

## JOURNAL OF THE SENATE

## Sixty-first Legislative Assembly

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Bismarck, March 12, 2009

The Senate convened at 12:30 p.m., with President Pro Tem Fischer presiding.

The prayer was offered by Intern Pastor Craig Schweitzer, Good Shepherd Lutheran Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

**CORRECTION AND REVISION OF THE JOURNAL**

**MR. PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Andrist, Chairman)** has carefully examined the Journal of the Thirty-third, Thirty-eighth and Forty-fourth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 562, after line 3, insert:

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

**MR. PRESIDENT:** The Speaker has signed: HCR 3007.

Page 643, after line 10, insert:

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN****February 5, 2009**

Pursuant to Article VIII, Section 6 of the North Dakota Constitution, I am hereby nominating Mr. Claus Lembke to the North Dakota State Board of Higher Education. His term is until June 30, 2013.

Mr. Lembke's name is submitted in accordance with NDCC 15-10-02. He meets the requirements of Article VIII, Section 6 of the North Dakota Constitution and NDCC 15-10. Therefore, I ask the Senate to confirm Claus Lembke for this position during the 2009 Legislative Session.

Thank you for your consideration.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN****February 5, 2009**

Pursuant to Article VIII, Section 6 of the North Dakota Constitution, I am hereby nominating Mr. Richard Smith to the North Dakota State Board of Higher Education. His term is until June 30, 2013.

Mr. Smith's name is submitted in accordance with NDCC 15-10-02. He meets the requirements of Article VIII, Section 6 of the North Dakota Constitution and NDCC 15-10. Therefore, I ask the Senate to confirm Richard Smith for this position during the 2009 Legislative Session.

Thank you for your consideration.

Page 715, line 11, remove "and amended"

Page 715, line 15, remove "and amended"

Page 715, line 23, remove "and amended"

Page 715, line 27, remove "and amended"

**SEN. ANDRIST MOVED** that the report be adopted, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1496, as reengrossed: SEN. MILLER (Agriculture Committee) MOVED** that the amendments on SJ pages 724-726 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**.

**REQUEST**

**SEN. TRIPLETT REQUESTED** that the Senate divide the amendments to Reengrossed HB 1496, which request was granted.

**DIVISION A:** Section 1 of the amendments.

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

**REQUEST**

**SEN. TRIPLETT REQUESTED** verification votes on the approval of the divisions and on the adoption of the proposed amendments to Reengrossed HB 1496, which request was granted.

The question being the motion to adopt Division A of the proposed amendments to Reengrossed HB 1496, the motion failed on a verification vote.

Division A of the proposed amendments to Reengrossed HB 1496 failed on a verification vote.

The question being the motion to adopt Division B of the proposed amendments to Reengrossed HB 1496, the motion passed on a verification vote.

Division B of the proposed amendments to Reengrossed HB 1496 was adopted on a verification vote.

Therefore, the question being the adoption of the proposed amendments, which consist of Division B only, the proposed amendments to HB 1496 were adopted on a verification vote.

Reengrossed HB 1496, as amended, was rereferred to the **Appropriations Committee**.

**CONSIDERATION OF AMENDMENTS**

**HB 1202: SEN. WANZEK (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 722-723 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1229, as engrossed: SEN. LYSON (Judiciary Committee) MOVED** that the amendments on SJ page 723 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1333: SEN. OLAFSON (Judiciary Committee) MOVED** that the amendments on SJ pages 723-724 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1435, as engrossed: SEN. G. LEE (Education Committee) MOVED** that the amendments on SJ page 724 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SCR 4030: SEN. HOGUE (Finance and Taxation Committee) MOVED** that the amendments on SJ page 721 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**REQUEST**

**SEN. POTTER REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to SCR 4030, which request was granted.

**ROLL CALL**

The question being the motion to adopt the amendments to SCR 4030, the roll was called and there were 27 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Seymour; Stenehjerm; Triplett; Wanzek; Wardner

**NAYS:** Bakke; Behm; Bowman; Dotzenrod; Fiebiger; Flakoll; Heckaman; Horne; Krauter; Krebsbach; Lindaas; Marcellais; Mathern; Nelson; Pomeroy; Potter; Robinson; Schneider; Taylor; Warner

The motion to adopt the amendments to SCR 4030 passed.

**SECOND READING OF HOUSE BILL**

**HB 1205:** A BILL for an Act to create and enact chapter 32-03.4 of the North Dakota Century Code, relating to the transfer of structured settlements; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Triplett; Wanzek; Wardner; Warner

Engrossed HB 1205 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1322:** A BILL for an Act to create and enact a new chapter to title 17 of the North Dakota Century Code, relating to an energy policy commission; to provide for a water resources study; and to provide for a legislative council study.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Triplett; Wanzek; Wardner; Warner

Engrossed HB 1322 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1097:** A BILL for an Act to amend and reenact section 34-14-04.1 of the North Dakota Century Code, relating to limitations of withholdings of an employer from compensation due employees.

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

**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.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed HB 1097 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1253:** A BILL for an Act to amend and reenact section 47-16-39.1 of the North Dakota Century Code, relating to payment of oil and gas royalties.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Triplett; Wanzek; Wardner; Warner

Engrossed HB 1253 passed and the title was agreed to.

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#### **SECOND READING OF HOUSE BILL**

**HB 1201:** A BILL for an Act to amend and reenact subsections 6 and 7 of section 65-01-16 and section 65-02-27 of the North Dakota Century Code, relating to changing the name of the workforce safety and insurance office of independent review.

#### **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, 1 NAYS, 0 EXCUSED, 0 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

**NAYS:** Triplett

HB 1201 passed and the title was agreed to.

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#### **SECOND READING OF HOUSE BILL**

**HB 1300:** A BILL for an Act to amend and reenact subsection 1 of section 59-12-11 of the North Dakota Century Code, relating to modification of irrevocable trusts.

#### **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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Triplett; Wanzek; Wardner; Warner

HB 1300 passed and the title was agreed to.

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#### **SECOND READING OF HOUSE BILL**

**HB 1084:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to criminal history record checks for applicants for employment with the tax commissioner.

#### **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 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Hogue; Potter; Seymour; Triplett

HB 1084 passed and the title was agreed to.

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### **SECOND READING OF HOUSE BILL**

**HB 1353:** A BILL for an Act to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to relocation of a utility facility; and to amend and reenact sections 24-01-41, 49-21-01.3, and 49-21-04 of the North Dakota Century Code, relating to facility relocation cost recovery.

### **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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Triplett; Wanzek; Wardner; Warner

Engrossed HB 1353 passed and the title was agreed to.

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### **SECOND READING OF HOUSE BILL**

**HB 1137:** A BILL for an Act to amend and reenact section 47-30.1-35 of the North Dakota Century Code, relating to locator agreement requirements under the Uniform Unclaimed Property Act.

### **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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Triplett; Wanzek; Wardner; Warner

HB 1137 passed and the title was agreed to.

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### **SECOND READING OF HOUSE BILL**

**HB 1268:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales and use tax exemption for clothing; 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, 46 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Potter

**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.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

HB 1268 lost.

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**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1500 and HB 1430 be placed at the top of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1500:** A BILL for an Act to amend and reenact section 5-02-06 of the North Dakota Century Code, relating to individuals under twenty-one years of age serving alcoholic beverages.

**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 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman; Flakoll; Freborg; Nelson

HB 1500 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1430:** A BILL for an Act to create and enact chapter 32-46 of the North Dakota Century Code, relating to successor corporation asbestos-related liabilities.

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

**YEAS:** Andrist; Bowman; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Stenehjerm; Wanzek; Wardner

**NAYS:** Anderson; Bakke; Christmann; Dotzenrod; Fiebiger; Grindberg; Heckaman; Horne; Krauter; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Warner

**ABSENT AND NOT VOTING:** Behm

Engrossed HB 1430 passed and the title was agreed to.

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**MOTION**

**SEN. STENEHJEM MOVED** that the vote by which HB 1430 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1024, HB 1060, HB 1094, HB 1139, HB 1140, HB 1192, HB 1232, HB 1321, HB 1428, HB 1477, HCR 3011, HCR 3036.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1369, HB 1402.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1029, HB 1110.

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

**MR. SPEAKER:** The Senate has failed to pass unchanged: HB 1513.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2053, SB 2061, SB 2095, SB 2103, SB 2156, SB 2159, SB 2169, SB 2181, SB 2200, SB 2245, SB 2376, SB 2392.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2100, SB 2317.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2100**

Page 1, line 17, after "program" insert "at the time of issuance"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2317**

Page 2, remove lines 25 through 27

Page 2, line 28, replace "3." with "2."

Page 2, line 30, replace "4." with "3."

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2139.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2139**

Page 1, line 19, after "void" insert "as to the severance of the pore space from the surface interest"

Renumber accordingly

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

**MR. PRESIDENT:** The House has failed to pass unchanged: SB 2264.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1030, HB 1072, HB 1115, HB 1117, HB 1118, HB 1122, HB 1132, HB 1149, HB 1150, HB 1163, HB 1164, HB 1220, HB 1270, HB 1287, HB 1326, HB 1414, HB 1482, HCR 3001.

**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 12:30 p.m., Friday, March 13, 2009, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2229, as reengrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2229 was placed on the Sixth order on the calendar.

Page 2, line 1, remove the overstrike over "~~However, the amount to which~~"

Page 2, line 2, remove the overstrike over "~~each county is entitled pursuant to this subsection~~"

Page 2, line 3, after "~~census~~" insert "may be limited" and remove the overstrike over "~~as~~"

Page 2, line 4, remove the overstrike over "~~follows:~~"

Page 2, replace lines 5 through 31 with:

- a. Counties having a population of three thousand or less shall receive no more than three million nine hundred thousand dollars for each fiscal year; however, a county may receive up to four million nine hundred thousand dollars under this subdivision the full amount of its allocation under this subsection for each fiscal year if during that fiscal year the county levies a total of at least ten mills for combined levies for county road and bridge, farm-to-market and federal-aid road, and county road purposes. ~~Any amount received by a county exceeding three million nine hundred thousand dollars under this subdivision is not subject to allocation under subsection 3 but must be credited by the county treasurer to the county general fund.~~
- b. Counties having a population of over three thousand but less than six thousand shall receive no more than four million one hundred

thousand dollars for each fiscal year; however, a county may receive ~~up to five million one hundred thousand dollars under this subdivision~~ the full amount of its allocation under this subsection for each fiscal year if during that fiscal year the county levies a total of at least ten mills for combined levies for county road and bridge, farm-to-market and federal-aid road, and county road purposes. ~~Any amount received by a county exceeding four million one hundred thousand dollars under this subdivision is not subject to allocation under subsection 3 but must be credited by the county treasurer to the county general fund.~~

- c. Counties having a population of six thousand or more shall receive no more than four million six hundred thousand dollars for each fiscal year; however, a county may receive ~~up to five million six hundred thousand dollars under this subdivision~~ the full amount of its allocation under this subsection for each fiscal year if during that fiscal year the county levies a total of ten mills or more for combined levies for county road and bridge, farm-to-market and federal-aid road, and county road purposes. ~~Any amount received by a county exceeding four million six hundred thousand dollars under this subdivision is not subject to allocation under subsection 3 but must be credited by the county treasurer to the county general fund."~~

Page 3, remove lines 1 and 2

Page 3, remove the overstrike over lines 3 through 5

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1025, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1025 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1040, as reengrossed: Judiciary Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed HB 1040 was placed on the Sixth order on the calendar.

Page 3, remove lines 24 through 28

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1098: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1098 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1142, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1142 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1166: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1166 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "property valuation by townships,"

Page 1, line 18, remove "or township"

Page 6, line 5, after "unplatted" insert "land"

Page 6, line 19, after "by" insert "three thousand dollars or", overstrike "than" and insert immediately thereafter "and to", after "percent" insert "or", remove the overstrike over "more than", and remove "over"



Page 6, line 20, after the comma insert "written"

Page 7, line 7, after "~~fifteen~~" insert "three thousand dollars or more and to"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1215, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1215 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1231: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1231 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**HB 1317, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1317 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "three" with "two"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1329: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1329 was placed on the Sixth order on the calendar.

Page 1, line 2, after "guidelines" insert "; and to provide an agency directive"

Page 3, after line 10, insert:

**"SECTION 2. ADMINISTRATIVE RULEMAKING - ADDITIONAL REBUTTAL CRITERIA.** As part of the first rulemaking commenced under section 14-09-09.7 after the effective date of this Act, the Department of Human Services shall adopt new criteria for rebutting the presumptively correct amount of support determined under the child support guidelines based on the increased ability of an obligor, whose income is decreased based on depreciation, to provide child support."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1338, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1338 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "consider studying" with "study"

Page 1, line 9, after the period insert "The study also may include the incorporation of information dealing with new solid waste sciences that affect the overall issue of siting."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1425, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1425 was placed on the Sixth order on the calendar.

Page 1, line 4, after the semicolon insert "to provide an appropriation;"

Page 3, after line 28, insert:

**"SECTION 6. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$13,278,991, or so much of the sum as may be necessary, to the department of human services for the purpose of funding nonfederal foster care and subsidized adoption costs, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1451: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1451 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1472, as reengrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed HB 1472 was placed on the Sixth order on the calendar.

Page 1, line 2, after "board" insert "; to provide an expiration date; and to declare an emergency"

Page 1, line 9, replace "at least four members who represent for-profit early childhood service" with "a broad-based geographically distributed membership"

Page 1, remove line 10

Page 1, line 11, remove "childhood service providers"

Page 2, after line 20, insert:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, 2013, and after that date is ineffective.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1551: Judiciary Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1551 was placed on the Sixth order on the calendar.

Page 3, line 28, after "breakage" insert "of which twenty percent is"

Page 3, line 29, after "fund" insert ", thirty percent is to be deposited in the breeders' fund, and fifty percent is to be deposited in the purse fund"

Renumber accordingly

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

**Fran A. Gronberg, Secretary**