

JOURNAL OF THE SENATE - SPECIAL SESSION**Sixty-second Legislative Assembly**

* * * * *

Bismarck, November 7, 2011

The Senate convened at 9:00 a.m., with President Wrigley presiding.

The prayer was offered by Director Bob Copenhaver, Prayer Rooms, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

COMMUNICATION FROM SECRETARY OF STATE ALVIN A. JAEGER

I hereby certify that I have attached a true and correct copy of Executive Order 2011-28, executed by Governor Jack Dalrymple on September 14, 2011, in which he convenes the North Dakota Legislative Assembly into special session on Monday, November 7, 2011, at 9:00 a.m.

I hereby certify that I have attached a true and correct listing of Senators who were issued Certificates of Election by the State Canvassing Board prior to the beginning of their respective terms of office and who continue to serve, as of this date, in the particular legislative district to which they were elected.

I hereby certify that on December 20, 2010, I issued a Certificate of Appointment to Philip M. Murphy to fill the Senate vacancy in Legislative District No. 20, in accordance with Section 16.1-13-10 of the North Dakota Century Code and whose name is included on the attached list.

I hereby certify that on August 23, 2011, I issued a Certificate of Appointment to Ron Carlisle, to fill the Senate vacancy in Legislative District No. 30, in accordance with Section 16.1-13-10 of the North Dakota Century Code, and whose name is included on the attached list.

IN TESTIMONY WHEREOF, I have set my hand and affixed the Great Seal of the State of North Dakota at the Capitol in the City of Bismarck on this date.

EXECUTIVE ORDER 2011-28

I, Jack Dalrymple, Governor of the State of North Dakota, by the authority vested in me, do hereby convene the North Dakota Legislative Assembly into special session on Monday, November 7, 2011, at 9:00 a.m., in the Legislative Chambers, at Bismarck, North Dakota.

This Executive Order is issued pursuant to the authority set forth below:

1. The Governor is vested with the executive power pursuant to Article V, Section 1 of the North Dakota Constitution;
2. The Governor is vested with the specific authority to call a special session of the Legislative Assembly pursuant to Article V, Section 7 of the North Dakota Constitution; and

This Executive Order, calling the Legislature into special session is issued for the following purposes:

- a. To provide for re-districting of government pursuant to Article IV, Section 2, of the North Dakota Constitution following the 2010 census; and
- b. For such other purposes as the Legislature may deem appropriate.

Executed at Bismarck, North Dakota, this 14th day of September, 2011.

**62nd Legislative Assembly of the State of North Dakota
Members of the Senate
November 7, 2011**

Senator	District Number
Stanley W. Lyson	1
John M. Andrist	2
Oley Larsen	3
John M. Warner	4
Randy Burckhard	5
David O'Connell	6
Ryan M. Taylor	7
Layton Freborg	8
Richard Marcellais	9
Curtis Olafson	10
Tim Mathern	11
Dave Nething	12
Judy Lee	13
Jerry Klein	14
Dave Oehlke	15
Joe Miller	16
Ray Holmberg	17
Constance "Connie" Triplett	18
Gerald (Gerry) Uglen	19
Philip M. Murphy	20
Carolyn Nelson	21
Gary A. Lee	22
Joan M. Heckaman	23
Larry J. Robinson	24
Larry Luick	25
Jim Dotzenrod	26
Spencer Berry	27
Robert S. Erbele	28
Terry M. Wanzek	29
Ron Carlisle	30
Donald Schaible	31
Dick Dever	32
Randel (Randy) Christmann	33
Dwight Cook	34
Margaret Sitte	35
George Nodland	36
Rich Wardner	37
David Hogue	38
Bill Bowman	39
Karen K. Krebsbach	40
Tony Grindberg	41
Mac Schneider	42
Lonnie Laffen	43
Tim Flakoll	44
Ronald Sorvaag	45
Tom Fischer	46
Ralph Kilzer	47

MOTION

SEN. CHRISTMANN MOVED that a committee of two be appointed to escort Justice Dale Sandstrom to the rostrum to administer the Oath of Office to newly appointed Senator Carlisle, which motion prevailed on a voice vote. The President appointed Senators Nething and Kilzer.

OATH OF OFFICE

Justice Dale Sandstrom administered the Oath of Office to newly appointed Senator Ron Carlisle.

MOTION

SEN. CHRISTMANN MOVED that a committee of two be appointed to escort Secretary of State Alvin A. Jaeger to the rostrum, which motion prevailed on a voice vote. The President appointed Senators Sitte and Nelson.

MOTION

SEN. KILZER MOVED the nomination of Julie McBride for the office of Sergeant-at-Arms, which motion prevailed.

MOTION

SEN. KLEIN MOVED that nominations cease and that a unanimous ballot be cast for Julie McBride as Sergeant-at-Arms, which motion prevailed on a voice vote.

MOTION

SEN. DEVER MOVED the nomination for Jane Schaible for the office of Journal Reporter, which motion prevailed.

MOTION

SEN. KLEIN MOVED that the nominations cease and that a unanimous ballot be cast for Jane Schaible for the office of Journal Reporter, which motion prevailed.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

November 2, 2011

Pursuant to North Dakota Century Code §53-06.1-01.1, I am hereby nominating Mr. James Wang of Minnewauken for reappointment to the North Dakota Gaming Commission. His term would be from July 1, 2011 until June 30, 2014.

Pursuant to Article V, Section 8 of the North Dakota Constitution, I ask the Senate to confirm James Wang for this position during the 2011 Special Legislative Session.

Thank you for your consideration.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

November 2, 2011

Pursuant to North Dakota Century Code §23-20.5, I am hereby nominating Mr. Terry O'Clair as the North Dakota member and Mr. Daniel Harman as the alternate to the Southwestern Low Level Radioactive Waste Commission.

Pursuant to Article III, Section 1 of the North Dakota Century Code, I ask the Senate to confirm Mr. O'Clair and Mr. Harman for these positions during the 2011 Special Legislative Session.

Thank you for your consideration.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 10:00 a.m., which motion prevailed on a voice vote.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Rules Committee (Sen. Holmberg, Chairman)** recommends that the Senate and Joint Rules of the Sixty-second Legislative Assembly, as adopted on Wednesday, December 8, 2010, be amended as follows for the special session of the Sixty-second Legislative Assembly:

SECTION 1. AMENDMENT. Subsection 4 of Senate Rule 318 is amended as follows:

4. The following questions require a two-thirds vote of the members-elect of the Senate:
 - a. Initiated and referred measures amended or repealed within seven years after enactment or approval, as provided in Section 8, Article III, of the Constitution and Senate Rule 339.

- b. Emergency clauses, as provided in Section 13, Article IV, of the Constitution.
- c. Vetoed measures, reconsideration, as provided in Section 9, Article V, of the Constitution.
- d. Adoption of propositions of a divided question if the division would require a two-thirds vote of the members-elect, as provided in Senate Rule 319.
- e. To recede before a conference in a case where two-thirds governs, as provided in Joint Rule 202.
- f. ~~Second reading same day as report, as provided in Senate Rule 337.~~
- g. Reconsideration after the next legislative day or after a previous motion to reconsider, as provided in Senate Rule 347.
- ~~h.g.~~ Reconsideration after a clincher motion, as provided in Senate Rule 348.
- ~~i.h.~~ Suspension of requirement that copies of amendments be distributed before acted on, as provided in Senate Rule 601.
- ~~j.i.~~ Amendment, reconsideration, or suspension of a joint rule, as provided in Joint Rule 105.

SECTION 2. AMENDMENT. Senate Rule 333 is amended as follows:

333. Amend or rerefer on second reading. On the second reading of every bill or resolution, any amendment other than amendment of a measure reported from a conference committee or a measure on the calendar as the result of a motion to concur or not concur in amendments by the House may be received and the bill or resolution may be rereferred at any time before its final passage. Upon request of a member, a floor amendment must be submitted in writing and distributed to each member, except that during a special session of the Legislative Assembly called by the Governor, an amendment received on the second reading of a bill providing for redistricting of the Legislative Assembly may propose the concept of the amendment rather than the language needed for amendment of the bill and upon approval of the amendment the presiding officer shall rerefer the bill to committee for preparation of the amendment and the committee shall report the amended bill back to the Senate for action.

SECTION 3. AMENDMENT. Senate Rule 337 is amended as follows:

337. Second reading. No bill requiring the approval of the Governor, no resolution proposing a change in the Constitution of North Dakota, and no resolution ratifying an amendment to the Constitution of the United States may be referred, except in the case of a bill or resolution that is prefiled pursuant to Senate Rule 401, or amended until it has been read; nor may any such bill or resolution have its second reading and final passage until at least one day after it has been reported to the Senate ~~by the committee to which it was referred, provided that any such bill or resolution may have its second reading and final passage on the same day it is reported back when so ordered by two-thirds of the members-elect of the Senate~~ its first reading.

SECTION 4. AMENDMENT. Senate Rule 346 is amended as follows:

346. Transmittal of measure to House - Notice of intention to reconsider.

1. After the second reading of a bill or resolution, the Secretary of the Senate shall retain the bill or resolution until the end of the next legislative day, unless the bill or resolution has previously been disposed of.
2. ~~On the thirty-eighth and thirty-ninth legislative days and after the fifty-ninth legislative day, the Secretary of the Senate shall transmit the bill or resolution to the House immediately upon adjournment of that day's session unless action on the bill or resolution is pending as the result of the Senate passing a motion to reconsider or unless the Majority or Minority Leader has given notice of intention to move the reconsideration of that bill or resolution.~~

3. ~~After the sixty-eighth legislative day, the Secretary of the Senate shall transmit the bill or resolution to the House immediately after the second reading of the bill or resolution unless the Majority or Minority Leader has given notice of intention to move the reconsideration of that bill or resolution.~~
- 4.2. When a member in explaining the member's vote states to the Senate that the member's vote is for the purpose of reconsideration, that statement also is notice of such intention.
5. ~~If notice is given by a member other than the Majority or Minority Leader but the motion to reconsider is not made before the end of the next legislative day, the Secretary of the Senate shall transmit the bill or resolution to the House at the end of that next legislative day.~~
3. If notice of intention to move reconsideration is given, the Secretary of the Senate shall retain the bill or resolution until adjournment of that day's session.

SECTION 5. AMENDMENT. Subsection 1 of Senate Rule 401 is amended as follows:

1. Any bill or resolution that conforms to statutory requirements and these rules, ~~within the number and time prescribed,~~ may be introduced by any member, standing committee, or the Legislative Management, by filing the bill or resolution with the Secretary, who shall number consecutively each bill or resolution.

SECTION 6. AMENDMENT. Subsections 1 and 2 of Senate Rule 402 are amended as follows:

1. ~~No member other than the Majority and Minority Leaders may introduce more than three bills as prime sponsor after the tenth legislative day. No bill may be introduced after the fifteenth legislative day, and no resolution, except those resolutions described in subsection 3, may be introduced after the eighteenth legislative day, except upon approval of the Legislative Management or a majority of the Delayed Bills Committee or upon two-thirds vote of the members of the Senate present and voting.~~
2. No bill introduced at the request of an executive agency or the Supreme Court may be introduced ~~after the close of business on the day after the adjournment of the organizational session,~~ except upon approval of a majority of the Delayed Bills Committee.

SECTION 7. AMENDMENT. Senate Rule 403 is amended as follows:

403. Delayed bills and resolutions. The Delayed Bills Committee shall receive from the Secretary every bill and resolution offered for introduction ~~after the time for introduction as limited by Senate Rule 402,~~ and, on the same or the next legislative day after receiving the measure, shall inform the Senate whether the introduction of the measure has been approved. If a majority of the committee favors introduction, the sponsor may introduce the measure. Each measure approved for introduction must bear the name or names of the sponsor or sponsors and must note the approval of the Delayed Bills Committee.

SECTION 8. AMENDMENT. Senate Rule 504 is amended as follows:

504. Committee meetings.

1. ~~The Appropriations Committee meets on Monday, Tuesday, Wednesday, Thursday, and Friday of each week.~~
2. ~~The three-day committees meet on Monday, Tuesday, and Wednesday of each week.~~
3. ~~The two-day committees meet on Thursday and Friday of each week.~~
4. The chairman of any committee, or a majority of that committee, may call meetings at times and on other days as deemed necessary.

SECTION 9. AMENDMENT. Senate Rule 601 is amended as follows:**601. Report of committees.**

1. The report of a committee must provide for one or more of the following recommendations with respect to the bill or resolution: do pass, do not pass, be amended, be rereferred to another committee, or be placed on the calendar without recommendation.
2. During the fifth order of business, the Secretary shall announce that committee reports have been received, if such is the case, and shall list the bill or resolution number, or other identifier, and state the accompanying committee recommendation. If the committee report is divided pursuant to Senate Rule 602, the Secretary shall announce the majority and minority report, or reports, as well.
3.
 - a. If the committee report is for amendment, the proposed amendment must be placed on the calendar ~~for the next legislative day on the sixth order of business. After the fifty-fifth legislative day, the proposed amendment must be placed on the calendar on the sixth order of business immediately after the report of the committee is received.~~
 - b. No action may be taken on an amendment until a verbatim copy of the amendment has been distributed to each member; provided, that on a two-thirds vote of the members-elect, this may be suspended, and the amendment acted on immediately after the report of the committee.
 - c. If the amendment is adopted by a majority vote of the members present, the amended measure must then be placed on the calendar ~~for the next legislative day~~ under the applicable order of business for second reading and final passage except as provided in subdivision e or g.
 - d. If the amendment is rejected, the measure without amendment must be placed on the calendar ~~for the next legislative day~~ under the applicable order of business for second reading and final passage except as provided in subdivision e or g.
 - e. If the committee report is for amendment and then rereferral to another committee, the measure must be rereferred to the appropriate committee after adoption or rejection of the amendment. If, after adoption or rejection of the amendment, a measure is subject to rereferral under Senate Rule 329, the measure must be rereferred to the Appropriations Committee, regardless of whether the report provides for rereferral.
 - f. If the committee report does not recommend rereferral to another committee but recommends that the measure pass, do not pass, or makes no recommendation, the measure must be placed on the calendar ~~for the next legislative day~~ under the applicable order of business for second reading and final passage ~~except as provided in subdivision g.~~
 - g. ~~On motion~~Except as provided under subdivision e, a measure must be placed on the calendar for second reading and final passage immediately after action is taken on the amendment. ~~If the committee report recommends that the measure be placed on the calendar for second reading and final passage immediately after action is taken on the amendment, the measure must be placed on the calendar for second reading and final passage immediately after the amendment is adopted. After the thirty-second legislative day all Senate bills, and after the fifty-fifth legislative day all measures, must be placed on the calendar for second reading and final passage immediately after action is taken on the amendment. A measure placed on the calendar under this subdivision may be acted on immediately after placement on the calendar.~~
 - h. A report for amendment must be approved as to form and style by the Legislative Council staff. When a report for amendment is received by the Secretary without a notation that the report was approved as to form and style by the Legislative Council staff, the Secretary immediately shall cause that

report to be delivered to the Legislative Council office with a request that the report be examined and receive a notation approving its form and style.

4. If the committee report is divided as provided in Senate Rule 602, the reports must be placed on the calendar ~~for the next legislative day~~ on the seventh order of business. The presiding officer shall receive and announce a motion that the report of the minority be substituted for the majority committee report. If the minority report is adopted, that report is substituted for the majority report and must be placed on the calendar on the eleventh or fourteenth order of business. If the minority report is not adopted, the majority report is deemed adopted and must be placed on the calendar on the eleventh or fourteenth order of business. If a "do not pass" report is adopted under this subsection, the measure must be placed on the calendar on the eleventh or fourteenth order of business. If no report is adopted under this subsection, the measure must be placed on the calendar on the eleventh or fourteenth order of business unless the measure is subject to rereferral under Senate Rule 329.
5. ~~The~~ If practicable, the Secretary shall ensure that the daily calendar contains appropriate notation of committee reports.

SECTION 10. AMENDMENT. Joint Rule 202 is amended as follows:

202. Receding before conference. Either house may recede from any subject matter of difference existing between the two houses at any time before a conference whether the papers on which difference has arisen are before the house receding formally or informally, and a majority of the members-elect governs, except in a case where two-thirds of the members-elect is required by the Constitution, and the question having been put and lost, may ~~not~~ be again put the same day, and the consideration thereof in other respects is regulated by the rules of the respective houses.

SECTION 11. AMENDMENT. Joint Rule 207 is amended as follows:

207. Consideration of items on consent calendar.

1. ~~No item on the consent calendar may be considered for adoption on the same legislative day it is placed on the consent calendar.~~
2. Bills or resolutions on the consent calendar are not debatable, except that the presiding officer shall allow a reasonable time for questions from the floor and shall permit the proponents of the bills or resolutions to answer the questions.
- ~~3.2.~~ The question of the final passage of more than one item contained on the consent calendar may be voted on in a single vote if the vote is on either bills or resolutions and not on any combination thereof in the same vote.
- ~~4.3.~~ Immediately before voting on the first consent calendar bills or resolutions, the presiding officer shall call to the attention of the members the fact that the next vote will be the vote on the bills or resolutions on the consent calendar. A recorded roll call vote is necessary on items on the consent calendar only if a recorded roll call vote is required under Senate or House Rule 340.

SECTION 12. AMENDMENT. Joint Rule 208 is amended as follows:

208. Introduction of executive agency and Supreme Court bills. Each executive agency and the Supreme Court shall file with the Legislative Council those bills they wish to have introduced ~~no later than the close of business on the day after the adjournment of the organizational session. Each. Upon approval by the appropriate Delayed Bills Committee,~~ each bill is deemed introduced by the standing committee of the House or Senate with general jurisdiction over the subject matter of the bill; but if the filing entity receives the approval of a legislator to sponsor the bill, that bill is to be introduced by the legislator rather than by the standing committee. A bill sponsored by a legislator may not have more sponsors than the number allowed under Senate and House Rules 401. The director of the budget shall file with the Legislative Council those bills making appropriations to implement the budget recommended by the Governor no later than the close of business on the seventh day after the adjournment of the organizational session, as required by North

Dakota Century Code Section 54-44.1-07, and those bills are deemed introduced by the Appropriations Committee of the Senate or House at the request of the Governor. The bill implementing the budget request of the judicial branch is deemed introduced by the Appropriations Committee of the Senate or House at the request of the Supreme Court, and the bill implementing the budget request of the legislative branch is deemed introduced by the Appropriations Committee of the Senate or House at the request of the Legislative Council. The Legislative Council shall number and deliver bills filed under this rule to the appropriate house for recording. Each bill introduced under this rule must be identified by noting the name of the agency or the court under the name of the sponsoring committee or legislator. The identification of a bill introduced by a standing committee may include the names of not more than five entities authorized to file bills under this rule.

SECTION 13. Joint Rule 303 is created as follows:

303. Joint Legislative Redistricting Committee. A Joint Legislative Redistricting Committee must be appointed during any legislative session during which the issue of legislative redistricting is addressed. The committee consists of sixteen members, eight from the House and eight from the Senate, appointed in the same manner as the members of other standing committees are appointed. The first-named member from each house is cochairman of the committee. The presiding officer shall refer to the Joint Legislative Redistricting Committee all bills and resolutions relating to redistricting or reapportionment of legislative districts. The committee shall first meet at the call of the Senate cochairman and the chairmanship of each meeting thereafter alternates between the cochairmen. Members of the committee are excused from attending a meeting of any other committee while they are attending a meeting of the Joint Legislative Redistricting Committee. The committee shall issue joint reports on the measures referred to it, with a report first being presented to the house having possession of the measure, and later presented to the other house if appropriate.

SECTION 14. Joint Rule 304 is created as follows:

304. Joint Health Care Reform Committee. A Joint Health Care Reform Committee must be appointed during a special session. The committee consists of nineteen members, fourteen from the House and five from the Senate, appointed in the same manner as the members of other standing committees are appointed. The first-named member from each house is cochairman of the committee. The presiding officer shall refer bills and resolutions relating to federal health care reform to the committee. The committee shall first meet at the call of the House cochairman and the chairmanship of each meeting thereafter alternates between the cochairmen. Members of the committee are excused from attending a meeting of any other committee while they are attending a meeting of the Joint Health Care Reform Committee. The committee shall issue joint reports on the measures referred to it, with a report first being presented to the house having possession of the measure, and later presented to the other house if appropriate.

SECTION 15. AMENDMENT. Subsection 4 of Joint Rule 501 is amended as follows:

4. a. The agency or department preparing the fiscal note shall return the fiscal note along with the number of copies requested by the Legislative Council to the Legislative Council not later than ~~five days~~ one day from the date of the request.
- b. The Legislative Council shall retain three copies, shall provide one copy to the Office of Management and Budget, shall provide one copy to the Governor, and shall deliver the remaining copies to the Secretary of the Senate or the Chief Clerk of the House. Of those copies, one copy must be attached to the original bill or resolution, one copy must be filed with the Bill Clerk of the house wherein the bill or resolution originated, one copy must be provided to the presiding officer of the Senate, one copy must be provided to the presiding officer of the House, and the remaining copies must be distributed as directed by the Secretary of the Senate or the Chief Clerk of the House, as appropriate.

SEN. HOLMBERG MOVED that the report be adopted, which motion prevailed on a voice vote.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Employment (Sen. Dever, Chairman)** recommends the following Senate employees for the special session of the Sixty-second Legislative Assembly:

Bill Horton	Secretary of the Senate
Jane Schaible	Journal Reporter
Julie McBride	Sergeant-at-Arms
Renaë Doan	Administrative Assistant to the Majority Leader
Kathy Wachter	Administrative Assistant to the Minority Leader
Joe Wolf	Calendar Clerk
Linda Lang	Chief Page
Wanda Baar-Hoechst	Page and Bill Book Clerk
Rose Laning	Appropriations Clerk
Ann Tongen	Committee Clerk
Eva Liebelt	Committee Clerk

SEN. DEVER MOVED that the report be adopted, which motion prevailed on a voice vote.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Wardner, Chairman)** submits the following names for your Joint Legislative Redistricting Committee: Sens. Holmberg, Cook, Christmann, Grindberg, Klein, Lyson, Taylor, and Warner.

SEN. WARDNER MOVED that the report be adopted, which motion prevailed on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 10:15 a.m., at which time there will be a Joint Session in the House, and that the Senate then reconvene at 1:00 p.m., which motion prevailed.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Klein, Chairman)** has unanimously approved the introduction of a bill for an Act to create and enact a new section to chapter 6-09 and a new subsection to section 39-12-02 of the North Dakota Century Code, relating to the establishment of a rebuilders loan program and to special permits for vehicles of excessive size and weight; to amend and reenact subsection 5 of section 57-35.3-05 and subsections 1 and 5 of section 57-38-01.32 of the North Dakota Century Code and subsection 4 of section 10 of chapter 12 of the 2011 Session Laws, relating to financial institutions tax and income tax credits for contributions to the housing incentive fund and relating to the county and township road reconstruction program; to provide for a rebuilders loan program, principal reduction grants, flood-impacted political subdivision infrastructure development grant program, township financial stabilization grant program, road grade raising grants, oil and gas impact grant funding enhancement, and transportation funding enhancement; to provide for transfers; to provide appropriations; to provide contingent appropriations and transfers; to provide a continuing appropriation; to provide statements of legislative intent; to provide for retroactive application; to provide an effective date; and to provide an expiration date.

The bill will be SB 2371.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Klein, Chairman)** has unanimously approved the introduction of a bill for an Act to repeal section 15-10-46 of the North Dakota Century Code, relating to the university of North Dakota fighting Sioux nickname and logo; and to provide an effective date.

The bill will be SB 2370.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Klein, Chairman)** has cast a vote of 3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING in favor of rejecting the introduction of a bill for an Act to provide an appropriation to the adjutant general for emergency relief grants; to provide an appropriation to the state water commission for property acquisitions relating to flood control; to provide for a transfer; and to provide an effective date.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Klein, Chairman)** has cast a vote of 3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING in favor of rejecting the introduction of a bill for an Act to provide an appropriation to the commissioner of university and school lands for oil and gas impact grants; to provide for a transfer; to provide for a legislative initiative for North Dakota's lasting harvest; and to provide an effective date.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Klein, Chairman)** has cast a vote of 3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING in favor of rejecting the introduction of a bill for an Act to amend and reenact subsection 4 of section 52-06-02 of the North Dakota Century Code, relating to unemployment insurance eligibility in the case of a lockout; and to provide an effective date.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Klein, Chairman)** has cast a vote of 3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING in favor of rejecting the introduction of 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 tax rebate for certain purchases of replacement property for property damaged or destroyed by 2011 flooding; to provide an effective date; and to provide an expiration date.

FIRST READING OF SENATE BILLS

Sens. Laffen, Schaible, O'Connell and Reps. Anderson, Dahl, Kreun introduced:
(Approved by the Delayed Bills Committee)

SB 2370: A BILL for an Act to repeal section 15-10-46 of the North Dakota Century Code, relating to the university of North Dakota fighting Sioux nickname and logo; and to provide an effective date.

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

Sens. Wardner, Christmann, Hogue and Reps. Carlson, Delzer, Vigasaa introduced:
(Approved by the Delayed Bills Committee)

SB 2371: A BILL for an Act to create and enact a new section to chapter 6-09 and a new subsection to section 39-12-02 of the North Dakota Century Code, relating to the establishment of a rebuilders loan program and to special permits for vehicles of excessive size and weight; to amend and reenact subsection 5 of section 57-35.3-05 and subsections 1 and 5 of section 57-38-01.32 of the North Dakota Century Code and subsection 4 of section 10 of chapter 12 of the 2011 Session Laws, relating to financial institutions tax and income tax credits for contributions to the housing incentive fund and relating to the county and township road reconstruction program; to provide for a rebuilders loan program, principal reduction grants, flood-impacted political subdivision infrastructure development grant program, township financial stabilization grant program, road grade raising grants, oil and gas impact grant funding enhancement, and transportation funding enhancement; to provide for transfers; to provide appropriations; to provide contingent appropriations and transfers; to provide a continuing appropriation; to provide statements of legislative intent; to provide for retroactive application; to provide an effective date; and to provide an expiration date.

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

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 6:30 p.m., which motion prevailed on a voice vote.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Wardner, Chairman)**

submits the following names for your select committees to consider the Governor's nominations to the following offices:

North Dakota Gaming Commission: Sens. Nething, Olafson, Sorvaag, and Marcellais.

Southwestern Low Level Radioactive Waste Commission: Sens. Hogue, Andrist, Laffen, and Triplett.

SEN. WARDNER MOVED that the report be adopted, which motion prevailed on a voice vote.

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 8:00 a.m., Tuesday, November 8, 2011, which motion prevailed on a voice vote.

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

William R. Horton, Secretary

