

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

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Bismarck, February 13, 2009

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

The prayer was offered by Father Patrick Schumacher, Saint Joseph Church, Mandan.

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

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2010: SEN. KILZER (Appropriations Committee) MOVED that the amendments on SJ pages 386-387 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2046, as engrossed: SEN. J. LEE (Appropriations Committee) MOVED that the amendments on SJ page 387 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2199: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ pages 389-390 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2064: SEN. DEVER (Appropriations Committee) MOVED that the amendments on SJ pages 387-388 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2023: SEN. CHRISTMANN (Appropriations Committee) MOVED that the amendments on SJ page 387 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2160, as engrossed: SEN. GRINDBERG (Appropriations Committee) MOVED that the amendments on SJ page 389 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2306: SEN. NETHING (Judiciary Committee) MOVED that the amendments on SJ pages 392-396 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2217: SEN. TAYLOR (Education Committee) MOVED that the amendments on SJ pages 390-391 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2257: SEN. MILLER (Finance and Taxation Committee) MOVED that the amendments on SJ page 391 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2297: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ page 392 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2289: SEN. FLAKOLL (Education Committee) MOVED that the amendments on SJ pages 391-392 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2399: SEN. HECKAMAN (Human Services Committee) MOVED that the amendments on SJ page 399 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2383: SEN. DOTZENROD (Finance and Taxation Committee) MOVED that the amendments on SJ pages 397-398 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2396: SEN. HECKAMAN (Appropriations Committee) MOVED that the amendments on SJ pages 398-399 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2305: SEN. WARNER (Appropriations Committee) MOVED that the amendments on SJ page 392 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2342: SEN. TAYLOR (Appropriations Committee) MOVED that the amendments on SJ pages 396-397 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2385, as engrossed: SEN. WARDNER (Appropriations Committee) MOVED that the amendments on SJ page 398 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2308: SEN. KLEIN (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 396 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2360: SEN. WANZEK (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 397 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2417: SEN. POTTER (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 399 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2421: SEN. FIEBIGER (Judiciary Committee) MOVED that the amendments on SJ page 400 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2423: SEN. POMEROY (Human Services Committee) MOVED that the amendments on SJ page 400 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2433: SEN. NODLAND (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 400-401 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2218: A BILL for an Act to create and enact a new section to chapter 19-02.1 and section 19-03.1-22.4 of the North Dakota Century Code, relating to requirements for prescribing and dispensing controlled substances and certain other specified drugs and requirements for dispensing controlled substances by means of the internet; to amend

and reenact subsection 2 of section 19-02.1-15 and section 19-03.1-23 of the North Dakota Century Code, relating to the exclusion from the exemption for dispensing certain drugs and penalties for unlawful distribution or dispensing of controlled substances and counterfeit controlled substances by means of the internet; and to provide a penalty.

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; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

SB 2218 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2178: A BILL for an Act to provide an appropriation to the department of corrections and rehabilitation for community service supervision grants.

ROLL CALL

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

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Heckaman; Hogue; Holmberg; Horne; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Wanzek; Wardner; Warner

NAYS: Christmann; Grindberg; Kilzer; Lee, G.

ABSENT AND NOT VOTING: Triplett

SB 2178 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2216: A BILL for an Act to amend and reenact section 12.1-34-07 of the North Dakota Century Code, relating to reimbursement for medical screening examinations that precede acute forensic medical 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; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

SB 2216 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2231: A BILL for an Act to provide for contracting with a statewide charitable food recovery and distribution organization; 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 34 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Dever; Dotzenrod; Erbele; Fiebiger; Freborg; Heckaman; Hogue; Horne; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Marcellais; Mathern; Nelson; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Wanzek; Wardner; Warner

NAYS: Bowman; Christmann; Cook; Fischer; Flakoll; Grindberg; Holmberg; Kilzer; Lyson; Miller; Nething; Stenehjem

ABSENT AND NOT VOTING: Triplett

SB 2231 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2241: A BILL for an Act to amend and reenact subsection 3 of section 39-12-02 of the North Dakota Century Code, relating to the fee for an overwidth vehicle or load.

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; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

SB 2241 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2277: A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to supplemental retiree benefit payments under the teachers' fund for retirement.

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; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

SB 2277 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2311: A BILL for an Act to provide statements of legislative intent regarding state employee compensation adjustments and state employee equity adjustments; and to provide for transfers.

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; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

SB 2311 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2268: A BILL for an Act to create and enact a new section to chapter 43-19.1 of the North Dakota Century Code, relating to recognition of retired status for engineers; to amend and reenact sections 43-19.1-02, 43-19.1-03, 43-19.1-04, 43-19.1-05, 43-19.1-07, 43-19.1-08, 43-19.1-09, 43-19.1-10, 43-19.1-11, 43-19.1-12, 43-19.1-12.1, 43-19.1-13, 43-19.1-14, 43-19.1-15, 43-19.1-16, 43-19.1-16.1, 43-19.1-17, 43-19.1-18, 43-19.1-19, 43-19.1-20, 43-19.1-21, 43-19.1-22, 43-19.1-23, 43-19.1-24, 43-19.1-25, 43-19.1-26, 43-19.1-27, 43-19.1-29, 43-19.1-30, 43-19.1-31, and 43-19.1-33 of the North Dakota Century Code, relating to the regulation of professional engineers and professional land surveyors; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2268 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2361: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to property tax exemptions for property renovation costs; 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 1 YEAS, 45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Lee, J.

NAYS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

SB 2361 lost.

REQUEST

SEN. J. LEE REQUESTED that the record show that she intended to vote "NAY" on SB 2361, which request was granted.

SECOND READING OF SENATE BILL

SB 2391: A BILL for an Act to amend and reenact section 50-06-26 of the North Dakota Century Code, relating to the alternatives-to-abortion services program; to provide for reports to the legislative council; 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 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

NAYS: Fiebiger

ABSENT AND NOT VOTING: Triplett

SB 2391 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2398: A BILL for an Act to require that elementary and secondary school students engage in movement and exercise.

MOTION

SEN. HECKAMAN MOVED that SB 2398 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of requirements for movement and exercise at the elementary and high school levels."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. MOVEMENT AND EXERCISE - LEGISLATIVE COUNCIL STUDY. During the 2009-10 interim, the legislative council shall study the feasibility and desirability of requiring that fifteen minutes be set aside during the morning and afternoon of each schoolday so that elementary students may engage in instructionally structured or unstructured movement and exercise. The legislative council also shall study ways in which high school students can be required to engage in self-directed or school-directed movement and exercise for at least three thirty-minute periods each week. The study must examine the potential academic and physical benefits of allowing students time to exercise during the schoolday and it must address practical alternatives to exercising outdoors during inclement weather. The study also must address the role of physical education classes in meeting the durational requirements for exercise and exceptions for students whose individual circumstances would render participation impossible or inappropriate. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

REQUEST

SEN. HECKAMAN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2398, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2398, the roll was called and there were 22 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Dotzenrod; Fiebiger; Heckaman; Horne; Krauter; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Wardner; Warner

NAYS: Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Stenehjerm; Wanzek

ABSENT AND NOT VOTING: Triplett

The proposed amendments to SB 2398 failed.

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; Andrist; Bakke; Dotzenrod; Fiebiger; Heckaman; Horne; Krauter; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Schneider; Warner

NAYS: Behm; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Seymour; Stenehjerm; Taylor; Wanzek; Wardner

ABSENT AND NOT VOTING: Triplett

SB 2398 lost.

SECOND READING OF SENATE BILL

SB 2017: A BILL for an Act to provide an appropriation for defraying the expenses of the office of administrative hearings.

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; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2017 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2034: A BILL for an Act to amend and reenact subsection 5 of section 57-51.1-03 of the North Dakota Century Code, relating to exemption from oil extraction tax on tertiary recovery projects that use carbon dioxide.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nelson; Pomeroy; Triplett

SB 2034 passed and the title was agreed to.

REQUEST

SEN. NELSON REQUESTED that the record show that she intended to vote "YEA" on SB 2034, which request was granted.

REQUEST

SEN. POMEROY REQUESTED that the record show that he intended to vote "YEA" on SB 2034, which request was granted.

MOTION

SEN. CHRISTMANN MOVED that Engrossed SB 2221, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed SB 2221 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that SB 2258, which is on the Eleventh order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2258 was rereferred.

SECOND READING OF SENATE BILL

SB 2184: A BILL for an Act to amend and reenact subsection 5 of section 57-40.3-01 of the North Dakota Century Code, relating to exclusion of motor vehicle manufacturers' incentives or discounts from motor vehicle excise taxes; 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 40 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Behm; Bowman; Christmann; Cook; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Hogue; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

NAYS: Anderson; Bakke; Dever; Grindberg; Heckaman; Holmberg

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2184 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2212: A BILL for an Act to amend and reenact section 15.1-38-02 of the North Dakota Century Code, relating to English language learners; 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 40 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Wanzek; Wardner; Warner

NAYS: Christmann; Flakoll; Kilzer; Lee, G.; Stenehjem

ABSENT AND NOT VOTING: Fischer; Triplett

Engrossed SB 2212 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2223: A BILL for an Act to provide for regional public transportation pilot projects; to provide for a report to the legislative assembly; 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; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Fischer; Triplett

Engrossed SB 2223 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2260: A BILL for an Act to create and enact a new chapter to title 54 of the North Dakota Century Code, relating to state matching funds for individual development accounts; to amend and reenact subdivision n of subsection 1 of section 50-09-29 of the North Dakota Century Code, relating to administration of the temporary assistance for needy families program; 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 35 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Flakoll; Heckaman; Hogue; Horne; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Wardner; Warner

NAYS: Bowman; Christmann; Freborg; Grindberg; Holmberg; Kilzer; Klein; Lee, G.; Stenehjem; Wanzek

ABSENT AND NOT VOTING: Fischer; Triplett

SB 2260 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2264: A BILL for an Act to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to a special season-long nonresident small game hunting license fee; and to amend and reenact subsection 1 of section 20.1-03-07 and subsection 2 of section 20.1-03-12 of the North Dakota Century Code, relating to nonresident small game hunting licenses and fees.

MOTION

SEN. POTTER MOVED that SB 2264 be amended as follows:

Page 2, line 5, replace "twenty-five" with "seventy"

Renumber accordingly

REQUEST

SEN. POTTER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2264, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2264, the roll was called and there were 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

NAYS: Andrist

ABSENT AND NOT VOTING: Fischer; Triplett

The proposed amendments to SB 2264 were adopted.

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

YEAS: Andrist; Bowman; Christmann; Cook; Dotzenrod; Erbele; Flakoll; Freborg; Heckaman; Horne; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Marcellais; Nodland; Oehlke; Olafson; Pomeroy; Potter; Seymour; Taylor; Wanzek; Wardner; Warner

NAYS: Anderson; Bakke; Behm; Dever; Fiebiger; Grindberg; Hogue; Holmberg; Kilzer; Lee, G.; Lyson; Mathern; Miller; Nelson; Nething; O'Connell; Robinson; Schneider; Stenehjem

ABSENT AND NOT VOTING: Fischer; Triplett

Engrossed SB 2264 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2323: A BILL for an Act to provide for medical facilities to give notice to the public of hospitalist programs.

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; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Fischer; Triplett

SB 2323 lost.

SECOND READING OF SENATE BILL

SB 2350: A BILL for an Act to provide for the creation of an ethanol council; to amend and reenact section 4-24-09 of the North Dakota Century Code, relating to the agricultural commodity assessments funds; to provide a penalty; 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, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

NAYS: O'Connell

ABSENT AND NOT VOTING: Fischer; Triplett

Engrossed SB 2350 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2367: A BILL for an Act to create and enact a new section to chapter 39-24 of the North Dakota Century Code, relating to safety fees for snowmobiles; and to amend and reenact sections 39-22.3-04 and 39-29-01.1 of the North Dakota Century Code, relating to motor-powered recreational vehicle dealer licenses and safety fees for off-highway vehicles.

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; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nothing; Nodland; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Wanzek; Wardner; Warner

NAYS: Miller; O'Connell; Stenehjem

ABSENT AND NOT VOTING: Fischer; Triplett

Engrossed SB 2367 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2390: A BILL for an Act to create and enact chapter 40-64 of the North Dakota Century Code, relating to the establishment and development of certified technology parks.

MOTION

SEN. SCHNEIDER MOVED that Engrossed SB 2390 be amended as follows, which motion prevailed.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of the establishment and development of certified technology parks."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY - CERTIFIED TECHNOLOGY PARKS. During the 2009-10 interim, the legislative council shall consider studying the establishment and development of certified technology parks. The legislative council shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-second legislative assembly."

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 NOT PASS, the roll was called and there were 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Wanzek; Wardner; Warner

NAYS: Christmann; Miller; Stenehjem

ABSENT AND NOT VOTING: Fischer; Triplett

Reengrossed SB 2390 passed and the title was agreed to.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2005, SB 2006, SB 2008, SB 2011, SB 2024, SB 2028, SB 2051, SB 2118, SB 2162, SB 2171, SB 2316, SB 2317, SB 2369, SB 2401, SB 2429.

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 1391, HB 1463, HB 1510, HB 1534, HB 1541, HB 1545, HB 1562.

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, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Monday, February 16, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2002: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2002 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "1,291,054" with "1,118,391" and replace "8,362,659" with "8,189,996"

Page 1, line 15, replace "50,491" with "48,191" and replace "2,199,676" with "2,197,376"

Page 1, line 17, replace "23,033" with "4,790" and replace "145,264" with "127,021"

Page 1, line 18, replace "1,281,127" with "1,087,921" and replace "10,720,148" with "10,526,942"

Page 1, line 23, replace "6,737,051" with "6,027,542" and replace "48,839,670" with "48,130,161"

Page 1, line 24, replace "7,131,601" with "7,216,641" and replace "20,276,282" with "20,361,322"

Page 2, line 2, replace "(42,094)" with "(72,044)" and replace "563,655" with "533,705"

Page 2, line 6, replace "15,385,120" with "14,730,701" and replace "72,873,576" with "72,219,157"

Page 2, line 8, replace "15,555,250" with "14,900,831" and replace "71,143,115" with "70,488,696"

Page 2, line 22, replace "16,917,418" with "16,069,793" and replace "82,362,546" with "81,514,921"

Page 2, line 24, replace "16,762,585" with "15,914,960" and replace "84,407,353" with "83,559,728"

Page 2, line 25, replace "11.0" with "0" and replace "349.0" with "338.0"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98181.0101 FN 2

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

REPORT OF STANDING COMMITTEE

SB 2038, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2038 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2133: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2133 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2173: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2173 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2237, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2237 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2243: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2243 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

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

REPORT OF STANDING COMMITTEE

SB 2271: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2271 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2272, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2272 was placed on the Sixth order on the calendar.

Page 2, replace lines 27 through 31 with:

Governor	\$121		\$121
Secretary of state	182	\$6	188
Office of management and budget	732	165	897
Information technology department	328	1,891	2,219
State auditor	262	86	348
State treasurer	47		47
Attorney general	1,067	267	1,334
Tax commissioner	894		894
Office of administrative hearings		54	54
Legislative assembly	840		840
Legislative council	222		222
Judicial branch	2,328	17	2,345
Commission on legal counsel for indigents	195	27	222
Retirement and investment office		114	114
Public employees retirement system		222	222
Department of public instruction	213	457	670
Land department		146	146
State library	176	24	200
School for the deaf	280	15	295
North Dakota vision services - School for the blind	165	23	188
Department of career and technical education	179	13	192
State department of health	902	1,407	2,309
Veterans' home	509	302	811
Indian affairs commission	27		27
Department of veterans' affairs	47		47
Department of human services	9,156	5,879	15,035
Protection and advocacy project	192		192
Job service North Dakota	9	1,899	1,908
Insurance commissioner		312	312
Industrial commission	347	57	404

Labor commissioner	74	7	81
Public service commission	194	101	295
Aeronautics commission		40	40
Department of financial institutions		195	195
Securities department	60		60
Bank of North Dakota		1,152	1,152
Housing finance agency		316	316
Mill and elevator association		880	880
Workforce safety and insurance		1,594	1,594
Highway patrol	1,044	273	1,317
Department of corrections and rehabilitation	4,732	263	4,995
Adjutant general	538	1,021	1,559
Department of commerce	347	110	457
Agriculture commissioner	250	223	473
State seed department		202	202
Upper great plains transportation institute	27	335	362
Branch research centers	478	164	642
NDSU extension service	1,007	790	1,797
Northern crops institute	51	24	75
Main research center	1,653	722	2,375
Agronomy seed farm		20	20
Racing commission	13		13
State historical society	371	46	417
Council on the arts	34		34
Game and fish department		1,055	1,055
Parks and recreation department	352	4	356
State water commission	494	84	578
Department of transportation		7,086	7,086
Bismarck state college	1,089		1,089
Lake region state college	323		323
Williston state college	343		343
University of North Dakota	4,451		4,451
University of North Dakota school of medicine and health sciences	827		827
North Dakota state university	3,843		3,843
State college of science	1,164		1,164
Dickinson state university	898		898
Mayville state university	400		400
Minot state university	1,302		1,302
Valley City state university	626		626
Minot state university - Bottineau	242		242
North Dakota university system office	805	173	978
North Dakota forest service	134		134
Total	\$47,586	\$30,263	\$77,849"

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 31

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2302, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2302 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2307: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2307 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2319: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2319 was placed on the Sixth order on the calendar.

Page 1, line 2, after "16.1-12-02" insert ", 16.1-12-02.1"

Page 10, after line 23, insert:

"SECTION 10. AMENDMENT. Section 16.1-12-02.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-12-02.1. Applicant's name placed upon ballot - Affidavit to accompany petition. Upon receipt by the secretary of state of the certificate of nomination provided for in section 16.1-12-02 accompanied by the following affidavit, the secretary of state shall place the applicant's name upon the general election ballot. The affidavit must be substantially as follows:

State of North Dakota)
) ss.
County of _____)

I, _____, being sworn, say that I reside at _____, in the city of _____, state of North Dakota; that I am a candidate for nomination to the office of _____ to be chosen at the general election to be held on _____, _____, and I request that my name be printed upon the general election ballot as ~~provided by law~~ I have identified my ballot name below. I understand that nicknames are allowed as part of my ballot name, but titles and campaign slogans are not permissible. I have reviewed the requirements to hold office and I certify that I am qualified to serve if elected.

Ballot name requested _____
Date _____
Candidate's signature _____
Subscribed and sworn to before me on _____, _____.
Notary Public _____
My Commission Expires _____

NOTARY SEAL"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2324: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2324 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2327: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2327 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2329: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2329 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "to the industrial commission" with "and transfer"

Page 1, line 5, replace "**INDUSTRIAL COMMISSION**" with "**TRANSFER - GEOLOGIC DATA PRESERVATION FUND**"

Page 1, line 7, replace "or so much of the sum as may be necessary, to the industrial commission" with "which the office of management and budget shall transfer to the geologic data preservation fund"

Page 1, line 8, replace "purpose of" with "industrial commission to use for"

Page 1, remove lines 10 and 11

Page 1, line 15, after "coordinating" insert ", by contracting for consulting services if necessary,"

Page 1, line 16, remove "The state"

Page 1, remove lines 17 and 18

Page 1, line 19, replace "**APPROPRIATION**" with "**ADDITIONAL INCOME**"

Page 1, line 21, replace "are appropriated to the industrial commission for" with "must be deposited in the geologic data preservation fund for defraying the costs of"

Page 1, line 23, after the first boldfaced period insert "**ADDITIONAL INCOME -**"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment removes the 2 FTE positions and the appropriation of \$290,000 from the general fund to the Industrial Commission for the mapping project and provides for a \$290,000 general fund transfer to the geologic data preservation fund for costs associated with the project. Any other income received by the Industrial Commission relating to the project must be deposited in the geologic data preservation fund for costs of the project. The Industrial Commission has a continuing appropriation to spend money in the geologic data preservation fund.

The amendment also removes the 2 FTE positions authorized for the State Historical Society for the mapping project and allows the State Historical Society, if necessary, to hire consultants to assist with the project.

REPORT OF STANDING COMMITTEE

SB 2343: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2343 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2345: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2345 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2351: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2351 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2363: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2363 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2388, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2388 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2392: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2392 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with ", subsection 1 of section 43-07-10,"

Page 1, line 2, after "54-05.1-03" insert ", and sections 54-09-04 and 54-09-08" and after "fees" insert ", contractor license renewals,"

Page 1, line 3, remove "and" and after "fees" insert ", and fees collected by the secretary of state"

Page 2, after line 7, insert:

"SECTION 2. AMENDMENT. Subsection 1 of section 43-07-10 of the North Dakota Century Code is amended and reenacted as follows:

1. Any license issued under this chapter may be renewed for each successive fiscal year by obtaining from the registrar a certificate of renewal. To obtain a certificate of renewal, the licensee shall file with the registrar an application, ~~which that~~ includes a listing of each project, contract, or subcontract completed by the licensee during the preceding calendar year in this state over the amount of twenty-five thousand dollars; and the nature of the work of each project, contract, or subcontract; ~~and, if a performance bond was required, the name and address of the person who issued the bond.~~ The registrar shall within a reasonable time forward a copy of the list to the state tax commissioner. The applicant shall include with the application a copy of a certificate of liability insurance unless the registrar has a current valid certificate of insurance on file, and a certification that the applicant has submitted all payroll taxes, including North Dakota income tax, workforce safety and insurance premiums, and unemployment insurance premiums due at the time of renewal, which documents need not be notarized."

Page 2, after line 13, insert:

"SECTION 4. AMENDMENT. Section 54-09-04 of the North Dakota Century Code is amended and reenacted as follows:

54-09-04. Fees. The secretary of state, unless otherwise provided by law, shall charge and collect the following fees:

1. For a copy of any law, resolution, record, or other document or paper on file in the secretary of state's office, ~~one dollar for every four pages or fraction thereof~~ fifty cents per page.
2. For affixing the signature of the secretary of state, certificate, or seal, or combination thereof to any document, ten dollars.
3. For filing a certificate of appointment of attorney, five dollars.
4. For searching records and archives of the state, five dollars. For the purposes of this section, a search of records conducted by the secretary of state for which a fee must be collected includes the following:
 - a. A search of a filed document that is active or archived, an archived index, or an index of business name changes to identify specific information to satisfy a request;
 - b. A search of any record for which written verification of the facts of the search is required; and
 - c. For every search of records when the request for the search is contained in a list compiled by the requester. The secretary of state may provide, at no charge, information from publications or reference materials published or maintained by the secretary of state and verbal confirmation of any element of information maintained in a computer data base.
5. For filing any paper not otherwise provided for, ten dollars.
6. For filing utility property transfers, five dollars, and issuing a certificate of filing, five dollars.
7. ~~For sending a copy of a document by electronic transmission, one dollar for each page.~~
8. For filing any process, notice, or demand for service, the fee provided in section 10-01.1-03.
9. 8. For preparing any listing or compilation of any information recorded or filed in the office of the secretary of state, thirty-five dollars plus the actual cost for assembling and providing the information on the medium requested.

An individual required to file an oath of office with the secretary of state may not be charged for filing the oath of office, nor may a state or county officer be charged for

filing any document with the secretary of state when acting in the officer's official capacity. All fees when collected must be paid by the secretary of state into the state treasury at the end of each month and placed to the credit of the state. Unless otherwise provided by law, the secretary of state shall retain a handling charge from filing fees tendered when a document submitted to the secretary of state under any law is rejected and not perfected. The handling charge is five dollars or fifty percent of the filing fee, whichever is greater, but may not exceed one hundred dollars.

If, upon due presentment, any check, draft, money order, or other form of lawful payment provisionally accepted in payment of any filing fee authorized to be charged and collected by the secretary of state, is not honored or paid, or if no lawful form of payment accompanies the filing, any record of credit or payment must be canceled or reversed as though no credit had been given or payment attempted and the filing or action is void. The secretary of state may return to the last-known address of the filer any record or document that was attempted to be filed or may retain as unfilled the record or document for a reasonable time to permit proper payment and filing.

This section does not apply to fees submitted for filing in, or information obtained from, the computerized central notice system, to the computerized Uniform Commercial Code central filing data base, or to the computerized statutory liens data base.

SECTION 5. AMENDMENT. Section 54-09-08 of the North Dakota Century Code is amended and reenacted as follows:

54-09-08. Secretary of state's general services operating fund. The secretary of state's general services operating fund is a special fund in the state treasury. Moneys in the fund are to be used pursuant to legislative appropriations for the provision of services under section 16.1-02-15, subsection 6 of section 41-09-94, subsection 9 8 of section 54-09-04, and sections 10-35-33, 54-09-10, and 54-09-11. At the close of each biennium, the secretary of state shall transfer any unobligated balance remaining in the fund exceeding seventy-five thousand dollars to the general fund."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2410: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2410 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2426, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2426 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2436: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2436 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2438, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2438 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two" and replace "section" with "sections"

Page 2, remove line 3

Page 2, line 4, replace "d." with "c."

Page 2, line 5, replace "e." with "d."

Page 2, line 6, replace "f." with "e."

Page 2, line 7, replace "g." with "f."

Page 2, after line 7, insert:

"**SECTION 2.** A new section to chapter 54-60 of the North Dakota Century Code is created and enacted as follows:

Advisory committee on sustainable agriculture - Creation - Duties - Compensation.

1. The department of commerce shall appoint an advisory committee on sustainable agriculture. The committee must include:
 - a. The chairman of the house agriculture committee or the chairman's designee;
 - b. The chairman of the senate agriculture committee or the chairman's designee;
 - c. The agriculture commissioner or the commissioner's designee;
 - d. The director of the North Dakota state university agricultural experiment station;
 - e. An agricultural producer who utilizes innovative research-based technologies in farming operations;
 - f. A representative of an international agricultural corporation; and
 - g. An individual specializing in the domestic and international marketing of agricultural products.
2. The committee shall:
 - a. Examine the concept of sustainability with respect to conventional farming practices and modern technology-based production practices;
 - b. Examine production practices that are efficient and able to meet current and future global food and nutritional needs;
 - c. Examine production practices that promote increased efficiencies in resource use, improve human health through access to safe and nutritious food, and enhance economic opportunities for individual producers;
 - d. Explore metric evaluations to measure the attainment, maintenance, and certification of sustainability; and
 - e. Advise the department regarding the development of a sustainability certification program and the marketing and packaging of products containing the certification.
3. Each legislative member of the committee is entitled to receive per diem compensation in the amount established by subsection 1 of section 54-03-20 plus reimbursement for expenses as provided by law for state officers if the member is attending meetings or performing duties directed by the committee."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4008: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4008 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4012: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4012 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4020: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4020 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3007, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)
recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HCR 3007 was placed on the Fourteenth order on the calendar.

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

Fran A. Gronberg, Secretary