

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

* * * * *

Bismarck, January 17, 2007

The Senate was on the Fourth, Fifth, Ninth, and Thirteenth orders of business pursuant to Sen. Christmann's motion.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1055, HB 1063, HB 1078, HB 1104, HB 1118, HB 1122, HB 1155.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1029, HB 1103.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4002.

REPORT OF STANDING COMMITTEE

SB 2025: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2025 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2034: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2034 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 52-04 of the North Dakota Century Code, relating to imposition of a fee by job service North Dakota on certain employers for employees in the return-to-employer status."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 52-04 of the North Dakota Century Code is created and enacted as follows:

Return-to-employer fee. The bureau shall impose a fee upon each employer for which cumulative contributions are less than the employer's cumulative benefits and which has the return-to-employer status for any individual who has worked for the employer within the base period of the claimant's unemployment insurance claim to the date of claim and for which the employer is also the claimant's last employer. The amount of the fee imposed under this section is one hundred dollars per base period employee on the return-to-employer status. Fifty percent of any fee paid under this section must be considered as an unemployment contribution under this chapter. The remaining fifty percent of any fee paid must be deposited in the federal advance interest repayment fund provided for under section 52-04-22. A fee paid under this section is nonrefundable.

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2042: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2042 was placed on the Sixth order on the calendar.

Page 1, line 3, after "for" insert "retroactive"

Page 3, line 6, after "2." insert "RETROACTIVE"

Page 3, line 7, replace "the effective date of this Act" with "December 1, 2004"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2043: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2043 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2068: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2068 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2080: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2080 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2081: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2081 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 3 of section 57-38.6-01 and"

Page 1, line 2, after "to" insert "the definition of and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 3 of section 57-38.6-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Qualified business" means a cooperative, corporation, partnership, or limited liability company that:
 - a. Is incorporated or organized in this state after December 31, 2000, for the primary purpose of processing and marketing agricultural commodities capable of being raised in this state;
 - b. Has been certified by the securities commissioner to be in compliance under the securities laws of this state; and
 - c. Has an agricultural commodity processing facility, or intends to locate one, in this state; and
 - d. ~~Is among the first ten businesses that meets the requirements of this subsection, but not a business that was previously certified as a qualified business under chapter 57-38.5.~~

Page 3, line 1, overstrike "five" and insert immediately thereafter "ten"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2140: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2140 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2155: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2155 was placed on the Sixth order on the calendar.

Page 5, line 16, replace "The penalty provision of section 26.1-01-03.3 applies to a violation of this chapter" with "Any applicable penalty under section 26.1-01-03.3 for a violation of subsection 1 or 2 or subdivision b of subsection 3 of section 26.1-34.2-03 may be reduced or eliminated, according to a schedule adopted by the commissioner, if corrective action for the consumer was taken promptly after a violation was discovered"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2181: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2181 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILL

HB 1040: A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to disorderly conduct at a funeral; to provide a penalty; and to declare an emergency.

Was read the first time and referred to the **Judiciary Committee**.

William R. Horton, Secretary

