

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

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Bismarck, February 18, 2009

The Senate convened at 8:00 a.m., with President Dalrymple presiding.

The prayer was offered by Senator Dick Dever, District 32.

The roll was called and all members were present except Senators Marcellais and Robinson.

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 11:00 a.m., which motion prevailed.

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

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3007: A concurrent resolution urging Congress to amend federal law or policy to implement the North Dakota Game and Fish Department alternative that would allow North Dakota resident sharpshooters to take elk within Theodore Roosevelt National Park to assist the National Park Service in reducing and managing the park's elk population.

REQUEST

SEN. TRIPLETT REQUESTED a recorded roll call vote on the final adoption of HCR 3007, which request was granted.

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 35 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lyson; Mathern; Miller; Nething; Nodland; Oehlke; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner

NAYS: Bakke; Fiebiger; Horne; Lindaas; Nelson; O'Connell; Olafson; Pomeroy; Triplett; Warner

ABSENT AND NOT VOTING: Andrist; Marcellais

Engrossed HCR 3007 was declared adopted on a roll call vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4012: A concurrent resolution urging the Congress of the United States to require the United States Department of the Interior to make use of volunteers to reduce the projected elk overpopulation at the Theodore Roosevelt National Park.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

SCR 4012 was declared lost.

SECOND READING OF SENATE BILL

SB 2040: A BILL for an Act to create and enact two new subsections to section 57-39.2-01 and a new section to chapter 57-39.2 of the North Dakota Century Code, relating to the definition of telecommunications company and telecommunications service and to a sales and use tax exemption for equipment used in telecommunications infrastructure

development; to provide for a legislative council study; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 27 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Christmann; Cook; Dotzenrod; Erbele; Heckaman; Holmberg; Kilzer; Klein; Krauter; Lindaas; Miller; Nelson; Nething; O'Connell; Oehlke; Olafson; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek

NAYS: Bowman; Dever; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hogue; Horne; Krebsbach; Lee, G.; Lee, J.; Lyson; Mathern; Nodland; Pomeroy; Wardner; Warner

ABSENT AND NOT VOTING: Andrist; Marcellais

Engrossed SB 2040 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2198: A BILL for an Act to create and enact five new sections to chapter 50-06.4 and a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the provision of services to individuals with traumatic brain injury; to amend sections 50-06.4-02 and 54-38-05 of the North Dakota Century Code, relating to joint meetings and duties of the department of human services; and to provide an appropriation.

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

ABSENT AND NOT VOTING: Andrist; Marcellais

Engrossed SB 2198 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2247: A BILL for an Act to amend and reenact subsections 35 through 42 of section 57-02-08 of the North Dakota Century Code, relating to property tax exemptions for new construction; 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 43 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Cook; O'Connell

ABSENT AND NOT VOTING: Andrist; Marcellais

SB 2247 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2284: A BILL for an Act to amend and reenact section 57-02-27.1 of the North Dakota Century Code, relating to assessment of recreation service district property; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bakke; Behm; Hogue; Horne; Krebsbach; Lindaas; O'Connell; Potter; Seymour

NAYS: Anderson; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Kilzer; Klein; Krauter; Lee, G.; Lee, J.; Lyson; Mathern; Miller; Nelson; Nething; Nodland; Oehlke; Olafson; Pomeroy; Robinson; Schneider; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

SB 2284 lost.

SECOND READING OF SENATE BILL

SB 2246: A BILL for an Act to amend and reenact section 47-05-02.1 of the North Dakota Century Code, relating to requirements for easements, servitudes, and nonappurtenant restrictions.

MOTION

SEN. STENEHJEM MOVED that the question be called at 12:00 p.m., which motion prevailed.

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 15 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Dotzenrod; Erbele; Fiebiger; Holmberg; Horne; Mathern; Nelson; Oehlke; Pomeroy; Potter; Seymour; Taylor; Triplett

NAYS: Andrist; Behm; Bowman; Christmann; Cook; Dever; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Miller; Nething; Nodland; O'Connell; Olafson; Robinson; Schneider; Stenehjem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

SB 2246 lost.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

MOTION

SEN. CHRISTMANN MOVED that upon adoption of the amendments on the Sixth order, all bills on that order be placed on the Eleventh order for immediate second reading and final passage.

CONSIDERATION OF AMENDMENTS

SB 2007: SEN. KILZER (Appropriations Committee) MOVED that the amendments on SJ pages 484-485 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2007: A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and department of veterans' affairs; to provide an exception to the moratorium on expansion of basic care bed capacity; and to provide legislative intent.

MOTION

SEN. MATHERN MOVED that Engrossed SB 2007 be amended as follows:

Page 3, after line 4, insert:

"SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the department of veterans' affairs for the purpose of providing grants to counties to allow for the purchase of portable personal computers for county veterans' service officers, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

REQUEST

SEN. MATHERN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2007, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2007, the roll was called and there were 20 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Dotzenrod; Fiebiger; Heckaman; Horne; Krauter; Lindaas; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Warner

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

ABSENT AND NOT VOTING: Marcellais

The proposed amendments to Engrossed SB 2007 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2007 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2019: SEN. GRINDBERG (Appropriations Committee) MOVED that the amendments on SJ page 485 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2019: A BILL for an Act to provide an appropriation for defraying the expenses of the state board for career and technical education.

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

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern;

Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2019 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2202, as engrossed: SEN. BAKKE (Appropriations Committee) MOVED that the amendments on SJ pages 485-486 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2202: A BILL for an Act to amend and reenact sections 15.1-06-01, 15.1-20-01, 15.1-20-02, 15.1-22-01, and 15.1-22-02 and subsection 1 of section 57-15-14.2 of the North Dakota Century Code, relating to compulsory kindergarten attendance and the age of admission to schools; and to provide an effective 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 26 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bakke; Dotzenrod; Fiebiger; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Horne; Krauter; Krebsbach; Lee, G.; Lee, J.; Mathern; Nelson; Nething; Nodland; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Warner

NAYS: Anderson; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Heckaman; Kilzer; Klein; Lindaas; Lyson; Miller; O'Connell; Oehlke; Olafson; Stenehjem; Wanzek; Wardner

ABSENT AND NOT VOTING: Marcellais

Reengrossed SB 2202 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2415, as engrossed: SEN. LYSON (Appropriations Committee) MOVED that the amendments on SJ pages 489-490 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2415: A BILL for an Act to amend and reenact section 62.1-04-03 of the North Dakota Century Code, relating to a reciprocal licensure to carry a firearm or dangerous weapon concealed; and to provide application.

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

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

ABSENT AND NOT VOTING: Marcellais

Reengrossed SB 2415 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2244: SEN. ANDERSON (Finance and Taxation Committee) MOVED that the amendments on SJ page 486 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2244: A BILL for an Act to amend and reenact paragraph 2 of subdivision b of subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to continuation of the farm residence exemption for the surviving spouse of a deceased farmer; and to provide an effective 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 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Behm; Hogue

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2244 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2275: SEN. NELSON (Judiciary Committee) MOVED that the amendments on SJ page 486 be adopted and then be placed on the Eleventh order **WITHOUT RECOMMENDATION**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2275: A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to restricting elected officials from appearing in public service announcements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 23 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Dotzenrod; Fiebiger; Fischer; Freborg; Heckaman; Horne; Krauter; Lindaas; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Warner

NAYS: Bowman; Christmann; Cook; Dever; Erbele; Flakoll; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Stenehjem; Wanzek; Wardner

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2275 lost.

CONSIDERATION OF AMENDMENTS

SB 2278: SEN. FIEBIGER (Judiciary Committee) MOVED that the amendments on SJ pages 486-488 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2278: A BILL for an Act to amend and reenact sections 14-02.4-01, 14-02.4-02, 14-02.4-03, 14-02.4-04, 14-02.4-05, 14-02.4-06, 14-02.4-08, 14-02.4-09, 14-02.4-14, 14-02.4-15, 14-02.4-16, 14-02.4-17, 14-02.5-02, 14-02.5-03, 14-02.5-04, 14-02.5-05, 14-02.5-07, 14-02.5-08, 14-02.5-10, subsection 11 of section 26.1-04-03, subsection 1 of section 26.1-30.1-01.1, subsection 1 of section 26.1-39-17, and sections 26.1-40-11, 26.1-47-04, and 27-09.1-02 of the North Dakota Century Code, relating to discrimination on the basis of sexual orientation.

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 27 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bakke; Behm; Fiebiger; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Horne; Krebsbach; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Warner

NAYS: Anderson; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Hogue; Kilzer; Klein; Krauter; Lee, G.; Miller; Nodland; O'Connell; Stenehjem; Wanzek; Wardner

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2278 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2344: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ pages 488-489 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2344: A BILL for an Act to create and enact two new sections to chapter 23-12 of the North Dakota Century Code, relating to breastfeeding; and to amend and reenact section 12.1-20-12.1 of the North Dakota Century Code, relating to exempting the act of breastfeeding from the offense of indecent exposure.

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

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

NAYS: Lee, G.

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2344 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2002, SB 2013, SB 2016, SB 2270, SB 2272, SB 2319, SB 2329, SB 2336, SB 2342, SB 2355, SB 2363, SB 2368, SB 2383, SB 2385, SB 2388, SB 2392, SB 2394, SB 2396, SB 2399, SB 2417, SB 2421, SB 2423, SB 2426, SB 2427, SB 2433, SB 2438, SCR 4019, SCR 4021.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2001, SB 2009, SB 2020, SB 2063, SB 2064.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 4:00 p.m., which motion prevailed.

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

MOTION

SEN. COOK MOVED that the Senate reconsider its action whereby Engrossed SB 2244 passed, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2244: A BILL for an Act to amend and reenact paragraph 2 of subdivision b of subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to continuation of the farm residence exemption for the surviving spouse of a deceased farmer; and to provide an effective date.

MOTION

SEN. COOK MOVED that Engrossed SB 2244 be amended as follows, which motion prevailed.

Page 2, line 12, replace the third "the" with "an individual who at the time of death was an active"

Page 2, line 13, after the underscored period insert "The exemption under this subparagraph applies for as long as the residence is continuously occupied by the surviving spouse of an individual who at the time of death was a retired farmer."

Renumber accordingly

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

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

NAYS: Cook; Lee, J.

ABSENT AND NOT VOTING: Marcellais

Reengrossed SB 2244 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2249: A BILL for an Act to amend and reenact section 26.1-21-09 of the North Dakota Century Code, relating to the state bonding fund; to provide an appropriation; and to provide a transfer.

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 23 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Dotzenrod; Fiebiger; Heckaman; Horne; Krauter; Lee, J.; Lindaas; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Wardner; Warner

NAYS: Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Stenehjem; Wanzek

ABSENT AND NOT VOTING: Marcellais

SB 2249 lost.

SECOND READING OF SENATE BILL

SB 2049: A BILL for an Act to create and enact section 23-27-06 of the North Dakota Century Code, relating to state department of health emergency medical services assessments, training, and recruitment; to amend and reenact section 18-04-04.1 and subsection 1 of section 26.1-03-17 of the North Dakota Century Code, relating to insurance premium tax collections; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 20 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Dotzenrod; Fiebiger; Heckaman; Horne; Krauter; Lindaas; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Warner

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Stenehjem; Wanzek; Wardner

ABSENT AND NOT VOTING: Fischer; Marcellais

Reengrossed SB 2049 lost.

REQUEST

SEN. FISCHER REQUESTED that the record show that he intended to vote "NAY" on SB 2049, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2221: A BILL for an Act to create and enact a new subsection to section 57-60-01 and section 57-60-02.1 of the North Dakota Century Code, relating to a credit against privilege taxes on coal conversion facilities for carbon dioxide capture; to amend and reenact section 57-60-03 of the North Dakota Century Code, relating to measurement and recording of carbon dioxide capture; and to provide an effective 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, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bowman

ABSENT AND NOT VOTING: Marcellais

Reengrossed SB 2221 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2163: A BILL for an Act to create and enact chapter 37-17.3 of the North Dakota Century Code, relating to the state radio broadcasting system; and to repeal chapter 54-23.2 of the North Dakota Century Code, relating to the state radio broadcasting system.

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

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

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2163 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2245: A BILL for an Act to amend and reenact sections 17-04-01, 17-04-03, and 17-04-05 of the North Dakota Century Code, relating to the development of wind power.

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

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

NAYS: Triplett

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2245 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2298: A BILL for an Act to create and enact eleven new sections to chapter 61-24 of the North Dakota Century Code, relating to authorizing revenue bonds for the Red River valley water supply project; and to amend and reenact sections 61-24-01, 61-24-08, 61-24-19, 61-39-01, and 61-39-03 of the North Dakota Century Code, relating to the Garrison Diversion Conservancy District.

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 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Potter

ABSENT AND NOT VOTING: Holmberg; Marcellais

Engrossed SB 2298 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2357: A BILL for an Act to amend and reenact section 15.1-15-08 of the North Dakota Century Code, relating to discharge for cause.

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 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Fiebiger; Lee, G.; Wanzek

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2357 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2404: A BILL for an Act to provide a lien for oil and gas owners to secure payment for the sale of oil and gas.

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

ABSENT AND NOT VOTING: Holmberg; Marcellais

Engrossed SB 2404 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2411: A BILL for an Act to amend and reenact subsection 5 of section 49-22-03 of the North Dakota Century Code, relating to the siting of energy conversion facilities.

MOTION

SEN. TRIPLETT MOVED that Engrossed SB 2411 be amended as follows, which motion prevailed.

Page 1, line 8, overstrike "one" and overstrike "thousand kilowatts" and insert immediately thereafter "twenty-five megawatts"

Renumber accordingly

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 39 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Cook; Flakoll; Kilzer; Lee, G.; Nething; Wanzek; Wardner

ABSENT AND NOT VOTING: Marcellais

Reengrossed SB 2411 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2422: A BILL for an Act relating to a legislative council study of purchasing and procurement.

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

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

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2422 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2425: A BILL for an Act to create and enact a new subsection to section 54-44-04 of the North Dakota Century Code, relating to requiring the director of the office of management and budget to develop a report for the construction of all facilities occupied by state agencies on the capitol grounds.

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

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

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2425 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2428: A BILL for an Act to amend and reenact section 61-16.1-40.1 of the North Dakota Century Code, relating to appeals in federally constructed flood control or soil conservation service projects; and to provide for application.

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

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

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2428 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that SB 2320 and SB 2331 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2320: A BILL for an Act to amend and reenact sections 15.1-16-01, 15.1-16-07, 15.1-16-08, 15.1-16-10, 15.1-16-11, 15.1-16-12, 15.1-16-16, 15.1-16-17, and 15.1-16-19 of the North Dakota Century Code, and subsection 1 of section 44 of House Bill No. 1400, as approved by the sixty-first legislative assembly, relating to representation and negotiation for school district employees other than teachers and administrators.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Dotzenrod; Fiebiger; Heckaman; Holmberg; Horne; Lindaas; Mathern; Nelson; Nething; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Warner

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nodland; Oehlke; Olafson; Stenehjem; Wanzek; Wardner

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2320 lost.

SECOND READING OF SENATE BILL

SB 2331: A BILL for an Act to create and enact a new chapter to title 34 of the North Dakota Century Code, relating to limited collective bargaining partnerships for executive branch agencies.

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 23 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Dotzenrod; Fiebiger; Heckaman; Holmberg; Horne; Krauter; Lindaas; Mathern; Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Warner

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nodland; Olafson; Stenehjem; Wanzek; Wardner

ABSENT AND NOT VOTING: Marcellais

SB 2331 lost.

SECOND READING OF SENATE BILL

SB 2027: A BILL for an Act to amend and reenact section 40-47-01.1 of the North Dakota Century Code, relating to extraterritorial zoning jurisdiction of cities; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2027 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2155: A BILL for an Act to provide an appropriation for grants to institutions of higher education that provide direct services to students who are deaf or hard of hearing.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Lee, G.; Marcellais

Engrossed SB 2155 passed and the title was agreed to.

REQUEST

SEN. G. LEE REQUESTED that the record show that he intended to vote "YEA" on SB 2155, which motion prevailed.

MOTION

SEN. STENEHJEM MOVED that the vote by which SB 2007, SB 2019, SB 2027, SB 2040, SB 2155, SB 2163, SB 2198, SB 2202, SB 2221, SB 2244, SB 2245, SB 2247, SB 2278, SB 2298, SB 2344, SB 2357, SB 2404, SB 2411, SB 2415, SB 2422, SB 2425, and SB 2428 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

MOTION

SEN. STENEHJEM MOVED that the vote by which SB 2049, SB 2246, SB 2249, SB 2275, SB 2284, SB 2320, and SB 2331 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended and HCR 3007 be messaged to the House immediately, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that Senate Rule 508 be amended by replacing "thirty-second legislative day" with "thirty-third legislative day", which motion prevailed.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HCR 3007.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1255, HB 1256, HB 1268, HB 1286, HB 1392, HB 1477, HB 1478, HB 1517, HB 1572.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, the emergency clause failed, and your favorable consideration is requested on: HB 1324.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2092.

MOTION

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

MOTION

SEN. CHRISTMANN 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 8:00 p.m., Thursday, February 19, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2004, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2004 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide for a grant from the state water commission;"

Page 1, line 15, replace "(508,266)" with "991,734" and replace "57,509,510" with "59,009,510"

Page 1, line 18, replace "15,181,010" with "16,681,010" and replace "183,231,185" with "184,731,185"

Page 1, line 19, replace "10,900,770" with "12,400,770" and replace "161,496,047" with "162,996,047"

Page 2, after line 14, insert:

"SECTION 4. INSURANCE TAX DISTRIBUTION FUND. The estimated income line item in section 1 of this Act includes \$2,750,000 from the insurance tax distribution fund, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 5. FEDERAL 319 NONPOINT PROGRAM MATCHING FUNDS - STATE WATER COMMISSION GRANT TO THE STATE DEPARTMENT OF HEALTH. The state water commission shall provide a grant of \$200,000 from its 2009-11 biennium appropriation approved by the sixty-first legislative assembly to the state department of health to be used as matching funds for the federal 319 nonpoint program, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98047.0202 FN 1

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

REPORT OF STANDING COMMITTEE

SB 2012: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2012 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to amend and reenact sections 24-02-44, 39-04-19, 54-27-19, 54-27-19.1, 57-43.1-06, and 57-43.2-04.2 of the North Dakota Century Code, relating to authority to borrow for disasters and the collection and distribution of highway funds; to repeal section 39-04.2-03 of the North Dakota Century Code, relating to the registration fee for the public transportation fund;"

Page 1, line 14, replace "39,969,768" with "96,855,896" and replace "588,690,866" with "645,576,994"

Page 1, line 15, replace "13,753,601" with "16,653,601" and replace "66,166,101" with "69,066,101"

Page 1, line 16, replace "107,024,750" with "166,810,878" and replace "1,010,182,250" with "1,069,968,378"

Page 1, line 17, replace "2.00" with "3.00" and replace "1,054.50" with "1,055.50"

Page 1, line 22, remove "The"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 7

Page 2, line 20, after "**APPROPRIATION**" insert "**- ADDITIONAL INCOME APPROPRIATED**" and replace "\$361,046,109" with "\$417,932,237"

Page 2, line 24, after "available" insert "from state or federal sources"

Page 3, after line 7, insert:

"SECTION 7. FLEET SERVICES FUND - ADDITIONAL INCOME APPROPRIATED. The sum of \$70,388,921, included in the estimated income line in section 1 of this Act is from the fleet services fund and must be used by the department of transportation for purposes authorized by the legislative assembly, for the biennium beginning July 1, 2009, and ending June 30, 2011. Any additional amount in the fleet services fund that becomes available is appropriated to the department of transportation for the purpose of defraying the expenses of the fleet services program, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 8. AMENDMENT. Section 24-02-44 of the North Dakota Century Code is amended and reenacted as follows:

24-02-44. Authority to borrow funds for a disaster - Appropriation. The department of transportation, subject to the approval of the emergency commission, may borrow moneys from the Bank of North Dakota to advance and match federal emergency relief funds. Any moneys borrowed from the Bank of North Dakota pursuant to this section are appropriated. ~~If it appears to the department of transportation that at the end of the biennium the amount available to repay the amount borrowed plus interest is insufficient to totally repay the Bank of North Dakota, the department of transportation shall request from the legislative assembly a deficiency appropriation from the state highway fund sufficient for the repayment of the amount borrowed plus interest.~~

SECTION 9. AMENDMENT. Section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

39-04-19. Motor vehicle registration fees and mile tax. Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the department, shall pay a fee of twenty dollars for a trip permit which is valid for a period of seventy-two hours. All fees collected under the provisions of this subsection must be credited to the highway construction fund.
2. Motor vehicles required to be registered in this state must be furnished license plates upon the payment of the following annual fees; however, if a motor vehicle, including a motorcycle or trailer, first becomes subject to registration other than at the beginning of the registration period, such fees must be prorated on a monthly basis. The minimum fee charged hereunder must be five dollars:

a. Passenger motor vehicles:

Gross Weights	YEARS REGISTERED				
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th, 11th, and 12th Years	13th and Subsequent Years	
Less than 3,200	\$70 <u>\$73</u>	\$62 <u>\$65</u>	\$54 <u>\$57</u>	\$46 <u>\$49</u>	
3,200 - 4,499	90 <u>93</u>	78 <u>81</u>	66 <u>69</u>	54 <u>57</u>	
4,500 - 4,999	108 <u>111</u>	94 <u>94</u>	76 <u>79</u>	60 <u>63</u>	
5,000 - 5,999	139 <u>142</u>	117 <u>120</u>	95 <u>98</u>	73 <u>76</u>	
6,000 - 6,999	172 <u>175</u>	143 <u>146</u>	114 <u>117</u>	86 <u>89</u>	
7,000 - 7,999	205 <u>208</u>	169 <u>172</u>	134 <u>137</u>	99 <u>102</u>	
8,000 - 8,999	238 <u>241</u>	196 <u>199</u>	154 <u>157</u>	112 <u>115</u>	
9,000 and over	274 <u>274</u>	222 <u>225</u>	174 <u>177</u>	125 <u>128</u>	

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].

A pickup truck is subject to registration at the rates prescribed for other vehicles under this subdivision by applying the shipping weight of the vehicle to the fee schedule. At a minimum, the registered gross weight displayed on the registration card for a pickup truck must be twice the shipping weight of the vehicle. Unless otherwise exempted by this chapter, the owner of a pickup truck shall request the registered gross weight of the pickup truck be increased to ensure the registered gross weight is sufficient to include the total weight of the vehicle and any load transported on or by the vehicle. For purposes of this subdivision, a pickup truck is a motor vehicle with a manufacturer's gross vehicle weight rating of less than eleven thousand five hundred pounds [5216.31 kilograms], with an unladen weight of less than eight thousand pounds [3628.74 kilograms], and which is equipped with an open box-type bed not exceeding nine feet [2.74 meters] in length.

- b. Schoolbuses, buses for hire, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under this subsection or subsection 5:

Gross Weights	YEARS REGISTERED				
	1st Through 6th Years	7th Through 9th Years	10th Through 12th Years	13th Through 19th Years	20th and Subsequent Years
Not over 4,000	\$68 <u>\$71</u>	\$55 <u>\$58</u>	\$50 <u>\$53</u>	\$47 <u>\$50</u>	\$46 <u>\$49</u>
4,001 - 6,000	73 <u>76</u>	60 <u>63</u>	54 <u>57</u>	48 <u>51</u>	47 <u>50</u>
6,001 - 8,000	78 <u>81</u>	65 <u>68</u>	58 <u>61</u>	49 <u>52</u>	48 <u>51</u>
8,001 - 10,000	83 <u>86</u>	70 <u>73</u>	62 <u>65</u>	54 <u>54</u>	50 <u>53</u>
10,001 - 12,000	88 <u>91</u>	75 <u>78</u>	66 <u>69</u>	53 <u>56</u>	52 <u>55</u>
12,001 - 14,000	93 <u>96</u>	80 <u>83</u>	70 <u>73</u>	56 <u>59</u>	55 <u>58</u>
14,001 - 16,000	98 <u>101</u>	85 <u>88</u>	74 <u>77</u>	59 <u>62</u>	58 <u>61</u>
16,001 - 18,000	103 <u>106</u>	90 <u>93</u>	78 <u>81</u>	64 <u>64</u>	60 <u>63</u>
18,001 - 20,000	106 <u>109</u>	93 <u>96</u>	80 <u>83</u>	62 <u>65</u>	64 <u>64</u>

Gross Weights	YEARS REGISTERED		
	1st, 2nd, 3rd, 4th, 5th, 6th, and 7th Years	8th, 9th, 10th, 11th, and 12th Years	13th and Subsequent Years
20,001 - 22,000	\$136 <u>\$139</u>	\$140 <u>\$113</u>	\$97 <u>\$100</u>
22,001 - 26,000	188 <u>191</u>	158 <u>161</u>	142 <u>145</u>
26,001 - 30,000	249 <u>252</u>	207 <u>210</u>	185 <u>188</u>
30,001 - 34,000	315 <u>318</u>	260 <u>263</u>	232 <u>235</u>
34,001 - 38,000	376 <u>379</u>	309 <u>312</u>	275 <u>278</u>
38,001 - 42,000	437 <u>440</u>	358 <u>361</u>	317 <u>320</u>
42,001 - 46,000	498 <u>501</u>	406 <u>409</u>	360 <u>363</u>
46,001 - 50,000	559 <u>562</u>	455 <u>458</u>	403 <u>406</u>
50,001 - 54,000	629 <u>632</u>	513 <u>516</u>	454 <u>457</u>
54,001 - 58,000	690 <u>693</u>	562 <u>565</u>	497 <u>500</u>
58,001 - 62,000	752 <u>755</u>	611 <u>614</u>	540 <u>543</u>
62,001 - 66,000	812 <u>815</u>	659 <u>662</u>	583 <u>586</u>
66,001 - 70,000	873 <u>876</u>	708 <u>711</u>	625 <u>628</u>
70,001 - 74,000	934 <u>937</u>	757 <u>760</u>	668 <u>671</u>
74,001 - 78,000	995 <u>998</u>	806 <u>809</u>	711 <u>714</u>
78,001 - 82,000	1,056 <u>1,059</u>	855 <u>858</u>	754 <u>757</u>
82,001 - 86,000	1,119 <u>1,182</u>	906 <u>963</u>	811 <u>844</u>
86,001 - 90,000	1,301 <u>1,304</u>	1,064 <u>1,067</u>	928 <u>931</u>
90,001 - 94,000	1,423 <u>1,426</u>	1,169 <u>1,172</u>	1,015 <u>1,018</u>
94,001 - 98,000	1,545 <u>1,548</u>	1,274 <u>1,277</u>	1,103 <u>1,106</u>
98,001 - 102,000	1,667 <u>1,670</u>	1,378 <u>1,381</u>	1,190 <u>1,193</u>
102,001 - 105,500	1,789 <u>1,792</u>	1,483 <u>1,486</u>	1,277 <u>1,280</u>

- c. ~~Notwithstanding the fees provided by subdivision a of subsection 2, only one-half of the increase in registration fees, rounded up to the nearest dollar, resulting from the reclassification of pickup trucks in 2005 from subdivision b of subsection 2 to subdivision a of subsection 2 is effective from July 1, 2005, through June 30, 2007.~~

e. Motorcycles, fifteen dollars.

- 3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax and, if paid, such veterans are entitled to a refund. This exemption also applies to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.
- 4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter must be furnished registration plates upon the payment of a twenty dollar annual fee. Every trailer, semitrailer, or farm trailer not required to be registered under this chapter must be furnished an identification plate upon the payment of a fee of five dollars. Upon the

request of a person with a trailer or farm trailer to whom a registration or identification plate is provided under this subsection, the department shall provide a plate of the same size as provided for a motorcycle. The department shall provide notification of this option to the person before the replacement or issuance of the plate.

5. Trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer's own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from those farms, nor otherwise for hire. In addition to the penalty provided in section 39-04-41, any person violating this subsection shall license for the entire license period the farm vehicle at the higher commercial vehicle rate in accordance with the weight carried by the farm vehicle at the time of the violation.

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th and 8th Years	9th and 10th Years	11th and Subsequent Years
20,001 - 22,000	\$108 \$111	\$94 \$97	\$80 \$83	\$62 \$65
22,001 - 24,000	113 116	98 101	83 86	64 67
24,001 - 26,000	124 124	104 107	87 90	66 69
26,001 - 28,000	132 135	112 115	93 96	70 73
28,001 - 30,000	144 144	120 123	99 102	74 77
30,001 - 32,000	156 159	133 136	110 113	83 86
32,001 - 34,000	166 169	144 144	116 119	87 90
34,001 - 36,000	176 179	149 152	122 125	94 94
36,001 - 38,000	186 189	157 160	128 131	95 98
38,001 - 40,000	196 199	165 168	134 137	99 102
40,001 - 42,000	206 209	173 176	140 143	103 106
42,001 - 44,000	216 219	181 184	146 149	107 110
44,001 - 46,000	226 229	189 192	152 155	111 114
46,001 - 48,000	236 239	197 200	158 161	115 118
48,001 - 50,000	246 249	205 208	164 167	119 122
50,001 - 52,000	266 269	223 226	180 183	133 136
52,001 - 54,000	276 279	231 234	186 189	137 140
54,001 - 56,000	286 289	239 242	192 195	141 144
56,001 - 58,000	296 299	247 250	198 201	145 148
58,001 - 60,000	306 309	255 258	204 207	149 152
60,001 - 62,000	316 319	263 266	210 213	153 156
62,001 - 64,000	326 329	271 274	216 219	157 160
64,001 - 66,000	336 339	279 282	222 225	161 164
66,001 - 68,000	346 349	287 290	228 231	165 168
68,001 - 70,000	356 359	295 298	234 237	169 172
70,001 - 72,000	366 369	303 306	240 243	173 176
72,001 - 74,000	376 379	311 314	246 249	177 180
74,001 - 76,000	386 389	319 322	252 255	181 184
76,001 - 78,000	396 399	327 330	258 261	185 188
78,001 - 80,000	406 409	335 338	264 267	189 192
80,001 - 82,000	416 419	343 346	270 273	193 196
82,001 - 84,000	426 429	365 368	313 316	269 272
84,001 - 86,000	446 449	382 385	327 330	281 284
86,001 - 88,000	466 469	399 402	341 344	293 296
88,001 - 90,000	486 489	416 419	355 358	305 308
90,001 - 92,000	506 509	433 436	369 372	317 320
92,001 - 94,000	526 529	450 453	383 386	329 332
94,001 - 96,000	546 549	467 470	397 400	341 344
96,001 - 98,000	566 569	484 487	411 414	353 356
98,001 - 100,000	586 589	501 504	425 428	365 368
100,001 - 102,000	606 609	518 521	439 442	377 380

102,001 - 104,000	626 629	535 538	453 456	389 392
104,001 - 105,500	646 649	552 555	467 470	404 404

6. A motor vehicle registered in subsection 5 may be used for custom combining operations by displaying identification issued by the department and upon payment of a fee of twenty-five dollars.
7. ~~Thirteen dollars of each registration fee collected under subsections 2 and 5 must be deposited in the state highway fund.~~

SECTION 10. 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. 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. ~~Any~~ 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-three~~ Sixty-one and three-tenths percent of such moneys must be transferred monthly to the state department of transportation and placed in a state highway fund.
2. ~~Thirty-seven~~ 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 of such moneys~~ must be allocated to the counties of this state in proportion to the number of motor vehicle registrations credited to each county. Each county must be credited with the certificates of title of all motor vehicles registered by residents of ~~such~~ 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 ~~such~~ the census. ~~Provided, however, that~~ However, in 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:
 - a. 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.
 - b. 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 subdivision a.
 - c. 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 subdivision a.

- d. 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 subdivisions b and c 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.

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; ~~provided, that any~~ and an incorporated city may use ~~such~~ the fund for the construction, reconstruction, repair, and maintenance of public highways within or outside ~~such~~ the city pursuant to an agreement entered into between the city and any other political subdivision as authorized by section 54-40-08.

SECTION 11. AMENDMENT. Section 54-27-19.1 of the North Dakota Century Code is amended and reenacted as follows:

54-27-19.1. Township highway aid fund - Distribution. ~~Notwithstanding any other provision of law, one cent per gallon [3.79 liters] of the tax imposed by sections 57-43.1-02 and 57-43.2-02 may not be refunded and the proceeds must be distributed as provided in this section. The tax commissioner shall transfer the proceeds of one cent per gallon [3.79 liters] of the tax imposed by sections 57-43.1-02 and 57-43.2-02 to the state treasurer who shall deposit the proceeds in a township highway aid fund in the state treasury.~~ The state treasurer shall no less than quarterly allocate and distribute all moneys in the township highway aid fund to the counties of the state based on the length of township roads in each county compared to the length of all township roads in the state. To receive any funds under this section, organized townships ~~shall~~ must provide fifty percent matching funds. The county treasurer shall allocate the funds received to the organized townships in the county which provide fifty percent matching funds based on the length of township roads in each ~~such of those~~ organized township townships compared to the length of all township roads in the county. The funds received must be deposited in the township road and bridge fund and used for highway and bridge purposes. If a county ~~has no~~ does not have organized townships, or has some organized and some unorganized townships, the county shall retain a pro rata portion of the funds received based on the length of roads in unorganized townships compared to the length of township roads in organized townships in the county. Moneys retained by a county for the benefit of unorganized townships under this section must be deposited in the county road and bridge fund. Moneys retained by the county treasurer due to the failure of organized townships to provide required matching funds must be returned to the state treasurer who shall deposit the funds in the highway tax distribution fund. The board of county commissioners shall certify to the state treasurer any change in township road mileage when a change occurs and shall, by July first of each even-numbered year, certify the total number of township road mileage in each of the county's organized and unorganized townships. The state treasurer shall prescribe the form and manner by which the certification is made.

SECTION 12. AMENDMENT. Section 57-43.1-06 of the North Dakota Century Code is amended and reenacted as follows:

57-43.1-06. Refund to prevent taxation by multiple jurisdictions. Any person to whom motor vehicle fuel is sold on which the tax imposed by this chapter has been paid, who thereafter removes the fuel from this state for sale or resale in another state or to a state which requires payment of a tax upon the use of the fuel in that state, must be granted a refund of the tax that was paid pursuant to this chapter. The refund may be granted only upon application to the commissioner in the manner prescribed by the commissioner and must include proof that fuel for sale or resale in another state was reported to the taxing agency of that state, or in the case of a consumer, proof of payment of the tax imposed by the other state. ~~The refund may not be reduced by the one cent per gallon [3.79 liters] tax designated for the township highway aid fund.~~ A claim for refund under this section must be made within one year from the date the fuel was removed to another state for sale, resale, or use in another state.

SECTION 13. AMENDMENT. Section 57-43.2-04.2 of the North Dakota Century Code is amended and reenacted as follows:

57-43.2-04.2. Refund to prevent taxation by multiple jurisdictions. Any person to whom special fuel is sold on which the tax imposed by this chapter has been paid, who thereafter removes the fuel from this state for sale or resale in another state or to a state that requires payment of a tax upon the use of the fuel in that state, must be granted a refund of the tax that was paid pursuant to this chapter. The refund may be granted only upon application to the commissioner in the manner prescribed by the commissioner and must include proof that fuel for sale or resale in another state was reported to the taxing agency of that state, or in the case of a consumer, proof of payment of the tax imposed by the other state. ~~The refund may not be reduced by the one cent per gallon [3.79 liters] tax designated for the township highway aid fund.~~ A claim for refund under this section must be made within one year from the date the fuel was removed to another state for sale, resale, or use in another state.

SECTION 14. REPEAL. Section 39-04.2-03 of the North Dakota Century Code is repealed."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98031.0106 FN 2

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

REPORT OF STANDING COMMITTEE

SB 2121: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2121 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2199, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2199 was placed on the Sixth order on the calendar.

Page 1, line 5, after the semicolon insert "to provide an appropriation;"

Page 6, after line 6, insert:

"SECTION 5. APPROPRIATION. There is appropriated out of any moneys in the permanent oil tax trust fund in the state treasury, not otherwise appropriated, the sum of \$295,000,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of allocation of mill levy reduction grants to school districts under chapter 57-64, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2225: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2225 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "one dollar" with "\$1" and after "of" insert "cash"

Page 1, line 9, replace "three dollars" with "\$3"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2228, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2228 was placed on the Sixth order on the calendar.

Page 2, line 19, replace "obtain" with "install"

Page 2, line 20, after "pump" insert "and an associated storage and piping system. The pump must be the type"

Page 2, line 24, after "components" insert "and storage and piping systems"

Page 3, line 3, replace "obtain" with "install"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2230: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2230 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "\$5,000,000" with "\$2,000,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment reduces the general fund appropriation for grants to domestic violence sexual assault organizations from \$5,000,000 to \$2,000,000.

REPORT OF STANDING COMMITTEE

SB 2266, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2266 was placed on the Sixth order on the calendar.

Page 3, line 6, after the second comma insert "the sum of \$2,000,000, or so much of the sum as may be necessary,"

Page 3, line 7, replace "4,590,198" with "2,590,198"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides that of the total appropriation of \$4,590,198 to the Nursing Education Consortium, \$2,000,000 is from the general fund and \$2,590,198 is from federal funds.

REPORT OF STANDING COMMITTEE

SB 2332: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2332 was placed on the Sixth order on the calendar.

Page 3, line 2, replace "\$5,923,572" with "\$500,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment reduces the appropriation from the general fund for the costs of the health information technology office in the State Department of Health from \$5,923,572 to \$500,000.

REPORT OF STANDING COMMITTEE

SB 2335, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2335 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2365: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2365 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to an exemption from sales tax for receipts from coin-operated amusement or entertainment machines; to"

Page 1, line 2, replace "eliminating" with "an exemption from"

Page 1, line 3, replace "taxes" with "tax" and after "for" insert "receipts from"

Page 5, after line 19, insert:

"SECTION 3. A new subsection to section 57-39.2-04 of the North Dakota Century Code is created and enacted as follows:

Gross receipts from coin-operated amusement or entertainment machines."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2387: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2387 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2393, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2393 was placed on the Sixth order on the calendar.

Page 1, line 7, remove ", townships,"

Page 1, line 8, replace "with the effective date of this Act" with "January 1, 2009," and remove "To be eligible to"

Page 1, remove lines 9 through 15

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2402, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2402 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2408, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2408 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

HB 1025: A BILL for an Act to create and enact title 4.1 of the North Dakota Century Code, relating to agriculture; to amend and reenact sections 4-13.2-03, 36-04-10, 36-04-10.1, and 36-05-13.2 and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to agricultural commodity boards and commissions; to repeal chapters 4-10.1, 4-10.2, 4-10.3, 4-10.4, 4-10.5, 4-10.6, 4-10.7, 4-12.1, 4-13.1, 4-27, 4-28, and 4-34 of the North Dakota Century Code, relating to the North Dakota potato council and assessment, the North Dakota oilseed council and assessment, the North Dakota dry bean council and assessment, the North Dakota barley council and assessment, the North Dakota soybean council and assessment, the North Dakota corn utilization council and assessment, the North Dakota dry pea and lentil council and assessment, the North Dakota honey assessment, the North Dakota turkey assessment, the North Dakota dairy promotion commission and assessment, the North Dakota wheat commission and assessment, and the North Dakota beef commission and assessment; to provide a penalty; and to provide a continuing appropriation.

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

HB 1026: A BILL for an Act to provide for the control of noxious weeds; to amend sections 4-33-11 and 57-15-06.10 of the North Dakota Century Code, relating to pest control and consolidated levies; to repeal chapter 63-01.1 of the North Dakota Century Code, relating to noxious weed control and pest control; and to provide a penalty.

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

HB 1029: A BILL for an Act to create and enact four new sections to chapter 54-06 of the North Dakota Century Code, relating to state employee service awards, employer-paid tuition, and employer-paid professional organization membership and service club dues. Was read the first time and referred to the **Government and Veterans Affairs Committee**.

HB 1030: A BILL for an Act to amend and reenact section 54-06-30 of the North Dakota Century Code, relating to the state employee performance bonus program. Was read the first time and referred to the **Government and Veterans Affairs Committee**.

HB 1031: A BILL for an Act to amend and reenact section 54-06-31 of the North Dakota Century Code, relating to state recruitment and retention bonus programs. Was read the first time and referred to the **Government and Veterans Affairs Committee**.

HB 1048: A BILL for an Act to create and enact a new section to chapter 37-17.1 of the North Dakota Century Code, relating to intrastate mutual aid; and to repeal sections 37-17.1-24 and 37-17.1-25 of the North Dakota Century Code, relating to mutual intrastate mutual aid agreements. Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1053: A BILL for an Act to amend and reenact sections 37-17.1-06 and 37-17.1-07 of the North Dakota Century Code, relating to the department of emergency services division of homeland security and local and regional emergency management organizations. Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1080: A BILL for an Act to amend and reenact subsection 9 of section 15-39.1-04, subsection 4 of section 15-39.1-10, section 15-39.1-10.6, subsection 1 of section 15-39.1-19.1, and sections 15-39.1-20 and 15-39.1-30 of the North Dakota Century Code, relating to incorporation of federal law changes, procedure relating to benefit limitations, annual hour limit for retiree reemployment, and disclosure of confidential records under the teachers' fund for retirement. Was read the first time and referred to the **Education Committee**.

HB 1097: A BILL for an Act to amend and reenact section 34-14-04.1 of the North Dakota Century Code, relating to limitations of withholdings of an employer from compensation due employees. Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1099: A BILL for an Act to amend and reenact section 34-14-09 of the North Dakota Century Code, relating to employees' remedies and the limitations on wages collectible. Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1100: A BILL for an Act to amend and reenact subdivision m of subsection 9 of section 10-04-02, subsections 4, 5, 11, and 13 of section 10-04-06, subsection 2 of section 10-04-08, and subsection 2 of section 10-04-08.4 of the North Dakota Century Code, relating to the definition of institutional investor, securities transactions exempt from registration, securities registration filing fees, and electronic filing. Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1111: A BILL for an Act to create and enact two new subsections to section 4-30-01 of the North Dakota Century Code, relating to dairy product definitions; and to amend and reenact sections 4-30-18, 4-30-20, 4-30-36, 4-30-36.2, 4-30-36.3, 4-30-36.4, 4-30-39, and 4-30-45.1 of the North Dakota Century Code, relating to dairy products regulations. Was read the first time and referred to the **Agriculture Committee**.

HB 1113: A BILL for an Act to amend and reenact section 54-44.3-12.2 of the North Dakota Century Code, relating to state employee complaint appeals. Was read the first time and referred to the **Government and Veterans Affairs Committee**.

HB 1114: A BILL for an Act to amend and reenact section 21-10-06 of the North Dakota Century Code, relating to the specific funds under management of the North Dakota state investment board. Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1121: A BILL for an Act to amend and reenact subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to the old-age and survivor insurance trust fund. Was read the first time and referred to the **Government and Veterans Affairs Committee**.

HB 1124: A BILL for an Act to create and enact a new chapter to title 18 of the North Dakota Century Code, relating to approval of a compact with other states to promote effective prevention and control of forest fires.

Was read the first time and referred to the **Natural Resources Committee**.

HB 1125: A BILL for an Act to amend and reenact section 4-01-17.1 of the North Dakota Century Code, relating to control of predatory animals, destructive birds, and injurious field rodents.

Was read the first time and referred to the **Natural Resources Committee**.

HB 1127: A BILL for an Act to amend and reenact section 12-62-01.1, subsection 1 of section 19-03.1-32, and subsection 5 of section 54-12-14 of the North Dakota Century Code, relating to the time within which county and city officials have to furnish crime statistics to the attorney general's office, the powers of enforcement personnel, and the asset forfeiture fund; and to repeal sections 44-04-23, 54-12-15, and 54-12-16 of the North Dakota Century Code, relating to computer software concerns upon the advent of the year 2000 and the duties of and protections offered by the drug enforcement unit were assumed by the bureau of criminal investigation.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1129: A BILL for an Act to amend and reenact sections 54-10-14 and 54-10-19 of the North Dakota Century Code, relating to audits of political subdivisions; and to repeal section 54-10-18 of the North Dakota Century Code, relating to records and fiscal affairs of counties.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1133: A BILL for an Act to amend and reenact sections 39-04-17 and 39-05-17 of the North Dakota Century Code, relating to certificates of notary showing registration requirements and transfer of title of a vehicle.

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

HB 1134: A BILL for an Act to amend and reenact section 39-20-03.1 of the North Dakota Century Code, relating to mailing of report and notice forms for driving under the influence.

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

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

Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1138: A BILL for an Act to amend and reenact sections 37-07.1-02 and 37-07.2-01 of the North Dakota Century Code, relating to tuition waivers and grants for national guard members; and to repeal section 37-07.1-06.1 of the North Dakota Century Code, relating to the national guard tuition fund.

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

HB 1157: A BILL for an Act to amend and reenact section 50-24.1-07 of the North Dakota Century Code, relating to recovery from the estate of a full-benefit dual-eligible medical assistance recipient.

Was read the first time and referred to the **Human Services Committee**.

HB 1165: A BILL for an Act to amend and reenact subsection 2 of section 54-17-07.3 of the North Dakota Century Code, relating to the mobile home and manufactured housing finance program.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1167: A BILL for an Act to amend and reenact subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to eligibility to hunt during the youth deer hunting season.

Was read the first time and referred to the **Natural Resources Committee**.

HB 1173: A BILL for an Act to create and enact a new subsection to section 54-52-04 of the North Dakota Century Code, relating to the authority of the public employees retirement system board to create a trust health care savings plan for all supreme and district court judges participating in the public employees retirement system.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1178: A BILL for an Act to amend and reenact section 54-03-26 of the North Dakota Century Code, relating to the purchase of personal computers by members of the legislative assembly.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1182: A BILL for an Act to create and enact a new section to chapter 39-06.1 of the North Dakota Century Code, relating to point reduction for safety belt use.

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

HB 1184: A BILL for an Act to amend and reenact subsection 1 of section 51-31-04 of the North Dakota Century Code, relating to law enforcement reports for individuals who are the victims of identity theft.

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

HB 1185: A BILL for an Act to create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to human trafficking; and to provide a penalty.

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

HB 1186: A BILL for an Act to amend and reenact section 12.1-31-08 of the North Dakota Century Code, relating to the possession or distribution of certain photographs or other visual images; and to provide a penalty.

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

HB 1207: A BILL for an Act to create and enact a new subsection to section 6-08.1-02 and a new section to chapter 27-13 of the North Dakota Century Code, relating to an exemption to bank confidentiality requirements for attorney trust account overdrafts and to the conduct of attorneys.

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

HB 1209: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a long-term care partnership plan individual income tax credit; to amend and reenact subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to a long-term care partnership plan individual income tax credit; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

HB 1214: A BILL for an Act to authorize the department of human services to convey certain land in Walsh County, North Dakota.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1216: A BILL for an Act to amend and reenact subsection 1 of section 20.1-03-07 of the North Dakota Century Code, relating to nonresident small game hunting licenses.

Was read the first time and referred to the **Natural Resources Committee**.

HB 1223: A BILL for an Act to amend and reenact sections 12-67-01, 12-67-02, 12-67-03, and 12-67-04 of the North Dakota Century Code, relating to electronic monitoring of certain offenders.

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

HB 1227: A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to provisional hunting licenses; and to amend and reenact section 20.1-03-01.1 and subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to hunting licenses and requirements.

Was read the first time and referred to the **Natural Resources Committee**.

HB 1229: A BILL for an Act to create and enact a new chapter to title 35 of the North Dakota Century Code, relating to a lien on property stored in a portable storage unit.

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

HB 1232: A BILL for an Act to amend and reenact section 47-24.1-10 of the North Dakota Century Code, relating to custodianships for property of minors.

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

HB 1233: A BILL for an Act to amend and reenact section 39-03-18 of the North Dakota Century Code, relating to the highway patrol asset forfeiture fund.

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

HB 1237: A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to allowing correctional officers to carry weapons in certain circumstances; and to declare an emergency.

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

HB 1252: A BILL for an Act to amend and reenact section 14-03-20.1 of the North Dakota Century Code, relating to surname options.

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

HB 1264: A BILL for an Act to amend and reenact section 21-09-05 of the North Dakota Century Code, relating to validation of bonds issued by public bodies of the state before July 1, 2009.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

HB 1272: A BILL for an Act to amend and reenact sections 12.1-20-02, 12.1-20-03, and 12.1-20-04 of the North Dakota Century Code, relating to a sexual act or conduct through coercion.

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

HB 1277: A BILL for an Act to create and enact a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to allowance of the income tax credit on the form ND-1 income tax return for installation of geothermal energy devices; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

HB 1280: A BILL for an Act to require a legislative council study of application by administrative agencies of standards from other than state or federal law which have not been adopted as administrative rules.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

HB 1287: A BILL for an Act to amend and reenact subsection 7 of section 39-06.1-10 of the North Dakota Century Code, relating to the suspension of drivers' licenses.

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

HB 1288: A BILL for an Act to amend and reenact sections 12.1-08-11, 20.1-02-14.1, and 29-05-31 and subsection 5 of section 39-06.1-03 of the North Dakota Century Code, relating to complaint and summons procedures and administrative hearing appeals; and to provide an effective date.

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

HB 1291: A BILL for an Act to create and enact a new section to chapter 14-07.1 of the North Dakota Century Code, relating to the use of electronic monitoring as a condition of release for certain individuals.

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

HB 1296: A BILL for an Act to amend and reenact subsection 1 of section 27-08.1-01 and section 27-08.1-03 of the North Dakota Century Code, relating to limits on small claims court actions.

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

HB 1302: A BILL for an Act to amend and reenact section 28-01-46 of the North Dakota Century Code, relating to extension of time for serving an expert opinion affidavit in medical liability actions.

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

HB 1303: A BILL for an Act to amend and reenact section 50-24.4-06 of the North Dakota Century Code, relating to factors considered in determining nursing home rates.

Was read the first time and referred to the **Human Services Committee**.

HB 1307: A BILL for an Act to amend and reenact section 50-24.4-07 of the North Dakota Century Code, relating to nonallowable costs in nursing home ratesetting.

Was read the first time and referred to the **Human Services Committee**.

HB 1309: A BILL for an Act to provide for a legislative council study of the Interstate Compact on Educational Opportunity for Military Children.

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

HB 1311: A BILL for an Act to amend and reenact sections 12-60-16.1 and 12-60-16.6 of the North Dakota Century Code, relating to criminal history record information.

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

HB 1333: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 27-20-03 of the North Dakota Century Code, relating to the jurisdiction of the juvenile court.

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

HB 1334: A BILL for an Act to amend and reenact subsection 7 of section 12.1-32-15 of the North Dakota Century Code, relating to sexual offender registration.

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

HB 1336: A BILL for an Act to create and enact a new section to chapter 12.1-31.2 of the North Dakota Century Code, relating to the issuance of an order prohibiting contact; to amend and reenact subsection 1 of section 29-06-15 of the North Dakota Century Code, relating to an arrest without a warrant; to repeal section 14-07.1-13 of the North Dakota Century Code, relating to an order prohibiting contact; and to provide a penalty.

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

HB 1343: A BILL for an Act to amend and reenact section 16.1-11.1-01 of the North Dakota Century Code, relating to polling places for elections held by mail ballot.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1345: A BILL for an Act to amend and reenact section 5-02-02 of the North Dakota Century Code, relating to the qualifications of a licensee for a retail alcoholic beverage license.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1387: A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to the authorization of installation of fixtures on a rental property; and to provide a penalty.

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

HB 1402: A BILL for an Act to amend and reenact section 4-28-07.1 of the North Dakota Century Code or in the alternative to amend and reenact section 4.1-13-15 of the North Dakota Century Code, relating to the wheat assessment; to provide an effective date; and to declare an emergency.

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

HB 1437: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 and a new section to chapter 43-34 of the North Dakota Century Code, relating to criminal history record checks of nursing home administrators; and to amend and reenact subsection 1 of section 43-34-02 and sections 43-34-03, 43-34-05, 43-34-11, and 43-34-12 of the North Dakota Century Code, relating to licensing of nursing home administrators.

Was read the first time and referred to the **Human Services Committee**.

HB 1438: A BILL for an Act to create and enact a new section to chapter 39-06.2 of the North Dakota Century Code, relating to a nonresident commercial driver's license; and to amend and reenact sections 39-06.2-02, 39-06.2-08, and 39-06.2-09 of the North Dakota Century Code, relating to an application for a nonresident commercial driver's license.

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

HB 1448: A BILL for an Act to create and enact subsection 9 of section 57-38-01.29 of the North Dakota Century Code, relating to the homestead income tax credit for agricultural property; to provide an effective date; and to provide an expiration date.

Was read the first time and referred to the **Finance and Taxation Committee**.

HB 1549: A BILL for an Act to amend and reenact section 4-41-02 of the North Dakota Century Code, relating to industrial hemp.

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

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

Fran A. Gronberg, Secretary