

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

* * * * *

Bismarck, February 12, 2007

The Senate convened at 12:30 p.m., with President Dalrymple presiding.

The prayer was offered by Reverend Bruce Vold, Trinity Lutheran Church, Carrington.

The roll was called and all members were present except Senators Behm and J. Lee.

A quorum was declared by the President.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Cook, Chairman)** has unanimously approved the introduction of a concurrent resolution urging Congress to exempt travel to the International Peace Garden from passport requirements.

The resolution will be SCR 4026.

CONSIDERATION OF AMENDMENTS

SB 2013: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ pages 388-392 be adopted and then be placed on the Eleventh order with **DO PASS.**

REQUEST

SEN. HOLMBERG REQUESTED that the Senate divide the amendments to SB 2013, which request was granted on a voice vote.

DIVISION A: All of the amendments except Section 14 and Footnote 7.

DIVISION B: Section 14 and Footnote 7 of the amendments.

The question being the adoption of Division A of the proposed amendments to SB 2013, the motion passed on a voice vote.

Division A of the proposed amendments to SB 2013 was adopted on a voice vote.

REQUEST

SEN. WARNER REQUESTED a recorded roll call vote on Division B of the proposed amendments to SB 2013, which request was granted.

ROLL CALL

The question being the adoption of Division B of the proposed amendments to SB 2013, the roll was called and there were 30 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Cook; Fiebiger; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Krauter; Krebsbach; Lindaas; Marcellais; Mathern; Nelson; Nothing; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Andrist; Bowman; Christmann; Dever; Erbele; Fischer; Freborg; Kilzer; Klein; Lee, G.; Lyson; Olafson; Stenehjerm; Tollefson; Urlacher

ABSENT AND NOT VOTING: Behm; Lee, J.

Division B of the proposed amendments to SB 2013 was adopted.

Therefore, the question being the adoption of the proposed amendments which include both Division A and Division B, the proposed amendments to SB 2013 were adopted on a voice vote.

Engrossed SB 2013 was placed on the Eleventh order.

CONSIDERATION OF AMENDMENTS

SB 2032, as engrossed: SEN. COOK (Appropriations Committee) MOVED that the amendments on SJ page 392 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2103, as engrossed: SEN. LYSON (Appropriations Committee) MOVED that the amendments on SJ page 392 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2141: SEN. CHRISTMANN (Appropriations Committee) MOVED that the amendments on SJ page 392 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2149: SEN. OLAFSON (Political Subdivisions Committee) MOVED that the amendments on SJ pages 392-393 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2188: SEN. FIEBIGER (Judiciary Committee) MOVED that the amendments on SJ page 394 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2203: SEN. HEITKAMP (Natural Resources Committee) MOVED that the amendments on SJ pages 394-395 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2221: SEN. FIEBIGER (Judiciary Committee) MOVED that the amendments on SJ page 395 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2217: SEN. WARNER (Political Subdivisions Committee) MOVED that the amendments on SJ page 395 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2222: SEN. FIEBIGER (Judiciary Committee) MOVED that the amendments on SJ page 395 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2224: SEN. TOLLEFSON (Finance and Taxation Committee) MOVED that the amendments on SJ page 396 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2250: SEN. FREBORG (Natural Resources Committee) MOVED that the amendments on SJ page 397 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2256: SEN. FIEBIGER (Judiciary Committee) MOVED that the amendments on SJ page 401 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2271: SEN. WARNER (Political Subdivisions Committee) MOVED that the amendments on SJ page 402 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2285: SEN. TAYLOR (Agriculture Committee) MOVED that the amendments on SJ page 402 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2290: SEN. URLACHER (Natural Resources Committee) MOVED that the amendments on SJ pages 402-403 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2292: SEN. POTTER (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 403 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2299: SEN. HACKER (Political Subdivisions Committee) MOVED that the amendments on SJ page 403 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2313: SEN. CHRISTMANN (Appropriations Committee) MOVED that the amendments on SJ page 403 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that SB 2341 be moved to the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2345: SEN. TOLLEFSON (Natural Resources Committee) MOVED that the amendments on SJ pages 404-405 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2361: SEN. OEHLKE (Finance and Taxation Committee) MOVED that the amendments on SJ page 405 be adopted with **DO PASS**, which motion prevailed.

ANNOUNCEMENT

PRESIDENT DALRYMPLE ANNOUNCED that Engrossed SB 2361 will be rereferred to the Appropriations Committee.

CONSIDERATION OF AMENDMENTS

SB 2368: SEN. FIEBIGER (Judiciary Committee) MOVED that the amendments on SJ page 406 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2371: SEN. TAYLOR (Education Committee) MOVED that the amendments on SJ pages 406-407 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2389: SEN. WANZEK (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 408-411 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2392: SEN. HACKER (Political Subdivisions Committee) MOVED that the amendments on SJ page 411 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2402: SEN. WARNER (Political Subdivisions Committee) MOVED that the amendments on SJ page 411 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that SB 2341 be moved to the top of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2341: SEN. GRINDBERG (Appropriations Committee) MOVED that the amendments on SJ page 404 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

SEN. WARNER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2341, which request was granted.

ROLL CALL

The question being the motion to adopt the amendments to SB 2341, the roll was called and there were 24 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lyson; Nething; Oehlke; Olafson; Stenehjerm; Tollefson; Urlacher; Wanzek; Wardner

NAYS: Anderson; Andrist; Bakke; Fiebiger; Heckaman; Heitkamp; Horne; Krauter; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Warner

ABSENT AND NOT VOTING: Behm; Lee, J.

The motion to adopt the amendments to SB 2341 passed.

Engrossed SB 2341 was placed on the Eleventh order.

MOTION

SEN. CHRISTMANN MOVED that SB 2353, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that after action taken on the Sixth order, SB 2228, SB 2365, and SB 2388 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2228: SEN. KLEIN (Agriculture Committee) MOVED that the amendments on SJ pages 396-397 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2228: A BILL for an Act to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to notification of alleged pesticide damage; to repeal sections 4-35-21, 4-35-21.1, and 4-35-21.2 of the North Dakota Century Code, relating to reports of loss resulting from pesticide application; and to declare an emergency.

ROLL CALL

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

YEAS: Anderson; Andrist; Bakke; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Behm; Lee, J.

Engrossed SB 2228 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2365: SEN. WANZEK (Agriculture Committee) MOVED that the amendments on SJ pages 405-406 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2365: A BILL for an Act relating to a legislative council study of grain inspection and grading procedures.

ROLL CALL

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

YEAS: Anderson; Andrist; Bakke; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Lee, G.

ABSENT AND NOT VOTING: Behm; Lee, J.; O'Connell

Engrossed SB 2365 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2388: SEN. G. LEE (Appropriations Committee) MOVED that the amendments on SJ pages 407-408 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2388: A BILL for an Act to amend and reenact section 28 of chapter 167 of the 2005 Session Laws, relating to the contingent distribution of state school aid payments; and to declare an emergency.

ROLL CALL

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

YEAS: Anderson; Andrist; Bakke; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Behm; Lee, J.

Engrossed SB 2388 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Behm; Lee, J.

SB 2018 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2057: A BILL for an Act to amend and reenact subsection 3 of section 15.1-13-01 and section 15.1-18.1-02 of the North Dakota Century Code, relating to the definition of the profession of teaching and national board for professional teaching standards certification; to provide an appropriation; and to provide for a report to the legislative council.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Bowman; Kilzer

ABSENT AND NOT VOTING: Behm; Lee, J.

Engrossed SB 2057 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that SB 2166, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2129: A BILL for an Act to create and enact subsection 7 to section 12.1-37-01, sections 14-09-08.22 and 14-09-09.36, subsection 10 to section 14-09-25, and section 50-09-37 of the North Dakota Century Code, relating to child support enforcement; to amend and reenact subsection 2 of section 14-09-08.1, subsection 3 of section 14-09-08.2, sections 14-09-08.17, 14-09-09, 14-09-09.31, and 14-09-09.33, subsection 2 of section 50-09-02.1, paragraph 2 of subdivision g of subsection 1 of section 50-09-08.2, section 50-09-08.3, subsection 6 of section 50-09-08.6, and subsection 4 of section 50-09-32 of the North Dakota Century Code, relating to child support enforcement; and to declare an emergency.

ROLL CALL

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

YEAS: Anderson; Andrist; Bakke; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Behm; Lee, J.

Engrossed SB 2129 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2153: A BILL for an Act to create and enact chapter 10-01.1 of the North Dakota Century Code, relating to registered agents; to amend and reenact subsection 1 of section 10-06.1-15, subsection 2 of section 10-06.1-17, subsection 2 of section 10-06.1-18, sections 10-15-12 and 10-15-13, subsection 2 of section 10-15-39, subsection 4 of section 10-15-51, subsection 4 of section 10-15-52.4, sections 10-15-52.6 and 10-15-54, subsection 1 of section 10-19.1-10, sections 10-19.1-15 and 10-19.1-16, subsection 4 of section 10-19.1-103, subsection 5 of section 10-19.1-104.6, subsection 1 of section 10-19.1-118, sections 10-19.1-129 and 10-19.1-135, subsection 2 of section 10-19.1-136, section 10-19.1-138, subsection 1 of section 10-19.1-140, sections 10-19.1-141, 10-19.1-145, 10-19.1-146, and 10-19.1-147,

subsection 1 of section 10-32-07, sections 10-32-12 and 10-32-13, subsection 4 of section 10-32-107, subsection 5 of section 10-32-108.6, subsection 1 of section 10-32-122, sections 10-32-132 and 10-32-138, subsection 2 of section 10-32-139, section 10-32-141, subsection 1 of section 10-32-143, sections 10-32-144, 10-32-148, 10-32-149, and 10-32-150, subsection 1 of section 10-33-06, sections 10-33-12 and 10-33-13, subsection 4 of section 10-33-92, subsection 1 of section 10-33-107, sections 10-33-120 and 10-33-128, subsection 2 of section 10-33-129, section 10-33-131, subsection 1 of section 10-33-133, sections 10-33-134, 10-33-138, and 10-33-139, subsection 1 of section 10-33-140, sections 10-34-04, 10-34-06, 10-34-09, 45-10.2-17, and 45-10.2-18, subsection 1 of section 45-10.2-23, section 45-10.2-79, subsection 2 of section 45-10.2-80, sections 45-10.2-82, 45-10.2-87, 45-10.2-107, 45-10.2-108, and 45-10.2-109, subsection 1 of section 45-15-03, sections 45-15-03.1 and 45-15-03.2, subsection 5 of section 45-21-04.2, subsection 2 of section 45-21-06, subsection 3 of section 45-22-03, sections 45-22-11 and 45-22-12, subsection 2 of section 45-22-13, sections 45-22-16, 45-22-17, and 45-22-21.1, subsection 1 of section 45-22-22, section 45-23-08, subsection 8 of section 54-09-04, and section 54-09-07 of the North Dakota Century Code, relating to farm corporations and farm limited liability companies, cooperative associations, business corporations, limited liability companies, nonprofit corporations, real estate investment trusts, limited partnerships, partnerships, limited liability partnerships, limited liability limited partnerships, and the secretary of state; to repeal section 10-15-12.1 of the North Dakota Century Code, relating to cooperative associations; 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: Anderson; Andrist; Bakke; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Behm; Lee, J.

Engrossed SB 2153 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2183: A BILL for an Act to create and enact chapter 18-05.1 of the North Dakota Century Code, relating to establishing a firefighters death benefit fund; to amend and reenact subsection 1 of section 26.1-03-17 of the North Dakota Century Code, relating to establishing a firefighters death benefit fund; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Kilzer

ABSENT AND NOT VOTING: Behm; Lee, J.

Engrossed SB 2183 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2187: A BILL for an Act to provide an appropriation for providing funding to emergency shelter programs and for providing funding for planning administrative costs associated with the housing and urban development's continuum of care homeless assistance program.

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 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Bowman; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Christmann

ABSENT AND NOT VOTING: Behm; Lee, J.

SB 2187 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2198: A BILL for an Act to amend and reenact section 20.1-03-35 of the North Dakota Century Code, relating to the use of social security numbers on game and fish licenses and permits.

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

YEAS: O'Connell

NAYS: Anderson; Andrist; Bakke; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Behm; Lee, J.

SB 2198 lost.

SECOND READING OF SENATE BILL

SB 2202: A BILL for an Act to create and enact section 57-39.2-26.3 of the North Dakota Century Code, relating to allocation of sales and use tax collections by retailers registered with the streamlined sales tax central registration system to the North Dakota taxpayer relief fund; to amend and reenact section 57-39.2-26 of the North Dakota Century Code, relating to allocation of sales and use tax revenues; 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 35 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Lee, G.; Lyson; Marcellais; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Bakke; Fiebiger; Krauter; Krebsbach; Lindaas; Mathern; Nelson; Potter; Robinson; Seymour

ABSENT AND NOT VOTING: Behm; Lee, J.

SB 2202 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2206: A BILL for an Act to amend and reenact sections 36-09-17, 36-09-20, 36-09-20.1, 36-09-22, and 36-09-23 of the North Dakota Century Code, relating to penalties imposed for violation of brand laws.

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: Anderson; Andrist; Bakke; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Behm; Lee, J.

Engrossed SB 2206 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that SB 2218, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2220: A BILL for an Act to amend and reenact section 11-18-01 of the North Dakota Century Code, relating to recording of instruments by the county recorder.

ROLL CALL

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

YEAS: Andrist; Holmberg; O'Connell

NAYS: Anderson; Bakke; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Behm; Lee, J.

SB 2220 lost.

SECOND READING OF SENATE BILL

SB 2229: A BILL for an Act to amend and reenact section 20.1-01-07 and subsection 10 of section 20.1-02-05 of the North Dakota Century Code, relating to driving offroad for hunting purposes.

MOTION

SEN. ERBELE MOVED that SB 2229 be amended as follows, which motion prevailed on a verification vote.

Page 1, line 1, remove "and subsection 10 of section"

Page 1, line 2, remove "20.1-02-05"

Page 1, line 6, remove the overstrike over "~~other than~~", after "~~than~~" insert "placing decoys for hunting", and remove the overstrike over "~~waterfowl and cranes~~"

Page 1, line 11, after the first "game" insert "furbearers", remove the overstrike over "~~other than~~", after "~~than~~" insert "placing decoys for hunting", and remove the overstrike over "~~waterfowl or cranes, statewide,~~"

Page 1, line 16, remove the overstrike over "~~A person may not use a motor-driven vehicle on any land other than an~~"

Page 1, line 17, remove the overstrike over "~~established road or trail to hunt upland game~~" and remove the overstrike over the overstruck period

Page 1, line 22, remove the overstrike over "~~A person, other than the landowner, without the written~~"

Page 1, remove the overstrike over line 23

Page 1, line 24, remove the overstrike over "~~big game~~", after "game" insert "furbearers.", remove the overstrike over "~~or small game, other than~~", after "than" insert "placing decoys for hunting", and remove the overstrike over "~~waterfowl or cranes, statewide, may not drive through any~~"

Page 2, remove the overstrike over line 1

Page 2, line 2, remove the overstrike over "~~harvested cropland, except upon an established road or trail.~~"

Page 2, remove lines 7 through 24

ReNUMBER accordingly

SB 2229: A BILL for an Act to amend and reenact section 20.1-01-07 of the North Dakota Century Code, relating to driving offroad for hunting purposes.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 8 YEAS, 37 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; Erbele; Freborg; Heckaman; Pomeroy; Seymour; Wanzek; Wardner

NAYS: Anderson; Andrist; Bakke; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Potter; Robinson; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Warner

ABSENT AND NOT VOTING: Behm; Lee, J.

Engrossed SB 2229 lost.

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 2138, SB 2172, SB 2238, SB 2258, SB 2268, SB 2286, SB 2294, SB 2298, SB 2303, SB 2359, SB 2415, SCR 4016, SCR 4017.

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 1124, HB 1211, HB 1213, HB 1260, HB 1281, HB 1359, HB 1393, HB 1398, HB 1402, HB 1437, HB 1465, HB 1468, HB 1513.

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, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Tuesday, February 13, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2021: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SB 2021 was placed on the Sixth order on the calendar.

Page 1, line 2, after "insurance" insert "; to provide legislative intent; and to provide for a report"

Page 1, line 12, replace "16,497,988" with "19,750,731"

Page 1, line 17, replace "50,020,989" with "53,273,732"

Page 1, after line 17, insert:

"SECTION 4. INTENT - STATE EMPLOYEE COMPENSATION ADJUSTMENTS - GUIDELINES. It is the intent of the sixtieth legislative assembly that the general salary increases provided for in Senate Bill No. 2189 do not apply to workforce safety and insurance. Workforce safety and insurance may provide salary increases during the 2007-09 biennium based on the agency's merit and performance system.

SECTION 5. PERFORMANCE AUDIT RECOMMENDATIONS - REPORT TO THE BUDGET SECTION. Workforce safety and insurance shall report quarterly to the budget section on the agency's status of implementing the performance audit recommendations of the state auditor."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2021 - Workforce Safety and Insurance - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Workforce Safety and Insurance	<u>\$50,020,989</u>	<u>\$3,252,743</u>	<u>\$53,273,732</u>
Total all funds	\$50,020,989	\$3,252,743	\$53,273,732
Less estimated income	<u>50,020,989</u>	<u>3,252,743</u>	<u>53,273,732</u>
General fund	\$0	\$0	\$0
FTE	223.14	14.00	237.14

Dept. 485 - Workforce Safety and Insurance - Detail of Senate Changes

	PROVIDES FUNDING FOR 14 NEW FTE POSITIONS ¹	PROVIDES FUNDING FOR SALARY INCREASES AND OPERATING EXPENSES ADJUSTMENTS ²	TOTAL SENATE CHANGES
Workforce Safety and Insurance	<u>\$1,821,456</u>	<u>\$1,431,287</u>	<u>\$3,252,743</u>
Total all funds	\$1,821,456	\$1,431,287	\$3,252,743
Less estimated income	<u>1,821,456</u>	<u>1,431,287</u>	<u>3,252,743</u>
General fund	\$0	\$0	\$0
FTE	14.00	0.00	14.00

¹ This amendment provides funding (salaries and wages and related operating expenses) for the following 14 new FTE positions:

	FTE	AMOUNT
Information services position	1.00	\$131,238
School monitoring specialist	1.00	113,986
Underwriter	1.00	130,726
Loss prevention representatives	4.00	723,656
Loss control representatives	2.00	270,800
Claims adjusters	<u>5.00</u>	<u>451,050</u>
Total	14.00	\$1,821,456

² This amendment provides funding of \$1,176,690 for pay for performance increases and market salary increases and funding of \$254,597 for other operating expenses.

This amendment also:

- Adds a section providing that the general salary increases provided for in Senate Bill No. 2189 do not apply to Workforce Safety and Insurance and Workforce Safety and Insurance may provide salary increases during the 2007-09 biennium based on the agency's merit and performance system.
- Adds a section providing the Workforce Safety and Insurance report to the Budget Section regarding the agency's status of implementing the performance audit recommendations of the State Auditor.

REPORT OF STANDING COMMITTEE

SB 2122: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2122 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2178, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2178 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2200, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2200 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2207: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2207 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2209: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2209 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2215: 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 2215 was placed on the Sixth order on the calendar.

Page 1, line 9, replace ", to which" with "that" and replace "was entitled" with "claimed"

Page 1, line 10, remove the underscored comma

Page 1, line 11, remove ", without regard to whether the"

Page 1, line 12, remove "taxpayer claimed that federal income tax credit"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2247: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2247 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new subsection to section 60-02.1-01 of the North Dakota Century Code, relating to the definition of value added; and"

Page 1, after line 10, insert:

"SECTION 2. A new subsection to section 60-02.1-01 of the North Dakota Century Code is created and enacted as follows:

"Value added" means taking grain to the next stage of production in preparation for consumption."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2240: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2240 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2253: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2253 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2276, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2276 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "general" with "community health trust" and replace "\$35,000" with "\$440,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment changes the appropriation relating to the Governor's Prevention and Advisory Council from \$35,000 from the general fund to \$440,000 from the community health trust fund.

REPORT OF STANDING COMMITTEE

SB 2277: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2277 was placed on the Sixth order on the calendar.

Page 4, line 16, replace "names" with "name", replace "all parties" with "each plaintiff and defendant", and after "action" insert "or served in the foreclosure by the advertisement"

Page 4, line 17, remove "The", overstrike "certificate must be executed by the" and insert immediately thereafter "The", after "officer" insert "shall execute the certificate", overstrike "acknowledged" and insert immediately thereafter "acknowledge", and overstrike "proved" and insert immediately thereafter "prove the certificate"

Page 4, line 18, overstrike "may be" and overstrike "by law"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2306: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). SB 2306 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2322: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2322 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2340: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2340 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2346: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2346 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2347, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2347 was placed on the Sixth order on the calendar.

Page 1, replace lines 9 through 11 with:

- "1. a. Has been a resident of this state continuously since the school year in which the student enrolled in grade nine; and
- b. Was a resident of this state for any five years during the period beginning with the school year in which the student enrolled or was eligible to enroll in kindergarten and ending with the school year in which the student completed the eighth grade;"

Page 5, line 14, replace "2025" with "2029"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2348: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2348 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 relating to high school tournament site selections.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. North Dakota high school activities association - Tournament site selection - Hearing - Notice.

1. a. The North Dakota high school activities association shall publish annually a notice of the tournament sites which it intends to select during the ensuing twelve months.
- b. The notice must include a description of the selection process and the dates, times, and locations at which the association will meet to consider and select the tournament sites. The notice must also describe how representatives of potential tournament sites and members of the public can obtain information regarding potential tournament sites and how they may provide information regarding potential tournament sites for the consideration of the association.
- c. The association shall publish any notice required by this subsection at least once each week for two consecutive weeks in each daily newspaper of general circulation in the state or provide written notice to each school district in the state.
2. Once the North Dakota high school activities association has selected a tournament site, the association may not reschedule or cancel the tournament without giving at least twenty-four months' notice to the owner or operator of the tournament site. The provisions of this subsection do not apply if:
 - a. The owner or operator of the tournament site assents to the schedule change or cancellation; or
 - b. The tournament must be rescheduled or canceled due to an act of God or other emergency beyond the control of the association."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2363: 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 2363 was placed on the Sixth order on the calendar.

Page 4, line 4, overstrike "taxpayer" and overstrike "taxes" and insert immediately thereafter "tax"

Page 4, line 7, overstrike "any" and after "~~Dakota~~" insert "a"

Page 4, line 8, overstrike "by"

Page 4, line 9, overstrike "a taxpayer", overstrike "from all sources", and after the second "a" insert "taxable"

Page 4, line 10, replace "for an individual" with an underscored comma

Page 4, line 11, replace "persons" with "individuals"

Page 4, overstrike lines 13 through 17

Page 4, line 19, overstrike the period

Page 4, remove lines 20 through 23

Page 4, line 24, remove "a.", after the first "a" insert "tax", after "credit" insert "against the tax imposed by section 57-38-30", and replace the second "a" with "the present value of the aggregate amount of the"

Page 4, line 25, remove "charitable", after "gift" insert "portion of planned gifts", and remove "qualified nonprofit organization or"

Page 4, line 27, remove "from all sources"

Page 4, replace lines 30 and 31 with:

- "4. An estate or trust is allowed a tax credit in an amount equal to forty percent of a charitable gift, or forty percent of the present value of the aggregate amount of the charitable gift portion of planned gifts, made to a qualified nonprofit organization or qualified endowment. The maximum credit allowed under this subsection for contributions made in a taxable year is ten thousand dollars. The allowable credit must be apportioned to the estate or trust and to its beneficiaries on the basis of the income of the estate or trust allocable to each, and the beneficiaries may claim their share of the credit against the tax imposed by section 57-38-29, 57-38-30, or 57-38-30.3. A beneficiary may claim the credit only in the beneficiary's taxable year in which the taxable year of the estate or trust ends. Subsections 6 and 7 apply to the estate or trust and its beneficiaries with respect to their respective shares of the apportioned credit."

Page 5, remove lines 1 through 6

Page 5, line 7, replace "4." with "5."

Page 5, line 8, remove "charitable"

Page 5, line 9, remove "gifts, or forty percent of"

Page 5, line 16, after the underscored period insert "The partner, shareholder, or member may claim the credit only in the partner's, shareholder's, or member's taxable year in which the taxable year of the partnership, subchapter S corporation, or limited liability company ends. Subsections 6 and 7 apply to the partner, shareholder, or member."

6. The amount of the contribution upon which an allowable credit is computed must be added to federal taxable income in computing North Dakota taxable income in the taxable year in which the credit is first claimed, but only to the extent that the contribution reduced federal taxable income.
7. An unused credit may be carried forward for up to three taxable years.
8. If a contribution for which a credit was claimed is recovered by the taxpayer, an amount equal to the credit claimed in all taxable years must be added to the tax due on the income tax return filed for the taxable year in which the recovery occurs. For purposes of subsection 4, this subsection applies if the estate or trust recovers the contribution and the estate or trust and its beneficiaries are liable for the additional tax due with respect to their respective shares of the apportioned credit. For purposes of subsection 5, this subsection applies if the partnership, subchapter S

corporation, or limited liability company recovers the contribution, and the partner, shareholder, or member is liable for the additional tax due."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2370: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2370 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2406, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2406 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1454, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1454 was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Warner, Cook, Krebsbach, O'Connell and Reps. Froseth, Price introduced:
(Approved by the Delayed Bills Committee)

SCR 4026: A concurrent resolution urging Congress to exempt travel to the International Peace Garden from passport requirements.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

FIRST READING OF HOUSE BILLS

HB 1181: A BILL for an Act to amend and reenact section 60-10-03 of the North Dakota Century Code, relating to the credit-sale contract indemnity fund.

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

HB 1422: A BILL for an Act to amend and reenact section 50-24.6-04 of the North Dakota Century Code, relating to the prior authorization program.

Was read the first time and referred to the **Human Services Committee**.

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

William R. Horton, Secretary