

JOURNAL OF THE SENATE

Fifty-ninth Legislative Assembly

Bismarck, March 28, 2005

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

The prayer was offered by Pastor Charles A. Galloway, Prairie Rose Parish; Ryder, Makoti, and Roseglan.

The roll was called and all members were present except Senators Bercier, Holmberg, and Tollefson.

A quorum was declared by the President.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do not concur in the House amendments to Engrossed SB 2026 as printed on SJ pages 997-998 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 2026: Sens. Cook, G. Lee, Triplett.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KREBSBACH MOVED that the Senate do not concur in the House amendments to Engrossed SB 2037 as printed on SJ pages 971-972 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 2037: Sens. Krebsbach, Fischer, Nelson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KREBSBACH MOVED that the Senate do not concur in the House amendments to Engrossed SB 2303 as printed on SJ page 928 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 2303: Sens. Brown, J. Lee, Nelson.

SECOND READING OF SENATE BILL

SB 2412: A BILL for an Act to create and enact a new section to chapter 49-03 of the North Dakota Century Code, relating to electric service area agreements; to amend and reenact sections 49-02-01.1 and 49-03-01.5 of the North Dakota Century Code, relating to the jurisdiction of the public service commission and definitions; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Holmberg; Tollefson

SB 2412 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1163: A BILL for an Act to create and enact a new subsection to section 6-01-17.1 of the North Dakota Century Code, relating to a fee for an application to merge by two or more credit unions; to amend and reenact subdivision g of subsection 1 of section 6-01-04.3, sections 6-06-05, 6-06-06.1, 6-06-08, 6-06-12, 6-06-13, 6-06-13.1, 6-06-14, 6-06-19, 6-06-20, 6-06-21, 6-06-26, and 6-08-15, and subsection 2 of section 6-08-16 of the North Dakota Century Code, relating to the use of the phrases credit union and corporate central credit union, the issuance of certificates of deposit, reports by credit unions, interest rate determinations, credit union board membership, credit union organization, credit union volunteers, credit union credit committee meetings, credit union loan and borrowing limitations, credit union committee loans, credit union reserve funds, credit union dividends, slander against financial institutions, and compliance with clearinghouse rules; and to repeal sections 6-06-21.1 and 6-06-39 of the North Dakota Century Code, relating to credit union reserve funds and share scaledowns.

ROLL CALL

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

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Holmberg; Tollefson

Engrossed HB 1163, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1222: A BILL for an Act providing for determining the estimated fiscal effect of an initiated measure.

ROLL CALL

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

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Holmberg; Tollefson

Engrossed HB 1222, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1258: A BILL for an Act to create and enact two new sections to chapter 43-20 of the North Dakota Century Code, relating to a scope of practice and continuing education requirements for dental assistants; and to amend and reenact subsection 2 of section 43-20-05, sections 43-20-06, 43-20-12, and 43-20-12.1, subsection 3 of section 43-28-01, subsection 2 of section 43-28-02, subsection 3 of section 43-28-06, subsection 2 of section 43-28-10, sections 43-28-12.2, 43-28-17, and 43-28-18, and subsection 2 of section 43-28-22 of the North Dakota Century Code, relating to the regulation of dentists, dental hygienists, and dental assistants.

ROLL CALL

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

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Kilzer; Klein; Krauter;

Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Holmberg; Tollefson

Engrossed HB 1258, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1313: A BILL for an Act to create and enact a new subsection to section 12.1-20-01 of the North Dakota Century Code, relating to the age of a person engaging in sexual conduct with a minor; to amend and reenact sections 12.1-20-03, 12.1-20-03.1, and 12.1-32-06.1 of the North Dakota Century Code, relating to sentencing of sexual offenders; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Holmberg; Tollefson

Engrossed HB 1313, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1437: A BILL for an Act to create and enact a new section to chapter 43-07 of the North Dakota Century Code, relating to notice and time for contractors to repair defects in residential buildings.

ROLL CALL

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

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Fairfield

ABSENT AND NOT VOTING: Bercier; Tollefson

Engrossed HB 1437, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1505: A BILL for an Act to amend and reenact subsection 9 of section 12.1-32-02 of the North Dakota Century Code, relating to sentencing alternatives; and to repeal section 62.1-02-12 of the North Dakota Century Code, relating to the purchase of certain firearms from another state.

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: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Tollefson

Engrossed HB 1505, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1172: A BILL for an Act to create and enact a new section to chapter 13-05, two new subsections to section 14-09-25, a new subsection to section 15-39.1-30, a new subsection to section 39-03.1-28, and a new subsection to section 54-52-26 of the North Dakota Century Code, relating to judgment interest and the collection and disbursement of child support; to amend and reenact subsection 3 of section 14-09-08.1, section 14-09-08.15, subsection 5 of section 14-09-09.3, subsection 1 of section 28-22-19, and sections 34-15-06, 50-09-08.5, and 50-09-33 of the North Dakota Century Code, relating to reporting of new hires, enforcement of medical support, and the collection and disbursement of child support; to provide a continuing appropriation; to provide an effective date; and to provide an expiration date.

ROLL CALL

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

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Tollefson

Reengrossed HB 1172, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1173: A BILL for an Act to create and enact three new subsections to section 35-34-01 and two new sections to chapter 50-09 of the North Dakota Century Code, relating to collection of child support; and to amend and reenact section 14-09-09.10, subsection 1 of section 14-09-09.34, sections 28-21-05.2, 35-34-02, 35-34-05, 35-34-08, 35-34-09, and 35-34-10, subsection 2 of section 50-09-08.6, and subsection 1 of section 50-09-32 of the North Dakota Century Code, relating to collection of child support.

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 16 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Brown; Christmann; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Klein; Krebsbach; Lee, G.; Lee, J.; Mathern; Nething; Tallackson; Wardner

NAYS: Andrist; Bowman; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Heitkamp; Kilzer; Krauter; Kringstad; Lindaas; Lyson; Mutch; Nelson; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Warner

ABSENT AND NOT VOTING: Bercier; Tollefson

Engrossed HB 1173, as amended, lost.

SECOND READING OF HOUSE BILL

HB 1445: A BILL for an Act to provide for a transfer from the health care trust fund.

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: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Tollefson

HB 1445 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1460: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to a biennial report of certain programs administered or funded by the department of human services; to provide an appropriation; and to provide an expiration date.

ROLL CALL

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

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Tollefson

Engrossed HB 1460, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1463: A BILL for an Act to create and enact two new sections to chapter 54-06 of the North Dakota Century Code, relating to qualifications for continued membership on boards and designation of substitute members; and to amend and reenact sections 2-05-01, 12-59-01, 20.1-02-23, 43-03-04, 43-04-05, 43-11-03, 43-12.1-06, 43-17-05, 43-19.1-06, 43-23.3-02, 43-25-06, 43-29-02, 43-34-02, 43-36-05, 43-47-02, 43-49-03, and 61-28-03 of the North Dakota Century Code, relating to removal of gubernatorial appointees.

ROLL CALL

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

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Tollefson

Engrossed HB 1463 lost.

SECOND READING OF HOUSE BILL

HB 1465: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the management of the state medical assistance program; to provide for a report; to provide an appropriation; 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: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Tollefson

Reengrossed HB 1465, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1518: A BILL for an Act to create and enact a new section to chapter 4-28 of the North Dakota Century Code, relating to the wheat tax levy; to amend and reenact sections 4-28-06 and 4-28-07 of the North Dakota Century Code, relating to the North Dakota wheat commission; to repeal section 4-28-07 of the North Dakota Century Code, relating to the wheat tax levy; and to provide an effective date.

MOTION

SEN. KRAUTER MOVED that Reengrossed HB 1518, as amended, be further amended as follows:

Page 3, line 26, remove the overstrike over "~~may use the~~", remove "shall expend an", and remove "at least equal to that"

Page 3, line 27, remove the overstrike over "~~up to~~"

Page 4, line 3, replace "The" with "Any" and after "contracts" insert "entered under this section"

Page 4, line 5, replace "The" with "Any" and after "contracts" insert "entered under this section"

Page 4, line 8, replace "The" with "Any" and after "contracts" insert "entered under this section"

Page 4, line 27, replace "twelve" with "ten"

Page 5, line 23, replace "shall expend an" with "may use the", remove "at least equal to that", and after "by" insert "up to"

Page 5, line 25, replace "The" with "Any" and after "contracts" insert "entered under this section"

Page 5, line 27, replace "The" with "Any"

Page 5, line 28, after "contracts" insert "entered under this section"

Page 5, line 30, replace "The" with "Any" and after "contracts" insert "entered under this section"

Renumber accordingly

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the proposed further amendments to Reengrossed HB 1518, as amended, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed further amendments to Reengrossed HB 1518, as amended, the roll was called and there were 13 YEAS, 32 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Seymour; Taylor; Triplett; Warner

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Stenehjem; Syverson; Tallackson; Thane; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Tollefson

The proposed further amendments to Reengrossed HB 1518, as amended, failed.

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 33 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Nelson; Nething; O'Connell; Schobinger; Seymour; Syverson; Tallackson; Thane; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Mutch; Robinson; Stenehjem; Taylor; Triplett; Warner

ABSENT AND NOT VOTING: Bercier; Tollefson

Reengrossed HB 1518, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1525: A BILL for an Act to amend and reenact sections 40-62-01 and 40-62-03 and subsection 1 of section 40-62-05 of the North Dakota Century Code, relating to city pedestrian mall improvements.

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: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier; Tollefson

Engrossed HB 1525 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3037: A concurrent resolution for the amendment of sections 1 and 2 of article IX of the Constitution of North Dakota, relating to distributions from and management of the common schools trust fund and the trust funds of other educational or charitable institutions; and to provide a contingent effective date.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Bowman; Lee, G.; Schobinger; Syverson

ABSENT AND NOT VOTING: Bercier; Tollefson

Engrossed HCR 3037 was declared adopted, and the title was agreed to on a roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3055: A concurrent resolution for the amendment of sections 1, 2, and 6 of article XII of the Constitution of North Dakota, relating to regulation of corporations and to cumulative voting by corporate members or shareholders; to repeal sections 3, 4, 7, 8, 9, 11, 12, 13, 14, 15, and 17 of article XII of the Constitution of North Dakota, relating to regulation of business corporations; and to provide an effective date.

ROLL CALL

The question being on the final adoption of the amended resolution, 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: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Stenehjem; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Fairfield; Seymour

ABSENT AND NOT VOTING: Bercier; Tollefson

HCR 3055, as amended, was declared adopted, and the title was agreed to on a roll call vote.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 4:30 p.m., which motion prevailed.

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

MOTION

SEN. CHRISTMANN MOVED that SB 2272, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

MOTION

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 HB 1074 and HB 1342, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1074: Sens. Hacker, Cook, Triplett.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1342: Sens. Trenbeath, Espegard, Bercier.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRENBEATH MOVED that the Senate do concur in the House amendments to SB 2102 as printed on SJ page 997, which motion prevailed on a voice vote.

SB 2102, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2102: A BILL for an Act to amend and reenact subsection 3 of section 39-08-01 of the North Dakota Century Code, relating to driving under the influence of intoxicating liquor repeat offenders and impounding motor vehicle license plates.

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, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Robinson; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Fairfield; Heitkamp; O'Connell; Schobinger

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2102 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to SB 2118 as printed on SJ page 973, which motion prevailed on a voice vote.

SB 2118, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2118: A BILL for an Act to amend and reenact section 50-06-15 of the North Dakota Century Code, relating to confidentiality of information contained in department of human services records; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2118 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRENBEATH MOVED that the Senate do concur in the House amendments to SB 2141 as printed on SJ page 876, which motion prevailed on a voice vote.

SB 2141, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2141: A BILL for an Act to amend and reenact subsection 2 of section 20.1-13-07, section 20.1-13.1-07, subsection 5 of section 20.1-13.1-08, and section 20.1-13.1-09 of the North Dakota Century Code, relating to boating under the influence; to provide a penalty; to provide an effective date; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2141 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do concur in the House amendments to Engrossed SB 2181 as printed on SJ page 829, which motion prevailed on a voice vote.

Engrossed SB 2181, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2181: A BILL for an Act to amend and reenact section 28-20-22 of the North Dakota Century Code, relating to a judgment affidavit of renewal.

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, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier

Reengrossed SB 2181 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRENBEATH MOVED that the Senate do concur in the House amendments to SB 2208 as printed on SJ page 974, which motion prevailed on a voice vote.

SB 2208, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2208: A BILL for an Act to amend and reenact sections 24-02-01.5 and 39-01-01, subdivision c of subsection 2 of section 39-06.1-06, sections 39-08-18, 39-08-19, 39-21-41.2, and 51-20-01, and subsection 9 of section 57-40.3-04 of the North Dakota Century Code, relating to motor vehicle child restraint systems.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 29 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Brown; Dever; Espegard; Every; Fairfield; Flakoll; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Mathern; Nelson; Nething; Robinson; Seymour; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Warner

NAYS: Andrist; Bowman; Christmann; Cook; Erbele; Fischer; Freborg; Klein; Kringstad; Lyson; Mutch; O'Connell; Schobinger; Stenehjerm; Syverson; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2208 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FLAKOLL MOVED that the Senate do concur in the House amendments to SB 2340 as printed on SJ page 975, which motion prevailed on a voice vote.

SB 2340, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2340: A BILL for an Act to amend and reenact subsection 1 of section 53-06.2-02, subsection 3 of section 53-06.2-11, and section 53-06.2-13 of the North Dakota Century Code, relating to the North Dakota racing commission; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2340 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to Reengrossed SB 2395 as printed on SJ pages 998-999, which motion prevailed on a voice vote.

Reengrossed SB 2395, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2395: A BILL for an Act to create and enact a new section to chapter 50-10 of the North Dakota Century Code, relating to a department of human services treatment program for children with Russell-Silver syndrome; to amend and reenact subsection 12 of section 50-10-06 of the North Dakota Century Code, relating to income eligibility for Russell-Silver syndrome treatment and services; to direct the department of human services to apply for a medical waiver; to provide for a legislative council study; to provide for a report to the legislative council; to provide an appropriation; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bercier

Reengrossed SB 2395 passed, the title was agreed to, and the emergency clause was declared carried.

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 2412.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2102, SB 2118, SB 2141, SB 2181, SB 2340, and SB 2395.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2026, SB 2037, and SB 2303 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2026: Sens. Cook; G. Lee; Triplett

SB 2037: Sens. Krebsbach; Fischer; Nelson

SB 2303: Sens. Brown; J. Lee; Nelson

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

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

HB 1074: Sens. Hacker; Cook; Triplett

HB 1342: Sens. Trenbeath; Espégard; Bercier

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

MR. SPEAKER: The Senate has passed unchanged: HB 1445, HB 1525, HCR 3037.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1163, HB 1172, HB 1222, HB 1258, HB 1313, HB 1437, HB 1460, HB 1505, HB 1518, HCR 3055.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1465.

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

MR. SPEAKER: The Senate has failed to pass: HB 1463.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1173.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1524.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3057.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1195 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1195: Reps. Keiser; Ruby; Boe

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

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

SB 2237: Reps. Maragos; Dietrich; Kaldor

SB 2297: Reps. Pietsch; Price; Potter

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2009, SB 2027, SB 2101, SB 2120, SB 2186.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2009

Page 1, line 2, after "association" insert "; and to amend and reenact section 4-02.1-09 of the North Dakota Century Code, relating to compensation of state fair board members"

Page 1, line 16, replace "5,000" with "13,250"

Page 1, line 17, replace "5,000" with "13,250"

Page 1, line 19, replace "25,000" with "33,250"

Page 2, line 2, replace "396,750" with "405,000"

Page 2, line 3, replace "606,750" with "615,000"

Page 2, after line 3, insert:

"SECTION 4. AMENDMENT. Section 4-02.1-09 of the North Dakota Century Code is amended and reenacted as follows:

4-02.1-09. Vacancies and special compensation of board members. Any vacancy occurring on the board of directors must be filled by the board of directors for the unexpired term of the vacancy. ~~The board of directors may not receive any salary for their services, but, by resolution of the board, per diem payments of ten dollars and travel expenses not exceeding such amounts as allowed other state officials and employees, may be allowed for attendance at each regular or special meeting of the board or members.~~ The board of directors has the power, in its discretion, to may contract for and to pay directors rendering unusual or exceptional services to the association, special compensation appropriate to the value of such services."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2009 - State Fair Association - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Capital assets	\$210,000	\$210,000		\$210,000
Premiums	<u>380,000</u>	<u>396,750</u>	<u>\$8,250</u>	<u>405,000</u>
Total all funds	\$590,000	\$606,750	\$8,250	\$615,000
Less estimated income				
General fund	\$590,000	\$606,750	\$8,250	\$615,000
FTE	0.00	0.00	0.00	0.00

Dept. 665 - State Fair Association - Detail of House Changes

	INCREASES FUNDING FOR PREMIUMS ¹	TOTAL HOUSE CHANGES
Capital assets		
Premiums	<u>\$8,250</u>	<u>\$8,250</u>
Total all funds	\$8,250	\$8,250
Less estimated income		
General fund	\$8,250	\$8,250
FTE	0.00	0.00

¹ This amendment increases funding for premiums by \$8,250 from the general fund, from \$396,750 as provided in the Senate version to \$405,000. This level of funding represents an increase in funding of \$25,000 from the funding included in the executive budget recommendation of \$380,000. The following is a summary of the increase in funding for premiums from the 2003-05 legislative appropriation to the amount proposed in this amendment:

	2003-05 APPROPRIATION	2005-07 HOUSE VERSION	INCREASE (DECREASE)
General fund	\$371,750	\$405,000	\$33,250
Other funds	<u>20,000</u>		<u>(20,000)</u>
Total	\$391,750	\$405,000	\$13,250

This amendment also amends North Dakota Century Code Section 4-02.1-09 relating to vacancies and special compensation of State Fair Board members.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2027

Page 1, line 4, after the first semicolon insert "to provide for a report to the legislative council;"

Page 8, after line 17, insert:

"SECTION 9. REPORT TO LEGISLATIVE COUNCIL. During the 2005-06 interim, the commission on legal counsel for indigents shall report periodically to the legislative council regarding the implementation of this Act. The commission shall present its first report to the legislative council before December 1, 2005."

Page 8, line 19, replace "contract" with "indigent defense" and remove "in accordance with section 10 of this Act,"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2101

Page 1, line 1, remove "a new subsection to section 39-01-15,"

Page 1, line 2, remove the comma

Page 1, line 5, remove ", subsection 1 of section 39-29-01,"

Page 1, remove lines 9 through 14

Page 2, remove lines 22 through 28

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2120

In lieu of the amendments adopted by the House as printed on page 943 of the House Journal, Senate Bill No. 2120 is amended as follows:

Page 1, line 6, remove "; and to provide a continuing appropriation"

Page 1, line 10, remove "to operate" and remove "- Continuing appropriation"

Page 1, line 11, remove "to operate a" and after "board" insert "upon application for authorization to operate a postsecondary educational institution"

Page 1, line 12, replace "are" with "may be spent by the board pursuant to legislative appropriation"

Page 1, line 13, remove "appropriated to the board on a continuing basis to be used"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes the continuing appropriation from the State Board for Career and Technical Education for the fee fund and provides that the fund may only be spent by the board pursuant to legislative appropriation.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2186

Page 1, remove lines 8 through 12

Page 1, line 13, replace "2." with "1."

Page 1, line 16, replace "3." with "2."

Page 2, line 12, replace "4." with "3."

Page 2, remove line 15

Page 2, line 27, replace "if a claim is the insured's first claim resulting from a" with "resulting from wind or hail if the insured had no previous wind or hail claim on that property within the previous five years regardless of the insurer"

Page 2, line 28, remove "weather-related event"

Page 3, line 7, replace "mitigate" with "repair"

Page 3, line 9, after "writing" insert "or in the same medium as the application"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2269, SB 2281, SB 2302, SB 2336, SB 2343.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2269

Page 1, line 21, remove "professional"

Page 2, line 14, replace ""LMFT"" with ""MFT""

Page 3, remove lines 1 through 3

Page 3, line 4, replace "d." with "c."

Page 3, line 6, replace "e." with "d."

Page 3, line 8, replace "professional" with "licensed"

Page 3, line 10, replace "if that person" with ", including the practice and advertising of marriage and family therapy services"

Page 3, remove line 11

Page 3, line 12, remove "family therapist"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2281

In lieu of the amendments adopted by the House as printed on pages 1118 and 1119 of the House Journal, Engrossed Senate Bill No. 2281 is amended as follows:

Page 1, line 1, after "to" insert "create and enact a new subsection to section 57-38.6-03 of the North Dakota Century Code, relating to agricultural business investment income tax credits; to"

Page 4, replace lines 3 through 17 with:

"SECTION 4. A new subsection to section 57-38.6-03 of the North Dakota Century Code is created and enacted as follows:

A taxpayer whose investment in an agricultural commodity processing facility was made before January 1, 2005, and did not qualify for the tax credit because of the two million five hundred thousand dollar credit limitation in section 57-38.5-02, is entitled to a credit against state income tax liability under section 57-38-29 or 57-38-30.3 in the amount of thirty percent of the amount invested by the taxpayer in a qualified business, subject to the following:

- a. The aggregate investment for which a taxpayer may obtain a credit under this subsection is not less than five thousand dollars and not more than two hundred fifty thousand dollars.
- b. In any taxable year, a taxpayer may claim no more than one-fourth of the credit under this subsection which is attributable to an investment made before January 1, 2005.
- c. Any amount of credit under this subsection not allowed because of the limitations in this section may be carried forward for up to four taxable years after the taxable year in which the investment was made."

Page 4, line 25, replace "4" with "5"

Page 4, line 26, after the period insert "Section 4 of this Act is effective for tax year 2004 and is thereafter ineffective, except any unused credit may be carried forward as provided in section 4 of this Act."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2302

Page 1, line 13, replace "two" with "four"

Page 1, line 14, replace "whole number" with "one-half"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2336

Page 1, line 14, overstrike "qualified elector who is a citizen of the United States", remove the underscored comma, and overstrike "lives outside the"

Page 1, line 15, overstrike "United States" and remove ", and who resided in this state immediately before the individual's"

Page 1, line 16, remove "departure from the United States" and overstrike "or a"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2343

Page 1, line 3, remove "23-06.5-04,"

Page 4, remove lines 19 through 30

Page 5, remove lines 1 and 2

Page 6, line 24, after the underscored semicolon insert "and"

Page 6, remove lines 25 through 27

Page 6, line 28, replace "8." with "7."

Page 7, line 3, overstrike "a duty" and insert immediately thereafter "authority"

Page 18, line 26, replace "decide or speak" with "make and communicate health care decisions"

Page 19, line 4, after "make" insert "and communicate"

Page 19, line 10, replace "DECIDE OR SPEAK" with "MAKE AND COMMUNICATE HEALTH CARE DECISIONS"

Page 19, line 15, after the underscored period insert "None of the following may be designated as your agent: your treating health care provider, a nonrelative employee of your treating health care provider, an operator of a long-term care facility, or a nonrelative employee of a long-term care facility."

Page 19, line 16, replace "decide or speak" with "make and communicate health care decisions"

Page 19, line 30, replace "DECIDE OR SPEAK" with "MAKE AND COMMUNICATE HEALTH CARE DECISIONS"

Page 20, line 5, replace "decide or speak" with "make and communicate health care decisions"

Page 21, line 6, replace "decide or speak" with "make and communicate health care decisions"

Page 22, line 12, replace "decide or" with "make and communicate health care decisions"

Page 22, line 13, remove "speak"

Page 22, line 17, replace "decide or speak" with "make and communicate health care decisions"

Page 22, line 21, replace "decide or speak" with "make and communicate health care decisions"

Page 22, line 26, replace "decide or speak" with "make and communicate health care decisions"

Page 26, after line 21, insert:

"PRINCIPAL'S STATEMENT

I have read a written explanation of the nature and effect of an appointment of a health care agent that is attached to my health care directive.

Dated this day of , 20 .

(Signature of Principal)"

Page 26, line 24, after the underscored period insert "This statement does not need to be completed if the resident has read a written explanation of the nature and effect of an appointment of a health care agent and completed the Principal's Statement above."

Page 27, line 5, after the underscored period insert "This statement does not need to be completed if the patient or person being admitted has read a written explanation of the

nature and effect of an appointment of a health care agent and completed the Principal's Statement above."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2002, SB 2059, SB 2067.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

Page 1, line 2, remove the first "and"

Page 1, line 3, after "judges" insert "; to provide an exemption to section 54-44.1-11 relating to unexpended appropriations; and to declare an emergency"

Page 2, line 16, replace "568,348" with "562,858"

Page 2, line 20, replace "839,554" with "834,064"

Page 2, line 22, replace "837,054" with "831,564"

Page 2, line 25, replace "2,817,570" with "2,781,752"

Page 2, line 26, replace "(3,237,596)" with "(3,337,596)"

Page 2, line 27, replace "121,000" with "111,000"

Page 2, line 28, replace "2,860,499" with "2,769,101"

Page 2, line 29, replace "6,997,869" with "6,723,674"

Page 3, line 2, replace "9,432,301" with "8,920,890"

Page 3, line 3, replace "471,862" with "471,182"

Page 3, line 4, replace "8,960,439" with "8,449,708"

Page 3, line 7, replace "65,257" with "64,757"

Page 3, line 8, replace "65,257" with "64,757"

Page 3, line 9, replace "5,034" with "4,799"

Page 3, line 10, replace "60,223" with "59,958"

Page 3, line 11, replace "9,857,716" with "9,341,230"

Page 3, line 12, replace "479,396" with "478,481"

Page 3, line 13, replace "10,337,112" with "9,819,711"

Page 3, line 21, replace "6,415,940" with "6,410,450"

Page 3, line 25, replace "8,484,816" with "8,479,326"

Page 3, line 27, replace "8,482,316" with "8,476,826"

Page 3, line 30, replace "36,730,750" with "36,694,932"

Page 3, line 31, replace "10,794,780" with "10,694,780"

Page 4, line 1, replace "195,500" with "185,500"

Page 4, line 2, replace "2,860,499" with "2,769,101"

Page 4, line 3, replace "6,997,869" with "6,723,674"

Page 4, line 7, replace "58,379,301" with "57,867,890"

Page 4, line 8, replace "2,234,597" with "2,233,917"

Page 4, line 9, replace "56,144,704" with "55,633,973"

Page 4, line 12, replace "603,900" with "603,400"

Page 4, line 13, replace "603,900" with "603,400"

Page 4, line 14, replace "285,835" with "285,600"

Page 4, line 15, replace "318,065" with "317,800"

Page 4, line 16, replace "64,945,085" with "64,794,192"

Page 4, line 17, replace "2,522,932" with "2,722,017"

Page 4, line 18, replace "67,468,017" with "67,516,209"

Page 5, after line 19, insert:

"SECTION 8. EXEMPTION. The amount appropriated for the supreme court and the district courts, as contained in subdivisions 1 and 2 of section 1 of chapter 2 of the 2003 Session Laws, is not subject to the provisions of section 54-44.1-11 for an amount of up to \$250,078. Any available funds are to be used for the purpose of establishing and defraying the expenses of the commission on legal counsel for indigents established by 2005 Senate Bill No. 2027 during the biennium beginning July 1, 2005, and ending June 30, 2007.

SECTION 9. APPROPRIATION - TRANSFER. In addition to the \$250,078 of unexpended general fund moneys that the supreme court and district courts are allowed to carry over from the 2003-05 biennium pursuant to section 8 of this Act, there is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$365,593, or so much of the sum as may be necessary, and \$200,000 from the indigent defense administration fund, to the district courts for the purpose of establishing and defraying the expenses of the commission on legal counsel for indigents, for the biennium beginning July 1, 2005, and ending June 30, 2007. Any moneys not expended by the district courts for this purpose by December 31, 2005, are available to the commission on legal counsel for indigents and the appropriation must be transferred to the commission on January 1, 2006.

SECTION 10. EMERGENCY. Section 8 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Supreme Court				
Total all funds	\$8,543,619	\$8,484,816	(\$5,490)	\$8,479,326
Less estimated income	2,500	2,500		2,500
General fund	\$8,541,119	\$8,482,316	(\$5,490)	\$8,476,826
District Courts				
Total all funds	\$59,923,612	\$58,379,301	\$54,182	\$58,433,483
Less estimated income	2,237,521	2,234,597	199,320	2,433,917
General fund	\$57,686,091	\$56,144,704	(\$145,138)	\$55,999,566
Judicial Conduct Commission				
Total all funds	\$605,926	\$603,900	(\$500)	\$603,400
Less estimated income	286,787	285,835	(235)	285,600
General fund	\$319,139	\$318,065	(\$265)	\$317,800
Bill Total				
Total all funds	\$69,073,157	\$67,468,017	\$48,192	\$67,516,209
Less estimated income	2,526,808	2,522,932	199,085	2,722,017
General fund	\$66,546,349	\$64,945,085	(\$150,893)	\$64,794,192

Senate Bill No. 2002 - Supreme Court - House Action

EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
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Salaries and wages	\$6,471,084	\$6,415,940	(\$5,490)	\$6,410,450
Operating expenses	1,927,261	1,927,261		1,927,261
Capital assets	8,000	8,000		8,000
Judges' retirement	<u>137,274</u>	<u>133,615</u>		<u>133,615</u>
Total all funds	\$8,543,619	\$8,484,816	(\$5,490)	\$8,479,326
Less estimated income	<u>2,500</u>	<u>2,500</u>		<u>2,500</u>
General fund	\$8,541,119	\$8,482,316	(\$5,490)	\$8,476,826
FTE	44.50	44.50	0.00	44.50

Dept. 181 - Supreme Court - Detail of House Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	TOTAL HOUSE CHANGES
Salaries and wages	(\$5,490)	(\$5,490)
Operating expenses		
Capital assets		
Judges' retirement		
Total all funds	(\$5,490)	(\$5,490)
Less estimated income		
General fund	(\$5,490)	(\$5,490)
FTE	0.00	0.00

Senate Bill No. 2002 - District Courts - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$37,100,037	\$36,730,750	(\$35,818)	\$36,694,932
Operating expenses	10,794,780	10,794,780	(100,000)	10,694,780
Capital assets	195,500	195,500	(10,000)	185,500
Indigent defense - July 2005 - December 2005	3,149,481	2,860,499	(91,398)	2,769,101
Indigent defense - January 2006 - June 2007	7,864,817	6,997,869	(274,195)	6,723,674
Judges' retirement	718,997	699,903		699,903
UND Central Legal Research	80,000	80,000		80,000
Alternative dispute resolution	20,000	20,000		20,000
Indigent Defense Commission			<u>565,593</u>	<u>565,593</u>
Total all funds	\$59,923,612	\$58,379,301	\$54,182	\$58,433,483
Less estimated income	<u>2,237,521</u>	<u>2,234,597</u>	<u>199,320</u>	<u>2,433,917</u>
General fund	\$57,686,091	\$56,144,704	(\$145,138)	\$55,999,566
FTE	283.50	283.50	0.00	283.50

Dept. 182 - District Courts - Detail of House Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	REDUCES FUNDING FOR INDIGENT DEFENSE OVERHEAD REIMBURSEMENT ¹	REDUCES FUNDING FOR INDIGENT DEFENSE CASELOAD INCREASES ²	REMOVES FUNDING FOR DIGITAL AUDIO SYSTEM ³	REMOVES FUNDING FOR INTERACTIVE TELEVISION ⁴	PROVIDES FUNDING FOR ADMINISTRATION OF COMMISSION ON LEGAL COUNSEL FOR INDIGENTS
Salaries and wages	(\$35,818)					
Operating expenses				(\$30,000)	(\$70,000)	
Capital assets				(10,000)		
Indigent defense - July 2005 - December 2005		(\$28,898)	(\$62,500)			
Indigent defense - January 2006 - June 2007		(86,695)	(187,500)			
Judges' retirement						
UND Central Legal Research						
Alternative dispute resolution						
Indigent Defense Commission						<u>\$565,593</u>
Total all funds	(\$35,818)	(\$115,593)	(\$250,000)	(\$40,000)	(\$70,000)	\$565,593
Less estimated income	<u>(680)</u>					<u>200,000</u>
General fund	(\$35,138)	(\$115,593)	(\$250,000)	(\$40,000)	(\$70,000)	\$365,593
FTE	0.00	0.00	0.00	0.00	0.00	0.00
	TOTAL HOUSE CHANGES					
Salaries and wages	(\$35,818)					
Operating expenses	(100,000)					

Capital assets	(10,000)
Indigent defense - July 2005 - December 2005	(91,398)
Indigent defense - January 2006 - June 2007	(274,195)
Judges' retirement UND Central Legal Research Alternative dispute resolution Indigent Defense Commission	<u>565,593</u>
Total all funds	\$54,182
Less estimated income	<u>199,320</u>
General fund	(\$145,138)
FTE	0.00

¹ This amendment reduces funding for indigent defense by a total of \$115,593 from the general fund for the 2005-07 biennium as the result of a decrease in the reimbursement of overhead expenses for indigent defense associated with the Senate adjustment that decreased the indigent defense contract rate from \$75 to \$65 per hour. Reimbursement of overhead expenses is calculated at 10 percent of the total indigent contract amount.

² This amendment decreases funding for indigent defense by a total of \$250,000 from the general fund for the 2005-07 biennium to reduce funding for caseload increases from \$500,000 to \$250,000.

³ This amendment removes \$40,000 of general fund money for the installation of a digital audio system.

⁴ This amendment removes \$70,000 of general fund money for the installation of two interactive televisions.

Senate Bill No. 2002 - Judicial Conduct Commission - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Judicial Conduct Commission and Disciplinary Board	\$605,926	\$603,900	(\$500)	\$603,400
Total all funds	\$605,926	\$603,900	(\$500)	\$603,400
Less estimated income	<u>286,787</u>	<u>285,835</u>	<u>(235)</u>	<u>285,600</u>
General fund	\$319,139	\$318,065	(\$265)	\$317,800
FTE	4.00	4.00	0.00	4.00

Dept. 183 - Judicial Conduct Commission - Detail of House Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	TOTAL HOUSE CHANGES
Judicial Conduct Commission and Disciplinary Board	(\$500)	(\$500)
Total all funds	(\$500)	(\$500)
Less estimated income	<u>(235)</u>	<u>(235)</u>
General fund	(\$265)	(\$265)
FTE	0.00	0.00

Senate Bill No. 2002 - Other Changes - House Action

This amendment also allows the Supreme Court and district courts to carry over up to \$250,078 of unexpended general fund money from the 2003-05 biennium to the 2005-07 biennium to be used for establishing and defraying the expenses of the Commission on Legal Counsel for Indigents and appropriates a total of \$565,593 to the district courts, of which \$365,593 is from the general fund and \$200,000 is from the indigent defense administration fund, for establishing and defraying the expenses of the Commission on Legal Counsel for Indigents for the 2005-07 biennium, for a total amount of \$815,671 available for the establishment and expenses of the Commission on Legal Counsel for Indigents for the 2005-07 biennium.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2059

Page 1, line 3, replace "an effective date" with "for retroactive application"

Page 3, replace line 3 with:

"SECTION 2. RETROACTIVE APPLICATION. This Act is retroactive in application to January 1, 2005."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2067

Page 2, line 18, after "sold" insert "except", remove the overstrike over "if", and remove "except:"

Page 2, line 19, remove "a. If"

Page 2, line 21, remove the overstrike over "~~or if~~" and remove the underscored semicolon

Page 2, line 22, remove "b. If"

Page 2, line 25, remove the overstrike over the period and insert immediately thereafter "3." and remove the overstrike over "~~A person may enter and remain on the~~"

Page 2, line 26, remove the overstrike over "~~licensed premises if~~" and remove the underscored semicolon

Page 2, line 27, remove "c. If"

Page 2, line 28, remove the underscored semicolon and remove the overstrike over "if"

Page 2, line 29, remove "d. If"

Page 3, line 1, replace "3." with "4."

Page 3, line 4, replace "4." with "5."

Page 3, line 5, after "restaurant" insert "as provided in subsection 2"

Page 3, line 12, replace "5." with "6."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2168, SB 2308, SB 2358.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: SB 2058, SB 2115, SB 2138, SB 2236, SB 2239, SB 2244, SB 2248, SB 2268, SB 2288, SB 2311, SB 2346, SB 2353, SCR 4028, SCR 4029, SCR 4037, SCR 4038.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1060, HB 1124, HB 1127, HB 1152, HB 1164, HB 1293, HCR 3043, HCR 3054.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1171.

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

MR. SPEAKER: The President has signed: HB 1171.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2278.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: SB 2278.

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

MR. SPEAKER: The President has signed: SB 2278.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2366.

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

MR. SPEAKER: The President has signed: HB 1262, HB 1271, HB 1279, HB 1354, HB 1368, HB 1398, HB 1404, HB 1431, HB 1501, HB 1511, HB 1517, HCR 3007, HCR 3011, HCR 3014, HCR 3028, HCR 3034, HCR 3038, HCR 3039, HCR 3040.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on March 28, 2005: SMR 8001.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Tuesday, March 29, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1024, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1024 was placed on the Sixth order on the calendar.

Page 2, line 3, replace "145,658" with "151,369"

Page 2, line 5, replace "7,617,803" with "7,623,514"

Page 2, line 24, replace "1,668,384" with "1,732,168"

Page 2, line 25, replace "1,668,384" with "1,732,168"

Page 2, line 26, replace "13,154,849" with "13,224,344"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment increases the 2003-05 biennium deficiency appropriation for the Division of Emergency Management by \$5,711, from \$7,617,803 to \$7,623,514, and for the Department of Corrections and Rehabilitation by \$63,784, from \$1,668,384 to \$1,732,168.

REPORT OF STANDING COMMITTEE

HB 1408, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1408, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1468: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1468 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1507, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1507, as amended, was placed on the Sixth order on the calendar.

In addition to the amendments adopted by the Senate as printed on page 832 of the Senate Journal, Reengrossed House Bill No. 1507 is further amended as follows:

Page 2, line 8, replace "Shall" with "Except for an applicant who certifies that the applicant will perform home inspections only for residential buildings located outside the corporate limits of any city or for residential buildings located within a city with a population under three thousand, shall"

Page 2, line 11, replace "two" with "one"

Page 2, line 28, after "insurance" insert "as required for registration"

Renumber accordingly

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

William R. Horton, Secretary

