

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

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Bismarck, February 19, 2009

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

The prayer was offered by Pastor Dale V. Nabben, Missouri Slope Lutheran Care Center, Bismarck.

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

A quorum was declared by the President.

SECOND READING OF SENATE BILL

SB 2075: A BILL for an Act to provide an appropriation to the state veterans' home for improvements associated with the new veterans' home; and to provide for a report to the budget section.

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 2075 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2030: A BILL for an Act providing an appropriation to the department of corrections and rehabilitation for phase one of the renovation and expansion project at the state penitentiary; to provide for a prison construction review committee; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 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; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Mathern

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2030 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2414: A BILL for an Act to amend and reenact subdivision b of subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to limitation of the amount of the property tax exemption for a farm residence; 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 NOT PASS, the roll was called and there were 13 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bakke; Cook; Dever; Fischer; Flakoll; Grindberg; Holmberg; Lee, J.; Nelson; Potter; Stenehjerm; Triplett; Wardner

NAYS: Anderson; Andrist; Behm; Bowman; Christmann; Dotzenrod; Erbele; Fiebiger; Freborg; Heckaman; Hogue; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Schneider; Seymour; Taylor; Wanzek; Warner

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2414 lost.

SECOND READING OF SENATE BILL

SB 2380: A BILL for an Act to create and enact a new subsection to section 26.1-34.2-03; and to amend and reenact subsection 5 of section 26.1-34.2-03 of the North Dakota Century Code, relating to registered annuities.

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; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2380 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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

ROLL CALL

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

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2372 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2265: A BILL for an Act to create and enact a new section to chapter 14-02.1 of the North Dakota Century Code, relating to required notice to be posted at abortion facilities.

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; 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: Fiebiger

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2265 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2258: A BILL for an Act to amend and reenact sections 34-01-20 and 34-11.1-04 of the North Dakota Century Code, relating to whistleblower protection for private and public employees.

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 21 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Dotzenrod; Fiebiger; Heckaman; Holmberg; 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; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Stenehjem; Wanzek; Wardner

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2258 lost.

SECOND READING OF SENATE BILL

SB 2239: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to property tax assessments for new construction; 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 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 2239 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 35 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Anderson; Cook; Dever; Erbele; Fischer; Freborg; Grindberg; Nelson; Oehlke; Pomeroy; Stenehjem

ABSENT AND NOT VOTING: Marcellais

SB 2243 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that SB 2177 and SB 2201 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2283: A BILL for an Act to amend and reenact section 50-24.1-02.6 of the North Dakota Century Code, relating to the medical assistance eligibility requirements for pregnant women; to provide an appropriation; and to provide an effective date.

MOTION

SEN. TAYLOR MOVED that Engrossed SB 2283 be amended as follows, which motion prevailed.

Page 2, line 2, replace "two hundred" with "one hundred sixty-five"

Page 2, line 26, replace "two hundred" with "one hundred sixty-five"

Page 3, line 3, replace "\$2,900,796" with "\$964,031"

Page 3, line 4, replace "\$4,883,048" with "\$1,582,480"

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 NOT 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; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Stenehjem

ABSENT AND NOT VOTING: Marcellais

Reengrossed SB 2283 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2333: A BILL for an Act to create and enact chapter 23-35.1 of the North Dakota Century Code, relating to the creation of regional public health networks; 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 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 2333 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2340: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for sales by thrift stores owned and operated by nonprofit corporations; 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 21 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Dotzenrod; Fiebiger; Heckaman; Horne; Krauter; Lindaas; Mathern; Nelson; O'Connell; Oehlke; 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; Olafson; Stenehjem; Wanzek; Wardner

ABSENT AND NOT VOTING: Marcellais

SB 2340 lost.

SECOND READING OF SENATE BILL

SB 2373: A BILL for an Act to amend and reenact section 5-03-08 of the North Dakota Century Code, relating to a grape and wine program fund; and to provide a continuing appropriation.

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 24 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bakke; Behm; Dotzenrod; Fiebiger; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Krebsbach; Lee, G.; Lindaas; Mathern; Nething; Nodland; O'Connell; Potter; Schneider; Seymour; Taylor; Wanzek; Warner

NAYS: Anderson; Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Klein; Krauter; Lee, J.; Lyson; Miller; Nelson; Oehlke; Olafson; Pomeroy; Robinson; Stenehjem; Triplett; Wardner

ABSENT AND NOT VOTING: Marcellais

SB 2373 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2381: A BILL for an Act to provide an appropriation for federally designated head start programs in the state.

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 22 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2381 lost.

MOTION

SEN. CHRISTMANN MOVED that SB 2387, SB 2408, SB 2402, and SB 2335 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2412: A BILL for an Act to provide an appropriation to the state department of health for providing a grant to the North Dakota fetal alcohol syndrome center; and to provide a report to the legislative council.

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 2412 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2121: A BILL for an Act to provide an appropriation for defraying expenses of the judicial branch of state government related to the establishment of three additional district court judgeships; to amend and reenact sections 27-05-01 and 27-05-02.1 of the North Dakota Century Code, relating to the number of district court judges and vacancies in judicial office; to provide an effective date; and to provide an expiration 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 44 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; 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: Christmann; Flakoll

ABSENT AND NOT VOTING: Marcellais

SB 2121 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4001: A concurrent resolution authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants passed by Congress.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4001 was declared adopted.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4009: A concurrent resolution directing the Legislative Council to study the adequacy of governmental services, including judicial services, to respond to issues related to an aging population, including veterans, and to study the efficacy of statutes governing public administrator services and methods for the timely and effective delivery of guardianship services.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed SCR 4009 was declared adopted.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4010: A concurrent resolution directing the Legislative Council to study mass, public, and special needs transportation, including the creation of local passenger rail transportation and bus transportation within this state.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4010 was declared adopted.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4014: A concurrent resolution recognizing October 15 as Pregnancy and Infant Loss Remembrance Day.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4014 was declared adopted.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4023: A concurrent resolution supporting efforts to make prescription drugs more affordable and urging the Congress of the United States to take the necessary actions to improve access to affordable prescription drugs for all Americans.

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

SCR 4023 was declared lost on a verification vote.

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

MR. PRESIDENT: Your signature is respectfully requested on: HCR 3007.

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.

REPORT OF STANDING COMMITTEE

SB 2003, 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 2003 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "800,000" with "1,400,000" and replace "6,450,000" with "7,050,000"

Page 1, line 18, replace "903,718" with "765,707" and replace "7,185,612" with "7,047,601"

Page 1, line 20, replace "Common information services" with "System information technology services", replace "4,267,345" with "4,246,745", and replace "30,250,638" with "30,230,038"

Page 1, line 22, replace "34,360,931" with "1,248,728" and replace "40,348,428" with "7,236,225"

Page 2, line 4, replace the first "4,000,000" with "750,000" and replace the second "4,000,000" with "750,000"

Page 2, line 6, replace "2,433,030" with "436,030" and replace "4,173,344" with "2,176,344"

Page 2, after line 6, insert:

"Science, technology, engineering, and 0 1,500,000 1,500,000
mathematics teacher education enhancement"

Page 2, line 8, replace "43,674,798" with "7,256,984" and replace "112,149,646" with "75,731,832"

Page 2, line 9, replace "725,828" with "705,228" and replace "4,069,558" with "4,048,958"

Page 2, line 10, replace "42,948,970" with "6,551,756" and replace "108,080,088" with "71,682,874"

Page 2, line 16, replace "3,647,331" with "4,312,999" and replace "23,381,011" with "24,046,679"

Page 2, line 19, replace "7,397,468" with "8,063,136" and replace "27,374,629" with "28,040,297"

Page 2, line 21, replace "6,987,968" with "7,653,636" and replace "26,965,129" with "27,630,797"

Page 2, line 22, replace "6.55" with "5.55" and replace "111.93" with "110.93"

Page 2, line 27, replace "1,079,097" with "1,238,516" and replace "7,590,445" with "7,749,864"

Page 2, line 30, replace "3,782,824" with "3,942,243" and replace "10,337,834" with "10,497,253"

Page 3, line 1, replace "3,782,824" with "3,942,243" and replace "10,337,834" with "10,497,253"

Page 3, line 2, replace "3.48" with "2.48" and replace "33.97" with "32.97"

Page 3, line 7, replace "1,012,870" with "1,159,630" and replace "7,435,374" with "7,582,134"

Page 3, line 10, replace "12,379,872" with "12,526,632" and replace "18,888,851" with "19,035,611"

Page 3, line 12, replace "3,004,872" with "3,151,632" and replace "9,513,851" with "9,660,611"

Page 3, line 13, replace "2.30" with "1.30" and replace "42.10" with "41.10"

Page 3, line 18, replace "16,794,994" with "18,364,555" and replace "123,806,824" with "125,376,385"

Page 3, line 19, replace "54,090,000" with "54,219,000" and replace "56,390,545" with "56,519,545"

Page 3, line 21, replace "78,063,668" with "79,762,229" and replace "187,376,043" with "189,074,604"

Page 3, line 22, replace the first "42,890,000" with "43,019,000" and replace the second "42,890,000" with "43,019,000"

Page 3, line 23, replace "35,173,668" with "36,743,229" and replace "144,486,043" with "146,055,604"

Page 3, line 24, replace "(9.96)" with "(11.96)" and replace "627.28" with "625.28"

Page 3, line 29, replace "17,903,802" with "19,628,094" and replace "107,497,432" with "109,221,724"

Page 4, line 1, replace "94,359,619" with "96,083,911" and replace "185,645,474" with "187,369,766"

Page 4, line 3, replace "36,259,619" with "37,983,911" and replace "127,545,474" with "129,269,766"

Page 4, line 4, replace "19.64" with "17.64" and replace "517.76" with "515.76"

Page 4, line 9, replace "3,160,225" with "4,101,922" and replace "30,550,593" with "31,492,290"

Page 4, line 12, replace "17,030,368" with "17,972,065" and replace "45,174,068" with "46,115,765"

Page 4, line 14, replace "9,894,368" with "10,836,065" and replace "38,038,068" with "38,979,765"

Page 4, line 15, replace "1.47" with "0.47" and replace "158.24" with "157.24"

Page 4, line 20, replace "3,097,863" with "3,116,332" and replace "19,953,973" with "19,972,442"

Page 4, line 23, replace "6,760,035" with "6,778,504" and replace "23,999,835" with "24,018,304"

Page 4, line 25, replace "6,760,035" with "6,778,504" and replace "23,999,835" with "24,018,304"

Page 5, line 1, replace "1,313,518" with "1,399,686" and replace "11,428,583" with "11,514,751"

Page 5, line 4, replace "11,850,463" with "11,936,631" and replace "22,174,522" with "22,260,690"

Page 5, line 6, replace "8,181,963" with "8,268,131" and replace "18,506,022" with "18,592,190"

Page 5, line 12, replace "3,729,881" with "4,339,273" and replace "33,825,003" with "34,434,395"

Page 5, line 13, replace "21,000,000" with "26,000,000" and replace "21,596,870" with "26,596,870"

Page 5, line 15, replace "25,324,992" with "30,934,384" and replace "56,016,984" with "61,626,376"

Page 5, line 16, replace the first "17,250,000" with "22,250,000" and replace the second "17,250,000" with "22,250,000"

Page 5, line 17, replace "8,074,992" with "8,684,384" and replace "38,766,984" with "39,376,376"

Page 5, line 18, replace "5.99" with "4.99" and replace "190.82" with "189.82"

Page 5, line 23, replace "1,659,111" with "1,785,999" and replace "15,009,248" with "15,136,136"

Page 5, line 26, replace "22,464,032" with "22,590,920" and replace "36,072,585" with "36,199,473"

Page 5, line 28, replace "3,964,032" with "4,090,920" and replace "17,572,585" with "17,699,473"

Page 6, line 3, replace "858,097" with "922,959" and replace "5,617,645" with "5,682,507"

Page 6, line 6, replace "3,755,118" with "3,819,980" and replace "8,624,391" with "8,689,253"

Page 6, line 8, replace "1,755,118" with "1,819,980" and replace "6,624,391" with "6,689,253"

Page 6, line 9, replace "1.64" with "0.64" and replace "32.75" with "31.75"

Page 6, line 14, replace "5,905,174" with "7,172,600" and replace "39,932,875" with "41,200,301"

Page 6, line 15, replace "5,905,174" with "7,172,600" and replace "39,932,875" with "41,200,301"

Page 6, line 17, replace "5,905,174" with "7,172,600" and replace "39,932,875" with "41,200,301"

Page 6, line 18, replace "12.82" with "(12.82)"

Page 7, line 3, replace "174,157,391" with "145,140,779" and replace "614,224,947" with "585,208,335"

Page 7, line 4, replace "160,054,828" with "165,163,228" and replace "164,396,044" with "169,504,444"

Page 7, line 5, replace "334,212,219" with "310,304,007" and replace "778,620,991" with "754,712,779"

Page 7, line 21, replace "159,329,000" with "164,458,000"

Page 7, line 24, replace "0" with "0" and replace "225,000" with "225,000"

Page 7, remove line 26

Page 7, line 27, replace "233,482,248" with "234,611,248"

Page 7, line 28, replace "159,329,000" with "164,458,000"

Page 7, line 29, replace "74,153,258" with "70,153,248"

Page 8, line 16, replace "**COMMON INFORMATION SERVICES**" with "**SYSTEM INFORMATION TECHNOLOGY SERVICES**" and replace "\$30,250,638" with "\$30,230,038"

Page 8, line 17, replace "common information services" with "system information technology services"

Page 8, remove lines 25 through 30

Page 9, line 30, replace "\$4,000,000" with "\$750,000"

Page 10, line 2, replace "improvement to facilities" with "needs"

Page 10, line 3, remove "and infrastructure"

Page 10, line 4, replace "The" with "Notwithstanding any other provisions of law, the"

Page 11, line 1, replace "5,000,000" with "10,000,000"

Page 11, line 3, replace "55,679,500" with "60,679,500"

Page 11, after line 3, insert:

"SECTION 16. TUITION INCREASES LIMITED - 2009-11 BIENNIUM.
Notwithstanding any other provision of law, the state board of higher education may not increase tuition rates by more than four percent per year beyond the level in effect during the 2009 spring semester for students attending Dickinson state university, Mayville state university, Minot state university, North Dakota state university, the university of North Dakota, and Valley City state university, for the biennium beginning

July 1, 2009, and ending June 30, 2011. Notwithstanding any other provision of law, the state board of higher education may not increase tuition for students attending Bismarck state college, lake region state college, Minot state university - Bottineau, the state college of science, and Williston state college beyond the level in effect during the 2009 spring semester, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 17. LEGISLATIVE INTENT - NORTH DAKOTA UNIVERSITY SYSTEM EMPLOYEE COMPENSATION ADJUSTMENTS. It is the intent of the sixty-first legislative assembly that each North Dakota university system employee whose documented performance meets all standards is to receive a minimum monthly salary increase of \$100 on July 1, 2009, and \$100 on July 1, 2010.

SECTION 18. NORTH DAKOTA UNIVERSITY SYSTEM OFFICE EMPLOYEE COMPENSATION - EXCEPTION. Notwithstanding any other provision of law, an employee of the North Dakota university system office whose annual salary exceeded \$100,000 on January 1, 2009, must receive a monthly salary at the same level as provided on January 1, 2009, for the biennium beginning July 1, 2009, and ending June 30, 2011. An employee of the North Dakota university system office whose annual salary did not exceed \$100,000 on January 1, 2009, may not receive annual compensation adjustments greater than five percent based on each employee's salary as of January 1, 2009, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 19. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS TEACHER EDUCATION ENHANCEMENT. The sum of \$1,500,000 included in the science, technology, engineering, and mathematics teacher education line item in subdivision 1 of section 1 of this Act must be used for the benefit of institutions under the control of the state board of higher education, as determined by the board. Funding allocations are to be used to enhance the use of science, technology, engineering, and mathematics in existing teacher education program curriculums and may not be used for infrastructure projects.

SECTION 20. LEGISLATIVE COUNCIL STUDY - BISMARCK FAMILY PRACTICE CENTER. During the 2009-10 interim, the legislative council shall consider studying the facility needs of the university of North Dakota school of medicine and health sciences' Bismarck family practice center. The study, if conducted, must include a review of the feasibility of locating the Bismarck family practice center on the campus of Bismarck state college. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 21. LEGISLATIVE COUNCIL STUDY - COMPLETION-BASED FUNDING. During the 2009-10 interim, the legislative council shall consider studying options for funding higher education institutions. The study, if conducted, must include a review of the feasibility of implementing a higher education funding mechanism based on student completion rates. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Page 11, line 4, remove "security and"

Page 11, line 5, remove "emergency preparedness,"

Page 11, line 6, replace "8" with "7", replace "15" with "14", and replace "16" with "15"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98046.0203 FN 2

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

REPORT OF STANDING COMMITTEE

SB 2014, 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 2014 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to amend and reenact section 54-17.5-01 of the North Dakota Century Code, relating to education activities relating to the lignite industry;"

Page 1, line 17, replace "2,562,503" with "2,733,761" and replace "9,770,047" with "9,941,305"

Page 1, line 18, replace "589,978" with "609,886" and replace "2,845,668" with "2,865,576"

Page 1, after line 21, insert:

"State facility lignite feasibility demonstration project	0	1,000,000	1,000,000"
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Page 2, line 2, replace "(\$15,590,470)" with "(\$14,399,304)" and replace "65,077,880" with "66,269,046"

Page 2, line 4, replace "4,480,792" with "5,671,958" and replace "15,756,796" with "16,947,962"

Page 2, line 5, replace "4.69" with "5.69" and replace "60.06" with "61.06"

Page 2, line 10, replace "5,721,483" with "6,698,389" and replace "40,993,350" with "41,970,256"

Page 2, line 13, replace "5,276,483" with "6,253,389" and replace "42,448,350" with "43,425,256"

Page 2, line 15, replace "(5.00)" with "0.00" and replace "171.50" with "176.50"

Page 3, line 6, replace "(150,000)" with "25,000" and replace "150,000" with "325,000"

Page 3, line 7, replace "175,000" with "0" and replace "325,000" with "150,000"

Page 3, line 26, replace "5,880,792" with "7,071,958" and replace "26,556,796" with "27,747,962"

Page 3, line 27, replace "(11,800,248)" with "(10,823,342)" and replace "174,008,864" with "174,985,770"

Page 3, line 28, replace "(\$5,919,456)" with "(\$3,751,384)" and replace "200,565,660" with "202,733,732"

Page 4, after line 6, insert:

"State facility lignite feasibility demonstration project	0	1,000,000"
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Page 4, line 9, replace "6,493,152" with "7,493,152"

Page 5, remove lines 26 through 30

Page 6, remove lines 1 through 8

Page 7, after line 8, insert:

"SECTION 11. AMENDMENT. Section 54-17.5-01 of the North Dakota Century Code is amended and reenacted as follows:

54-17.5-01. Declaration of findings and public purpose. The legislative assembly finds and declares that North Dakota's lignite industry produces approximately thirty million tons of lignite annually, contributing to our state's and nation's energy independence by generating electricity for more than two million people in the northern great plains region and by producing synthetic natural gas from coal that heats three hundred thousand homes and businesses in eastern states, which is equivalent to over twenty thousand barrels of oil per day. The legislative assembly further finds and declares that North Dakota's lignite industry generates over ~~seventeen~~ twenty-eight thousand direct and indirect jobs for North Dakota, ~~over one~~ nearly three billion dollars in annual business volume, and over ~~sixty-five~~ one hundred three million dollars in annual tax revenue. The legislative assembly further finds and declares that it is an essential governmental function and public purpose to assist with the development and wise use of North Dakota's vast lignite resources by supporting a lignite research, development, and marketing program that promotes economic, efficient, and clean uses of lignite and products derived from lignite in order to maintain and enhance development of North Dakota lignite and its products; support educational activities relating to the lignite industry; preserve and create jobs involved in the production and

utilization of North Dakota lignite; ensure economic stability, growth, and opportunity in the lignite industry; and maintain a stable and competitive tax base for our state's lignite industry for the general welfare of North Dakota. The legislative assembly further finds and declares that development of North Dakota's lignite resources must be conducted in an environmentally sound manner that protects our state's air, water, and soil resources as specified by applicable federal and state law.

SECTION 12. STATE FACILITY LIGNITE FEASIBILITY DEMONSTRATION PROJECT. The state facility lignite feasibility demonstration project line item in subdivision 1 of section 1 of this Act includes \$1,000,000 from the general fund for the purpose of demonstrating the feasibility of using lignite at a state-owned facility equipped with coal-fired boilers generating at least 200,000 pounds of steam at 125 pounds per square inch."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98033.0207 FN 5

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

REPORT OF STANDING COMMITTEE

SB 2015: 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 2015 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to declare an emergency"

Page 1, line 12, replace "87,396,567" with "23,925,378" and replace "215,546,833" with "152,075,644"

Page 1, line 13, replace "3,747,071" with "3,549,748" and replace "26,695,239" with "26,497,916"

Page 1, line 15, replace "92,668,638" with "29,000,126" and replace "243,767,072" with "180,098,560"

Page 1, line 16, replace "46,483,437" with "5,949,241" and replace "70,534,389" with "30,000,193"

Page 1, line 17, replace "46,185,201" with "23,050,885" and replace "173,232,683" with "150,098,367"

Page 1, line 18, replace "32.00" with "27.00" and replace "743.29" with "738.29"

Page 2, line 4, replace "0" with "0" and replace "636,000" with "636,000"

Page 2, remove line 5

Page 2, line 6, replace "all funds" with "general fund" and replace "69,161,000" with "2,161,000"

Page 2, remove lines 7 and 8

Page 2, remove lines 18 through 20

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98034.0105 FN 4

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

REPORT OF STANDING COMMITTEE

SB 2018, 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 2018 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and" and replace "a transfer" with "transfers; to authorize the department of commerce to borrow funds from the Bank of North Dakota; to provide a continuing appropriation; to provide for legislative council studies; to create and enact a

new section to chapter 15-69 and a new section to chapter 54-60 of the North Dakota Century Code, relating to the establishment of a centers of excellence fund to and the division of workforce development's strategic plan and the North Dakota workforce development council; to amend and reenact subsection 2 of section 15-69-04 and section 15-69-05 of the North Dakota Century Code, relating to centers of excellence; and to declare an emergency"

Page 1, line 13, replace "119,584" with "719,584" and replace "14,428,272" with "15,028,272"

Page 1, line 15, replace "5,111,310" with "32,661,310" and replace "53,886,058" with "81,436,058"

Page 1, line 19, replace "500,000" with "664,000" and replace "2,000,000" with "2,164,000"

Page 1, line 21, replace "6,958,419" with "35,272,419" and replace "86,198,900" with "114,512,900"

Page 1, line 22, replace "(2,049,655)" with "12,950,345" and replace "53,708,861" with "68,708,861"

Page 1, line 23, replace "9,008,074" with "22,322,074" and replace "32,490,039" with "45,804,039"

Page 2, line 12, replace "3,500,000" with "2,000,000"

Page 2, after line 12, insert:

"Base realignment grant program 0 5,000,000"

Page 2, line 15, replace "7,600,000" with "11,100,000"

Page 3, after line 24, insert:

"SECTION 10. APPROPRIATION - TRANSFER - CENTERS OF EXCELLENCE. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$20,000,000, which the office of management and budget shall transfer to the centers of excellence fund for the purpose of providing funding to centers of excellence, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 11. STUDENT-BASED TECHNOLOGY GRANTS. The grants line item in section 1 of this Act includes the sum of \$200,000 from the general fund for providing student-based technology grants, for the biennium beginning July 1, 2009, and ending June 30, 2011. The department of commerce may award grants of up to \$25,000 each to the extent matching funds are available from an angel fund on a dollar-for-dollar basis. The department of commerce may not award more than four grants to the same higher education institution during the 2009-11 biennium.

SECTION 12. REGIONAL TECHNICAL ASSISTANCE GRANTS. The grants line item in section 1 of this Act includes the sum of \$1,000,000 from the general fund for providing regional technical assistance grants, for the biennium beginning July 1, 2009, and ending June 30, 2011. The department of commerce shall equally distribute funding among the four workforce training quadrants in the state. The department may award grants of up to \$250,000 each to the extent matching funds are available from nonstate sources on a dollar-for-dollar basis. The department of commerce may not award more than one grant to each higher education institution during the 2009-11 biennium.

SECTION 13. YOUTH ENTREPRENEURSHIP GRANTS. The grants line item in section 1 of this Act includes the sum of \$400,000 from the general fund for providing youth entrepreneurship grants, for the biennium beginning July 1, 2009, and ending June 30, 2011. The department of commerce shall distribute funding equally among the four workforce training quadrants in the state. The department may award grants of up to \$100,000 each to the extent matching funds are available from nonstate sources on a dollar-for-dollar basis. The department of commerce may not award more than one grant to each higher education institution during the 2009-11 biennium.

SECTION 14. GRANTS - UNIVERSITY PATENT OFFICES. The grants line item in section 1 of this Act includes the sum of \$200,000 from the general fund for providing grants to the university of North Dakota and North Dakota state university patent offices for the biennium beginning July 1, 2009, and ending June 30, 2011. The

department of commerce may award a grant of up to \$100,000 to each university for support of the patent offices to the extent matching funds are available from nonstate sources on a dollar-for-dollar basis.

SECTION 15. GRANTS - COMMERCIAL BUSINESS DISTRICT IMPROVEMENT PROJECTS. The grants line item in section 1 of this Act includes the sum of \$200,000 from the general fund for providing grants of up to \$10,000 each to cities in the state with a population of fewer than eight thousand for commercial business district improvement projects, for the biennium beginning July 1, 2009, and ending June 30, 2011. The department of commerce shall require a city receiving a grant to provide \$1 of matching funds for each \$1 of state funds provided for the project. Grant funds and required city matching funds may be used only for the purpose of defraying the cost of materials associated with the project.

SECTION 16. GRANT - GREAT PLAINS APPLIED ENERGY RESEARCH CENTER - MATCHING REQUIREMENT. The grants line item in section 1 of this Act includes the sum of \$5,000,000 from the general fund for providing a grant for construction of a great plains applied energy research center on the Bismarck state college campus, for the biennium beginning July 1, 2009, and ending June 30, 2011. The department of commerce may spend funds appropriated from the general fund only to the extent other nonstate matching funds of \$3 for each \$1 of grants funds are available for all costs of the center.

SECTION 17. BASE REALIGNMENT GRANT PROGRAM - BUDGET SECTION APPROVAL. The grants line item in section 1 of this Act includes the sum of \$5,000,000 from the general fund for providing one-time funding for a base realignment grant program to enhance economic development and employment opportunities associated with the Grand Forks air force base resulting from action by the federal defense base closure and realignment commission, for the biennium beginning July 1, 2009, and ending June 30, 2011. Applications for program funding may include requests for infrastructure and economic development projects to accommodate growth in proximity to or at the Grand Forks air force base. Applications for program funding must include dollar-for-dollar cash matching funds from the city, county, or federal government, or private sector. Applications for program funding must be approved by a local committee consisting of representatives of Grand Forks County, Grand Forks, the university of North Dakota, and the regional economic development corporation. Applications approved by this committee must be submitted to and approved by the board of county commissioners before submission to the department of commerce for grant approval. The commissioner of the department of commerce shall review each application and may provide a grant award for each application approved by the commissioner.

SECTION 18. GRANT - LEWIS AND CLARK FOUNDATION. The grants line item in section 1 of this Act includes the sum of \$1,500,000 from the general fund for providing a grant to the Lewis and Clark foundation, for the biennium beginning July 1, 2009, and ending June 30, 2011. The department of commerce may spend the funds appropriated from the general fund only to the extent matching funds have been secured from nonstate sources on a dollar-for-dollar basis.

SECTION 19. GRANT - THEODORE ROOSEVELT MEDORA FOUNDATION. The grants line item in section 1 of this Act includes the sum of \$500,000 from the general fund for providing a Wade Westin memorial grant to the Theodore Roosevelt Medora foundation, for the biennium beginning July 1, 2009, and ending June 30, 2011. The department of commerce may spend the funds appropriated from the general fund only to the extent matching funds of \$12,000,000 from nonstate sources have been secured by the foundation.

SECTION 20. NORTH DAKOTA TRADE OFFICE - EXPORT-RELATED WORKFORCE RECRUITMENT STUDY. The North Dakota trade office line item in section 1 of this Act includes the sum of \$50,000 from the general fund for conducting an export-related workforce recruitment study, for the biennium beginning July 1, 2009, and ending June 30, 2011. If the results of the study are deemed favorable by the department of commerce, the North Dakota trade office may submit a plan to the department for implementing an export-related workforce recruitment program.

SECTION 21. NORTH DAKOTA TRADE OFFICE - DEPARTMENT OF COMMERCE - CONTINGENT BORROWING AUTHORITY - APPROPRIATION. Based on approval by the department of commerce of the North Dakota trade office plan for implementing an export-related workforce recruitment program in accordance with section 20 of this Act, and subject to emergency commission and budget section

approval, the department of commerce may borrow the sum of \$500,000, or so much of the sum as may be necessary, from the Bank of North Dakota, which is appropriated for the purpose of providing a grant to the North Dakota trade office for implementing an export-related workforce recruitment program, for the biennium beginning July 1, 2009, and ending June 30, 2011. The department of commerce shall request funding from the sixty-second legislative assembly to repay any loan obtained pursuant to this section, including accrued interest.

SECTION 22. LEGISLATIVE COUNCIL STUDY - TECHNOLOGY-BASED ENTREPRENEURSHIP AND ECONOMIC DEVELOPMENT BEST PRACTICES.

During the 2009-10 interim, the legislative council shall consider studying technology-based entrepreneurship and economic development best practices. The study should include a review of best practices implemented by the department of commerce and the effectiveness of the department of commerce foundation. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 23. LEGISLATIVE COUNCIL STUDY - WORKFORCE SYSTEM INITIATIVE.

During the 2009-10 interim, the legislative council shall consider studying the state's system for addressing workforce needs through a workforce system initiative. The study should include a review of the alignment of taxpayer investment with programs, coordination of programs, and the North Dakota workforce strategic plan. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 24. A new section to chapter 15-69 of the North Dakota Century Code is created and enacted as follows:

Centers of excellence fund - Continuing appropriation. The centers of excellence fund is a special fund in the state treasury. All moneys in the centers of excellence fund are appropriated to the department of commerce on a continuing basis for the purpose of implementing and administering this chapter. Interest earned on moneys in the fund must be credited to the fund.

SECTION 25. AMENDMENT. Subsection 2 of section 15-69-04 of the North Dakota Century Code is amended and reenacted as follows:

2. The commission shall meet as necessary to review all complete applications; consider the potential need for independent, expert review of complete applications; approve or disapprove complete applications; make funding award recommendations for commission-approved proposed centers; direct the ~~office of management and budget~~ department of commerce to distribute funds to the centers; monitor centers for compliance with award requirements; review changes in assertions made in center applications; and conduct postaward monitoring of centers.

SECTION 26. AMENDMENT. Section 15-69-05 of the North Dakota Century Code is amended and reenacted as follows:

15-69-05. (Effective through July 31, 2011) Use of funds - Terms of funds - Distribution of funds.

1. A center shall use funds awarded under this chapter to enhance capacity; enhance infrastructure; and leverage state, federal, and private sources of funding. A center awarded funds under this chapter may not use the funds to supplant funding for current operations or academic instructions or to pay indirect costs.
2. As a condition for receipt of funds under this chapter, a center shall agree to provide the board, foundation, and budget section of the legislative council with annual audits on all funds distributed to the center under this chapter. The annual audits must be provided until the completion of the commission's postaward monitoring of the center. As a condition for receipt of funds under this chapter, a center shall agree to provide the commission with the information necessary to monitor the postaward activities of the center.

3. Before the commission directs the ~~office of management and budget department of commerce~~ to distribute funds awarded under this chapter, the center shall provide the commission with detailed documentation of private sector participation and the availability of two dollars of matching funds for each dollar of state funds to be distributed under this chapter. The matching funds may include funds facilitated through the collaboration of the private sector participants with other funding entities. The matching funds may include a combination of cash and in-kind assets with itemized value. Private sector participation may be established through equity investments or through contracts for services with private sector entities. In making funding recommendations and designation determinations, the commission, board, foundation, and budget section shall give major consideration to the portion of the matching funds provided in cash by the private sector.
4. The commission shall direct the ~~office of management and budget department of commerce~~ to distribute the funds awarded under this chapter in disbursements consistent with the center's budget and timeframe outlined in the approved award. The commission may not direct distribution of funds under this chapter if there are no private sector partners participating or if the statutorily required matching funds are not available.
5. If, before funds are distributed by the ~~office of management and budget department of commerce~~, a center undergoes a change in the terms of or assertions made in its application, the commission may direct that the ~~office of management and budget department of commerce~~ withhold all or a portion of any undistributed funds pending commission review of the changes.
6. The commission may use funds ~~appropriated~~ for the centers of excellence program to pay for the commission's administrative expenses, which may include contracting for independent, expert reviews of complete applications and centers of excellence forums. The amount of funds the commission uses each biennium for administrative expenses may not exceed two and one-half percent of the ~~funds appropriated for transfers to~~ the program that biennium.

SECTION 27. A new section to chapter 54-60 of the North Dakota Century Code is created and enacted as follows:

Division of workforce development - Annual reports - North Dakota workforce development council - Budget acceptance.

1. Annually, job service North Dakota, the department of career and technical education, the department, and the state board of higher education each shall submit a report to the division of workforce development relating to the respective agency's current workforce initiatives and activities and that agency's plan for future workforce initiatives and activities. The division of workforce development shall consider these reports in preparing the consolidated biennial statewide strategic plan for the state's system for workforce development, workforce training, and talent attraction required under section 54-60-19.
2. Before July first of each even-numbered year, job service North Dakota, the department of career and technical education, the department, and the state board of higher education each shall submit for acceptance the respective agency's biennial budget request to the North Dakota workforce development council, created by governor's executive order 1995-01, dated January 3, 1996.

SECTION 28. EMERGENCY. Funding of \$1,200,000 in the operating expenses line item in section 1 of this Act relating to the operation intern program is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98037.0213 FN 7

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

REPORT OF STANDING COMMITTEE

SB 2021: 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 2021 was placed on the Sixth order on the calendar.

Page 1, line 2, after "department" insert "; to provide transfers; to provide a continuing appropriation; and to amend and reenact section 15.1-02-18 of the North Dakota Century Code, relating to membership of the statewide longitudinal data system committee"

Page 1, line 19, replace "5,287,892" with "5,031,254" and replace "8,010,240" with "7,753,602"

Page 1, line 23, replace "16,544,742" with "16,288,104" and replace "139,599,433" with "139,342,795"

Page 1, line 24, replace "5,507,804" with "7,974,129" and replace "118,514,574" with "120,980,899"

Page 2, line 1, replace "11,036,938" with "8,313,975" and replace "21,084,859" with "18,361,896"

Page 2, line 2, replace "24.00" with "22.00" and replace "330.20" with "328.20"

Page 2, remove line 15

Page 2, line 17, replace "4,644,422" with "2,606,386"

Page 2, after line 31, insert:

"SECTION 5. AMENDMENT. Section 15.1-02-18 of the North Dakota Century Code is amended and reenacted as follows:

15.1-02-18. Statewide longitudinal data system committee - Membership - Powers and duties - Report to interim committee - Continuing appropriation.

1. The statewide longitudinal data system committee consists of ~~the~~:
 - a. The chancellor of the board of higher education or chancellor's designee, ~~the~~.
 - b. The superintendent of public instruction or superintendent of public instruction's designee, ~~the~~.
 - c. The chief information officer or chief information officer's designee, ~~the~~.
 - d. The director of the department of career and technical education or the director's designee, ~~the~~.
 - e. The director of job service North Dakota or the director's designee, ~~the director~~.
 - f. The commissioner of ~~the department of~~ commerce or the ~~director's~~ commissioner's designee, ~~the~~.
 - g. The director of the department of human services or the director's designee, ~~and one person~~.
 - h. The director of the North Dakota educational technology council.
 - i. The director of the North Dakota council of educational leaders or the director's designee.
 - j. The director of the North Dakota workforce development council or the director's designee.
 - k. Two members of the legislative assembly appointed by the ~~governor~~ chairman of the legislative council.

2. The governor shall appoint the chair of the committee. The committee may appoint advisory committees that would serve in an advisory capacity to the committee.
2. 3. The committee shall ~~plan and propose~~ manage a longitudinal data system which:
 - a. Provides for dissemination of management information to stakeholders and partners of state education, training, and employment systems; and
 - b. Uses data from educational and workforce systems as central sources of longitudinal data.
4. The information technology department, at the direction of the committee, shall maintain a statewide longitudinal data system among education, workforce, and training entities. The department and the committee may, subject to federal and state privacy laws, enter interagency agreements, including agreements designating authorized representatives of the educational agencies participating in the system pursuant to the Family Educational Rights and Privacy Act (FERPA) [20 U.S.C. 1232g; 34 CFR 99].
3. 5. ~~The committee shall recommend policies, procedures, and guidelines to protect the privacy and security of personal information as provided by state and federal law set policy and adopt rules relating to access to and the collection, storage, and sharing of information and the systems necessary to perform those functions, subject to applicable federal and state privacy laws and interagency agreements and restrictions relating to confidential information required to conform to applicable federal and state privacy laws. The committee shall provide operational oversight for information sharing activities and make recommendations for and provide oversight of information sharing budgets. The committee may authorize studies to benefit and improve workforce training and education.~~
4. 6. The committee shall provide a report to the information technology committee, interim committee on education issues, and interim committee on economic development ~~prior to the sixty-first legislative assembly~~ on the status of the statewide longitudinal data system ~~plan~~. The report ~~shall~~ must include recommendations for further development, cost proposals, proposals for legislation, and data sharing governance, ~~including recommendations concerning the long-term role and administration of the followup information in North Dakota for education and training program.~~
7. The committee may solicit and receive moneys from public and private sources and those funds are appropriated on a continuing basis for the support of the longitudinal data system.
8. The information technology department shall provide staff and other necessary support to the committee."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98040.0103 FN 2

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

REPORT OF STANDING COMMITTEE

SB 2062, 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 2062 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "section" with "subsections 1 and 3 of section 15-10-37 and sections 15-62.2-02 and"

Page 1, line 4, after the first "to" insert "student financial assistance grants, technology grants, and", replace "a transfer" with "for a legislative council study", and remove "and"

Page 1, line 5, after "appropriation" insert "; to provide an expiration date; and to declare an emergency"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Subsections 1 and 3 of section 15-10-37 of the North Dakota Century Code are amended and reenacted as follows:

1. The state board of higher education shall administer a science, technology, engineering, and mathematics occupations student loan program that encourages college students to pursue ~~technology-based~~ studies in these fields, to participate in ~~technology~~ internship programs, and to remain in the state after graduation. The board shall adopt rules to implement the program, including internship requirements, guidelines to determine which technology-related courses of study are eligible under the program, and standards ~~for~~ of eligibility for primary sector employment.
3. The state board of higher education shall distribute student loan grants directly to the Bank of North Dakota to repay outstanding student loan principal balances for eligible applicants. The maximum student loan grant amount for which an applicant may qualify is ~~one two~~ two thousand dollars per year and a total of ~~five ten~~ ten thousand dollars, or a lesser amount established by rule adopted by the state board of higher education.

SECTION 2. AMENDMENT. Section 15-62.2-02 of the North Dakota Century Code is amended and reenacted as follows:

15-62.2-02. State board of higher education - Powers and duties.

1. The state board of higher education shall:
 - 4- a. Administer the North Dakota student financial assistance program and the North Dakota scholars program and adopt functional rules regarding the eligibility and selection of grant and scholarship recipients.
 - 2- b. Determine the amount of individual grants, ~~but which may not to~~ exceed one two thousand dollars per recipient per academic year, under the North Dakota student financial assistance program.
 - 3- c. ~~Adopt for~~ For the North Dakota student financial assistance program, ~~adopt~~ criteria for substantial need, based upon the ability of the parents or guardian to contribute toward the applicant's educational expenses.
 - 4- d. Establish the appropriate procedures for fiscal control, fund accounting, and necessary reports.
 - 5- e. Apply for, receive, expend, and administer granted moneys from federal or private sources.
2. The state board of higher education may not expend in excess of twenty-six million dollars for student financial assistance grants during the 2009-11 biennium.

Page 1, line 24, after "education" insert "or an accredited private higher education institution"

Page 2, line 8, remove "under the control of"

Page 2, line 9, remove "the state board of higher education"

Page 2, line 10, after "thousand" insert "two hundred"

Page 2, line 12, after "thousand" insert "eight hundred"

Page 2, line 13, replace "1" with "3"

Page 2, line 14, replace "1" with "3"

Page 2, line 21, replace "2" with "4"

Page 3, replace lines 14 through 22 with:

"SECTION 7. LEGISLATIVE COUNCIL STUDY - HIGHER EDUCATION STUDENT TRUST FUND. During the 2009-10 interim, the legislative council shall consider studying the establishment of a higher education student trust fund, including available funding sources. The study, if conducted, must review best practices to include demonstrated in-migration patterns and long-term return on investment to the citizens of North Dakota by ensuring students are prepared to meet the changing needs of a global economy and to strengthen the economy of the state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 8. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the state board of higher education for the purpose of implementing student financial aid programs, for the biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

Needs-based financial aid program	\$20,000,000
Opportunity grants	4,000,000
STEM student loan forgiveness	<u>1,000,000</u>
Total general fund appropriation	\$25,000,000

SECTION 9. EXPIRATION DATE. Section 1 of this Act is effective through June 30, 2011, and after that date is ineffective.

SECTION 10. EMERGENCY. Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2226, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2226 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2229, 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 2229 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "twenty" with "ten"

Page 2, line 1, overstrike "However, the amount to which"

Page 2, overstrike lines 2 through 5

Page 2, line 6, overstrike "than", remove "five", and overstrike "million nine hundred thousand dollars for each fiscal year;"

Page 2, line 7, overstrike "however, a county may receive up to", remove "six", and overstrike "million nine hundred thousand"

Page 2, overstrike lines 8 through 10

Page 2, line 11, overstrike "Any amount received by a county exceeding", remove "five", and overstrike "million nine hundred"

Page 2, overstrike lines 12 through 15

Page 2, line 16, overstrike "thousand shall receive no more than", remove "six", and overstrike "million one hundred thousand"

Page 2, line 17, overstrike "dollars for each fiscal year; however, a county may receive up to" and remove "seven"

Page 2, overstrike lines 18 through 21

Page 2, line 22, overstrike "exceeding", remove "six" and overstrike "million one hundred thousand dollars under this"

Page 2, overstrike lines 23 through 25

Page 2, line 26, overstrike "than", remove "six", and overstrike "million six hundred thousand dollars for each fiscal year;"

Page 2, line 27, overstrike "however, a county may receive up to", remove "seven", and overstrike "million six hundred thousand"

Page 2, overstrike lines 28 through 30

Page 2, line 31, overstrike "Any amount received by a county exceeding", remove "six", and overstrike "million six hundred"

Page 3, overstrike lines 1 through 6

Renumber accordingly

CONSIDERATION OF AMENDMENTS

SB 2004, as engrossed: SEN. KILZER (Appropriations Committee) MOVED that the amendments on SJ pages 508-509 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2004: A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; to provide for a grant from the state water commission; and to provide legislative intent.

MOTION

SEN. MATHERN MOVED that Reengrossed SB 2004 be amended as follows, which motion prevailed on a verification vote.

Page 2, after line 8, 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 \$622,828, or so much of the sum as may be necessary, to the state department of health for the purpose of providing funding for suicide prevention, for the biennium beginning July 1, 2009, and ending June 30, 2011. The state department of health is authorized one full-time equivalent position for this program."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides funding from the general fund for suicide prevention, including salaries and wages (\$111,064), operating expenses (\$61,764), and grants (\$450,000). One full-time equivalent position is also authorized in the amendment.

MOTION

SEN. POTTER MOVED that Reengrossed SB 2004 be amended as follows:

Page 2, after line 8, 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 \$416,094, or so much of the sum as may be necessary, and from special funds derived from federal funds or other income the sum of \$521,272, or so much of the sum as may be necessary, to the state department of health for the purpose of providing funding for salary equity adjustments, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment increases funding for salary equity adjustments.

REQUEST

SEN. POTTER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed SB 2004, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Reengrossed SB 2004, 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 Reengrossed SB 2004 failed.

MOTION

SEN. BAKKE MOVED that Reengrossed SB 2004 be amended as follows, which motion failed on a verification vote.

Page 2, after line 8, 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 \$350,000, or so much of the sum as may be necessary, to the state department of health for the purpose of providing funding for the women's way initiative, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment increases funding from the general fund for the women's way initiative.

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 2004 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2266, as engrossed: SEN. J. LEE (Appropriations Committee) MOVED that the amendments on SJ page 516 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2266: A BILL for an Act to amend and reenact section 15-11-39 of the North Dakota Century Code, relating to the nursing education consortium; to provide a statement of legislative intent; to provide an appropriation; and to provide a continuing 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 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 2266 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2230: SEN. KILZER (Appropriations Committee) MOVED that the amendments on SJ page 516 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

REQUEST

SEN. POTTER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2230, which request was granted.

ROLL CALL

The question being the motion to adopt the amendments to SB 2230, the roll was called and there were 28 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: 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; Triplett; Wanzek; Wardner; Warner

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

ABSENT AND NOT VOTING: Marcellais

The motion to adopt the amendments to SB 2230 passed.

SECOND READING OF SENATE BILL

SB 2230: A BILL for an Act to provide an appropriation to the state department of health for providing grants to domestic violence sexual assault organizations.

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 2230 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2332: SEN. KRAUTER (Appropriations Committee) MOVED that the amendments on SJ page 516 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2332: A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to creation of a health information technology office and advisory committee; to repeal section 23-01-31 of the North Dakota Century Code, relating to the North Dakota health information technology steering committee; 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 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 2332 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2365: SEN. MATHERN (Appropriations Committee) MOVED that the amendments on SJ pages 516-517 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2365: A BILL for an Act to 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 amend and reenact subsections 17, 18, and 19 of section 57-39.2-01 and subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code, relating to an exemption from sales tax for receipts from coin-operated amusement or entertainment machines; 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 NOT PASS, the roll was called and there were 22 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Behm; Cook; Dever; Dotzenrod; Erbele; Flakoll; Freborg; Hogue; Horne; Krebsbach; Lee, J.; Lyson; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Pomeroy; Robinson; Stenehjem; Triplett

NAYS: Anderson; Andrist; Bakke; Bowman; Christmann; Fiebiger; Fischer; Grindberg; Heckaman; Holmberg; Kilzer; Klein; Krauter; Lee, G.; Lindaas; Mathern; Olafson; Potter; Schneider; Seymour; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2365 lost.

CONSIDERATION OF AMENDMENTS

SB 2225: SEN. J. LEE (Appropriations Committee) MOVED that the amendments on SJ page 515 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2225: A BILL for an Act to establish a state grant program for child care.

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; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; 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; Kilzer

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2225 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2228, as engrossed: SEN. G. LEE (Appropriations Committee) MOVED that the amendments on SJ pages 515-516 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2228: A BILL for an Act to create and enact a new chapter to title 17 of the North Dakota Century Code, relating to the creation of a biofuel blender pump incentive fund; to amend and reenact sections 19-10-19, 19-10-20, and 19-10-21 of the North Dakota Century Code, relating to petroleum products; and to provide a continuing 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 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.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Cook; Stenehjem

ABSENT AND NOT VOTING: Marcellais

Reengrossed SB 2228 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2393, as engrossed: SEN. WARNER (Appropriations Committee) MOVED that the amendments on SJ page 517 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2393: A BILL for an Act to provide an appropriation to the department of emergency services for emergency snow removal grants; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

Reengrossed SB 2393 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2015: SEN. KRAUTER (Appropriations Committee) MOVED that the amendments on SJ page 539 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2015: A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation.

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 2015 passed, the title was agreed to, and the emergency clause was declared carried.

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

MR. SPEAKER: The President has signed: HCR 3007.

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.

CONSIDERATION OF AMENDMENTS

SB 2014, as engrossed: SEN. WARDNER (Appropriations Committee) MOVED that the amendments on SJ pages 537-538 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2014: A BILL for an Act to provide an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission; to amend and reenact section 54-17.5-01 of the North Dakota Century Code, relating to education activities relating to the lignite industry; to repeal section 16 of chapter 14 of the 2007 Session Laws, relating to a transfer from the North Dakota mill and elevator association; to provide legislative intent; to provide an appropriation; to provide a contingent appropriation; to provide an exemption; and to authorize transfers.

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 2014 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2229, as engrossed: SEN. BOWMAN (Appropriations Committee) MOVED that the amendments on SJ page 547 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2229: A BILL for an Act to amend and reenact subsections 1 and 2 of section 57-51-15 of the North Dakota Century Code, relating to the apportionment of oil and gas gross production taxes; 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 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 2229 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2062, as engrossed: SEN. GRINDBERG (Appropriations Committee) MOVED that the amendments on SJ pages 545-547 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2062: A BILL for an Act to create and enact three new sections to chapter 15-62.2 of the North Dakota Century Code, relating to opportunity grants for students attending certain institutions of higher education; to amend and reenact subsections 1 and 3 of section 15-10-37 and sections 15-62.2-02 and 15.1-01-02 of the North Dakota Century Code, relating to student financial assistance grants, technology grants, and joint meetings of the state's education boards; to provide for a legislative council study; to provide an appropriation; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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 2062 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2021: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments on SJ pages 543-545 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2021: A BILL for an Act to provide an appropriation for defraying the expenses of the information technology department; to provide for transfers; to provide a continuing appropriation; and to amend and reenact section 15.1-02-18 of the North Dakota Century Code, relating to membership of the statewide longitudinal data system committee.

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 2021 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2003: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ pages 533-537 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2003: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system; to provide for transfer of funds; to authorize the state board of higher education to issue and sell bonds for capital projects; to provide for legislative council studies; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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 2003 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2012: SEN. WARDNER (Appropriations Committee) MOVED that the amendments on SJ pages 509-515 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2012: A BILL for an Act to provide an appropriation for defraying the expenses of the department of transportation; 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; and to provide for a transfer.

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 2012 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 2:50 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2177: A BILL for an Act to amend and reenact sections 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 the collection and distribution of highway funds; and to repeal section 39-04.2-03 of the North Dakota Century Code, relating to the registration fee for the public transportation fund.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

NAYS: 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

SB 2177 lost.

CONSIDERATION OF AMENDMENTS

SB 2199, as engrossed: SEN. COOK (Appropriations Committee) MOVED that the amendments on SJ page 515 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2199: A BILL for an Act to create and enact two new subdivisions to subsection 3 of section 57-15-01.1 and chapter 57-64 of the North Dakota Century Code, relating to allocation of state funds to school districts for mill levy reduction grants; to amend and reenact sections 57-15-14 and 57-15-31 of the North Dakota Century Code, relating to property tax levies of school districts; to provide an appropriation; and to provide an effective date.

MOTION

SEN. DOTZENROD MOVED that Reengrossed SB 2199 be amended as follows, which motion failed on a verification vote.

Page 2, line 2, remove the overstrike over the overstruck colon

Page 2, line 3, remove the overstrike over "~~a. There~~" and remove "there"

Page 2, remove the overstrike over lines 7 through 10

Page 2, line 16, remove the overstrike over "~~unlimited or~~"

Page 2, line 17, remove the overstrike over "~~or that~~"

Page 2, line 18, remove the overstrike over "~~unlimited levy authority is~~"

Page 2, line 20, remove the overstrike over "~~unlimited or~~"

Page 2, line 23, replace "2010" with "2018 unless a majority of the qualified electors of the school district voting on the question approve extension of unlimited levy authority"

Page 2, line 24, after "approved" insert "extension of unlimited levy authority or"

Page 2, line 25, replace "2010" with "2018"

Page 2, line 28, remove the overstrike over "~~or unlimited~~"

Page 2, line 29, remove the overstrike over "~~taxing authority~~"

Page 5, line 20, after "the" insert "qualified"

Page 5, line 21, after "district" insert "voting on the question"

Page 5, line 27, after "sought" insert "or specify that approval of unlimited levy authority is sought"

Page 5, line 28, after "mills" insert "or approval of unlimited levy authority"

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 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 2199 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2402: A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to the homestead credit; 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 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 2402 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2201: A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to a property tax credit for disabled veterans; to amend and reenact subsection 20 of section 57-02-08 of the North Dakota Century Code, relating to the property tax exemption for disabled veterans; to provide an appropriation; 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 29 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Cook; Dever; Dotzenrod; Fiebiger; Heckaman; Hogue; Horne; Krauter; Lindaas; Lyson; Mathern; Miller; Nelson; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Wardner; Warner

NAYS: Andrist; Bowman; Christmann; Erbele; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Nething; Stenehjem; Wanzek

ABSENT AND NOT VOTING: Marcellais

SB 2201 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2018, as engrossed: SEN. GRINDBERG (Appropriations Committee) MOVED that the amendments on SJ pages 539-543 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act to provide an appropriation for defraying the expenses of the department of commerce; to provide exemptions; to provide for an audit; to provide for transfers; to authorize the department of commerce to borrow funds from the Bank of North Dakota; to provide a continuing appropriation; to provide for legislative council studies; to create and enact a new section to chapter 15-69 and a new section to chapter 54-60 of the North Dakota Century Code, relating to the establishment of a centers of excellence fund to and the division of workforce development's strategic plan and the North Dakota workforce development council; to amend and reenact subsection 2 of section 15-69-04 and section 15-69-05 of the North Dakota Century Code, relating to centers of excellence; and to declare an emergency.

MOTION

SEN. GRINDBERG MOVED that Reengrossed SB 2018 be amended as follows, which motion prevailed.

Page 7, after line 20, insert:

"SECTION 24. LEGISLATIVE INTENT - ACCOUNTABILITY. It is the intent of the sixty-first legislative assembly that the department of commerce establish and implement appropriate accountability requirements relating to grants provided to the Dakota defense alliance, the Lewis and Clark foundation, and the Theodore Roosevelt Medora foundation, for the biennium beginning July 1, 2009, and ending June 30, 2011."

ReNUMBER accordingly

MOTION

SEN. TRIPLETT MOVED that Reengrossed SB 2018 be amended as follows:

Page 1, line 22, replace "32,661,310" with "27,661,310" and replace "81,436,058" with "76,436,058"

Page 2, line 4, replace "35,272,419" with "30,272,419" and replace "114,512,900" with "109,512,900"

Page 2, line 6, replace "22,322,074" with "17,322,074" and replace "45,804,039" with "40,804,039"

Page 5, remove lines 15 through 21

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes funding of \$5 million from the general fund for providing a grant for construction of a great plains applied energy research center.

REQUEST

SEN. GRINDBERG REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed SB 2018, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Reengrossed SB 2018, the roll was called and there were 17 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Dotzenrod; Heckaman; Horne; Mathern; Miller; Nelson; O'Connell; Pomeroy; Robinson; Schneider; Taylor; Triplett; Warner

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

ABSENT AND NOT VOTING: Marcellais

The proposed amendments to Reengrossed SB 2018 failed.

MOTION

SEN. O'CONNELL MOVED that Reengrossed SB 2018 be amended as follows, which motion failed on a verification vote.

Page 1, line 22, replace "32,661,310" with "33,161,310" and replace "81,436,058" with "81,936,058"

Page 2, line 4, replace "35,272,419" with "35,772,419" and replace "114,512,900" with "115,012,900"

Page 2, line 6, replace "22,322,074" with "22,822,074" and replace "45,804,039" with "46,304,039"

Page 6, remove lines 7 through 18

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides for the following:

- Removes funding of \$1.5 million from the general fund for a grant to the Lewis and Clark Foundation.
- Removes funding of \$500,000 from the general fund for a Wade Westin Memorial grant to the Theodore Roosevelt Medora Foundation.
- Provides funding of \$2.5 million from the general fund for providing additional tourism infrastructure grants.

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 41 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Christmann; Miller; O'Connell; Triplett; Warner

ABSENT AND NOT VOTING: Marcellais

Reengrossed SB 2018 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2387: A BILL for an Act to provide an appropriation to the department of commerce for a grant to assist in procuring contracts for North Dakota companies.

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 6 YEAS, 36 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Heckaman; Mathern; Nodland; O'Connell; Potter; Schneider

NAYS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Miller; Nelson; Nething; Oehlke; Olafson; Robinson; Seymour; Stenehjerm; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Horne; Lee, J.; Marcellais; Pomeroy; Triplett

SB 2387 lost.

REQUEST

SEN. HORNE REQUESTED that the record show that he intended to vote "YEA" on SB 2387, which request was granted.

REQUEST

SEN. J. LEE REQUESTED that the record show that she intended to vote "NAY" on SB 2387, which request was granted.

REQUEST

SEN. NODLAND REQUESTED that the record show that he intended to vote "NAY" on SB 2387, which request was granted.

REQUEST

SEN. POMEROY REQUESTED that the record show that he intended to vote "NAY" on SB 2387, which request was granted.

SECOND READING OF SENATE BILL

SB 2335: A BILL for an Act to provide an appropriation to the department of commerce for grants to cities for commercial business improvement projects.

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 5 YEAS, 40 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Mathern; O'Connell; Potter

NAYS: 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; Miller; Nelson; Nething; Nodland; Oehlke; Olafson; Pomeroy; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais; Triplett

Engrossed SB 2335 lost.

SECOND READING OF SENATE BILL

SB 2226: A BILL for an Act to amend and reenact subsections 1 and 3 of section 15-10-37 and section 15-62.2-02 of the North Dakota Century Code, relating to student financial assistance grants and technology grants; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 40 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Flakoll; Mathern; Nelson; O'Connell; Potter; Schneider

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

ABSENT AND NOT VOTING: Marcellais

Engrossed SB 2226 lost.

SECOND READING OF SENATE BILL

SB 2408: A BILL for an Act to provide an appropriation to the department of commerce for a base realignment grant program.

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

NAYS: 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 2408 lost.

COMMUNICATION

MR. PRESIDENT: Monday, January 19, 2009 was Martin Luther King, Jr. Day and Monday, February 16, 2009 was George Washington's Birthday, both official state holidays. Both days are paid holidays for most state employees. Legislative Assembly employees were required to work on both of these state holidays. The Legislative Assembly will be in recess on Monday and Tuesday, February 23-24, 2009. Legislative Assembly employees will be paid for those two days.

Additionally, employees of the Senate have worked many hours of uncompensated overtime since the session began. In recognition of the uncompensated overtime, employees will be paid for Friday, February 20, 2009, even though the Senate will be in recess on that day.

MOTION

SEN. WANZEK MOVED that the Senate reconsider its action whereby Engrossed SB 2365 failed to pass, which motion lost.

MOTION

SEN. STENEHJEM MOVED that the rules be suspended and that the Secretary of the Senate transmit all bills and resolutions passed today to the House immediately.

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 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, SB 2428.

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 2004, SB 2012, SB 2014, SB 2018, SB 2021, SB 2030, SB 2075, SB 2121, SB 2199, SB 2201, SB 2225, SB 2228, SB 2229, SB 2230, SB 2239, SB 2243, SB 2265, SB 2266, SB 2283, SB 2332, SB 2333, SB 2372, SB 2373, SB 2380, SB 2402, SB 2412, SCR 4001, SCR 4009, SCR 4010, SCR 4014.

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 2003, SB 2015, SB 2062, SB 2393.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: 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, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, February 25, 2009, which motion prevailed.

FIRST READING OF HOUSE BILL

HB 1238: 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 the housing of out-of-state inmates by correctional facilities; to amend and reenact section 12-44.1-02 of the North Dakota Century Code, relating to the housing of out-of-state inmates by correctional facilities; and to declare an emergency.

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

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

Fran A. Gronberg, Secretary