

## JOURNAL OF THE SENATE

## Sixtieth Legislative Assembly

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Bismarck, February 15, 2007

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

The prayer was offered by Chaplain Dan Sweeney, Bismarck Police Department, Bismarck.

The roll was called and all members were present except Senator Andrist.

A quorum was declared by the President.

## MOTION

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

## CONSIDERATION OF AMENDMENTS

**SB 2020: SEN. FISCHER (Appropriations Committee) MOVED** that the amendments on SJ pages 522-523 be adopted and then be placed on the Eleventh order with **DO PASS**.

## REQUEST

**SEN. HEITKAMP REQUESTED** that the question of the adoption of the amendments to SB 2020 be divided to have the sections voted on separately in the following manner, which request was granted on a voice vote.

**DIVISION A:** Section 10 of the amendments.

**DIVISION B:** The remainder of the proposed amendments.

## REQUEST

**SEN. HEITKAMP REQUESTED** a verification vote on the motion to adopt Division A of the proposed amendments to SB 2020, which request was granted.

The question being the adoption of Division A of the proposed amendments to SB 2020, Division A of the proposed amendments to SB 2020 failed on a verification vote.

The question being the adoption of Division B of the proposed amendments to SB 2020, Division B of the proposed amendments to SB 2020 was adopted on a voice vote.

Therefore, the question being the adoption of the proposed amendments to SB 2020 which exclude Section 10 and include the remainder of the proposed amendments, the proposed amendments to SB 2020 were adopted on a voice vote.

Reengrossed SB 2020 was placed on the Eleventh order for immediate second reading.

## SECOND READING OF SENATE BILL

**SB 2020:** A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to create and enact a new section to chapter 61-02.1 of the North Dakota Century Code, relating to funding for Grand Forks flood control; to provide a line of credit; and to provide an appropriation for repayment of the line of credit.

## 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, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Christmann

**ABSENT AND NOT VOTING:** Andrist

Reengrossed SB 2020 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2070, as engrossed: SEN. MATHERN (Appropriations Committee) MOVED** that the amendments on SJ page 523 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2070:** A BILL for an Act to provide for application by the department of human services for federal funds for the implementation of an aging and disability resource center; to provide an appropriation; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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:** Andrist

Reengrossed SB 2070 passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**SB 2349, as engrossed: SEN. KREBSBACH (Appropriations Committee) MOVED** that the amendments on SJ page 524 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2349:** A BILL for an Act to provide for ownership and maintenance for the medal of honor monument; and to provide an appropriation for the medal of honor monument.

#### 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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:** Andrist

Reengrossed SB 2349 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2356: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments on SJ page 525 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2356:** A BILL for an Act to provide contingent appropriations to the Bank of North Dakota, the North Dakota university system, and the state water commission.

**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 39 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Cook; Heitkamp; Kilzer; Krauter; Potter; Triplett; Warner

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2356 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2363, as engrossed: SEN. HORNE (Appropriations Committee) MOVED** that the amendments on SJ page 525 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2363:** A BILL for an Act to amend and reenact section 57-38-01.21 of the North Dakota Century Code, relating to an individual or corporate income tax credit for planned gifts to nonprofit organizations and contributions to qualified endowments held by nonprofit organizations; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman; Christmann; Holmberg; Stenehjem

**ABSENT AND NOT VOTING:** Andrist

Reengrossed SB 2363 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2341, as engrossed: SEN. GRINDBERG (Appropriations Committee) MOVED** that the amendments on SJ page 524 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2341:** A BILL for an Act to provide a statement of legislative intent, legislative support, and legislative participation in the heritage center expansion project.

**MOTION**

**SEN. TRIPLETT MOVED** that Reengrossed SB 2341 be amended as follows, which motion failed on a verification vote.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to authorize the industrial commission to issue and sell bonds for the heritage center expansion project; and to provide a contingency.

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

**SECTION 1. CONTINGENT PROJECT AUTHORIZATION - APPROPRIATION.** The industrial commission, acting as the North Dakota building authority, shall arrange for the funding of the project authorized in this section subject to the contingency in section 2 of this Act, hereby declared to be in the public interest, through the issuance of evidences of indebtedness under chapter 54-17.2, during the biennium beginning July 1, 2007, and ending June 30, 2009. The proceeds of the evidences of indebtedness and other available funds are hereby appropriated during the biennium beginning July 1, 2007, and ending June 30, 2009, for the following project:

State historical society	Heritage center expansion project	\$30,700,000
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The industrial commission shall issue evidences of indebtedness under this section with the condition that lease rental payments need not begin until July 1, 2009. This authority of the industrial commission to issue evidences of indebtedness ends June 30, 2009, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act and to comply with any covenants entered into before that date.

**SECTION 2. CONTINGENCY - APPROPRIATION.** The industrial commission may only issue the bonds authorized in section 1 of this Act if a total of \$24,000,000 from private or federal funds has been secured by the state historical society. The \$24,000,000 of other funds is appropriated to the state historical society for the project for the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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:** Andrist

Reengrossed SB 2341 passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Eleventh order, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2401 be placed immediately after SB 2408 on the Eleventh order, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2362 be placed immediately after SB 2245 on the Eleventh order, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2180:** A BILL for an Act to amend and reenact sections 6-09.17-01, 6-09.17-02, 6-09.17-03, and 6-09.17-04 of the North Dakota Century Code, relating to the biofuel partnership in assisting community expansion 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 PASS, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Oehlke; Seymour

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2180 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2288:** A BILL for an Act to provide for a biomass energy center; to create and enact a new chapter to title 54 of the North Dakota Century Code, relating to an energy independence research council and development fund; to amend and reenact sections 4-14.1-09 and 39-04-39 of the North Dakota Century Code, relating to ethanol and renewable fuels incentives and distribution of motor vehicle registration fees; to provide an appropriation; 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 PASS, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Triplett

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2288 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2408:** A BILL for an Act relating to school district transportation grants for biodiesel fuel usage; and to provide an appropriation.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2408 lost.

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### SECOND READING OF SENATE BILL

**SB 2401:** A BILL for an Act to provide school district transportation grants.

**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 25 YEAS, 21 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Fiebiger; Flakoll; Freborg; Heckaman; Heitkamp; Horne; Krauter; Lee, G.; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Warner

**NAYS:** Bowman; Christmann; Cook; Dever; Erbele; Fischer; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Lee, J.; Lyson; Nothing; Olafson; Stenehjerm; Tollefson; Urlacher; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2401 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2391:** A BILL for an Act to create and enact a new section to chapter 57-43.1 of the North Dakota Century Code, relating to a retail ethanol sales incentive refund to motor vehicle fuel retailers; to provide an appropriation; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Fiebiger; Flakoll; Heckaman; Heitkamp; Horne; Krauter; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Tallackson; Taylor; Triplett; Wanzek

**NAYS:** Bowman; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Nothing; Oehlke; Olafson; Seymour; Stenehjerm; Tollefson; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist

SB 2391 lost.

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**SECOND READING OF SENATE BILL**

**SB 2374:** A BILL for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to county biodiesel fuel incentive payments; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 20 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Fiebiger; Heckaman; Heitkamp; Horne; Krauter; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett

**NAYS:** Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Nothing; Oehlke; Olafson; Stenehjerm; Tollefson; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist

SB 2374 lost.

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**SECOND READING OF SENATE BILL**

**SB 2282:** A BILL for an Act to provide renewable fuel goals and flexible fuel vehicle registration goals; to create and enact a new subsection to section 4-14.1-03.1, a new

subsection to section 39-04-19, and two new sections to chapter 57-38 of the North Dakota Century Code, relating to renewable energy research council renewable fuels grants, flexible fuel vehicle registration fees, and corporate income tax credits to promote renewable energy sales and use; to provide an 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, and has committee recommendation of DO NOT PASS, the roll was called and there were 22 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2282 lost.

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#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 9:50 a.m., which motion prevailed.

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

#### SECOND READING OF SENATE BILL

**SB 2009:** A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to amend and reenact sections 4-01-21 and 19-18-04 of the North Dakota Century Code, relating to the salary of the agriculture commissioner and pesticide registration fees; to provide for transfers; to provide for legislative intent; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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:** Andrist

Engrossed SB 2009 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2019:** A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department and the International Peace Garden; to provide contingent appropriations for the international music camp and marina construction; to provide for a transfer; to amend and reenact section 54-44.4-02 of the North Dakota Century Code, relating to state procurement; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern;

Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2019 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2376:** A BILL for an Act to provide an appropriation to the parks and recreation department for construction of a marina.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Andrist

SB 2376 lost.

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### SECOND READING OF SENATE BILL

**SB 2003:** A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to provide an exemption; to provide for crime laboratory building project carryover authority; and to amend section 54-12-11 of the North Dakota Century Code, relating to the salary of the attorney general.

### 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2003 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2008:** A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; and to amend and reenact section 49-01-05 of the North Dakota Century Code, relating to the salary of public service commissioners.

### 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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



**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2008 passed and the title was agreed to.

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## **SECOND READING OF SENATE BILL**

**SB 2012:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of human services; to provide statements of legislative intent; to provide for a legislative council report; to provide for a legislative council study; to provide for transfers; to create and enact a new section to chapter 23-01 and chapter 23-39 of the North Dakota Century Code, relating to programs for children with special health care needs; to amend and reenact sections 25-17-02, 25-17-03, 26.1-45-13, 50-06-01.2, and 50-06-01.4, subsection 6 of section 50-06.2-02, subsection 5 of section 50-06.2-03, subsection 3 of section 50-06.2-04, sections 50-06.2-06 and 50-24.4-15, subsection 4 of section 50-24.5-02, and subsection 2 of section 50-24.5-03 of the North Dakota Century Code, relating to rulemaking and to the provision of medical food for individuals with metabolic disorders, the structure of the department of human services, qualified service providers, and to nursing home property-related costs; to repeal chapter 50-10 of the North Dakota Century Code, relating to aid to crippled children; and to provide an effective date.

## **MOTION**

**SEN. MATHERN MOVED** that Engrossed SB 2012 be amended as follows:

Page 5, after line 20, insert:

**"SECTION 4. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - PROVIDER INFLATIONARY INCREASES.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,913,452, or so much of the sum as may be necessary, and from special funds, derived from federal funds or other income, the sum of \$3,218,367, or so much of the sum as may be necessary, to the department of human services for the purpose of providing a four percent inflationary increase the first year of the biennium and a five percent increase for the second year of the biennium for the department's service providers, for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 5. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - INPATIENT HOSPITAL PAYMENT RATES.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,753,925, or so much of the sum as may be necessary, and from special funds, derived from federal funds or other income, the sum of \$3,115,460, or so much of the sum as may be necessary, to the department of human services for the purpose of increasing medical assistance inpatient hospital payment rates to the medicare rate beginning January 1, 2009, for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 6. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - INCONTINENCE SUPPLIES PAYMENT RATES.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$169,688, or so much of the sum as may be necessary, and from special funds, derived from federal funds or other income, the sum of \$301,405, or so much of the sum as may be necessary, to the department of human services for the purpose of increasing the payment rate and providing a payment range for incontinence supplies under the medical assistance program, for the biennium beginning July 1, 2007, and ending June 30, 2009."

Page 17, line 1, replace "15, 18, 19, 20, 21, 23, and 24" with "18, 21, 22, 23, 24, 26, and 27"

ReNUMBER accordingly

## **REQUEST**

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

**DIVISION A:** Section 4 of the proposed floor amendments to Engrossed SB 2012.

**DIVISION B:** Section 5 of the proposed floor amendments to Engrossed SB 2012.

**DIVISION C:** Section 6 of the proposed floor amendments to Engrossed SB 2012.

**REQUEST**

**SEN. MATHERN REQUESTED** a recorded roll call vote on Divisions A, B, and C of the proposed floor amendments to Engrossed SB 2012, which request was granted.

**ROLL CALL**

The question being the adoption of Division A of the proposed floor amendments to Engrossed SB 2012, the roll was called and there were 23 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Fiebiger; Heckaman; Heitkamp; Horne; Krauter; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Urlacher; Warner

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

**ABSENT AND NOT VOTING:** Andrist

Division A of the proposed floor amendments to Engrossed SB 2012 failed.

**ROLL CALL**

The question being the adoption of Division B of the proposed floor amendments to Engrossed SB 2012, the roll was called and there were 22 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Fiebiger; Heckaman; Heitkamp; Horne; Krauter; Lee, G.; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Warner

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

**ABSENT AND NOT VOTING:** Andrist

Division B of the proposed floor amendments to Engrossed SB 2012 failed.

**ROLL CALL**

The question being the adoption of Division C of the proposed floor amendments to Engrossed SB 2012, the roll was called and there were 21 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Andrist

Division C of the floor proposed amendments to Engrossed SB 2012 failed.

Therefore, because all divisions of the proposed floor amendments failed. Engrossed SB 2012 was placed on the Eleventh order for immediate second reading.

**SECOND READING OF SENATE BILL**

**SB 2012:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of human services; to provide statements of legislative intent; to provide for a legislative council report; to provide for a legislative council study; to provide for transfers; to create and enact a new section to chapter 23-01 and chapter 23-39 of the North Dakota Century Code, relating to programs for children with special health care needs; to amend and reenact sections 25-17-02, 25-17-03, 26.1-45-13, 50-06-01.2, and 50-06-01.4, subsection 6 of section 50-06.2-02, subsection 5 of section 50-06.2-03, subsection 3 of section 50-06.2-04, sections 50-06.2-06 and 50-24.4-15, subsection 4 of section 50-24.5-02, and subsection 2 of section 50-24.5-03 of the North Dakota Century Code, relating to rulemaking and to the provision of medical food for individuals with metabolic disorders, the structure of the department of human services, qualified

service providers, and to nursing home property-related costs; to repeal chapter 50-10 of the North Dakota Century Code, relating to aid to crippled children; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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:** Andrist

Engrossed SB 2012 passed and the title was agreed to.

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#### REQUEST

**SEN. STENEHJEM REQUESTED** that the Senate stand at ease for a few minutes, which request was granted.

**THE SENATE RECONVENED** with President Pro Tem J. Lee presiding.

#### SECOND READING OF SENATE BILL

**SB 2335:** A BILL for an Act to provide an appropriation to the agriculture commissioner for the purpose of expanding organic food production and processing in the state; and to require a report to the legislative assembly.

#### 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 26 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Fiebiger; Fischer; Flakoll; Heckaman; Heitkamp; Horne; Klein; Krauter; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Urlacher; Wardner; Warner

**NAYS:** Bowman; Christmann; Cook; Dever; Erbele; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Krebsbach; Lee, G.; Lee, J.; Lyson; Nething; Oehlke; Olafson; Stenehjerm; Tollefson; Wanzek

**ABSENT AND NOT VOTING:** Andrist

Reengrossed SB 2335 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2283:** A BILL for an Act to provide an appropriation to the department of agriculture to defray the expenses of farmers market development and promotion.

#### 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 22 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Fiebiger; Heckaman; Heitkamp; Horne; Klein; Krauter; Lindaas; Marcellais; Mathern; O'Connell; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Wanzek; Warner

**NAYS:** Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Krebsbach; Lee, G.; Lee, J.; Lyson; Nelson; Nething; Oehlke; Olafson; Stenehjerm; Tollefson; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Andrist

SB 2283 lost.

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#### MOTION

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

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

#### SECOND READING OF SENATE BILL

**SB 2016:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the adjutant general; to provide for a transfer; and to amend and reenact section 6 of chapter 17 of the 2005 Session Laws, relating to the payment of adjusted compensation to veterans.

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

**ABSENT AND NOT VOTING:** Andrist; Olafson

Engrossed SB 2016 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2017:** A BILL for an Act to provide an appropriation for defraying the expenses of the game and fish department; 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; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Olafson

Engrossed SB 2017 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2115:** A BILL for an Act to amend and reenact sections 37-01-04, 37-07.2-01, 37-28-01, 37-28-02, and 37-28-03 of the North Dakota Century Code, relating to the governor's authority to call out the national guard for training, national guard tuition grants, the definition of resident for military adjusted compensation, and the time period for filing claims; and to declare an emergency.

#### ROLL CALL

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

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern;

Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Olafson

SB 2115 passed, the title was agreed to, and the emergency clause was declared carried.

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

**SB 2179:** A BILL for an Act to provide an appropriation for the mitigation of crop damage by blackbirds.

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

**NAYS:** Oehlke; Stenehjem

**ABSENT AND NOT VOTING:** Andrist; Olafson

Reengrossed SB 2179 passed and the title was agreed to.

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

**SB 2184:** A BILL for an Act to amend and reenact subsection 1 of section 15.1-06-04 and section 15.1-20-01 of the North Dakota Century Code, relating to school calendars and compulsory attendance; to provide an appropriation; and to provide an effective date.

### **REQUEST**

**SEN. HOLMBERG REQUESTED** that the Senate divide Engrossed SB 2184 as follows, which request was granted on a voice vote.

**DIVISION A:** Sections 2 and 4 of Engrossed SB 2184.

**DIVISION B:** The remainder of Engrossed SB 2184.

### **ROLL CALL**

The question being on the final adoption of Division A of Engrossed SB 2184, the roll was called and there were 0 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Andrist; Olafson

Division A of Engrossed SB 2184 lost.

### **ROLL CALL**

The question being on the final adoption of Division B of Engrossed SB 2184, the roll was called and there were 19 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Fiebiger; Flakoll; Freborg; Heckaman; Horne; Krebsbach; Lee, G.; Lee, J.; Marcellais; Mathern; Nelson; Pomeroy; Potter; Robinson; Taylor; Triplett; Wardner; Warner

**NAYS:** Anderson; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Lindaas; Lyson; Nething; O'Connell; Oehlke; Seymour; Stenehjem; Tallackson; Tollefson; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist; Olafson

Division B of Engrossed SB 2184 lost.

Divisions A and B of Engrossed SB 2184 failed. Therefore, pursuant to Senate Rule 319(4), there being no divisions approved, Engrossed SB 2184 lost.

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## SECOND READING OF SENATE BILL

**SB 2186:** A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to early childhood care workforce development and department of human services establishment of a quality improvement rating system for early childhood care facilities.

## MOTION

**SEN. HOLMBERG MOVED** that Engrossed SB 2186 be amended as follows, which motion prevailed on a verification vote.

Page 1, line 4, after "facilities" insert "and program and business technical assistance for early childhood care providers; and to provide an appropriation"

Page 1, line 8, after "development" insert "- Quality improvement - Technical assistance"

Page 1, line 12, after the underscored comma insert "credentials,"

Page 1, after line 19, insert:

"c. Development and implementation of a technical assistance program for early childhood care providers."

Page 2, after line 2, insert:

"3. The department shall establish a quality improvement program for center and home-based child care programs which may include accreditation and quality enhancement plans.

4. The department shall provide program and business technical assistance and support to any early childhood facility that attempts to meet the quality improvement and rating system criteria. The department may contract with a private nonprofit organization to provide technical assistance under this subsection.

**SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,900,000, or so much of the sum as may be necessary, to the department of human services for the purpose of implementing section 1 of this Act, for the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

This amendment adds an appropriation of \$1,900,000 from the general fund for the Department of Human Services to implement this Act.

**SB 2186:** A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to early childhood care workforce development and department of human services establishment of a quality improvement rating system for early childhood care facilities and program and business technical assistance for early childhood care providers; and to provide an appropriation.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 27 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Fiebigler; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Horne; Krauter; Krebsbach; Lee, J.; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Wardner; Warner

**NAYS:** Bowman; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Holmberg; Kilzer; Klein; Lee, G.; Lyson; Nething; Oehlke; Stenehjelm; Tollefson; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist; Olafson

Reengrossed SB 2186 passed and the title was agreed to.

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

**SB 2191:** A BILL for an Act to amend and reenact section 37-28-03 of the North Dakota Century Code, relating to the payment of military adjustment compensation; to provide for a report to the budget section; and to provide an appropriation for armory repairs.

#### **MOTION**

**SEN. GRINDBERG MOVED** that Reengrossed SB 2191 be amended as follows, which motion failed on a voice vote.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide an appropriation to the adjutant general for maintenance and repair of political subdivision-owned armories through matching grants; and to provide for a report to the budget section."

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

**SECTION 1. APPROPRIATION - REPORT TO BUDGET SECTION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of distributing on an equal matching basis grants of up to \$25,000 per political subdivision for the maintenance and repair of political subdivision-owned armories, for the biennium beginning July 1, 2007, and ending June 30, 2009. Projects must be approved and funds distributed based on rules adopted by the adjutant general. Before approval of a project by the adjutant general under the matching grant program, the adjutant general shall conduct a major repair and maintenance needs survey of all political subdivision-owned armories and provide a written report of the survey results and project recommendations for the biennium to the budget section of the legislative council. A political subdivision receiving a grant shall manage the maintenance or repair project."

Renumber accordingly

**SB 2191:** A BILL for an Act to provide an appropriation to the adjutant general for maintenance and repair of political subdivision-owned armories through matching grants; and to provide for a report to the budget section.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; 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; Pomeroy; Potter; Robinson; Seymour; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Christmann; Lee, J.; Olafson

Reengrossed SB 2191 passed and the title was agreed to.

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

**SB 2197:** A BILL for an Act to create and enact a new section to chapter 15-20.1 of the North Dakota Century Code, relating to an elementary student entrepreneurship grant program; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 22 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Fiebiger; Flakoll; Grindberg; Hacker; Heckaman; Horne; Lee, J.; Lindaas; Marcellais; Mathern; Pomeroy; Robinson; Seymour; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wardner; Warner

**NAYS:** Behm; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lyson; Nelson; Nething; O'Connell; Oehlke; Potter; Stenehjerm; Wanzek

**ABSENT AND NOT VOTING:** Andrist; Olafson

Engrossed SB 2197 lost.

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**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2205 be moved to the top of the Eleventh order, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2205:** A BILL for an Act to create and enact a new section to chapter 50-09 of the North Dakota Century Code, relating to employment of special assistant attorneys general; to amend and reenact sections 14-09-09.10 and 35-34-01, subsection 3 of section 50-01.2-00.1, sections 50-03-10 and 50-09-01, subsection 16 of section 50-09-02, and sections 50-09-03, 50-09-08, 50-09-33, 50-24.1-03.1, and 50-24.1-03.2 of the North Dakota Century Code, relating to state administration of the child support enforcement program; to repeal section 50-09-34 of the North Dakota Century Code, relating to administration of child support enforcement activities; to provide for a transfer of employees and equipment; to provide for payment and transfer of unused leave; to provide for a transfer of budgeted funds and unexpended child support incentive funds; to provide an appropriation; 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 PASS, the roll was called and there were 43 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Tollefson; Triplett

**ABSENT AND NOT VOTING:** Andrist; Olafson

Reengrossed SB 2205 passed and the title was agreed to.

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**REQUEST**

**SEN. CHRISTMANN REQUESTED** that the Senate stand at ease for a few minutes, which request was granted.

**THE SENATE RECONVENED** with President Pro Tem J. Lee presiding.

**SECOND READING OF SENATE BILL**

**SB 2199:** A BILL for an Act to provide an appropriation to the agriculture commissioner to defray the expenses for expanding the pride of dakota program.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 12 YEAS, 32 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.



**YEAS:** Heitkamp; Horne; Krauter; Lindaas; Mathern; Nething; O'Connell; Oehlke; Potter; Robinson; Tallackson; Taylor

**NAYS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lyson; Marcellais; Nelson; Pomeroy; Seymour; Stenehjerm; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Lee, J.; Olafson

SB 2199 lost.

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#### **ANNOUNCEMENT**

**PRESIDENT PRO TEM J. LEE ANNOUNCED** that the record will show she intended to vote "NAY" on SB 2199.

#### **MOTION**

**SEN. HEITKAMP MOVED** that the Senate reconsider its action whereby Engrossed SB 2197 failed to pass.

#### **ROLL CALL**

The question being on the motion to reconsider the action whereby Engrossed SB 2197 failed to pass, the roll was called and there were 22 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Andrist; Olafson

So the motion to reconsider the action whereby Engrossed SB 2197 failed to pass, failed.

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

**SB 2211:** A BILL for an Act to provide an appropriation to the department of human services for assistive technology services.

#### **ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Andrist; Olafson

SB 2211 lost.

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

**SB 2215:** A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for dependent care expenses; and to provide an effective date.

#### **ROLL CALL**

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

**YEAS:** Anderson; Bakke; Behm; Cook; Fiebiger; Fischer; Flakoll; Heckaman; Heitkamp; Horne; Krauter; Lee, J.; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Tollefson; Triplett; Wardner; Warner

**NAYS:** Bowman; Christmann; Dever; Erbele; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lyson; Nething; Stenehjerm; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist; Olafson

Engrossed SB 2215 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2225:** A BILL for an Act to amend and reenact subsections 1 and 10 of section 53-06.1-01, subsection 2 of section 53-06.1-12, subsections 15, 16, and 17 of section 57-39.2-01, section 57-39.2-02.1, and subsections 5, 6, and 7 of section 57-40.2-01 of the North Dakota Century Code, relating to the excise tax upon gross proceeds of licensed gaming organizations for pull tabs and bingo cards and elimination of sales and use taxes for bingo cards; 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 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Pomeroy; Stenehjerm; Warner

**ABSENT AND NOT VOTING:** Andrist; Olafson

Reengrossed SB 2225 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2227:** A BILL for an Act to amend and reenact section 15.1-12-15 of the North Dakota Century Code, relating to duties of boards of reorganized school districts.

#### 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 23 YEAS, 22 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Fiebiger; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Krauter; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Warner

**NAYS:** Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Nething; Oehlke; Stenehjerm; Tollefson; Urlacher; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Andrist; Olafson

SB 2227 lost for want of a Constitutional majority.

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#### SECOND READING OF SENATE BILL

**SB 2245:** A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for higher education costs; 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 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nothing; O'Connell; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Bowman; Kilzer; Oehlke

**ABSENT AND NOT VOTING:** Andrist; Olafson

Engrossed SB 2245 passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2246 be moved to the bottom of the Eleventh order, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2362:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2 and a new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax reduction for higher education tuition and related expenses; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 34 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Marcellais; Mathern; O'Connell; Pomeroy; Potter; Robinson; Tallackson; Triplett; Warner

**NAYS:** Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Nelson; Nothing; Oehlke; Seymour; Stenehjem; Taylor; Tollefson; Urlacher; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Andrist; Olafson

Engrossed SB 2362 lost.

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**SECOND READING OF SENATE BILL**

**SB 2247:** A BILL for an Act 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 to amend and reenact subsection 9 of section 60-02.1-01 of the North Dakota Century Code, relating to roving grain buyers.

**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; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nothing; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Olafson

Engrossed SB 2247 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2249:** A BILL for an Act to provide appropriations to the state board for career and technical education for a higher education curriculum design and development and a workforce training grant program; and to provide for a report.

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

**ABSENT AND NOT VOTING:** Andrist; Olafson

Reengrossed SB 2249 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2276:** A BILL for an Act to provide duties of the governor's prevention and advisory council; and to provide an appropriation.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Andrist; Olafson

Reengrossed SB 2276 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2277:** A BILL for an Act to amend and reenact sections 28-23-01, 28-23-02, 28-23-04, 28-23-05, 28-23-06, 28-23-07, 28-23-09, 28-23-11, 28-23-12, 28-23-13, and 28-23-14 of the North Dakota Century Code, relating to sales under execution.

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

**ABSENT AND NOT VOTING:** Andrist; Olafson

Engrossed SB 2277 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2284:** A BILL for an Act to amend and reenact subsection 4 of section 28-22-03.1 of the North Dakota Century Code, relating to exemption from process for proceeds of a wrongful death or personal bodily injury recovery; and to provide for a legislative council study.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, 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; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Olafson

Engrossed SB 2284 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2302:** A BILL for an Act to provide an appropriation to the state department of health for providing grants to domestic violence sexual assault organizations.

**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 34 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Cook; Dever; Erbele; Fiebiger; Flakoll; Freborg; Hacker; Heckaman; Heitkamp; Horne; Krauter; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Bowman; Christmann; Fischer; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Olafson; Stenehjem; Tollefson

**ABSENT AND NOT VOTING:** Andrist

SB 2302 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2307:** A BILL for an Act to create and enact sections 28-21-03.1 and 28-21-04.2 of the North Dakota Century Code, relating to general and summary execution of judgment; and to amend and reenact sections 28-21-01, 28-21-03, 28-21-04, 28-21-04.1, 28-21-05, 28-21-05.1, 28-21-06, 28-21-07, 28-21-08, 28-21-09, 28-21-10, 28-21-13, 28-21-17, 28-21-18, and 28-23-11 of the North Dakota Century Code, relating to execution of judgment.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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:** Andrist

Engrossed SB 2307 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2314:** A BILL for an Act to amend and reenact sections 39-04.2-03 and 39-04.2-04 of the North Dakota Century Code, relating to motor vehicle registration fees and funding of public transportation; and to provide notice of fee increases.

**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 27 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Horne; Klein; Lee, J.; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Tallackson; Triplett; Wardner; Warner

**NAYS:** Bowman; Christmann; Cook; Dever; Erbele; Hacker; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Lee, G.; Lindaas; Olafson; Stenehjerm; Taylor; Tollefson; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist

SB 2314 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2323:** A BILL for an Act to amend and reenact section 19-18-04 of the North Dakota Century Code, relating to pesticide registration fees; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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:** Andrist

SB 2323 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2324:** A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to eligibility for the homestead property tax credit; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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:** Andrist

Engrossed SB 2324 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2333:** A BILL for an Act to create and enact a new subsection to section 54-17-07.3 of the North Dakota Century Code, relating to a housing finance agency program to bridge the financing gap of new residential construction in rural communities; to provide for a report to the legislative council; to provide an appropriation; and to provide an expiration date.

**ROLL CALL**

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

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

**NAYS:** Cook; Lee, G.; Olafson; Tollefson; Urlacher

**ABSENT AND NOT VOTING:** Andrist

Reengrossed SB 2333 passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2397 be moved to the top of the Eleventh order, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 3:00 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Pro Tem J. Lee presiding.

**SECOND READING OF SENATE BILL**

**SB 2397:** A BILL for an Act to amend and reenact sections 57-51.1-02, 57-51.1-03, and 57-51.1-03.1 of the North Dakota Century Code, relating to oil extraction tax rates, exemptions, and rate reductions; 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 33 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Marcellais; Nething; O'Connell; Oehlke; Olafson; Seymour; Stenehjem; Tallackson; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Behm; Fiebiger; Heckaman; Heitkamp; Horne; Krauter; Lindaas; Mathern; Nelson; Pomeroy; Potter; Robinson; Taylor

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2397 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2339:** A BILL for an Act to amend and reenact section 9 of chapter 15 of the 2005 Session Laws, relating to Bank of North Dakota transfers to the general fund; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 33 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Marcellais; Nething; Oehlke; Olafson; Pomeroy; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Bakke; Fiebiger; Heitkamp; Horne; Kilzer; Krauter; Lindaas; Mathern; Nelson; O'Connell; Potter; Robinson; Tallackson

**ABSENT AND NOT VOTING:** Andrist

SB 2339 passed, the title was agreed to, and the emergency clause was declared carried.

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

**SB 2360:** A BILL for an Act to amend and reenact section 39-04-10.13 of the North Dakota Century Code, relating to nonprofit organization number plates.

#### **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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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:** Andrist

Engrossed SB 2360 passed and the title was agreed to.

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

**SB 2361:** A BILL for an Act to create and enact two new subsections to section 57-51.1-03 of the North Dakota Century Code, relating to an oil extraction tax exemption or rate reduction for oil produced from certain new horizontal wells; to amend and reenact section 57-51.1-02 of the North Dakota Century Code, relating to an oil extraction tax rate reduction for oil produced from certain new horizontal wells; 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, and has committee recommendation of DO NOT PASS, the roll was called and there were 20 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bowman; Cook; Dever; Erbele; Horne; Lyson; Marcellais; Nething; O'Connell; Oehlke; Olafson; Seymour; Tallackson; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Bakke; Behm; Christmann; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Mathern; Nelson; Pomeroy; Potter; Robinson; Stenehjem; Taylor

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2361 lost.

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#### **MOTION**

**SEN. CHRISTMANN MOVED** that SB 2379 and SB 2400 be moved to the bottom of the Eleventh order, which motion prevailed.

#### **MOTION**

**SEN. CHRISTMANN MOVED** that SB 2246 be moved to the top of the Eleventh order, which motion prevailed.

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

**SB 2246:** A BILL for an Act to amend and reenact subsection 2 of section 44-08-04 of the North Dakota Century Code, relating to reimbursement of lodging expenses and allowances for meals for state and political subdivision officers and employees.



**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 37 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Cook; Dever; Erbele; Fiebiger; Fischer; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Horne; Krauter; Krebsbach; Lee, G.; Lee, J.; Marcellais; Mathern; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Bowman; Christmann; Flakoll; Heckaman; Kilzer; Klein; Lindaas; Lyson; Nelson

**ABSENT AND NOT VOTING:** Andrist

SB 2246 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2382:** A BILL for an Act to provide for an appropriation to the attorney general for the purpose of funding bureau of criminal investigation computerized investigations and examinations.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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:** Andrist

SB 2382 passed and the title was agreed to.

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**CHANGE OF PRESIDING OFFICER**

**PRESIDENT PRO TEM J. LEE HANDED** the gavel to President Dalrymple.

**SECOND READING OF SENATE BILL**

**SB 2385:** A BILL for an Act to provide an appropriation for a school district or nonpublic school nursing services grant program.

**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 38 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman; Cook; Freborg; Grindberg; Kilzer; Klein; Lyson; Stenehjem

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2385 passed and the title was agreed to.

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**REQUEST**

**SEN. CHRISTMANN REQUESTED** that the record show he intend ed to vote "NAY" on Engrossed SB 2385, which request was granted.

**SECOND READING OF SENATE BILL**

**SB 2402:** A BILL for an Act to amend and reenact section 54-35-23 of the North Dakota Century Code, relating to extension of the committee on tribal and state relations; 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 41 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Christmann; Kilzer; Lee, G.; Stenehjem; Urlacher

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2402 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2404:** A BILL for an Act to provide financial assistance to tribally controlled community colleges; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 31 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Erbele; Fiebiger; Flakoll; Heckaman; Heitkamp; Horne; Krauter; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Wardner; Warner

**NAYS:** Bowman; Christmann; Cook; Dever; Fischer; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Nething; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist

Reengrossed SB 2404 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2406:** A BILL for an Act to create and enact a new subdivision to subsection 3 of section 39-12-02 of the North Dakota Century Code, relating to overwidth travel permits.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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:** Andrist

Engrossed SB 2406 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2409:** A BILL for an Act to create and enact chapter 49-21.2 of the North Dakota Century Code, relating to wireless telephone service customer protection by the public service commission.

**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 13 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Behm; Fiebiger; Heckaman; Heitkamp; Holmberg; Krauter; Lindaas; Mathern; Pomeroy; Potter; Robinson; Warner

**NAYS:** Anderson; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Olafson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2409 lost.

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**SECOND READING OF SENATE BILL**

**SB 2413:** A BILL for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to participation by peace officers and correctional officers in the defined benefit retirement plan; and to amend and reenact subsections 3 and 11 of section 54-52-01, subsection 3 of section 54-52-05, and subsection 3 of section 54-52-17 of the North Dakota Century Code, relating to participation by peace officers and correctional officers in the defined benefit retirement plan.

**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 18 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Heitkamp; Horne; Krauter; Lindaas; Lyson; Marcellais; Mathern; Nething; O'Connell; Potter; Robinson; Seymour; Tallackson; Taylor; Wardner; Warner

**NAYS:** Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Nelson; Oehlke; Olafson; Pomeroy; Stenehjerm; Tollefson; Triplett; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist

SB 2413 lost.

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**SECOND READING OF SENATE BILL**

**SB 2417:** A BILL for an Act to create and enact a new section to chapter 34-05 of the North Dakota Century Code, relating to employment verification for North Dakota employers; and to provide a penalty.

**ROLL CALL**

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

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

**NAYS:** Fiebiger; Potter

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2417 passed and the title was agreed to.

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### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4015:** A concurrent resolution urging the Secretary of the United States Department of Agriculture to restore full funding to the Conservation Security Program, address and resolve problems in the administration of the program, and to compensate individual farmers for damages incurred which were caused by a lack of clarity in the general provisions of the program and how these provisions were communicated to participants.

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

SCR 4015 was declared adopted, and the title was agreed to on a voice vote.

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### SECOND READING OF SENATE BILL

**SB 2331:** A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to authority of the state department of health to regulate health and environmental impacts of animal feeding and agricultural operations.

### MOTION

**SEN. STENEHJEM MOVED** that the question be called at 5:09 p.m., which motion prevailed.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 18 YEAS, 29 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Dever; Erbele; Grindberg; Kilzer; Klein; Lyson; Nothing; O'Connell; Olafson; Pomeroy; Stenehjem; Tollefson; Urlacher; Wanzek; Wardner

**NAYS:** Anderson; Bakke; Behm; Cook; Fiebiger; Fischer; Flakoll; Freborg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Marcellais; Mathern; Nelson; Oehlke; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Warner

Engrossed SB 2331 lost.

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### SECOND READING OF SENATE BILL

**SB 2379:** A BILL for an Act to provide for a nursing education consortium to conduct an assessment of the possible nursing student population and to establish a mobile clinical nursing simulation laboratory; to provide an appropriation; 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 PASS, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nothing; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Wanzek; Wardner; Warner

**NAYS:** Kilzer; Urlacher

Reengrossed SB 2379 passed and the title was agreed to.

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### MOTION

**SEN. J. LEE MOVED** that SB 2400 be laid on the table, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2015, as engrossed: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments on SJ pages 520-522 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2015:** A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; and to provide an exemption.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2015 passed and the title was agreed to.

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**MOTION**

**SEN. STENEHJEM MOVED** that the votes by which all the bills that passed today and the resolution that passed today be reconsidered and that the motion to reconsider be laid on the table, which motion prevailed.

**MOTION**

**SEN. STENEHJEM MOVED** that the votes by which all the bills that failed today be reconsidered and that the motion to reconsider be laid on the table, which motion prevailed.

**MOTION**

**SEN. STENEHJEM MOVED** that the vote by which SB 2400 was laid on the table be reconsidered and that the motion to reconsider be laid on the table, which motion prevailed.

**REMARKS OF ASSISTANT MINORITY LEADER CHRISTMANN**

Monday, January 15, 2007, was Martin Luther King Day and Monday, February 19, 2007 will be George Washington's Birthday, both official state holidays. Both days are paid holidays for most state employees. Legislative Assembly employees were required to work on Martin Luther King Day. The Legislative Assembly will be in recess on Monday and Tuesday, February 19-20, 2007. Legislative Employees will be paid for those two days.

Employees of the Senate have worked many hours of uncompensated overtime since the session began. In recognition of the uncompensated overtime, employees will be paid for Friday, February 16, 2007, even though the Senate will be in recess on those days.

**MOTION**

**SEN. CHRISTMANN MOVED** that the rules be suspended and that the Secretary of the Senate transmit all bills and resolutions passed today to the House immediately.

**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 2003, SB 2008, SB 2009, SB 2020, SB 2180, SB 2288, SB 2341, SB 2349, SB 2356, SB 2363, SB 2401.

**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 2012, SB 2016, SB 2179, SB 2186, SB 2191, SB 2205, SB 2215, SB 2225, SB 2245, SB 2247, SB 2249, SB 2276, SB 2277, SB 2284, SB 2302, SB 2307, SB 2314, SB 2323, SB 2324, SB 2333, SB 2335.

**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 2021, SB 2032, SB 2136, SB 2141, SB 2149, SB 2161, SB 2178, SB 2188, SB 2221, SB 2222, SB 2224, SB 2250, SB 2256, SB 2271, SB 2285, SB 2292, SB 2299, SB 2313, SB 2340, SB 2345, SB 2347, SB 2368, SB 2371, SB 2377, SB 2384, SB 2389.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2017, SB 2115, SB 2339.

**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 2015, SB 2246, SB 2360, SB 2379, SB 2382, SB 2385, SB 2397, SB 2402, SB 2404, SB 2406, SB 2417, SCR 4015.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2103.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2013, SB 2200, SB 2392.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2019, SB 2070.

**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 1002, HB 1004, HB 1005, HB 1006, HB 1008, HB 1009, HB 1011, HB 1012, HB 1013, HB 1017, HB 1019, HB 1022, HB 1023, HB 1024, HB 1106, HB 1107, HB 1175, HB 1243, HB 1246, HB 1297, HB 1320, HB 1344, HB 1358, HB 1395, HB 1421, HB 1457, HB 1459, HB 1476, HB 1486, HB 1492, HB 1495, HB 1499, HB 1501, HB 1504.

**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 1010, HB 1015, HB 1016, HB 1018, HB 1091.

**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 1044, HB 1049, HB 1051, HB 1093, HB 1110, HB 1125, HB 1127, HB 1161, HB 1162, HB 1169, HB 1197, HB 1218, HB 1233, HB 1267, HB 1273, HB 1279, HB 1296, HB 1299, HB 1317, HB 1321, HB 1348, HB 1357, HB 1400, HB 1404, HB 1420, HB 1431, HB 1432, HB 1433, HB 1435, HB 1458, HB 1462, HB 1463, HB 1472, HB 1505, HB 1506, HB 1507, HB 1511, HB 1515.

**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: HCR 3004, HCR 3007, HCR 3010, HCR 3025, HCR 3033, HCR 3038, HCR 3046.

**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 1001, HB 1007, HB 1021, HB 1027, HB 1487.

**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 1003, HB 1014, HB 1020.

**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 1128, HB 1160, HB 1365.

**MOTION**

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

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, February 21, 2007, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1045, as engrossed:** Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1045 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1048, as engrossed: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1048 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1206: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1206 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1224, as engrossed: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1224 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1257, as engrossed: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1257 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1333, as engrossed: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1333 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1367: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1367 was placed on the Fourteenth order on the calendar.

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

**William R. Horton, Secretary**

