

## JOURNAL OF THE SENATE

## Sixty-first Legislative Assembly

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Bismarck, April 13, 2009

The Senate convened at 1:00 p.m., with President Dalrymple presiding.

The prayer was offered by Pastor Matthew Thompson, Holy Cross Lutheran Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**HB 1090, as engrossed: SEN. J. LEE (Human Services Committee) MOVED** that the amendments on SJ page 1265 be adopted and then be placed on the Fourteenth order with **DO PASS**.

## REQUEST

**SEN. BAKKE REQUESTED** a verification vote on the motion to adopt the proposed amendments to Engrossed HB 1090, which request was granted.

The proposed amendments to Engrossed HB 1090 were adopted on a verification vote.

## SECOND READING OF HOUSE BILL

**HB 1090:** A BILL for an Act to create and enact a new chapter to title 50 of the North Dakota Century Code, relating to child care assistance; 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 1090 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

**HB 1019, as engrossed: SEN. KREBSBACH (Appropriations Committee) MOVED** that the amendments on SJ pages 1264-1265 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1019:** 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 for a transfer; to amend and reenact subsection 5 of section 55-08-05 and section 55-08-14.1 of the North Dakota Century Code, relating to recreational grants and concession agreements; to provide legislative intent; 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 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 1019 passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**HB 1009, as engrossed: SEN. BOWMAN (Appropriations Committee) MOVED** that the amendments on SJ pages 1263-1264 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1009:** A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to provide for a livestock health permit inspection program; to amend and reenact sections 4-01-19 and 4-01-21 of the North Dakota Century Code, relating to marketing program revenue and the salary of the agriculture commissioner; to provide for transfers; to provide for a legislative council study; 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 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; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed HB 1009 passed, the title was agreed to, and the emergency clause was declared carried.

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#### APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. CHRISTMANN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1158 and Engrossed HB 1194, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on:

**Engrossed HB 1158:** Sens. Olafson, Nothing, Schneider

**Engrossed HB 1194:** Sens. Wanzek, Klein, Potter

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to SB 2005 as printed on SJ pages 1210-1211 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2005: Sens. Wardner, Holmberg, Mathern.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. NOTHING MOVED** that the Senate do not concur in the House amendments to SB 2114 as printed on SJ page 893 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2114: Sens. Lyson, Olafson, Schneider.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. NOTHING MOVED** that the Senate do not concur in the House amendments to SB 2116 as printed on SJ page 893 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2116: Sens. Lyson, Olafson, Fiebiger.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Reengrossed SB 2171 as printed on SJ pages 891-892 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Reengrossed SB 2171: Sens. Olafson, Nething, Fiebiger.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2250 as printed on SJ page 907 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2250: Sens. Nething, Olafson, Fiebiger.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to SB 2267 as printed on SJ page 975 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2267: Sens. Olafson, Nething, Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do not concur in the House amendments to SB 2373 as printed on SJ page 1209 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2373: Sens. Miller, Cook, Triplett.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to SB 2293 as printed on SJ page 907 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2293: Sens. Nething, Lyson, Fiebiger.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Reengrossed SB 2415 as printed on SJ pages 975-977 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Reengrossed SB 2415: Sens. Lyson, Olafson, Schneider.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2421 as printed on SJ pages 908-909 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2421: Sens. Olafson, Lyson, Fiebiger.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FREBORG MOVED** that the Senate do concur in the House amendments to SB 2082 as printed on SJ pages 906-907, which motion prevailed on a voice vote.

SB 2082, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2082:** A BILL for an Act to amend and reenact sections 15-10-18.2 and 15-10-19.1 of the North Dakota Century Code, relating to tuition and tuition waivers for veterans and their dependents at state institutions of higher education.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, 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; Fiebig; 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 SB 2082 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FREBORG MOVED** that the Senate do concur in the House amendments to Engrossed SB 2081 as printed on SJ page 771, which motion prevailed on a voice vote.

Engrossed SB 2081, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2081:** A BILL for an Act to amend and reenact sections 15-52-03, 15-52-04, 15-52-30, and 15-52-31 of the North Dakota Century Code, relating to the university of North Dakota school of medicine and health sciences advisory council.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, 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; Fiebig; 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

Reengrossed SB 2081 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FLAKOLL MOVED** that the Senate do concur in the House amendments to Engrossed SB 2372 as printed on SJ page 875, which motion prevailed on a voice vote.

Engrossed SB 2372, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2372:** A BILL for an Act to create and enact a new section to chapter 54-34.3 of the North Dakota Century Code, relating to the promotion of life science industries.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, 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; Fiebig; 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; Triplett; Wanzek; Wardner; Warner

Reengrossed SB 2372 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. FLAKOLL MOVED** that the Senate do concur in the House amendments to SB 2128 as printed on SJ page 655, which motion prevailed on a voice vote.

SB 2128, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2128:** A BILL for an Act to amend and reenact section 54-53-02 of the North Dakota Century Code, relating to the membership of the advisory transportation council of the upper great plains transportation institute.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Fiebigler; 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; Triplett; Wanzek; Wardner; Warner

Engrossed SB 2128 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. DEVER MOVED** that the Senate do concur in the House amendments to SB 2131 as printed on SJ page 806, which motion prevailed on a voice vote.

SB 2131, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2131:** A BILL for an Act to amend and reenact section 54-44-04.6 of the North Dakota Century Code, relating to service charges for recycling and disposal of surplus property; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Fiebigler; 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; Triplett; Wanzek; Wardner; Warner

Engrossed SB 2131 passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. DEVER MOVED** that the Senate do concur in the House amendments to Engrossed SB 2192 as printed on SJ page 909, which motion prevailed on a voice vote.

Engrossed SB 2192, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2192:** A BILL for an Act to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to Vietnam Veterans' Day; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, 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; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Reengrossed SB 2192 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. DEVER MOVED** that the Senate do concur in the House amendments to SB 2243 as printed on SJ page 952, which motion prevailed on a voice vote.

SB 2243, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2243:** A BILL for an Act to authorize counties to accept certain payments by credit card, wire transfer, electronic transfer, or debit card.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Cook; Dever; Fischer; Nothing; Stenehjem

Engrossed SB 2243 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. G. LEE MOVED** that the Senate do concur in the House amendments to SB 2279 as printed on SJ page 752, which motion prevailed on a voice vote.

SB 2279, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2279:** A BILL for an Act to amend and reenact subsection 5 of section 39-08-13 of the North Dakota Century Code, relating to the parties from whom a motor vehicle accident investigating officer's opinion may be obtained.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, 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; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed SB 2279 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2047 as printed on SJ page 1000, which motion prevailed on a voice vote.

Engrossed SB 2047, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2047:** A BILL for an Act to provide an appropriation to the state department of health for providing emergency medical training grants to rural law enforcement agencies.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Lyson

Reengrossed SB 2047 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to SB 2096 as printed on SJ page 651, which motion prevailed on a voice vote.

SB 2096, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2096:** A BILL for an Act to amend and reenact section 5-01-05.1 of the North Dakota Century Code, relating to medical care of intoxicated persons.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, 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 SB 2096 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do concur in the House amendments to Engrossed SB 2155 as printed on SJ pages 1000-1001, which motion prevailed on a voice vote.

Engrossed SB 2155, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2155:** A BILL for an Act to provide an appropriation for grants to assist certain institutions of higher education with the cost of interpreters and real-time captioning for students who are deaf or hard of hearing.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, 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; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

Reengrossed SB 2155 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to SB 2157 as printed on SJ page 791, which motion prevailed on a voice vote.

SB 2157, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2157:** A BILL for an Act to create and enact a new section to chapter 14-10 of the North Dakota Century Code, relating to voluntary blood donation by minors.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Christmann; Cook; Hogue; Klein; Lyson; O'Connell; Stenehjerm; Triplett; Wanzek

Engrossed SB 2157 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2168 as printed on SJ pages 791-792, which motion prevailed on a voice vote.

Engrossed SB 2168, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2168:** A BILL for an Act to create and enact section 23-01-05.5 of the North Dakota Century Code, relating to the confidentiality of autopsy reports; to amend and reenact sections 11-19.1-01, 11-19.1-03, 11-19.1-04, 11-19.1-06, 11-19.1-07, 11-19.1-08, 11-19.1-10, 11-19.1-11, 11-19.1-13, 11-19.1-15, 11-19.1-17, 11-19.1-18, 11-19.1-19, 11-19.1-20, and 23-01-05.4 of the North Dakota Century Code, relating to the powers and duties of the coroner and state forensic examiner; to repeal chapter 11-19 and section 11-19.1-05 of the North Dakota Century Code, relating to the county coroner and the appointment of an assistant coroner; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

Reengrossed SB 2168 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to SB 2218 as printed on SJ page 937, which motion prevailed on a voice vote.

SB 2218, as amended, was placed on the Eleventh order of business.



**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 amended bill, which has been read, 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; Fiebigler; 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 SB 2218 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2318 as printed on SJ page 975, which motion prevailed on a voice vote.

Engrossed SB 2318, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2318:** A BILL for an Act to create and enact section 26.1-18.1-03.1 of the North Dakota Century Code, relating to bond requirements for qualified programs of all-inclusive care or the elderly; and to amend and reenact section 26.1-18.1-01 of the North Dakota Century Code, relating to the regulation of qualified programs of all-inclusive care for the elderly.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, 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; Fiebigler; 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

Reengrossed SB 2318 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2355 as printed on SJ page 975, which motion prevailed on a voice vote.

Engrossed SB 2355, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2355:** A BILL for an Act to provide a short-term shelter and assessment pilot program for at-risk youth; to provide a report to the legislative council; to provide for a legislative council study; 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 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

Reengrossed SB 2355 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. KLEIN MOVED** that the Senate do concur in the House amendments to SB 2100 as printed on SJ page 737, which motion prevailed on a voice vote.

SB 2100, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2100:** A BILL for an Act to amend and reenact section 6-09.15-03 of the North Dakota Century Code, relating to the beginning entrepreneur loan guarantee program by the Bank of North Dakota.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 SB 2100 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. KLEIN MOVED** that the Senate do concur in the House amendments to SB 2101 as printed on SJ page 890, which motion prevailed on a voice vote.

SB 2101, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2101:** A BILL for an Act to amend and reenact subsection 6 of section 52-04-05 and subsection 2 of section 52-04-06 of the North Dakota Century Code, relating to rounding of calculations for employer unemployment compensation contribution rates.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 SB 2101 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. KLEIN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2405 as printed on SJ page 792, which motion prevailed on a voice vote.

Engrossed SB 2405, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2405:** A BILL for an Act to amend and reenact subdivision i of subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to income tax treatment of the domestic reduction activities deduction for marketing cooperatives; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, 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; Fiebigier; 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; Triplett; Wanzek; Wardner; Warner

Reengrossed SB 2405 passed and the title was agreed to.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4033.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1009, HB 1090.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1019.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2221.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2393.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2199, SB 2225.

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2199**

In lieu of the amendments adopted by the House as printed on pages 960 and 961 of the House Journal, Reengrossed Senate Bill No. 2199 is amended as follows:

Page 1, line 1, after "Act" insert "to create a property tax relief sustainability fund;"

Page 1, line 4, replace "and" with a comma and after "57-15-31" insert ", and 57-38-30 and subsection 1 of section 57-38-30.3"

Page 1, line 5, after "districts" insert ", corporate income tax rates, and income tax rates for individuals, estates, and trusts" and after the second semicolon insert "to provide for transfers;"

Page 2, line 22, after "4." insert "The authority for a levy of up to a specific number of mills under this section approved by electors of a school district before July 1, 2009, is terminated effective for taxable years after 2012. If the electors of a school district subject to this subsection have not approved a levy for taxable years after 2012 of up to a specific number of mills under this section by December 31, 2012, the school district levy limitation for subsequent years is subject to the limitations under section 57-15-01.1 or this section."

5."

Page 2, line 23, replace "2010" with "2012"

Page 2, line 24, after "of" insert "up to"

Page 2, line 25, replace "2010" with "2012"

Page 3, after line 29, insert:

**"SECTION 4. AMENDMENT.** Section 57-38-30 of the North Dakota Century Code is amended and reenacted as follows:

**57-38-30. Imposition and rate of tax on corporations.** A tax is hereby imposed upon the taxable income of every domestic and foreign corporation which must be levied, collected, and paid annually as in this chapter provided:

1. a. For the first ~~three~~ twenty-five thousand dollars of taxable income, at the rate of two ~~and six tenths~~ percent.
- b. On all taxable income ~~above three~~ exceeding twenty-five thousand dollars and ~~not in excess of eight~~ exceeding fifty thousand dollars, at the rate of four ~~and one-tenth~~ five percent.
- c. On all taxable income ~~above eight~~ exceeding fifty thousand dollars and ~~not in excess of twenty thousand dollars~~, at the rate of five ~~and six tenths~~ six and one-tenth percent.
- d. ~~On all taxable income above twenty thousand dollars and not in excess of thirty thousand dollars, at the rate of six and four tenths percent.~~
- e. ~~On all taxable income above thirty thousand dollars, at the rate of six and one-half percent.~~
2. A corporation that has paid North Dakota alternative minimum tax in years beginning before January 1, 1991, may carry over any alternative minimum tax credit remaining to the extent of the regular income tax liability of the corporation for a period not to exceed four taxable years.

**SECTION 5. AMENDMENT.** Subsection 1 of section 57-38-30.3 of the North Dakota Century Code is amended and reenacted as follows:

1. A tax is hereby imposed for each taxable year upon income earned or received in that taxable year by every resident and nonresident individual, estate, and trust. A taxpayer computing the tax under this section is only eligible for those adjustments or credits that are specifically provided for in this section. Provided, that for purposes of this section, any person required to file a state income tax return under this chapter, but who has not computed a federal taxable income figure, shall compute a federal taxable income figure using a pro forma return in order to determine a federal taxable income figure to be used as a starting point in computing state income tax under this section. The tax for individuals is equal to North Dakota taxable income multiplied by the rates in the applicable rate schedule in subdivisions a through d corresponding to an individual's filing status used for federal income tax purposes. For an estate or trust, the schedule in subdivision e must be used for purposes of this subsection.

- a. Single, other than head of household or surviving spouse.

If North Dakota taxable income is:	The tax is equal to:
Not over <del>\$27,050</del> <u>\$33,950</u>	<del>2.40%</del> <u>1.87%</u>
Over <del>\$27,050</del> <u>\$33,950</u> but not over <del>\$65,550</del> <u>\$82,250</u>	<del>\$568.05</del> <u>\$634.87</u> plus <del>3.92%</del> <u>3.49%</u> of amount over <del>\$27,050</del> <u>\$33,950</u>
Over <del>\$65,550</del> <u>\$82,250</u> but not over <del>\$136,750</del> <u>\$171,550</u>	<del>\$2,077.25</del> <u>\$2,320.54</u> plus <del>4.34%</del> <u>3.87%</u> of amount over <del>\$65,550</del> <u>\$82,250</u>
Over <del>\$136,750</del> <u>\$171,550</u> but not over <del>\$297,350</del> <u>\$372,950</u>	<del>\$6,467.33</del> <u>\$5,776.45</u> plus <del>5.04%</del> <u>4.49%</u> of amount over <del>\$136,750</del> <u>\$171,550</u>
Over <del>\$297,350</del> <u>\$372,950</u>	<del>\$13,261.57</del> <u>\$14,819.31</u> plus <del>5.54%</del> <u>4.94%</u> of amount over <del>\$297,350</del> <u>\$372,950</u>

- b. Married filing jointly and surviving spouse.

If North Dakota taxable income is:	The tax is equal to:
Not over <del>\$45,200</del> <u>\$56,750</u>	<del>2.40%</del> <u>1.87%</u>
Over <del>\$45,200</del> <u>\$56,750</u> but not over <del>\$109,250</del> <u>\$137,050</u>	<del>\$949.20</del> <u>\$1,061.23</u> plus <del>3.92%</del> <u>3.49%</u> of amount over <del>\$45,200</del> <u>\$56,750</u>
Over <del>\$109,250</del> <u>\$137,050</u> but not over <del>\$166,500</del> <u>\$208,850</u>	<del>\$3,459.96</del> <u>\$3,863.70</u> plus <del>4.34%</del> <u>3.87%</u> of amount over <del>\$109,250</del> <u>\$137,050</u>

Over <del>\$166,500</del> <u>\$208,850</u> but not	<del>\$5,944.64</del> <u>\$6,642.36</u> plus <del>5.04%</del> <u>4.49%</u>
over <del>\$297,350</del> <u>\$372,950</u>	of amount over <del>\$166,500</del> <u>\$208,850</u>
Over <del>\$297,350</del> <u>\$372,950</u>	<del>\$12,539.45</del> <u>\$14,010.45</u> plus <del>5.54%</del> <u>4.94%</u>
	of amount over <del>\$297,350</del> <u>\$372,950</u>

c. Married filing separately.

If North Dakota taxable income is:	The tax is equal to:
Not over <del>\$22,600</del> <u>\$28,375</u>	<del>2.40%</del> <u>1.87%</u>
Over <del>\$22,600</del> <u>\$28,375</u> but not	<del>\$474.60</del> <u>\$530.61</u> plus <del>3.92%</del> <u>3.49%</u>
over <del>\$54,625</del> <u>\$68,525</u>	of amount over <del>\$22,600</del> <u>\$28,375</u>
Over <del>\$54,625</del> <u>\$68,525</u> but not	<del>\$1,729.98</del> <u>\$1,931.85</u> plus <del>4.34%</del> <u>3.87%</u>
over <del>\$83,250</del> <u>\$104,425</u>	of amount over <del>\$54,625</del> <u>\$68,525</u>
Over <del>\$83,250</del> <u>\$104,425</u> but not	<del>\$2,972.34</del> <u>\$3,321.18</u> plus <del>5.04%</del> <u>4.49%</u>
over <del>\$148,675</del> <u>\$186,475</u>	of amount over <del>\$83,250</del> <u>\$104,425</u>
Over <del>\$148,675</del> <u>\$186,475</u>	<del>\$6,269.73</del> <u>\$7,005.22</u> plus <del>5.54%</del> <u>4.94%</u>
	of amount over <del>\$148,675</del> <u>\$186,475</u>

d. Head of household.

If North Dakota taxable income is:	The tax is equal to:
Not over <del>\$36,250</del> <u>\$45,500</u>	<del>2.40%</del> <u>1.87%</u>
Over <del>\$36,250</del> <u>\$45,500</u> but not	<del>\$761.25</del> <u>\$850.85</u> plus <del>3.92%</del> <u>3.49%</u>
over <del>\$93,650</del> <u>\$117,450</u>	of amount over <del>\$36,250</del> <u>\$45,500</u>
Over <del>\$93,650</del> <u>\$117,450</u> but not	<del>\$3,041.33</del> <u>\$3,361.91</u> plus <del>4.34%</del> <u>3.87%</u>
over <del>\$151,650</del> <u>\$190,200</u>	of amount over <del>\$93,650</del> <u>\$117,450</u>
Over <del>\$151,650</del> <u>\$190,200</u> but not	<del>\$5,528.53</del> <u>\$6,177.33</u> plus <del>5.04%</del> <u>4.49%</u>
over <del>\$297,350</del> <u>\$372,950</u>	of amount over <del>\$151,650</del> <u>\$190,200</u>
Over <del>\$297,350</del> <u>\$372,950</u>	<del>\$12,871.84</del> <u>\$14,382.81</u> plus <del>5.54%</del> <u>4.94%</u>
	of amount over <del>\$297,350</del> <u>\$372,950</u>

e. Estates and trusts.

If North Dakota taxable income is:	The tax is equal to:
Not over <del>\$1,800</del> <u>\$2,300</u>	<del>2.40%</del> <u>1.87%</u>
Over <del>\$1,800</del> <u>\$2,300</u> but not	<del>\$37.80</del> <u>\$43.01</u> plus <del>3.92%</del> <u>3.49%</u>
over <del>\$4,250</del> <u>\$5,350</u>	of amount over <del>\$1,800</del> <u>\$2,300</u>
Over <del>\$4,250</del> <u>\$5,350</u> but not	<del>\$133.84</del> <u>\$149.46</u> plus <del>4.34%</del> <u>3.87%</u>
over <del>\$6,500</del> <u>\$8,200</u>	of amount over <del>\$4,250</del> <u>\$5,350</u>
Over <del>\$6,500</del> <u>\$8,200</u> but not	<del>\$231.49</del> <u>\$259.75</u> plus <del>5.04%</del> <u>4.49%</u>
over <del>\$8,900</del> <u>\$11,150</u>	of amount over <del>\$6,500</del> <u>\$8,200</u>
Over <del>\$8,900</del> <u>\$11,150</u>	<del>\$352.45</del> <u>\$392.21</u> plus <del>5.54%</del> <u>4.94%</u>
	of amount over <del>\$8,900</del> <u>\$11,150</u>

f. For an individual who is not a resident of this state for the entire year, or for a nonresident estate or trust, the tax is equal to the tax otherwise computed under this subsection multiplied by a fraction in which:

- (1) The numerator is the federal adjusted gross income allocable and apportionable to this state; and
- (2) The denominator is the federal adjusted gross income from all sources reduced by the net income from the amounts specified in subdivisions a and b of subsection 2.

In the case of married individuals filing a joint return, if one spouse is a resident of this state for the entire year and the other spouse is a nonresident for part or all of the tax year, the tax on the joint return must be computed under this subdivision.

g. For taxable years beginning after December 31, ~~2004~~ 2009, the tax commissioner shall prescribe new rate schedules that apply in lieu of the schedules set forth in subdivisions a through e. The new schedules must be determined by increasing the minimum and maximum dollar amounts for each income bracket for which a tax is imposed by the cost-of-living adjustment for the taxable year as determined by the secretary of the United States treasury for purposes of section 1(f) of the United States Internal Revenue Code of 1954, as amended. For this purpose, the rate applicable to each income bracket may not be changed, and the manner of applying the cost-of-living adjustment must be the same as that used for adjusting the income brackets for federal income tax purposes."

Page 5, after line 2, insert:

- "7. For all purposes under law relating to allocation of funds among political subdivisions based on property tax levies, property taxes levied by a school district are the amount that would have been levied without the mill reduction grant provided to the school district under this chapter."

Page 5, line 5, replace "combined education" with "general fund"

Page 5, line 8, replace "combined education" with "general fund"

Page 5, line 19, replace "combined education" with "general fund"

Page 5, line 26, replace "combined" with "general fund"

Page 5, line 27, remove "education"

Page 5, line 30, after "district" insert "general fund"

Page 6, after line 6, insert:

**"57-64-05. Tax increment financing district revenue replacement grants."**

1. A city in which a tax increment financing district was established before January 1, 2009, is entitled to a grant, subject to legislative appropriation, to reimburse the district for the loss of tax increments attributable to the mill levy reduction under this chapter for the school district in which the tax increment financing district property is located. The grant to which a city is entitled under this section is equal to the combined education mill rate reduction under this chapter for the school district for the taxable year times the incremental value of property that had a tax increment value before January 1, 2009, as determined under section 40-58-20, discounted by five percent as allowed for taxpayers under section 57-20-09.
2. Applications for grants under this section must be filed with the tax commissioner by January thirty-first immediately following the taxable year of the combined education mill rate reduction under this chapter. Applications must be filed on a form prescribed by the tax commissioner. The tax commissioner shall audit applications, make corrections as required, and certify grant amounts and recipients to the state treasurer for payment of grants by March thirty-first following receipt of applications.

**SECTION 7. Property tax relief sustainability fund.** The property tax relief sustainability fund is a special fund in the state treasury. Moneys in the fund may be spent, pursuant to legislative appropriations, for property tax relief programs."

Page 6, line 8, replace "permanent oil tax trust" with "general"

Page 6, after line 11, insert:

**"SECTION 9. APPROPRIATION.** There is appropriated out of any moneys in the permanent oil tax trust fund in the state treasury, not otherwise appropriated, the sum of \$1,720,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of allocation of revenue replacement grants to tax increment financing districts under section 57-64-05, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 10. TRANSFER - PERMANENT OIL TAX TRUST FUND - GENERAL FUND.** The office of management and budget shall transfer the sum of \$295,000,000 from the permanent oil tax trust fund to the general fund on July 1, 2009.

**SECTION 11. TRANSFER - PERMANENT OIL TAX TRUST FUND - PROPERTY TAX RELIEF SUSTAINABILITY FUND.** The office of management and budget shall transfer the sum of \$295,000,000 from the permanent oil tax trust fund to the property tax relief sustainability fund on July 1, 2010."

Page 6, line 12, remove "and" and after "3" insert ", 4, and 5"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2225**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 10-30.5-02 of the North Dakota Century Code, relating to the North Dakota development fund; to amend and reenact subsection 1 of section 6-09.14-01 of the North Dakota Century Code, relating to eligibility under the partnership in assisting community expansion program; to establish a grant program for early childhood facilities; to provide a report to the budget section; to provide an appropriation; and to provide an expiration date.

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

**SECTION 1. AMENDMENT.** Subsection 1 of section 6-09.14-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Business" means a corporation, limited liability company, partnership, individual, or association providing child care or involved in manufacturing, processing, value-added processing, and targeted industries as defined by the Bank of North Dakota.

**SECTION 2.** A new subsection to section 10-30.5-02 of the North Dakota Century Code is created and enacted as follows:

Moneys in the development fund may be used to provide financing to early childhood facilities licensed under chapter 50-11.1. Moneys also may be used to make grants or loans to match grants or loans made by county-authorized or city-authorized development corporations, job development authorities created under chapter 11-11.1 or 40-57.4, and regional planning councils for acquiring, leasing, or remodeling of real estate facilities or for acquiring equipment for establishing or expanding a licensed early childhood facility. The corporation may not award more than half of the amount of the funds appropriated to provide financing under this subsection to nonprofit early childhood facilities and public early childhood facilities. An award under this subsection may not exceed one hundred thousand dollars per award.

**SECTION 3. DEPARTMENT OF COMMERCE - GRANTS FOR CHILD CARE PROVIDERS.** During the biennium beginning July 1, 2009, and ending June 30, 2011, the department of commerce shall establish and implement a grant program to provide matching grants to North Dakota child care providers. A recipient of a grant under this section shall use the grant funds for technical assistance, which may include the development of a business plan. To receive a grant under this section, an applicant shall establish the applicant has available \$1 of matching funds for every \$3 of grant funds. The matching funds must be in cash and may come from private or public sources, or from a combination of private and public sources. A grant awarded under this section may not exceed \$10,000 per recipient. The department may not award more than half of the amount of the funds appropriated for grants under this program to nonprofit early childhood facilities and public early childhood facilities.

**SECTION 4. REPORT TO THE BUDGET SECTION.** The department of commerce shall report to the budget section during the second quarter of calendar year 2010 on the status of the financing provided to child care providers under section 2 of this Act and the grants to child care providers under section 3 of this Act.

**SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,250,000, or so much of the sum as may be necessary, to the department of commerce for deposit in the North Dakota development fund for the purpose of providing financing to child care providers, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 6. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of providing child care provider grants under section 3 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 7. EXPIRATION DATE.** Sections 1 and 2 of this Act are effective through July 31, 2011, and after that date are ineffective."

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 2228.

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2228**

In lieu of the amendments adopted by the House as printed on page 922 of the House Journal, Reengrossed Senate Bill No. 2228 is amended as follows:

Page 1, line 4, replace "and to provide a continuing appropriation" with "to provide an effective date; to provide an expiration date; and to declare an emergency"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 3

Page 2, line 6, after "grants" insert "of up to five thousand dollars per pump"

Page 3, remove lines 13 through 16

Page 4, after line 26, insert:

**"SECTION 5. BIOFUEL BLENDER PUMP INCENTIVE FUND - TRANSFER.**

The state treasurer shall transfer any moneys in the biofuel blender pump incentive fund on November 30, 2010, to the general fund.

**SECTION 6. EFFECTIVE DATE.** This Act becomes effective on July 1, 2009.

**SECTION 7. EXPIRATION DATE.** This Act is effective through November 30, 2010, and after that date is ineffective.

**SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and passed: SB 2047, SB 2081, SB 2082, SB 2096, SB 2100, SB 2101, SB 2128, SB 2131, SB 2155, SB 2157, SB 2168, SB 2192, SB 2218, SB 2243, SB 2279, SB 2318, SB 2355, SB 2372, and SB 2405.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2005, SB 2114, SB 2116, SB 2171, SB 2250, SB 2267, SB 2293, SB 2373, SB 2415, and SB 2421 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2005:** Sens. Wardner; Holmberg; Mathern

**SB 2114:** Sens. Lyson; Olafson; Schneider

**SB 2116:** Sens. Lyson; Olafson; Fiebiger

**SB 2171:** Sens. Olafson; Nething; Fiebiger

**SB 2250:** Sens. Nething; Olafson; Fiebiger

**SB 2267:** Sens. Olafson; Nething; Nelson

**SB 2293:** Sens. Nething; Lyson; Fiebiger

**SB 2373:** Sens. Miller; Cook; Triplett

**SB 2415:** Sens. Lyson; Olafson; Schneider

**SB 2421:** Sens. Olafson; Lyson; Fiebiger

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

**MR. PRESIDENT:** The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2163:** Reps. Boehning; Dahl; Wolf

**SB 2223:** Reps. Vigasaa; Sukut; Gruchalla

**SB 2251:** Reps. Froseth; Boehning; Amerman



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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1195, HB 1249, HB 1263, HB 1278, HB 1284, HB 1307, and HB 1317.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1014, HB 1040, HB 1057, HB 1110, HB 1116, HB 1216, HB 1269, HB 1436, HB 1489, HB 1490, HB 1510, HCR 3019, and HCR 3054 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1014:** Reps. Bellew; Kreidt; Kerzman  
**HB 1040:** Reps. Kretschmar; Hatlestad; Delmore  
**HB 1057:** Reps. Kasper; Nathe; Amerman  
**HB 1110:** Reps. Wall; Uglem; Boe  
**HB 1116:** Reps. Nathe; L. Meier; Conklin  
**HB 1216:** Reps. DeKrey; Porter; Hunsakor  
**HB 1269:** Reps. Hofstad; Damschen; Holman  
**HB 1436:** Reps. Grande; Carlson; Schneider  
**HB 1489:** Reps. Headland; Brandenburg; Schmidt  
**HB 1490:** Reps. Froseth; Karls; Winrich  
**HB 1510:** Reps. Dahl; L. Meier; Winrich  
**HCR3019:** Reps. Hatlestad; Schatz; Griffin  
**HCR3054:** Reps. Koppelman; Schatz; Schneider

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

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1158:** Sens. Olafson; Nething; Schneider  
**HB 1194:** Sens. Wanzek; Klein; Potter

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2363.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1023, HB 1032, HB 1042, HB 1044, HB 1083, HB 1088, HB 1093, HB 1171, HB 1207, HCR 3008, HCR 3013, HCR 3025, HCR 3032.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2363.

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

**MR. SPEAKER:** The President has signed: HB 1043, HB 1045, HB 1071, HB 1217, HB 1240, HB 1256, HB 1289, HB 1306, HB 1339, HB 1452, HB 1530, HB 1556, HB 1562.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Seventh, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:30 a.m., Tuesday, April 14, 2009, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SCR 4036: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4036 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1551, as amended, 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). HB 1551, as amended, was placed on the Sixth order on the calendar.

In addition to the amendments adopted by the Senate as printed on page 740 of the Senate Journal, House Bill No. 1551 is further amended as follows:

Page 1, line 2, remove "and" and after "date" insert "; and to provide an expiration date"

Page 4, line 25, after "**DATE**" insert "**- EXPIRATION DATE**"

Page 4, line 26, after "2009" insert ", and before July 1, 2013, and is thereafter ineffective"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1577: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1577 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3065: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (3 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3065 was placed on the Fourteenth order on the calendar.

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

**Fran A. Gronberg, Secretary**