

**JOURNAL OF THE SENATE****Fifty-ninth Legislative Assembly**

\* \* \* \* \*

**Bismarck, April 13, 2005**

The Senate convened at 8:00 a.m., with President Dalrymple presiding.

The prayer was offered by Dr. Gordon Stork, Century Baptist Church, Bismarck.

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

A quorum was declared by the President.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. FREBORG MOVED** that the conference committee report on Engrossed HB 1189 as printed on SJ page 1448 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1189, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1189:** A BILL for an Act to create and enact a new subsection to section 20.1-02-05 and a new section to chapter 20.1-02 of the North Dakota Century Code, relating to establishing a private land access program; 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, the roll was called and there were 41 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Christmann; Fischer; Kilzer; Mathern

**ABSENT AND NOT VOTING:** Seymour; Traynor

Engrossed HB 1189, as amended, passed and the title was agreed to.

\*\*\*\*\*

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. HACKER MOVED** that the conference committee report on Engrossed HB 1500 as printed on SJ pages 1448-1450 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1500, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1500:** A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to identity fraud; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; 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; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Seymour; Traynor

Engrossed HB 1500, as amended, passed and the title was agreed to.

\*\*\*\*\*

**MOTION**

**SEN. CHRISTMANN MOVED** that Sen. Taylor replace Sen. Seymour on the Conference Committee on Reengrossed HB 1154, which motion prevailed.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1189, HB 1500.

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

**MR. SPEAKER:** The President has appointed Sen. Taylor to replace Sen. Seymour on the Conference Committee on HB 1154.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1231, HB 1346, HB 1437.

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1108.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1203, HB 1222, HB 1275, HCR 3059.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2047, SB 2111, SB 2174, SB 2187, SB 2200, SB 2251, SB 2266, SB 2302, SB 2372.

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

**MR. SPEAKER:** The President has signed: SCR 4039.

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

**MR. SPEAKER:** The President has signed: HB 1028, HB 1092, HB 1148, HB 1188, HB 1190, HB 1191, HB 1200, HB 1205, HB 1248, HB 1258, HB 1286, HB 1290, HB 1347, HB 1402, HB 1408, HB 1421, HB 1464, HB 1507, HB 1523, HB 1526.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on April 13, 2005: SCR 4039.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

**REPORT OF STANDING COMMITTEE**

**HB 1531: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1531 was placed on the Fourteenth order on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1531:** A BILL for an Act to amend and reenact section 65-04-02 of the North Dakota Century Code, relating to workforce safety and insurance fund reserve balance and rate of discount.

**MOTION**

**SEN. HEITKAMP MOVED** that HB 1531 be amended as follows:

Page 1, line 2, after "discount" insert "; and to repeal House Bill No. 1171 of the fifty-ninth legislative assembly, relating to the definition of permanent total disability and temporary total disability, eligibility for partial disability benefits, and vocational rehabilitation options, retraining, and noncompliance appeals for workforce safety and insurance purposes"

Page 1, after line 12, insert:

"**SECTION 2. REPEAL.** House Bill No. 1171, as approved by the fifty-ninth legislative assembly, is repealed."

Renumber accordingly

#### REQUEST

**SEN. FAIRFIELD REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to HB 1531, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1531, the roll was called and there were 15 YEAS, 29 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nothing; O'Connell; Robinson; Tallackson; Taylor; Triplett; Warner

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

**ABSENT AND NOT VOTING:** Grindberg; Seymour; Traynor

The proposed amendments to HB 1531 failed.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 29 YEAS, 15 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Bercier; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Tallackson; Taylor; Trenbeath; Triplett; Warner

**ABSENT AND NOT VOTING:** Grindberg; Seymour; Traynor

HB 1531 passed and the title was agreed to.

\*\*\*\*\*

#### REPORT OF CONFERENCE COMMITTEE

**SB 2001, as engrossed:** Your conference committee (Sens. Holmberg, Kringstad, Lindaas and Reps. Monson, Carlson, Glassheim) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 465 and place SB 2001 on the Seventh order.

Engrossed SB 2001 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. HOLMBERG MOVED** that the conference committee report on Engrossed SB 2001 be adopted, which motion failed on a voice vote.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2217, as engrossed:** Your conference committee (Sens. Wardner, Tollefson, Bercier and Reps. Belter, Brandenburg, S. Kelsh) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1282-1285, adopt amendments as follows, and place SB 2217 on the Seventh order:

That the House recede from its amendments as printed on pages 1282-1285 of the Senate Journal and pages 1549-1552 of the House Journal and that Engrossed Senate Bill No. 2217 be amended as follows:

Page 1, line 1, after "enact" insert "chapter 6-09.17," and after "57-38" insert ", a new subsection to section 57-38-30.3,"

Page 1, line 2, after the second "to" insert "a biodiesel partnership in assisting community expansion program," and after "corporate" insert "and individual"

Page 1, line 3, after "credits" insert a comma

Page 1, line 4, after "equipment" insert "; to amend and reenact section 7 of chapter 531 of the 2003 Session Laws, relating to extending the time special fuels tax reductions are available for biodiesel fuel", replace "and" with "to provide an appropriation; to provide a continuing appropriation;", and after "date" insert "; and to provide an expiration date"

Page 1, after line 5, insert:

**"SECTION 1.** Chapter 6-09.17 of the North Dakota Century Code is created and enacted as follows:

6-09.17-01. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. "Biodiesel partnership in assisting community expansion fund" or "fund" means a fund established to buy down the interest rate on loans to biodiesel production facilities as provided under this chapter.
2. "Biodiesel production facility" means a corporation, limited liability company, partnership, individual, or association involved in production of diesel fuel containing at least five percent biodiesel meeting the specifications adopted by the American society for testing and materials.
3. "Community" means the city or county in which an eligible biodiesel production facility is located, or a local development corporation, community organization, or any other group whose interest is in the economic growth of the area.

6-09.17-02. Biodiesel partnership in assisting community expansion fund - Continuing appropriation - Administration. A biodiesel partnership in assisting community expansion fund is hereby established. All moneys transferred into the fund, interest on fund moneys, and payments to the fund are hereby appropriated for the purposes of this chapter. This fund is subject to section 54-44.1-11 and any unexpended and unobligated balance in the fund at the end of the biennium must be transferred to the state general fund. The Bank of North Dakota shall administer the fund.

6-09.17-03. Fund - Purpose - Interest rate buydown. Moneys in the biodiesel partnership in assisting community expansion fund must be used for the purpose of buying down the interest rate on loans made by a lead financial institution in participation with the Bank of North Dakota. The Bank of North Dakota's participation may not exceed eighty percent nor be less than fifty percent of the total loans. If the loan is approved by the lenders and there is evidence of the community's commitment and ability to fund its portion of the buydown, the fund's participation in the buydown must automatically be approved.

6-09.17-04. Fund moneys - Eligible uses.

1. a. The fund moneys may be used to participate in an interest rate buydown on a loan to a biodiesel production facility for the following eligible uses:
  - (1) Purchase of real property and equipment.
  - (2) Expansion of facilities.
  - (3) Working capital.
  - (4) Inventory.
- b. The loan funds cannot be used to refinance any existing debt or for the relocation of the business within North Dakota.
2. The community shall determine the amount of the interest rate buydown and apply to the Bank of North Dakota for participation from the biodiesel partnership in assisting community expansion fund. The funds for the community's portion of the buydown may come from a local development corporation, contributions, community funds, future dedicated tax programs, or any other community source. Any community funds provided for a buydown under chapter 6-09.14 for a biodiesel production facility may

be considered as funds for the community's portion of the buydown under this chapter for that facility.

3. The fund participation portion in the buydown must be determined by the Bank of North Dakota based on economic conditions in the city or county in which the business is located.
4. The maximum amount from the fund in the interest rate buydown may not exceed four hundred thousand dollars per loan and not more than one loan may be provided to any single biodiesel production facility under this chapter. However, if the partnership in assisting community expansion fund does not have adequate funds on hand for an interest rate buydown for a biodiesel production facility, the maximum amount from the fund under this subsection is increased to six hundred thousand dollars per loan. The community funds required for participation in the interest rate buydown are limited to the amount required when the fund provides two hundred fifty thousand dollars per loan. The fund participation must be limited to the amount required to buy down the interest to five hundred basis points below the national prime interest rate.
5. The Bank of North Dakota shall adopt rules to implement this chapter."

Page 1, line 8, replace "Corporate income" with "Income"

Page 1, line 10, after "section" insert "57-38-29," and after "57-38-30" insert ", or 57-38-30.3"

Page 1, after line 15, insert:

"A partnership, subchapter S corporation, limited partnership, limited liability company, or any other passthrough entity entitled to the credit under this section must be considered to be the taxpayer for purposes of this section, and the amount of the credit allowed must be determined at the passthrough entity level. The amount of the total credit determined at the entity level must be passed through to the partners, shareholders, or members in proportion to their respective interests in the passthrough entity."

Page 1, line 18, replace "Corporate income" with "Income" and replace "taxpayer" with "seller of biodiesel fuel"

Page 1, line 19, after "section" insert "57-38-29," and after "57-38-30" insert ", or 57-38-30.3"

Page 1, line 20, replace "taxpayer's" with "biodiesel fuel seller's"

Page 1, line 21, replace "and authorized by the state of North Dakota" with "under section 57-43.2-05"

Page 2, line 1, replace the first "the" with "a"

Page 2, line 2, replace "taxpayer" with "biodiesel fuel seller"

Page 2, line 4, replace "taxpayer" with "biodiesel fuel seller"

Page 2, after line 8, insert:

"A partnership, subchapter S corporation, limited partnership, limited liability company, or any other passthrough entity entitled to the credit under this section must be considered to be the taxpayer for purposes of this section, and the amount of the credit allowed must be determined at the passthrough entity level. The amount of the total credit determined at the entity level must be passed through to the partners, shareholders, or members in proportion to their respective interests in the passthrough entity.

**SECTION 4.** A new subsection to section 57-38-30.3 of the North Dakota Century Code is created and enacted as follows:

A taxpayer filing a return under this section is entitled to the credits provided under sections 2 and 3 of this Act."

Page 2, line 11, replace "and authorized by" with "under section 57-43.2-05"

Page 2, line 12, remove "the state of North Dakota"

Page 2, after line 15, insert:

**"SECTION 6. AMENDMENT.** Section 7 of chapter 531 of the 2003 Session Laws is amended and reenacted as follows:

**SECTION 7. EXPIRATION DATE.** Sections 1, 3, 4, and 5 of this Act are effective for taxable events occurring from the effective date of this Act through June 30, ~~2005~~ 2007, and are thereafter ineffective.

**SECTION 7. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,200,000, or so much of the sum as may be necessary, to the Bank of North Dakota for deposit in the biodiesel partnership in assisting community expansion fund for use as provided in chapter 6-09.17, for the biennium beginning July 1, 2005, and ending June 30, 2007."

Page 2, line 16, replace "1 and 2" with "2, 3, and 4"

Page 2, line 17, replace "1" with "31" and replace "3" with "5"

Renumber accordingly

Engrossed SB 2217 was placed on the Seventh order of business on the calendar.

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. WARDNER MOVED** that the conference committee report on Engrossed SB 2217 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2217, as amended, was placed on the Eleventh order.

#### **SECOND READING OF SENATE BILL**

**SB 2217:** A BILL for an Act to create and enact chapter 6-09.17, two new sections to chapter 57-38, a new subsection to section 57-38-30.3, and a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a biodiesel partnership in assisting community expansion program, corporate and individual income tax credits, and a sales tax exemption for blending of biodiesel fuel and purchase of biodiesel production equipment; to amend and reenact section 7 of chapter 531 of the 2003 Session Laws, relating to extending the time special fuels tax reductions are available for biodiesel fuel; to provide an appropriation; to provide a continuing appropriation; 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 40 YEAS, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Cook; Kringstad; Mutch; Stenehjem

**ABSENT AND NOT VOTING:** Grindberg; Seymour; Traynor

Reengrossed SB 2217 passed and the title was agreed to.

\*\*\*\*\*

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2274, as engrossed:** Your conference committee (Sens. Mutch, Nething, Bercier and Reps. Dosch, Hawken, Thorpe) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1144-1145, adopt amendments as follows, and place SB 2274 on the Seventh order:

That the House recede from its amendments as printed on pages 1144 and 1145 of the Senate Journal and pages 1308 and 1309 of the House Journal and that Engrossed Senate Bill No. 2274 be amended as follows:

Page 1, line 2, remove the first "and"

Page 1, line 4, after "vehicles" insert "; and to declare an emergency"

Page 6, after line 27, insert:

**"SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed SB 2274 was placed on the Seventh order of business on the calendar.

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. MUTCH MOVED** that the conference committee report on Engrossed SB 2274 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2274, as amended, was placed on the Eleventh order.

#### **SECOND READING OF SENATE BILL**

**SB 2274:** A BILL for an Act to create and enact two new sections to chapter 39-21 of the North Dakota Century Code, relating to axles on a vehicle; to amend and reenact subsection 2 of section 39-06.1-06 and sections 39-06.1-09, 39-12-02, 39-12-05.3, and 39-12-08 of the North Dakota Century Code, relating to weight and size limitations and permits for vehicles; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; 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; Schobinger; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Grindberg; Seymour; Traynor

Reengrossed SB 2274 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2270, as reengrossed:** Your conference committee (Sens. Klein, Mutch, Heitkamp and Reps. Belter, Headland, S. Kelsh) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1285-1286, adopt amendments as follows, and place SB 2270 on the Seventh order:

That the House recede from its amendments as printed on pages 1285 and 1286 of the Senate Journal and pages 1306-1308 of the House Journal and that Reengrossed Senate Bill No. 2270 be amended as follows:

Page 1, line 1, replace "section" with "sections" and after "4-14.1-07.1" insert "and 4-14.1-07.2"

Page 1, line 2, replace "section" with "sections 4-14.1-08 and"

Page 1, after line 7, insert:

"4-14.1-07.1. Ethanol plant production incentives - Report to budget section.

1. a. An ethanol plant that was in operation before July 1, 1995, and which has a production capacity of fewer than fifteen million gallons [56781000 liters] of ethanol may receive up to nine hundred thousand dollars in production incentives from the state during the 2005-07 biennium and may receive no production incentives under this section after the 2005-07 biennium.

- b. An ethanol plant that was in operation before July 1, 1995, and which produced fifteen million gallons [56781000 liters] or more in the previous fiscal year is eligible to receive up to four hundred fifty thousand dollars in production incentives from the state during the 2005-07 biennium and may receive no production incentives under this section after the 2005-07 biennium.
- 2. The agricultural products utilization commission shall determine the amount of production incentives to which a plant is entitled under this section by multiplying the number of gallons of ethanol produced by the plant and marketed to a distributor or wholesaler by forty cents. The commission shall forward the production incentives to the plant upon receipt of an affidavit by the plant indicating that the ethanol is to be sold at retail to consumers. The affidavit must be accompanied by an affidavit from a wholesaler or retailer indicating that the ethanol is to be sold at retail to consumers.
- 3. Within ninety days after the conclusion of the plant's fiscal year, the plant shall submit to the budget section of the legislative council a statement by a certified public accountant indicating whether the plant produced a profit from its operation in the preceding fiscal year, after deducting the payments received under this section.

**SECTION 2.** Section 4-14.1-07.2 of the North Dakota Century Code is created and enacted as follows:"

Page 1, line 8, replace "4-14.1-07.1" with "4-14.1-07.2"

Page 1, after line 13, insert:

**"SECTION 3. AMENDMENT.** Section 4-14.1-08 of the North Dakota Century Code is amended and reenacted as follows:

**4-14.1-08. Ethanol production incentive - Calculation - Payment.** The agricultural products utilization commission shall provide quarterly to each eligible facility a production incentive based on the average North Dakota price per bushel of corn received by farmers during the quarter, as established by the North Dakota agricultural statistics service and the average North Dakota rack price per gallon [3.79 liters] of ethanol during the quarter, as compiled by ~~the American coalition for ethanol~~ AXXIS petroleum. The amount payable as a production incentive must be calculated by including the sum arrived at under subsection 1 with the sum arrived at under subsection 2.

- 1.
  - a. If the average quarterly price per bushel of corn is above one dollar and eighty cents, for each one cent by which the quarterly price is above one dollar and eighty cents, the agricultural products utilization commission shall add to the amount payable under this section one-tenth of one cent times the number of gallons of ethanol produced by the eligible facility during the quarter.
  - b. If the average quarterly price per bushel of corn is one dollar and eighty cents, the agricultural products utilization commission shall add zero to any amount payable under this section.
  - c. If the average quarterly price per bushel of corn is below one dollar and eighty cents, for each one cent by which the quarterly price is below one dollar and eighty cents, the agricultural products utilization commission shall subtract from the amount payable under this section one-tenth of one cent times the number of gallons of ethanol produced by the eligible facility during the quarter.
- 2.
  - a. If the average quarterly rack price per gallon of ethanol is above one dollar and thirty cents, for each one cent by which the average quarterly rack price is above one dollar and thirty cents, the agricultural products utilization commission shall subtract from the amount payable under this section, two-tenths of one cent times the number of gallons of ethanol produced by the eligible facility during the quarter.



- b. If the average quarterly rack price per gallon of ethanol is one dollar and thirty cents, the agricultural products utilization commission shall subtract zero from any amount payable under this section.
- c. If the average quarterly rack price per gallon of ethanol is below one dollar and thirty cents, for each one cent by which the average quarterly rack price is below one dollar and thirty cents, the agricultural products utilization commission shall add to the amount payable under this section two-tenths of one cent times the number of gallons of ethanol produced by the eligible facility during the quarter."

Page 1, line 21, after "4-14.1-07.1" insert "4-14.1-07.2"

Renumber accordingly

Reengrossed SB 2270 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. KLEIN MOVED** that the conference committee report on Reengrossed SB 2270 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2270, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2270:** A BILL for an Act to create and enact sections 4-14.1-07.1 and 4-14.1-07.2 of the North Dakota Century Code, relating to ethanol plant production incentives; to amend and reenact sections 4-14.1-08 and 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 28 YEAS, 16 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Brown; Dever; Espesgaard; Every; Fairfield; Fischer; Flakoll; Heitkamp; Krauter; Krebsbach; Kringstad; Lee, G.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Tallackson; Taylor; Thane; Trenbeath; Triplett; Urlacher; Warner

**NAYS:** Bowman; Christmann; Cook; Erbele; Freborg; Hacker; Holmberg; Kilzer; Klein; Lee, J.; Mutch; Schobinger; Stenehjerm; Syverson; Tollefson; Wardner

**ABSENT AND NOT VOTING:** Grindberg; Seymour; Traynor

Reengrossed SB 2270 passed and the title was agreed to.

\*\*\*\*\*

#### REPORT OF CONFERENCE COMMITTEE

**SB 2188, as engrossed:** Your conference committee (Sens. Cook, Wardner, Every and Reps. Headland, Brandenburg, Schmidt) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 927 and place SB 2188 on the Seventh order.

Engrossed SB 2188 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. COOK MOVED** that the conference committee report on Engrossed SB 2188 be adopted, which motion failed on a voice vote.

#### MOTION

**SEN. COOK MOVED** that the Senate reconsider its action whereby the Senate did not concur in the House amendments to Engrossed SB 2188, which motion prevailed.

#### MOTION

**SEN. CHRISTMANN MOVED** that Engrossed SB 2188 be placed at the top of the Twelfth order, which motion prevailed.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. COOK MOVED** that the Senate do concur in the House amendments to Engrossed SB 2188, which motion prevailed on a voice vote.

Engrossed SB 2188, as amended, was placed on the Fourteenth order of business.

### 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, the roll was called and there were 32 YEAS, 12 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Brown; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Hacker; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mathern; Mutch; Nething; Schobinger; Stenehjelm; Syverson; Tallackson; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

**NAYS:** Bercier; Christmann; Every; Fairfield; Heitkamp; Klein; Krauter; Lindaas; Nelson; O'Connell; Robinson; Taylor

**ABSENT AND NOT VOTING:** Grindberg; Seymour; Traynor

Reengrossed SB 2188 passed and the title was agreed to

\*\*\*\*\*

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1531.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2217, SB 2270.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2274.

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

**MR. SPEAKER:** The Senate has not adopted the conference committee report on: SB 2001.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1013 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1013:** Reps. Brusegaard; Martinson; Aarsvold

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1342, HB 1370, HB 1454, HB 1524.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently failed to pass: HCR 3048.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2388.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1108, HB 1189, HB 1500.

### MOTION

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 4:00 p.m., which motion prevailed.

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

**REPORT OF STANDING COMMITTEE**

**HB 1530, as engrossed: 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). Engrossed HB 1530 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "to provide for a legislative council study of North Dakota's oil and gas tax structure.

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY - OIL AND GAS TAX STRUCTURE - COMPARISON TO OTHER STATES - SIMPLIFICATION.** The legislative council shall consider studying, during the 2005-06 interim, North Dakota's oil and gas tax structure, including comparison to the oil and gas tax structure of other producing states and consideration of the feasibility and desirability of simplification of North Dakota's oil and gas tax structure. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

**CONSIDERATION OF AMENDMENTS**

**HB 1530, as engrossed: SEN. WARDNER (Finance and Taxation Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1530:** A BILL to provide for a legislative council study of North Dakota's oil and gas tax structure.

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

**YEAS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Fischer; Freborg; Hacker; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; O'Connell; Schobinger; Stenehjerm; Syverson; Tallackson; Thane; Tollefson; Trenbeath; Urlacher; Wardner; Warner

**NAYS:** Bercier; Every; Flakoll; Heitkamp; Lindaas; Mathern; Robinson; Taylor; Triplett

**ABSENT AND NOT VOTING:** Fairfield; Grindberg; Nelson; Seymour; Traynor

Engrossed HB 1530, as amended, passed and the title was agreed to.

\*\*\*\*\*

**REPORT OF STANDING COMMITTEE**

**SB 2261: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2261 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 23-12 of the North Dakota Century Code, relating to breastfeeding.

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

**SECTION 1.** A new section to chapter 23-12 of the North Dakota Century Code is created and enacted as follows:

**Breastfeeding.** A woman may breastfeed her child in a public place if the woman acts in a discrete and modest manner."

Renumber accordingly

#### CONSIDERATION OF AMENDMENTS

**SB 2261: SEN. TRENBEATH (Judiciary Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2261:** A BILL for an Act to create and enact a new section to chapter 23-12 of the North Dakota Century Code, relating to breastfeeding.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Mutch

**ABSENT AND NOT VOTING:** Fairfield; Grindberg; Nelson; Seymour; Traynor

Engrossed SB 2261 passed and the title was agreed to.

\*\*\*\*\*

#### APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. CHRISTMANN MOVED** that the President reappoint a committee of three to act with a like committee from the House as a new Conference Committee on Engrossed SB 2001, which motion prevailed.

**THE PRESIDENT APPOINTED** as a new Conference Committee on Engrossed SB 2001: Sens. Holmberg, Kringstad, Lindaas.

#### MOTION

**SEN. CHRISTMANN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1013, which motion prevailed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE PRESIDENT ANNOUNCED** the following appointments to a Conference Committee on Engrossed HB 1013: Sens. Holmberg, Kringstad, Robinson.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1370, as engrossed:** Your conference committee (Sens. Trenbeath, Espgaard, Warner and Reps. Owens, Weisz, Schmidt) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1468-1469, adopt amendments as follows, and place HB 1370 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1468 and 1469 of the House Journal and page 1059 of the Senate Journal and that Engrossed House Bill No. 1370 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of railroad fuel surcharges.

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY - RAILROAD FUEL SURCHARGES.** The legislative council shall consider studying railroad fuel surcharges during the 2005-06 interim. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

Engrossed HB 1370 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. TRENBEATH MOVED** that the conference committee report on Engrossed HB 1370 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1370, as amended, was placed on the Fourteenth order.

#### SECOND READING OF HOUSE BILL

**HB 1370:** A BILL for an Act to provide for a legislative council study of railroad fuel surcharges.

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

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

**ABSENT AND NOT VOTING:** Fairfield; Grindberg; Nelson; Seymour; Traynor

Engrossed HB 1370, as amended, passed and the title was agreed to.

\*\*\*\*\*

#### REPORT OF CONFERENCE COMMITTEE

**HB 1454:** Your conference committee (Sens. Cook, G. Lee, Fairfield and Reps. Maragos, Pietsch, Kaldor) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1454, adopt amendments as follows, and place HB 1454 on the Seventh order:

That the Senate recede from its amendments as printed on page 1454 of the House Journal and page 1063 of the Senate Journal and that House Bill No. 1454 be amended as follows:

Page 1, line 10, after "days" insert "if that motor vehicle is either delivered to a renter at an airport or delivered to a renter who was picked up by the retailer at an airport"

Renumber accordingly

HB 1454 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. COOK MOVED** that the conference committee report on HB 1454 be adopted, which motion prevailed on a voice vote.

HB 1454, as amended, was placed on the Fourteenth order.

#### SECOND READING OF HOUSE BILL

**HB 1454:** A BILL for an Act to create and enact section 40-57.3-01.2 of the North Dakota Century Code, relating to the imposition of a city motor vehicle rental tax; and to amend and reenact section 40-57.3-02 of the North Dakota Century Code, relating to the city visitors' promotion fund.

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

**YEAS:** Bercier; Brown; Dever; Erbele; Espgaard; Every; Flakoll; Freborg; Hacker; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, J.; Lindaas; Lyson; Mathern; Nething; Robinson; Syverson; Tallackson; Taylor; Thane; Triplett; Wardner; Warner

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Klein; Lee, G.; Mutch; O'Connell; Schobinger; Stenehjerm; Tollefson; Trenbeath; Urlacher

**ABSENT AND NOT VOTING:** Fairfield; Grindberg; Nelson; Seymour; Traynor

HB 1454, as amended, passed and the title was agreed to.

\*\*\*\*\*

**REPORT OF CONFERENCE COMMITTEE**

**HB 1342, as engrossed:** Your conference committee (Sens. Trenbeath, Espegard, Bercier and Reps. Iverson, Vigasaa, S. Meyer) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1163-1164, adopt amendments as follows, and place HB 1342 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1163 and 1164 of the House Journal and pages 806-808 of the Senate Journal and that Engrossed House Bill No. 1342 be amended as follows:

Page 1, line 3, after the first comma insert "39-29-12,"

Page 1, line 4, after "vehicles" insert "; and to provide a penalty"

Page 2, line 17, overstrike "a person" and insert immediately thereafter "an individual"

Page 3, line 6, overstrike "a person" and insert immediately thereafter "an individual"

Page 5, line 29, remove "The director may permit a political subdivision or a person acting under authority of"

Page 5, remove lines 30 and 31

Page 6, line 1, remove "4."

Page 6, line 4, remove the overstrike over "4." and remove "5."

Page 6, line 12, overstrike "A person" and insert immediately thereafter "An individual"

Page 6, line 14, overstrike "a person" and insert immediately thereafter "an individual"

Page 6, line 16, after the period insert "An individual may operate a registered off-highway vehicle on a gravel, dirt, or loose surface roadway. An individual may operate a registered off-highway vehicle on a paved county or township roadway if the off-highway vehicle is towing an implement of husbandry and does not exceed the speed of twenty-five miles [40.23 kilometers] per hour. An individual may operate a registered off-highway vehicle on a paved county or township roadway designated and posted at a speed not exceeding forty-five miles [72.42 kilometers] per hour."

Page 6, line 28, overstrike "A person" and insert immediately thereafter "Unless an individual is operating a class 1 off-highway vehicle, an individual"

Page 7, line 8, overstrike "A person" and insert immediately thereafter "An individual"

Page 7, line 30, overstrike "a person" and insert immediately thereafter "an individual"

Page 8, line 7, overstrike "A person" and insert immediately thereafter "An individual"

Page 8, line 11, remove "A" and overstrike "person" and insert immediately thereafter "An individual"

Page 8, line 16, replace the underscored comma with "the vehicle" and replace "has a" with "is equipped and recommended by the manufacturer to carry a passenger and the passenger is carried as recommended by the manufacturer"

Page 8, line 17, remove "specific passenger seat with a back rest"

Page 8, line 18, replace "this chapter" with "law"

Page 8, after line 20, insert:

**"SECTION 12. AMENDMENT.** Section 39-29-12 of the North Dakota Century Code is amended and reenacted as follows:

**39-29-12. Penalties.** Violation of subdivision b, c, or g of subsection 5 of section 39-29-09 is a class B misdemeanor. Violation of any other provision of section 39-29-09 is an infraction for which a fee of twenty dollars must be assessed. Violation of section 39-29-02 is an infraction, for which a fee of fifty dollars must be assessed. If

the ~~person~~ individual provides proof of registration since the violation, the fee may be reduced by one-half. Violation of any other provision of this chapter is an infraction, for which a fee of ten dollars must be assessed."

Renumber accordingly

Engrossed HB 1342 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. TRENBEATH MOVED** that the conference committee report on Engrossed HB 1342 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1342, as amended, was placed on the Fourteenth order.

#### SECOND READING OF HOUSE BILL

**HB 1342:** A BILL for an Act to amend and reenact subsection 59 of section 39-01-01 and sections 39-29-01, 39-29-01.1, 39-29-02, 39-29-03, 39-29-04, 39-29-05, 39-29-06, 39-29-07, 39-29-08, 39-29-09, 39-29-12, 51-20-01, and 57-40.3-01 of the North Dakota Century Code, relating to all-terrain vehicles; 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 39 YEAS, 3 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Flakoll; Lyson; Syverson

**ABSENT AND NOT VOTING:** Fairfield; Grindberg; Nelson; Seymour; Traynor

Engrossed HB 1342, as amended, passed and the title was agreed to.

\*\*\*\*\*

#### REPORT OF CONFERENCE COMMITTEE

**HB 1524, as engrossed:** Your conference committee (Sens. Cook, Hacker, Triplett and Reps. Devlin, Price, Sandvig) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1655, adopt amendments as follows, and place HB 1524 on the Seventh order:

That the Senate recede from its amendments as printed on page 1655 of the House Journal and page 1358 of the Senate Journal and that Engrossed House Bill No. 1524 be amended as follows:

Page 1, line 19, replace ", in consultation" with "shall conduct joint meetings" and remove the second comma

Page 1, line 20, replace "shall" with "to"

Page 1, line 22, replace "The" with "After the joint meetings have concluded, the" and after "shall" insert "meet to prepare a"

Page 1, line 23, after "report" insert "on"

Renumber accordingly

Engrossed HB 1524 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. COOK MOVED** that the conference committee report on Engrossed HB 1524 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1524, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1524:** A BILL for an Act to provide for a tribal and state relations committee; 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 42 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Fairfield; Grindberg; Nelson; Seymour; Traynor

Engrossed HB 1524, as amended, passed and the title was agreed to.

\*\*\*\*\*

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1530.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1342, HB 1370, HB 1454, HB 1524.

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

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1013:** Sens. Holmberg; Kringstad; Robinson

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

**MR. SPEAKER:** The President has appointed as a new conference committee to act with a like committee from the House on:

**SB 2001:** Sens. Holmberg; Kringstad; Lindaas

**MOTION**

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

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Seventh, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Thursday, April 14, 2005, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2010, as engrossed:** Your conference committee (Sens. Thane, Andrist, Mathern and Reps. Wieland, Bellew, Kerzman) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1115-1116, adopt amendments as follows, and place SB 2010 on the Seventh order:

That the House recede from its amendments as printed on pages 1115 and 1116 of the Senate Journal and pages 1292 and 1293 of the House Journal and that Engrossed Senate Bill No. 2010 be amended as follows:

Page 1, line 2, remove the first "and"

Page 1, line 5, after "fund" insert "; and to provide a statement of legislative intent"

Page 1, line 21, replace "26,808" with "26,184"

Page 1, line 23, replace "90,400" with "60,400"

Page 2, line 1, replace "68,301" with "37,677"

Page 2, line 3, replace "\$22,198" with "(\$8,426)"

Page 2, line 9, replace "452,376" with "451,752"



Page 2, line 11, replace "1,506,257" with "1,476,257"

Page 2, line 13, replace "2,294,919" with "2,264,295"

Page 2, line 15, replace "1,026,601" with "995,977"

Page 4, after line 2, insert:

**"SECTION 8. LEGISLATIVE INTENT - INVESTMENT OF THE CULTURAL ENDOWMENT FUND.** It is the intent of the fifty-ninth legislative assembly that the council on the arts, in cooperation with the state investment board, determine the asset mix and risk for investing the assets of the cultural endowment fund under the management of the state investment board."

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2010 - Council on the Arts - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$454,197	\$452,376	(\$624)	\$451,752	\$451,752	
Operating expenses	227,986	227,986		227,986	227,986	
Grants	1,506,257	1,506,257	(30,000)	1,476,257	1,476,257	
Lewis and Clark Bicentennial	<u>108,300</u>	<u>108,300</u>		<u>108,300</u>	<u>108,300</u>	
Total all funds	\$2,296,740	\$2,294,919	(\$30,624)	\$2,264,295	\$2,264,295	\$0
Less estimated income	<u>1,268,318</u>	<u>1,268,318</u>		<u>1,268,318</u>	<u>1,268,318</u>	
General fund	\$1,028,422	\$1,026,601	(\$30,624)	\$995,977	\$995,977	\$0
FTE	5.00	5.00	0.00	5.00	5.00	0.00

#### Dept. 709 - Council on the Arts - Detail of Conference Committee Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE <sup>1</sup>	REMOVES FUNDING FOR A NEW GRANT PROGRAM <sup>2</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$624)		(\$624)
Operating expenses			
Grants		(\$30,000)	(30,000)
Lewis and Clark Bicentennial			
Total all funds	(\$624)	(\$30,000)	(\$30,624)
Less estimated income			
General fund	(\$624)	(\$30,000)	(\$30,624)
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment reduces funding for state employee health insurance premiums from \$559.15 to \$553.95 per month, the same as the Senate version.

<sup>2</sup> This amendment removes \$30,000 funding from the general fund for a new grant program to support infrastructure and capital equipment needs of local art organizations and retains a total of \$20,000 in the grants line item for the cultural endowment fund. The House version had reduced funding in the grants line item by a total of \$30,000 from the general fund by reducing funding for the cultural endowment fund by \$10,000, from \$20,000 to \$10,000, and by reducing funding for the new grant program to support infrastructure and capital equipment needs of local art organizations by \$20,000, from \$30,000 to \$10,000.

This amendment also adds a section of legislative intent regarding the investment of the assets of the cultural endowment fund under the management of the State Investment Board. The House version removed the two sections from the bill relating to funds under the management of the State Investment Board and the cultural endowment fund.

Engrossed SB 2010 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2361, as engrossed:** Your conference committee (Sens. Dever, G. Lee, Fairfield and Reps. Devlin, Pietsch, Ekstrom) recommends that the **HOUSE RECEDE** from the

House amendments on SJ pages 948-949, adopt amendments as follows, and place SB 2361 on the Seventh order:

That the House recede from its amendments as printed on pages 948 and 949 of the Senate Journal and pages 1224 and 1225 of the House Journal that Engrossed Senate Bill No. 2361 be amended as follows:

Page 1, line 1, remove "to create and enact a new section to chapter 14-03 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to premarital counseling; and"

Page 1, line 3, after "fees" insert "; and to provide for a legislative council study"

Page 1, line 10, overstrike "the sum" and insert immediately thereafter "a fee"

Page 1, line 11, replace "thirty-one" with "up to thirty"

Page 1, line 13, overstrike "also"

Page 1, line 14, replace "ninety-four" with "thirty-five"

Page 1, line 15, remove ", except if"

Page 1, remove lines 16 through 22

Page 1, line 23, remove "premarital counseling"

Page 2, replace lines 18 through 31 with:

**"SECTION 2. LEGISLATIVE COUNCIL STUDY - MARRIAGE LAWS.** The legislative council shall consider studying, during the 2005-06 interim, the state's marriage laws and methods for strengthening the institution of marriage in the state, including premarital requirements, such as marital education and counseling, waiting periods, and marital blood tests; the availability of marriage counseling and parenting education in the state; and the implementation of predivorce requirements, such as divorce-effects education. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Page 3, remove lines 1 through 7

Renumber accordingly

Engrossed SB 2361 was placed on the Seventh order of business on the calendar.

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

**William R. Horton, Secretary**