005-07 biennium appropriations; to provide for 2003-05 biennium general fund appropriation reductions; 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 13 YEAS, 31 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Brown; Erbele; Espgaard; Every; Fairfield; Freborg; Lee, G.; Lee, J.; Mutch; Nothing; Seymour; Tallackson; Triplett

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Fischer; Flakoll; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lindaas; Lyson; Mathern; Nelson; O'Connell; Robinson; Schobinger; Stenehjem; Syverson; Taylor; Thane; Tollefson; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Traynor; Warner

SB 2350 lost.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 5:45 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2386: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to denial of an application for an accident and health insurance policy.

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 12 YEAS, 31 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nothing; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Tallackson; Traynor; Warner

SB 2386 lost.

SECOND READING OF SENATE BILL

SB 2352: A BILL for an Act to amend and reenact subsection 10 of section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for property of a horse racing association; 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 19 YEAS, 24 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Brown; Fischer; Flakoll; Grindberg; Heitkamp; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Mathern; Nelson; O'Connell; Robinson; Syverson; Taylor; Thane; Triplett

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Freborg; Hacker; Holmberg; Kilzer; Kringstad; Lyson; Mutch; Nothing; Schobinger; Seymour; Stenehjem; Tollefson; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Tallackson; Traynor; Warner

SB 2352 lost.

SECOND READING OF SENATE BILL

SB 2385: A BILL for an Act to require the posting and publishing of notices regarding permit applications for confined animal feeding operations.

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, 35 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Every; Fairfield; Heitkamp; Lindaas; Mathern; Nelson; Seymour; Triplett

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

ABSENT AND NOT VOTING: Bercier; Tallackson; Traynor; Warner

SB 2385 lost.

SECOND READING OF SENATE BILL

SB 2389: A BILL for an Act to create and enact four new sections to chapter 51-10 of the North Dakota Century Code, relating to unfair trade practices in the marketing and selling of motor fuel; and to amend and reenact subsection 1 of section 51-10-01 of the North Dakota Century Code, relating to unfair trade practices.

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 30 YEAS, 13 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Erbele; Every; Fairfield; Fischer; Heitkamp; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lindaas; Lyson; Mutch; Nething; O'Connell; Robinson; Schobinger; Seymour; Syverson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner

NAYS: Cook; Dever; Espegard; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Lee, G.; Lee, J.; Mathern; Nelson; Stenehjem

ABSENT AND NOT VOTING: Bercier; Tallackson; Traynor; Warner

SB 2389 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that Senate Rule 601-3-f be suspended, thereby allowing SB 2144 and SB 2348 to be placed on the calendar today, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2399: A BILL for an Act to amend and reenact sections 40-19-03, 57-02-14, and 57-02-34 of the North Dakota Century Code, relating to assessment of exempt property in certain cities; 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 2 YEAS, 41 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Fairfield; O'Connell

NAYS: 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; Mutch; Nelson; Nething; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Tallackson; Traynor; Warner

SB 2399 lost.

REPORT OF STANDING COMMITTEE

SB 2348: Appropriations Committee (Sen. Holmberg, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2348 was placed on the Eleventh order on the calendar.

SECOND READING OF SENATE BILL

SB 2348: A BILL for an Act to amend and reenact sections 39-04.2-03 and 39-04.2-04 of the North Dakota Century Code, relating to funding of public transportation.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 40 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; O'Connell; Robinson; Schobinger; Seymour; Syverson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner

NAYS: Dever; Fairfield; Stenehjem

ABSENT AND NOT VOTING: Bercier; Tallackson; Traynor; Warner

SB 2348 passed and the title was agreed to.

REPORT OF STANDING COMMITTEE

SB 2144, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2144 was placed on the Eleventh order on the calendar.

SECOND READING OF SENATE BILL

SB 2144: A BILL for an act to amend and reenact sections 39-04-19, 57-43.1-02, and 57-43.2-02 of the North Dakota Century Code, relating to registration fees for motor vehicles and fuels taxes; to repeal section 7 of chapter 12 of the 2003 Session Laws, relating to registration fee allocation; and to provide an effective 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 22 YEAS, 21 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Brown; Christmann; Espegard; Fischer; Flakoll; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Mathern; Nothing; Schobinger; Syverson; Thane; Trenbeath; Triplett; Wardner

NAYS: Bowman; Cook; Dever; Erbele; Every; Fairfield; Freborg; Hacker; Heitkamp; Krauter; Kringstad; Lindaas; Mutch; Nelson; O'Connell; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Urlacher

ABSENT AND NOT VOTING: Bercier; Tallackson; Traynor; Warner

Engrossed SB 2144 lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4013: A concurrent resolution expressing support for the Red River Valley Research Corridor and commending the broad range of private and public sector partners from the federal, state, and local levels for their hard work to make the corridor a national, regional, and local success.

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

Engrossed SCR 4013 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4018: A concurrent resolution urging the Federal Railroad Administration to establish rules on the implementation of remote control locomotive technology.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

SCR 4018 was declared lost on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4029: A concurrent resolution urging Congress and the President to provide at least \$1.8 billion for Amtrak in fiscal year 2006 to sustain and improve the national intercity passenger rail system.

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

SCR 4029 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4034: A concurrent resolution congratulating the West Fargo High School Packatahnas for their first-place finish in the Universal Dance Association national finals.

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

SCR 4034 was declared adopted, and the title was agreed to on a voice vote.

MOTION

SEN. J. LEE MOVED that SCR 4034 be printed in the Journal, which motion prevailed.

Sen. J. Lee and Reps. Koppelman, Wieland introduced:

SENATE CONCURRENT RESOLUTION NO. 4034

A concurrent resolution congratulating the West Fargo High School Packatahnas for their first-place finish in the Universal Dance Association national finals.

WHEREAS, the West Fargo High School Packatahnas are the 2005 North Dakota state dance champions; and

WHEREAS, the West Fargo High School Packatahnas represented North Dakota in competition against 24 teams from across the country at the Universal Dance Association national competition in Orlando, Florida; and

WHEREAS, the members of the West Fargo High School Packatahnas spent countless hours perfecting their individual skills and their team skills; and

WHEREAS, all of their hard work, their individual and team efforts, and their dedication resulted in the West Fargo High School Packatahnas taking first place and becoming national champions in the Universal Dance Association national finals varsity high kick division;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Legislative Assembly takes great pride in extending to the West Fargo High School Packatahnas its heartiest congratulations on taking first place in the varsity high kick

division and becoming national champions in the Universal Dance Association national finals; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the superintendent of the West Fargo Public School District, the principal of West Fargo High School, and to each member of the West Fargo High School Packatahnas.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4028: A concurrent resolution urging Congress to support mandatory country of origin labeling for all agricultural commodities.

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

SCR 4028 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4014: A concurrent resolution directing the Legislative Council to study vote by mail election processes.

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

SCR 4014 was declared lost on a verification vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4030: A concurrent resolution directing the Legislative Council to study the delivery of long-term care services in North Dakota with primary emphasis on the individual's preferred method of care, patient safety, quality of care, potential duplication of service, and the direction of state assistance.

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

Engrossed SCR 4030 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE BILL

HB 1037: A BILL for an Act to amend and reenact subsection 1 of section 14-09-08.5, subsection 3 of section 14-09-08.7, subsection 1 of section 14-09-08.8, and sections 14-09-08.9, 15.1-16-05, and 40-57.3-03 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references; and to repeal section 23-29-07.7 of the North Dakota Century Code, relating to obsolete provisions.

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

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

ABSENT AND NOT VOTING: Bercier; Lindaas; Tallackson; Traynor; Warner

Engrossed HB 1037 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended and that all bills and resolutions passed today be transmitted to the House immediately, which motion prevailed.

REQUEST

SEN. CHRISTMANN REQUESTED that his announcement be placed in the Journal, which request was granted.

ANNOUNCEMENT BY ASSISTANT MAJORITY LEADER CHRISTMANN

Employees of the Senate have worked many hours of uncompensated overtime since the session began. In recognition of the uncompensated overtime, employees of the Senate will be paid for Friday, February 18, 2005, even though the Senate will be in recess on that day. Furthermore, Monday, January 17, 2005 was Martin Luther King Day, an official state holiday. Although this day was a paid holiday for most state employees, legislative employees were required to work. The Legislative Assembly will be in recess on Monday and Tuesday, February 21 and February 22, 2005. Legislative employees will be paid for those two days, February 21, 2005 being an official state holiday.

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 2002, SB 2006, SB 2013, SB 2016, SB 2018, SB 2019, SB 2027, SB 2028, SB 2032, SB 2087, SB 2228, SB 2243, SB 2266, SB 2281, SB 2282, SB 2300, SB 2301, SB 2336, SB 2341, SB 2343, SB 2349, SB 2353, SB 2361.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2014, SB 2020, SB 2021, SB 2023, SB 2059, SB 2121, SB 2133, SB 2248, SB 2395.

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 2004, SB 2005, SB 2011, SB 2015, SB 2031, SB 2037, SB 2047, SB 2050, SB 2145, SB 2168, SB 2186, SB 2188, SB 2190, SB 2217, SB 2242, SB 2269, SB 2270, SB 2303, SB 2323, SB 2330, SB 2342, SB 2348, SB 2355, SB 2356, SB 2358, SB 2366, SB 2372, SB 2373, SB 2374, SB 2383, SB 2389, SB 2391, SB 2400, SB 2409, SCR 4013, SCR 4028, SCR 4029, SCR 4030, SCR 4034.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2003, SB 2012, SB 2247.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1037.

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 1005, HB 1006, HB 1007, HB 1050, HB 1069, HB 1169, HB 1220, HB 1224, HB 1231, HB 1252, HB 1260, HB 1271, HB 1272, HB 1276, HB 1278, HB 1291, HB 1312, HB 1332, HB 1344, HB 1354, HB 1408, HB 1410, HB 1414, HB 1417, HB 1439, HB 1448, HB 1458, HB 1460, HB 1463, HB 1464, HB 1478, HB 1489, HB 1492, HB 1494, HB 1501, HB 1507, HB 1509, HB 1512, HB 1517, HB 1522.

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 1001, HB 1009, HB 1010, HB 1011, HB 1012, HB 1013, HB 1014, HB 1015, HB 1016, HB 1017, HB 1019, HB 1021, HB 1022, HB 1023, HB 1035, HB 1154, HB 1334, HB 1394, HB 1437.

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 1004.

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: HCR 3005, HCR 3019, HCR 3024, HCR 3027, HCR 3032, HCR 3043, HCR 3045.

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 1002, HB 1003, HB 1008, HB 1018, HB 1020, HB 1153, HB 1259, HB 1279, HB 1459, HB 1465, HB 1467, HB 1473.

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, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Wednesday, February 23, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4033: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4033 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1077, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1077 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1079: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1079 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1160: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1160 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1190, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1190 was placed on the Sixth order on the calendar.

Page 2, line 14, replace "a tribal reservation" with "an Indian tribe"

Page 2, line 15, after the first "beds" insert "on a reservation"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1191, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1191 was placed on the Sixth order on the calendar.

Page 2, line 21, replace "a tribal reservation" with "an Indian tribe" and after "beds" insert "on a reservation"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1204: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1204 was placed on the Sixth order on the calendar.

Page 1, line 12, overstrike "and shall adopt procedures for participation"

Page 1, line 13, overstrike "by government nursing facilities"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1226: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1226 was placed on the Fourteenth order on the calendar.

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

William R. Horton, Secretary