

JOURNAL OF THE SENATE

Sixty-third Legislative Assembly

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Bismarck, February 8, 2013

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

The prayer was offered by Pastor LaRue Goetz, Revival Prayer Fellowship, Bismarck.

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

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 263, after line 42 insert:

"SB 2303: A BILL for an Act to create and enact a new section to chapter 12.1-17 of the North Dakota Century Code, relating to the application of sections in chapter 12.1-17 to certain medical procedures; to amend and reenact sections 12.1-01-04 and 12.1-16-06 of the North Dakota Century Code, relating to the definition of human being and the application of sections in chapter 12.1-16 to certain medical procedures; and to provide directives to the department of human services regarding medicaid and other coverage for pregnant women."

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

CONSIDERATION OF AMENDMENTS

SB 2223: SEN. KLEIN (Industry, Business and Labor Committee) MOVED that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2218: SEN. SORVAAG (Industry, Business and Labor Committee) MOVED that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2269: SEN. DEVER (Human Services Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

MOTION

SEN. KLEIN MOVED that Engrossed SB 2269 be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed SB 2269 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2375: SEN. AXNESS (Human Services Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

MOTION

SEN. HOLMBERG MOVED that SB 2138 be returned to the Senate floor from the **Appropriations Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. HOLMBERG REQUESTED the unanimous consent of the Senate to withdraw SB 2138. There being no objection, it was so ordered by the President.

SECOND READING OF SENATE BILL

SB 2211: A BILL for an Act to create and enact a new section to chapter 36-01 and chapter 36-21.2 of the North Dakota Century Code, relating to the duties of the state board of animal health and the treatment of animals; to repeal sections 36-21.1-01, 36-21.1-02, 36-21.1-03, 36-21.1-03.1, 36-21.1-04, 36-21.1-06, 36-21.1-12, and 36-21.1-13 of the North Dakota Century Code, relating to the treatment of animals; and to provide a penalty.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Laffen; Triplett

Engrossed SB 2211 passed.

SECOND READING OF SENATE BILL

SB 2023: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota racing commission.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner; Warner

NAYS: Andrist; Larsen

ABSENT AND NOT VOTING: Laffen; Triplett

SB 2023 passed.

SECOND READING OF SENATE BILL

SB 2118: A BILL for an Act to amend and reenact sections 37-17.1-14.1 and 37-17.1-14.3 of the North Dakota Century Code, relating to authority to join interstate mutual aid agreements.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson;

Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Laffen; Triplett

Engrossed SB 2118 passed.

SECOND READING OF SENATE BILL

SB 2117: A BILL for an Act to amend and reenact section 39-01-02 of the North Dakota Century Code, relating to marking on official state vehicles; and to declare an emergency.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Laffen; Triplett

Engrossed SB 2117 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2263: A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota Century Code, relating to criminal acts occurring at school district events or activities; and to amend and reenact sections 15.1-19-17 and 15.1-19-18 of the North Dakota Century Code, relating to bullying.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Axness; Dotzenrod; Marcellais; Mathern; Murphy; O'Connell; Schneider; Warner

NAYS: Andrist; Armstrong; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Nelson; Oehlke; Poolman; Robinson; Schaible; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner

ABSENT AND NOT VOTING: Laffen; Triplett

SB 2263 failed.

SECOND READING OF SENATE BILL

SB 2294: A BILL for an Act to amend and reenact section 57-43.2-41 of the North Dakota Century Code, relating to increased fees for use of dyed special fuel in a licensed motor vehicle and display of consumer advisory information on pumps dispensing dyed special fuel.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAYS,

0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner; Warner

NAYS: O'Connell

ABSENT AND NOT VOTING: Laffen; Triplett

SB 2294 passed.

SECOND READING OF SENATE BILL

SB 2293: A BILL for an Act to create and enact a new section to chapter 50-24.1 and a new subsection to section 54-44.3-12 of the North Dakota Century Code, relating to medical assistance coverage of services provided by marriage and family therapists and the state job classification index; to amend and reenact subsection 10 of section 25-03.1-02, subdivision d of subsection 2 of section 26.1-36-08, and paragraph 1 of subdivision f of subsection 2 of section 26.1-36-09 of the North Dakota Century Code, relating to commitment procedures and insurance coverage for substance abuse and mental health; and to direct the department of human services to submit a plan.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 42 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Klein; Mathern; Miller

NAYS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Laffen; Triplett

SB 2293 failed.

SECOND READING OF SENATE BILL

SB 2316: A BILL for an Act to create and enact section 57-43.2-04.7 of the North Dakota Century Code, relating to a special fuels tax refund for North Dakota taxes paid on special fuels used to operate the power take-off unit or auxiliary engines of a motor vehicle; and to provide an effective date.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Laffen; Triplett

SB 2316 passed.

SECOND READING OF SENATE BILL

SB 2337: A BILL for an Act to amend and reenact subsection 4 of section 14-09-08.20, section 26.1-36.3-01, subsection 4 of section 26.1-36.3-04, and sections 26.1-36.3-06 and 26.1-36.3-11 of the North Dakota Century Code, relating to basic health benefit plans and standard health benefit plans; and to repeal sections 26.1-36-09.4, 26.1-36.3-08, 26.1-36.3-10, and 26.1-36.4-07 of the North Dakota Century Code, relating to basic health benefit plans and standard health benefit plans.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Laffen; Triplett

SB 2337 passed.

SECOND READING OF SENATE BILL

SB 2372: A BILL for an Act to create and enact a new section to chapter 50-29 of the North Dakota Century Code, relating to a children's health insurance buyin program; and to amend and reenact section 50-29-04 of the North Dakota Century Code, relating to the children's health insurance program.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 32 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Axness; Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Sinner; Warner

NAYS: Anderson; Andrist; Armstrong; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Erbele; Flakoll; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Oehlke; Poolman; Schaible; Sitte; Sorvaag; Unruh; Wanzek; Wardner

ABSENT AND NOT VOTING: Laffen; Triplett

SB 2372 failed.

MOTION

SEN. KLEIN MOVED that SB 2189 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2354: A BILL for an Act to provide an appropriation to the state department of health for a loan repayment program for dentists in public health and nonpublic dental clinics.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee

recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Laffen; Triplett

SB 2354 passed.

SECOND READING OF SENATE BILL

SB 2251: A BILL for an Act to amend and reenact subsection 1 of section 6-08-16, subsection 3 of section 6-08-16.2, sections 12.1-21-04, 12.1-23-02.1, 12.1-23-05, 12.1-23-06, 12.1-23-07, and 12.1-23-08, subsection 1 of section 12.1-23-09, and sections 12.1-24-01, 12.1-24-03, 26.1-02.1-05, and 29-03-22 of the North Dakota Century Code, relating to the penalties for crimes for which a monetary amount triggers the level of penalty; 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 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner; Warner

NAYS: O'Connell

ABSENT AND NOT VOTING: Laffen; Triplett

SB 2251 passed.

MOTION

SEN. KLEIN MOVED that the Senate reconsider its action whereby SB 2251 passed.

MOTION

SEN. KLEIN MOVED that SB 2251 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2251 was rereferred.

The question being on the motion to reconsider the action whereby SB 2251 passed, the motion prevailed on a voice vote.

MOTION

SEN. KLEIN MOVED that SB 2186 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2185: A BILL for an Act to create and enact a new subsection to section 52-01-03 of the North Dakota Century Code, relating to job service North Dakota sharing data with the attorney general for the purpose of offender registration compliance.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sorvaag; Unruh; Wanzek; Wardner; Warner

NAYS: Sitte

ABSENT AND NOT VOTING: Laffen; Triplett

SB 2185 passed.

SECOND READING OF SENATE BILL

SB 2361: A BILL for an Act to create and enact a new section to chapter 15-62.1 of the North Dakota Century Code, relating to a student loan consolidation program at the Bank of North Dakota; and to provide for the Bank of North Dakota to evaluate the program.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner; Warner

NAYS: Schaible

ABSENT AND NOT VOTING: Laffen; Triplett

SB 2361 passed.

SECOND READING OF SENATE BILL

SB 2035: A BILL for an Act to create and enact a new section to chapter 27-20 of the North Dakota Century Code, relating to extended jurisdiction juvenile proceedings; and to amend and reenact subsections 1 and 5 of section 27-20-24, sections 27-20-33 and 27-20-34, and subsection 6 of section 27-20-36 of the North Dakota Century Code, relating to juvenile transfers to adult court.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 19 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Axness; Dotzenrod; Flakoll; Grabinger; Grindberg; Heckaman; Krebsbach; Lee, J.; Lyson; Marcellais; Mathern; Murphy; Nelson; Oehlke; Robinson; Schneider; Sinner; Warner

NAYS: Anderson; Armstrong; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Erbele; Hogue; Holmberg; Kilzer; Klein; Larsen; Lee, G.; Luick; Miller; O'Connell; Poolman; Schaible; Sitte; Sorvaag; Unruh; Wanzek; Wardner

ABSENT AND NOT VOTING: Laffen; Triplett

SB 2035 failed.

SECOND READING OF SENATE BILL

SB 2195: A BILL for an Act to provide an appropriation to the department of human services for adult protective services.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 19 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Armstrong; Axness; Berry; Burckhard; Dotzenrod; Grabinger; Heckaman; Krebsbach; Luick; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oehlke; Robinson; Schneider; Sinner; Warner

NAYS: Anderson; Andrist; Bowman; Campbell; Carlisle; Cook; Dever; Erbele; Flakoll; Grindberg; Hogue; Holmberg; Kilzer; Klein; Larsen; Lee, G.; Lee, J.; Lyson; Miller; Poolman; Schaible; Sitte; Sorvaag; Unruh; Wanzek; Wardner

ABSENT AND NOT VOTING: Laffen; Triplett

SB 2195 failed.

SECOND READING OF SENATE BILL

SB 2322: A BILL for an Act to amend and reenact section 47-26-01 of the North Dakota Century Code, relating to an electrified fence as being within the definition of a legal fence.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Laffen; Triplett

SB 2322 passed.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2160, SB 2305, SCR 4009.

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

MR. PRESIDENT: The Speaker has signed: HCR 3015.

MOTION

SEN. KLEIN MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, February 11, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2001: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2001 was placed on the Sixth order on the calendar.

Page 1, replace line 18 with:

"Operating expenses	3,268,968	959,958	4,228,926"
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Page 1, replace line 21 with:

"Total general fund	\$12,025,211	\$2,172,760	\$14,197,971"
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Page 2, replace line 4 with:

"Operating expenses	3,305,520	508,007	3,813,527"
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Page 2, replace line 6 with:

"Total all funds	\$10,896,351	\$1,279,162	\$12,175,513"
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Page 2, replace line 8 with:

"Total general fund	\$10,826,351	\$1,279,163	\$12,105,514"
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Page 2, replace line 14 with:

"Grand total general fund	\$22,851,562	\$3,451,923	\$26,303,485"
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Page 2, replace line 16 with:

"Grand total all funds	\$22,921,562	\$3,451,922	\$26,373,484"
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Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2001 - Summary of Senate Action

	Executive Budget	Senate Changes	Senate Version
Legislative Assembly			
Total all funds	\$14,336,364	(\$138,393)	\$14,197,971
Less estimated income	0	0	0
General fund	\$14,336,364	(\$138,393)	\$14,197,971
Legislative Council			
Total all funds	\$12,220,456	(\$44,943)	\$12,175,513
Less estimated income	69,999	0	69,999
General fund	\$12,150,457	(\$44,943)	\$12,105,514
Bill total			
Total all funds	\$26,556,820	(\$183,336)	\$26,373,484
Less estimated income	69,999	0	69,999
General fund	\$26,486,821	(\$183,336)	\$26,303,485

Senate Bill No. 2001 - Legislative Assembly - Senate Action

	Executive Budget	Senate Changes	Senate Version
Salaries and wages	\$9,205,759		\$9,205,759
Operating expenses	4,367,319	(\$138,393)	4,228,926
Capital assets	530,000		530,000
National Conf of State Legislatures	233,286		233,286
Total all funds	\$14,336,364	(\$138,393)	\$14,197,971
Less estimated income	0	0	0
General fund	\$14,336,364	(\$138,393)	\$14,197,971
FTE	0.00	0.00	0.00

Department No. 150 - Legislative Assembly - Detail of Senate Changes

	Reduces Legislator Lodging Estimate¹	Total Senate Changes
Salaries and wages		
Operating expenses	(\$138,393)	(\$138,393)
Capital assets		
National Conf of State Legislatures		
Total all funds	(\$138,393)	(\$138,393)
Less estimated income	0	0
General fund	(\$138,393)	(\$138,393)
FTE	0.00	0.00

¹The operating expenses line item is reduced by \$138,393 to decrease the funding anticipated to be needed for legislator lodging reimbursements for the 2015 legislative session. The budget request anticipated the maximum monthly lodging reimbursement rate for the 2015 legislative session based on the statutory formula to be \$1,755 per month. The Senate version anticipates the maximum amount to be \$1,502 per month. The maximum amount in effect for the 2013 session is \$1,351 per month.

Senate Bill No. 2001 - Legislative Council - Senate Action

	Executive Budget	Senate Changes	Senate Version
Salaries and wages	\$8,336,986		\$8,336,986
Operating expenses	3,858,470	(\$44,943)	3,813,527
Capital assets	25,000		25,000
Total all funds	\$12,220,456	(\$44,943)	\$12,175,513
Less estimated income	69,999	0	69,999
General fund	\$12,150,457	(\$44,943)	\$12,105,514
FTE	34.00	0.00	34.00

Department No. 160 - Legislative Council - Detail of Senate Changes

	Reduces Legislator Lodging Estimate¹	Total Senate Changes
Salaries and wages		
Operating expenses	(\$44,943)	(44,943)
Capital assets		
Total all funds	(\$44,943)	(\$44,943)
Less estimated income	0	0
General fund	(\$44,943)	(\$44,943)
FTE	0.00	0.00

¹The operating expenses line item is reduced by \$44,943 to decrease the funding anticipated to be needed for legislator lodging reimbursements for interim meetings during the 2013-14 interim. The budget request anticipated the daily lodging reimbursement rate for the 2013-14 interim to be \$90 per night. The Senate version anticipates the rate to be \$77 per night. The current rate is \$69.30 per night.

REPORT OF STANDING COMMITTEE

SB 2007: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2007 was placed on the Sixth order on the calendar.

Page 1, after line 16, insert:

"Shop addition	0	788,200	788,200"
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Page 1, replace line 18 with:

"Total all funds	\$20,896,646	\$3,753,474	\$24,650,120"
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Page 1, replace line 19 with:

"Less estimated income	<u>15,343,323</u>	<u>1,218,503</u>	<u>16,561,826"</u>
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Page 2, replace line 11 with:

"Grand total special funds	<u>15,343,323</u>	<u>1,218,503</u>	<u>16,561,826"</u>
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Page 2, replace line 12 with:

"Grand total all funds	\$21,996,272	\$3,997,015	\$25,993,287"
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Page 3, after line 2, insert:

"SECTION 3. EXEMPTION - VETERANS' HOME CONSTRUCTION PROJECT FUNDING. The unexpended amount remaining from the appropriation for the veterans' home construction project in chapter 53 of the 2009 Session Laws which was continued into the 2011-13 biennium under section 54-44.1-11 is not subject to the provisions of section 54-44.1-11 at the end of the 2011-13 biennium and may be continued into the 2013-15 biennium for paying expenses of the veterans' home construction project.

SECTION 4. SHOP ADDITION PROJECT - ADDITIONAL INCOME - APPROPRIATION - BUDGET SECTION APPROVAL. The funds appropriated in the shop addition line item in section 1 of this Act are from the Melvin Norgard memorial fund. The veterans' home may begin construction of the shop addition, subject to budget section approval, when the balance in the Melvin Norgard memorial fund is sufficient to provide for all costs of the project. Any additional funds that become available in the Melvin Norgard memorial fund are appropriated and may be spent, subject to budget section approval, for costs related to furnishing and equipping the shop or for other projects benefiting veterans for the biennium beginning July 1, 2013, and ending June 30, 2015."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2007 - Summary of Senate Action

	Executive Budget	Senate Changes	Senate Version
Veterans' Home			
Total all funds	\$23,861,920	\$788,200	\$24,650,120
Less estimated income	<u>15,773,626</u>	<u>788,200</u>	<u>16,561,826</u>
General fund	\$8,088,294	\$0	\$8,088,294
Department of Veterans' Affairs			
Total all funds	\$1,343,167	\$0	\$1,343,167
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$1,343,167	\$0	\$1,343,167
Bill total			
Total all funds	\$25,205,087	\$788,200	\$25,993,287
Less estimated income	<u>15,773,626</u>	<u>788,200</u>	<u>16,561,826</u>
General fund	\$9,431,461	\$0	\$9,431,461

Senate Bill No. 2007 - Veterans' Home - Senate Action

	Executive Budget	Senate Changes	Senate Version
Salaries and wages	\$16,781,030		\$16,781,030
Operating expenses	5,458,850		5,458,850
Capital assets	1,622,040		1,622,040
Shop addition		788,200	788,200
Total all funds	\$23,861,920	\$788,200	\$24,650,120
Less estimated income	15,773,626	788,200	16,561,826
General fund	\$8,088,294	\$0	\$8,088,294
FTE	120.72	0.00	120.72

Department No. 313 - Veterans' Home - Detail of Senate Changes

	Adds Funding for a Shop Addition ¹	Total Senate Changes
Salaries and wages		
Operating expenses		
Capital assets		
Shop addition	788,200	788,200
Total all funds	\$788,200	\$788,200
Less estimated income	788,200	788,200
General fund	\$0	\$0
FTE	0.00	0.00

¹This amendment provides funding from the Melvin Norgard memorial fund for a shop addition to the Veterans' Home facility.

A section is added to allow the Veterans' Home to continue into the 2013-15 biennium funds appropriated for the construction of the Veterans' Home facility in 2009 and continued into the 2011-13 biennium. The Veterans' Home anticipates up to \$600,000 of the construction costs may be unpaid as of June 30, 2013.

A section is added to provide that construction of the shop addition may not begin until the balance in the Melvin Norgard memorial fund is sufficient to provide for all of the costs of the project and requires the Veterans' Home to receive Budget Section approval prior to beginning construction. The section also appropriates any additional funds that become available in the memorial fund, subject to Budget Section approval, for costs related to furnishing and equipping the shop or for other projects benefiting veterans.

REPORT OF STANDING COMMITTEE

SB 2017: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2017 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2022: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2022 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2078, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2078 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the assessment of fees by courts."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - ASSESSMENT OF FEES BY COURTS. During the 2013-14 interim, the legislative management shall consider studying the assessment of fees by courts, the feasibility and desirability of combining various court fees, and whether courts should be mandated to impose fees established by statute. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2098: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2098 was placed on the Sixth order on the calendar.

Page 1, line 2, after "fees" insert "; and to provide an effective date"

Page 2, line 3, replace "five" with "twenty"

Page 2, after line 26, insert:

"SECTION 3. EFFECTIVE DATE. This Act becomes effective on July 1, 2014."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2146: Agriculture Committee (Sen. Miller, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2146 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 4-01 of the North Dakota Century Code, relating to the grape and wine advisory committee; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

Grape and wine advisory committee - Membership.

The agriculture commissioner shall appoint a grape and wine advisory committee. The committee must include:

1. Two individuals who are grape producers;
2. One individual who is the producer of a fruit, other than grapes, used in vinification;
3. Two individuals who own wineries located in this state; and
4. One representative of the North Dakota grape and wine association.

SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the agriculture commissioner for the purpose of awarding grape and wine industry grants, for the biennium beginning July 1, 2013, and ending June 30, 2015. Grants awarded under this section must be used to provide research in support of or to promote the grape and wine industry in this state. The commissioner shall consult with the grape and wine advisory committee before selecting the grant recipients."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2153: Transportation Committee (Sen. Oehlke, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2153 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to highway-rail grade crossing safety projects; to amend and reenact section 54-27-19 of the North Dakota Century Code, relating to the highway tax distribution fund; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 24-02 of the North Dakota Century Code is created and enacted as follows:

Highway-rail grade crossing safety projects fund.

The director shall administer the highway-rail grade crossing safety projects fund as follows:

1. The director shall prioritize qualified projects funded under this section on an annual basis. Program funds may be allocated for development of railroad quiet zones, installing or upgrading active or passive warning devices, constructing or upgrading crossing surfaces, relocating crossings, building grade separations, eliminating sight-distance obstructions, any other project eligible for the rail safety portions of the federal highway safety improvement program, and other costs associated with these improvements.
2. The department shall solicit highway-rail grade crossing safety projects from various public and private sector entities. The department may prioritize projects under this subsection concurrently with the applicable highway-rail grade crossing portions of the federally funded highway safety improvement program. The department shall administer projects under this subsection and may require reimbursement of the local match from any public or private sector applicant. An applicant under this subsection shall provide matching funds according to department requirements regarding federal aid highway projects in force at the time of the application.
3. For development of a railroad quiet zone, a political subdivision shall initiate a project and file an application with the department. Political subdivisions shall provide the department a copy of the notice of intent filed with the federal railroad administration regarding establishment of a proposed quiet zone and copies of any subsequent filings with or orders from the federal railroad administration relating to the notice of intent. Grants for a single crossing may not exceed seventy-five thousand dollars, and grants for all crossings within a city may not exceed a cumulative amount of two hundred twenty-five thousand dollars. Political subdivision applicants shall administer projects funded under this subsection. The director may reimburse political subdivisions for state funds expended under this subsection. A political subdivision is not eligible for more than one quiet zone project funded under this subsection after January 1, 2009. The director shall prioritize projects under this subsection based on the date of receipt of the applicant's filed notice of intent to the federal railroad administration, unless the filing is rejected by the federal railroad administration. A political subdivision applicant shall provide matching funds according to department requirements regarding federal aid highway projects in force at the time of the application.

SECTION 2. AMENDMENT. Section 54-27-19 of the North Dakota Century Code is amended and reenacted as follows:

54-27-19. Highway tax distribution fund - State treasurer to make allocation to state, counties, and cities - Continuing appropriation.

A highway tax distribution fund is created as a special fund in the state treasury into which must be deposited the moneys available by law from collections of motor vehicle registration and related fees, fuels taxes, special fuels taxes, use taxes, and special fuels excise taxes. The state treasurer shall transfer the first five million five hundred thousand dollars per biennium from the highway tax distribution fund to the state highway fund for the purpose of providing administrative assistance to other transferees. After the transfer of the first five million five hundred thousand dollars, any moneys in the highway tax distribution fund must be allocated and transferred monthly by the state treasurer, as follows:

1. ~~Sixty-one~~^{Sixty} and three-tenths percent must be transferred monthly to the state department of transportation and placed in a state highway fund.
2. Two and seven-tenths percent must be transferred monthly to the township highway fund.
3. One and five-tenths percent must be transferred monthly to the public transportation fund.
4. Thirty-four and five-tenths percent must be allocated to the counties of this state in proportion to the number of vehicle registrations credited to each county. Each county must be credited with the certificates of title of vehicles registered by residents of the county. The state treasurer shall compute and distribute the counties' share monthly after deducting the incorporated cities' share. All the moneys received by the counties from the highway tax distribution fund must be set aside in a separate fund called the "highway tax distribution fund" and must be appropriated and applied solely for highway purposes in accordance with section 11 of article X of the Constitution of North Dakota. The state treasurer shall compute and distribute monthly the sums allocated to the incorporated cities within each county according to the formula in this subsection on the basis of the per capita population of all of the incorporated cities situated within each county as determined by the last official regular or special federal census or the census taken in accordance with the provisions of chapter 40-02 in case of a city incorporated subsequent to the census.
 - a. For counties having no cities with a population of ten thousand or more, a statewide per capita average must be used, as determined by calculating twenty-seven percent of the amount allocated to all of the counties under this subsection divided by the total population of all of the incorporated cities in the state. Each city must be paid an amount equal to the product of the statewide per capita and that city's population.
 - b. For each county having a city with a population of ten thousand or more, the amount transferred each month into the county highway tax distribution fund must be the difference between the amount allocated to that county pursuant to this subsection and the total amount allocated and distributed to the incorporated cities in that county as computed according to the following formula:
 - (1) A statewide per capita average as determined by calculating twenty-seven percent of the amount allocated to all of the counties under this subsection divided by the total population of all of the incorporated cities in the state.

- (2) The share distributed to each city in the county having a population of less than one thousand must be determined by multiplying the population of that city by the product of 1.50 times the statewide per capita average computed under paragraph 1.
 - (3) The share distributed to each city in the county having a population of one thousand to four thousand nine hundred ninety-nine, inclusive, must be determined by multiplying the population of that city by the product of 1.25 times the statewide per capita average computed under paragraph 1.
 - (4) The share distributed to each city in the county having a population of five thousand or more must be determined by multiplying the population of that city by the statewide per capita average for all such cities, which per capita average must be computed as follows: the total of the shares computed under paragraphs 2 and 3 for all cities in the state having a population of less than five thousand must be subtracted from the total incorporated cities' share in the state as computed under subdivision a and the balance remaining must then be divided by the total population of all cities of five thousand or more in the state.
5. One percent must be transferred monthly to the highway-rail grade crossing safety projects fund and is appropriated on a continuing basis to the department of transportation not to exceed four million dollars per biennium.
6. The moneys allocated to the incorporated cities must be distributed to them monthly by the state treasurer and must be deposited by the cities in a separate fund and may only be used in accordance with section 11 of article X of the Constitution of North Dakota and an incorporated city may use the fund for the construction, reconstruction, repair, and maintenance of public highways within or outside the city pursuant to an agreement entered into between the city and any other political subdivision as authorized by section 54-40-08."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2248: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2248 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2254: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2254 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2274: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2274 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2286: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2286 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2307: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2307 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2327: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2327 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2328: Transportation Committee (Sen. Oehlke, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2328 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "\$95,700,000" with "\$27,000,000"

Page 1, line 15, remove ". Funding allocations to counties are to be made by the"

Page 1, replace lines 16 through 21 with " needed for the safe conveyance of persons and commerce in this state. The director of the department of transportation shall distribute the funding provided under this section based on data available from studies conducted by the upper great plains transportation institute."

Page 1, line 24, remove "The request must include a"

Page 2, remove line 1

Page 2, line 2, remove "road bridges in the county."

Page 2, line 3, replace the first "the plan" with "a project"

Page 2, line 3, replace the second "the plan" with "a project"

Page 2, after line 3, insert:

- "a. Funding must be distributed for projects based on data available from upper great plains transportation institute studies, actual road conditions, and the the level of integration with state highway and other county road projects.
- b. Funding may not be distributed for the routine maintenance of bridges."

Page 2, line 5, replace "the" with "an"

Page 2, line 5, replace "projects" with "project"

Page 2, line 6, remove ", not to exceed the funding available for that county"

Page 2, line 7, replace "plan" with "project"

Page 2, line 9, replace "plan" with "project"

Page 2, line 12, after "for" insert "the"

Page 2, line 12, remove the second "county"

Page 2, line 13, replace "and township road bridge rehabilitation and reconstruction projects" with "bridge project"

Page 2, after line 20, insert:

- "8. For purposes of this section, a "bridge" is a structure that extends over a river, stream, depression, or other obstacle and has an end area of fifty square feet [4.65 square meters] or greater.

9. To be eligible to receive a grant under this section, the county or township road bridge project must be located within a county that levies a combined total of seven or more mills for county road and bridge, farm-to-market and federal aid road, and county road purposes."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2331: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
SB 2331 was placed on the Eleventh order on the calendar.

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

William R. Horton, Secretary