

## JOURNAL OF THE SENATE

## Sixty-first Legislative Assembly

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Bismarck, February 16, 2009

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

The prayer was offered by Pastor Rick Wyatt, Living Hope Church of the Nazarene, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

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

Page 258, line 21, replace "Engrossed" with "Reengrossed"

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

## CONSIDERATION OF AMENDMENTS

**SB 2002: SEN. WARNER (Appropriations Committee) MOVED** that the amendments on SJ page 418 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2272, as engrossed: SEN. BEHM (Appropriations Committee) MOVED** that the amendments on SJ pages 419-420 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2319: SEN. NELSON (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 420-421 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2329: SEN. ANDERSON (Appropriations Committee) MOVED** that the amendments on SJ pages 421-422 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2392: SEN. OEHLKE (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 422-424 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2438, as engrossed: SEN. WANZEK (Appropriations Committee) MOVED** that the amendments on SJ pages 424-425 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2420:** A BILL for an Act to provide for legislative council studies relating to child support determinations of income and support obligations and the establishment of a consumers of family services program.

## 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

Engrossed SB 2420 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2306:** A BILL for an Act to create and enact sections 26.1-30-22 and 26.1-30-23 of the North Dakota Century Code, relating to premium rate requirements and rate filing procedures for accident and health insurance; and to amend and reenact sections 26.1-18.1-15, 26.1-30-19, and 26.1-30-21 of the North Dakota Century Code, relating to health maintenance organization rate filings and insurance rate filing procedures.

### 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 36 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Christmann; Cook; Dever; Dotzenrod; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Horne; Kilzer; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Warner

**NAYS:** Bowman; Erbele; Hogue; Klein; Krauter; Krebsbach; Mathern; Miller; Nodland; Wanzek; Wardner

Engrossed SB 2306 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2042:** A BILL for an Act to create and enact six new sections to chapter 14-09 and chapter 14-09.2 of the North Dakota Century Code, relating to parental rights and responsibilities and to parenting coordinators; to amend and reenact sections 14-05-22, 14-05-23, 14-09-05.1, 14-09-06.2, 14-09-06.3, 14-09-06.4, 14-09-06.6, and 14-09-07 of the North Dakota Century Code, relating to parental rights and responsibilities; to repeal sections 14-09-04, 14-09-05, 14-09-06, 14-09-06.1, and 14-09-28 of the North Dakota Century Code, relating to child custody and parental custody and visitation rights and duties; and to provide an expiration date.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Reengrossed SB 2042 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2047:** A BILL for an Act to provide an appropriation to the state department of health for providing emergency medical training grants to rural law enforcement agencies.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

**NAYS:** Behm; Lyson; Miller; Oehlke

Engrossed SB 2047 passed and the title was agreed to.

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#### **MOTION**

**SEN. CHRISTMANN MOVED** that SB 2064 be placed at the bottom of the calendar, which motion prevailed.

#### **SECOND READING OF SENATE BILL**

**SB 2154:** A BILL for an Act to amend and reenact sections 54-52-02.9 and 54-52-27, subsection 1 of section 54-52.1-03.2, and subsection 2 of section 54-52.1-03.3 of the North Dakota Century Code, relating to participation in the public employees retirement system, purchase of sick leave credit, and the retiree health benefits fund.

#### **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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed SB 2154 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2214:** A BILL for an Act to amend and reenact section 26.1-08-12 of the North Dakota Century Code, relating to comprehensive health association of North Dakota eligibility provisions.

#### **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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed SB 2214 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2222:** A BILL for an Act to amend and reenact section 57-15-28 of the North Dakota Century Code, relating to discontinuance of county emergency fund levies.

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

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

**NAYS:** Hogue

SB 2222 passed and the title was agreed to.

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### **SECOND READING OF SENATE BILL**

**SB 2267:** A BILL for an Act to amend and reenact section 34-11.1-04 of the North Dakota Century Code, relating to whistleblower protection for public employees.

### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Kilzer; Lyson; Nodland

SB 2267 passed and the title was agreed to.

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### **SECOND READING OF SENATE BILL**

**SB 2252:** A BILL for an Act to amend and reenact section 57-15-26.6 of the North Dakota Century Code, relating to water resource district tax levies.

### **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 14 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Behm; Dotzenrod; Erbele; Fiebiger; Fischer; Kilzer; Lee, G.; Lee, J.; Lindaas; Mathern; Nelson; Nething; Olafson; Pomeroy

**NAYS:** Anderson; Andrist; Bakke; Bowman; Christmann; Cook; Dever; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Klein; Krauter; Krebsbach; Lyson; Marcellais; Miller; Nodland; O'Connell; Oehlke; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

SB 2252 lost.

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### **SECOND READING OF SENATE BILL**

**SB 2318:** A BILL for an Act to create and enact section 26.1-18.1-03.1 of the North Dakota Century Code, relating to bond requirements for qualified programs of all-inclusive care or the elderly; to amend and reenact section 26.1-18.1-01 of the North Dakota Century Code, relating to the regulation of qualified programs of all-inclusive care for the elderly; and to provide an expiration date.

### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed SB 2318 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2353:** A BILL for an Act to amend and reenact subdivision d of subsection 2 of section 44-08-04 of the North Dakota Century Code, relating to state officer and employee lodging reimbursement; 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 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Andrist; Christmann; Dotzenrod

Engrossed SB 2353 passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2348 be moved to the bottom of the calendar, 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.

**MOTION**

**SEN. TAYLOR MOVED** that SB 2393 be amended as follows, which motion prevailed.

Page 1, line 9, remove "snow disaster must have been declared for the area and the"

Page 1, line 10, replace "have expended at least 70 percent of its snow removal reserve funds" with "meet a threshold snow depth of four hundred percent of normal and must have spent on snow removal since January 1, 2009, over two hundred percent of its 2004 to 2008 monthly average"

Page 1, remove line 14

Page 1, line 15, remove "with a population of under 1,000"

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

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

**NAYS:** Cook; Dever; Fischer; Grindberg; Holmberg; Nething; Stenehjem

**ABSENT AND NOT VOTING:** Andrist

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

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**DEEMED RECONSIDERED AND REFERRED**

**PRESIDENT DALRYMPLE STATED** that Engrossed SB 2393 is deemed reconsidered and must be referred to the **Appropriations Committee** under Senate Rule 329(3).

**REQUEST**

**SEN. ANDRIST REQUESTED** that the record show that he intended to vote "YEA" on SB 2393, which request was granted.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 2:09 p.m., which motion prevailed.

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

**SECOND READING OF SENATE BILL**

**SB 2378:** A BILL for an Act to amend and reenact subsections 2 and 3 of section 39-29-03 and subsection 2 of section 39-29-05 of the North Dakota Century Code, relating to off-highway vehicle registration and the disposition of registration fees and trail tax.

**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 25 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Dever; Dotzenrod; Fiebiger; Flakoll; Freborg; Grindberg; Holmberg; Horne; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Marcellais; Mathern; Nething; Nodland; O'Connell; Potter; Robinson; Schneider; Seymour; Warner

**NAYS:** Andrist; Behm; Bowman; Christmann; Cook; Erbele; Fischer; Heckaman; Hogue; Kilzer; Klein; Lyson; Miller; Nelson; Oehlke; Olafson; Pomeroy; Stenehjerm; Taylor; Triplett; Wanzek; Wardner

Engrossed SB 2378 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2358:** A BILL for an Act to create and enact a new section to chapter 43-28.1 of the North Dakota Century Code, relating to a dental loan repayment program; and to provide an 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

SB 2358 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2338:** A BILL for an Act to amend and reenact section 57-43.2-19 of the North Dakota Century Code, relating to deposit of special fuels excise taxes paid by railroads in a special fund; to provide an appropriation; to provide an effective date; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 32 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bakke; Behm; Cook; Dotzenrod; Fiebiger; Fischer; Grindberg; Hogue; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lindaas; Lyson; Marcellais; Mathern; Nelson;

Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Anderson; Bowman; Christmann; Dever; Erbele; Flakoll; Freborg; Heckaman; Holmberg; Krauter; Lee, J.; Miller; Nodland; Olafson; Stenehjerm

Engrossed SB 2338 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2356:** A BILL for an Act to create and enact a new section to chapter 23-38 of the North Dakota Century Code, relating to a community dental health grant program for dental clinics; to provide an appropriation; 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 NOT PASS, the roll was called and there were 22 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Dever; Dotzenrod; Erbele; Fiebiger; Heckaman; Horne; Krauter; Lee, J.; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Schneider; Taylor; Triplett

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Seymour; Stenehjerm; Wanzek; Wardner; Warner

SB 2356 lost.

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#### SECOND READING OF SENATE BILL

**SB 2341:** A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to the provision of educational services by school districts; and to amend and reenact section 15.1-12-26 of the North Dakota Century Code, relating to the dissolution of school districts.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 38 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Cook; Fischer; Flakoll; Grindberg; Krebsbach; Lee, J.; Nelson; Seymour; Wardner

**NAYS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Dever; Dotzenrod; Erbele; Fiebiger; Freborg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Lee, G.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Stenehjerm; Taylor; Triplett; Wanzek; Warner

SB 2341 lost.

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#### SECOND READING OF SENATE BILL

**SB 2397:** A BILL for an Act to create and enact two new sections to chapter 26.1-04 of the North Dakota Century Code, relating to health insurance contracting practices; and to amend and reenact subsection 2 of section 26.1-36-41 of the North Dakota Century Code, relating to health care provider profiling.

#### 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, 47 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy;

Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

SB 2397 lost.

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### SECOND READING OF SENATE BILL

**SB 2403:** A BILL for an Act to create and enact a new section to chapter 23-34 of the North Dakota Century Code, relating to the admissibility of peer review reports; and to amend and reenact sections 23-34-01, 23-34-02, 23-34-03, 23-34-04, and 23-34-06 of the North Dakota Century Code, relating to peer review records and reports.

### 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed SB 2403 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2418:** A BILL for an Act to amend and reenact section 5-01-09 of the North Dakota Century Code, relating to contributing alcohol to an individual under twenty-one years of age; and to provide a penalty.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 12 YEAS, 35 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Freborg; Heckaman; Horne; Krauter; Lindaas; Marcellais; Mathern; Pomeroy; Seymour; Warner

**NAYS:** Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Potter; Robinson; Schneider; Stenehjerm; Taylor; Triplett; Wanzek; Wardner

SB 2418 lost.

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### MOTION

**SEN. CHRISTMANN MOVED** that SB 2270 be returned to the Senate floor from the **Appropriations Committee** and then be placed on the Eleventh order on the calendar, which motion prevailed.

### 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 2017, SB 2034, SB 2178, SB 2184, SB 2212, SB 2216, SB 2218, SB 2223, SB 2231, SB 2241, SB 2260, SB 2264, SB 2268, SB 2277, SB 2311, SB 2350, SB 2367, SB 2390, SB 2391.

### MOTION

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 6:00 p.m., which motion prevailed.

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



**REPORT OF STANDING COMMITTEE**

**SB 2016: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2016 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2049, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2049 was placed on the Sixth order on the calendar.

Page 3, line 9, replace "\$1,274,000" with "\$1,404,000"

Page 3, line 12, after the period insert "The state department of health is authorized one full-time equivalent position for implementing section 2 of this Act."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2163: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2163 was placed on the Sixth order on the calendar.

Page 1, line 12, after "3." insert "\"Mobile radio\" means a radio capable of transmitting eleven watts or greater."

4."

Page 1, line 13, replace the first underscored comma with "and" and remove ", and any other system"

Page 1, line 23, after "Each" insert "mobile"

Page 2, line 5, remove the underscored comma and remove "in the director's opinion"

Page 2, line 13, replace "an" with "a privately-owned" and after "a" insert "mobile"

Page 2, line 30, replace "six months" with "one year"

Page 4, after line 9, insert:

**"37-17.3-10. Lost or missing individuals.** The division shall:

1. Establish and maintain a statewide file system for the purpose of effecting an immediate law enforcement response to reports of lost or missing individuals.
2. Implement a data exchange system to compile, maintain, and make available for dissemination to North Dakota and to out-of-state law enforcement agencies descriptive information to assist appropriate agencies in recovering lost or missing individuals.
3. Establish contacts and exchange information regarding lost or missing individuals with the national crime information center.
4. Notify each enforcement agency that a report of lost or missing individuals must be entered as soon as the minimum level of data specified by the division is available to the reporting agency and that no waiting period for entry of that data exists. If the enforcement agency is unable to enter the data, the division shall enter the information into the national crime information center file immediately upon notification.
5. Compile and retain information regarding lost or missing individuals in a separate file, in a manner that allows the information to be used by law enforcement."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2221, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2221 was placed on the Sixth order on the calendar.

Page 2, line 18, after "**credit**" insert "**- Reporting requirement**"

Page 2, after line 28, insert:

"The operator of a coal conversion facility that receives a credit under this section shall report annually to the legislative council. The report must include:

1. An overview of the carbon dioxide capture project.
2. A status report on the current state of the carbon dioxide capture project, including data on the amount of carbon dioxide produced from the facility before the carbon dioxide capture project and the current carbon dioxide produced and captured from the facility.
3. Any recent changes to enhance the carbon dioxide capture system.
4. Information on the status of federal law and regulations related to the carbon dioxide capture project, including any benefits from the project realized by the operator under federal law and regulations."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2245: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2245 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "construction of a tower" and overstrike "to produce energy from wind power has not occurred on the property"

Page 1, overstrike line 11

Page 1, line 12, overstrike "commences" and insert immediately thereafter "the following have not occurred with respect to the property that is the subject of the wind option agreement within five years after the wind option agreement commences:

1. A certificate of site compatibility or conditional use permit has been issued, if required; and
2. A transmission interconnection request is in process and not under suspension"

Page 1, line 19, remove "construction of a tower" and overstrike "to produce energy from wind power"

Page 1, line 20, overstrike "associated with the easement has", remove "not", and overstrike "occurred within five years after the easement is created" and insert immediately thereafter "the following have not occurred with respect to the property that is the subject of the easement within five years after the easement commences:

1. A certificate of site compatibility or conditional use permit has been issued, if required; and
2. A transmission interconnection request is in process and not under suspension"

Page 2, line 2, remove "construction of a tower" and overstrike "to produce energy from wind power"

Page 2, line 3, overstrike "has not occurred on the leasehold within five years after the lease commences" and insert immediately thereafter "the following have not occurred with respect to the property that is the subject of the lease within five years after the lease commences:

1. A certificate of site compatibility or conditional use permit has been issued, if required; and
2. A transmission interconnection request is in process and not under suspension"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2298: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2298 was placed on the Sixth order on the calendar.

Page 2, line 6, remove "or outside" and after the comma insert "or outside the district to the extent authorized by a joint powers agreement under chapter 54-40.3,"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2336, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2336 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2355, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2355 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2357: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2357 was placed on the Sixth order on the calendar.

Page 2, line 8, remove the overstrike over "~~Unless otherwise agreed to by~~", remove "At the request of", remove the overstrike over "~~and~~", and remove "or"

Page 2, line 15, replace "two" with "three"

Page 2, line 16, replace "two" with "three"

Page 2, replace lines 25 through 31 with:

6. At the conclusion of the hearing, the administrative law judge shall provide all evidence presented at the hearing to the board in order that the board may make a determination regarding the discharge.
7. A determination of the board under this section may be appealed to the district court.
8. All costs of the services provided by the administrative law judge, including reimbursement for expenses, are the responsibility of the board."

Page 3, remove lines 1 through 4

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2365: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2365 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2368: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2368 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2404: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2404 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide a lien for oil and gas owners to secure payment for the sale of oil and gas."

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:****SECTION 1. Definitions.** As used in this Act:

1. "First purchaser" means the first person who takes, receives, or purchases oil or gas from an interest owner at or after the time the oil or gas is severed.
2. "Interest owner" means a person owning an entire or fractional interest of any kind or nature in the oil or gas at the time it is severed, or a person who has a right, either express or implied, to receive a monetary payment determined by the value of the oil or gas severed.
3. "Operator" means a person engaged in the severance of oil or gas.
4. "Purchaser" means a person who takes, receives, or purchases oil or gas from a first purchaser.
5. "Severed" means the taking, extraction, or production from the land of oil or gas in any manner.

**SECTION 2. Extent of lien - Dispute as to amount due - Notice - Buyer in ordinary course of business.**

1. To secure payment from the sale of oil or gas, an interest owner, subject to section 5 of this Act, has a continuing security interest in and a lien on the oil or gas severed, or the proceeds of sale if the oil or gas has been sold, to the extent of the interest owner's interest until the purchase price has been paid to the interest owner.
2. In the event of a bona fide dispute as to the amount due the interest owner, the security interest and the lien do not accrue if the person holding the proceeds upon which a lien is claimed tenders to the interest owner the amount which that person in good faith believes to be due and payable.
3. A security interest or lien claimed pursuant to this Act is not effective against an interest owner, operator, first purchaser, or purchaser until a copy of the notice of lien required to be filed under section 4 of this Act has been delivered to the interest owner, operator, first purchaser, or purchaser by registered mail.
4. Notwithstanding any other provision in this Act to the contrary, a person who pays the purchase price for oil or gas severed from a well to the interest owner with whom that person has a contract regarding purchases from the well or to one who is authorized to receive payment on behalf of or for the interest owner is deemed a buyer in the ordinary course of business and takes the oil or gas free of the security interest and lien granted to the interest owner by this Act, and the first purchaser or purchaser who makes the payment and all its property is free from and not subject to the security interest or lien granted to the interest owner by this Act.

**SECTION 3. Validity of lien.** The validity of the security interest and lien granted to an interest owner under this Act is not dependent upon possession of the oil or gas by an interest owner or operator and a security interest or lien does not become or may not be deemed to be void or expired by reason of a change or transfer of the actual or constructive possession or title of the oil or gas from the interest owner or an operator to a first purchaser or purchaser.

**SECTION 4. Perfection of lien - Verified notice - Effect of instruments - Effective date of lien.**

1. If the proceeds for oil or gas which are required to be paid are not paid to the interest owner when due, the interest owner may perfect the security interest and lien by filing for record in the office of the county recorder of the county in which the well is located a verified notice of lien in substantially the following form:

**NOTICE OF OIL AND GAS OWNER'S LIEN**

Notice is given that (name of interest owner for whom notice is filed) whose address is (address of named interest owner) claims an (fractional decimal interest) interest in the oil and gas severed or proceeds of sale from the (name of well) operated by (name and address of operator) which well is located on the following described land in \_\_\_\_\_ County, North Dakota:  
(Description of land)

Oil and gas severed from the land has been and is now or may be taken and the above-named interest owner has a security interest in and lien upon the oil and gas and the proceeds thereof to secure payment.

Dated: (date)

\_\_\_\_\_  
(Signature of interest owner or operator)

If verified notice of lien is not filed within ninety days from the date of production, the security interest is not perfected and does not give the interest owner priority over a perfected security interest in the same oil, gas, or proceeds of the oil or gas.

2. All instruments that are presented to a county recorder for filing in accordance with subsection 1 are deemed to be effective as financing statements even though the signature of the debtor may not appear on the instrument. Instruments may be terminated in the same manner as financing statements.
3. Upon perfection by filing, the security interest and lien of the interest owner relates back to and is effective as of the date on which the severance occurred and takes priority over the rights of all persons whose rights or claims arise or attach to the oil or gas unpaid for, or the proceeds of oil or gas if the oil or gas has been sold, including those that arise or attach between the time the security interest and lien attaches and the time of filing. The security interest and lien created pursuant to this Act do not have priority over the security interest and lien rights previously created and perfected or an operating agreement or other voluntary agreement for the development and operation of the property.

**SECTION 5. Rights of first purchasers.** Neither this Act nor the filing of an instrument permitted under this Act affects the time at which legal title to the oil and gas may pass from an interest owner or operator to a first purchaser or the ownership of the oil and gas before severed as reflected by the records affecting real property or the right of a first purchaser to take or receive oil and gas under the terms of a division order or similar agreement for the sale and purchase of oil or gas. Notwithstanding this Act, a first purchaser or purchaser is free to transport products out of the state and to sell the products without permission or release of lien.

**SECTION 6. Expiration of lien - Enforcement - Joinder and consolidation - Costs - Personal actions - Other rights and remedies.**

1. The security interest and lien granted to an interest owner follow the oil and gas unpaid for or the proceeds of the oil or gas if the oil or gas has been sold. The security interest and lien expire one year after the date of the filing of the notice of lien unless proper action to enforce the lien is commenced within such time in the district court of the county in which the well is located, or wherever the oil or gas unpaid for or the proceeds of oil or gas sold may be found. Persons claiming security interests and liens with respect to the oil or gas from the same well may join in the same action, and where separate actions are commenced the court may consolidate them. The court may allow as part of the costs of the action

moneys paid for filing and recording instruments and reasonable attorney's fees for the prevailing party. If an action is commenced after the filing of an instrument, the instrument is considered a lien upon the oil or gas severed, or the proceeds of sale if the oil or gas has been sold, to the extent of the interest of the claimant, for payment of the amount due the claimant and the security interest and lien of the claimant may be enforced in the manner provided by law.

2. This Act does not impair or affect the right of a person to whom a debt may be due to maintain a personal action to recover the debt against the person liable for payment of the debt.
3. This Act does not impair or affect the rights, priorities, or remedies of a person under the Uniform Commercial Code and this Act is cumulative to and not a limitation on or a substitution for any rights or remedies otherwise provided by law to a creditor against the creditor's debtor."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2411: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2411 was placed on the Sixth order on the calendar.

Page 1, line 8, remove the overstrike over "~~one~~", remove "five", overstrike "hundred", and remove the overstrike over "~~thousand~~"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2422: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2422 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to a legislative council study of purchasing and procurement."

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. PURCHASE AND PROCUREMENT - LEGISLATIVE COUNCIL STUDY.** During the 2009-10 interim, the legislative council shall consider studying provisions of the North Dakota Century Code governing the purchase and procurement of goods and services by political subdivisions. The study should address the use of cooperative arrangements for purchasing and procurement in general and specifically for group insurance, employee benefits, and the repair and improvement of facilities. The study also should address the participation of nongovernmental entities in cooperative arrangements for the purchase and procurement of goods and services. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2425: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2425 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "proposal" with "report" and replace "office buildings" with "all facilities occupied by state agencies"

Page 1, line 7, replace "assembly" with "council" and replace "plan for" with "report including the location, expenses, and square footage requirements of all facilities occupied by each state agency. The report must include recommendations for relocation of any entity to achieve improvements in service to the public along with optimal efficiencies in"

usage of space and cost. The report must include recommendations within the master plan for construction of buildings on the capitol grounds."

Page 1, remove lines 8 through 10

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2427, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2427 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2428: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2428 was placed on the Sixth order on the calendar.

Page 2, line 18, after the underscored period insert "The state engineer shall make written findings of fact and conclusions of law."

Renumber accordingly

#### SECOND READING OF SENATE BILL

**SB 2419:** A BILL for an Act to amend and reenact subdivision b of subsection 2 of section 65-05.1-06.1 of the North Dakota Century Code, relating to workers' compensation vocational rehabilitation awards.

#### 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2419 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2439:** A BILL for an Act to amend and reenact subsection 1 of section 5-01-09 of the North Dakota Century Code, relating to the penalty for unlawful delivery of alcohol to certain persons.

#### 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2439 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2348:** A BILL for an Act to amend and reenact subsection 4 of section 57-02-27.2 of the North Dakota Century Code, relating to the capitalization rate used for the agricultural property valuation formula for property tax purposes; and to provide an effective date.

**MOTION**

**SEN. DOTZENROD MOVED** that SB 2348 be amended as follows, which motion prevailed.

Page 1, line 9, remove the overstrike over "~~but the rate used for~~"

Page 1, line 10, remove the overstrike over "~~capitalization under this section may not be less than~~"

Page 1, line 11, after "~~three tenths~~" insert "seven and six-tenths" and remove the overstrike over "~~percent for taxable years~~"

Page 1, line 12, after "~~2005~~" insert "2009 and 2010"

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 22 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Cook; Dever; Dotzenrod; Fiebiger; Fischer; Flakoll; Grindberg; Hogue; Holmberg; Horne; Krebsbach; Lee, J.; Lyson; Mathern; Nelson; Pomeroy; Potter; Stenehjem; Triplett; Wardner

**NAYS:** Andrist; Behm; Bowman; Christmann; Erbele; Freborg; Heckaman; Kilzer; Klein; Krauter; Lee, G.; Lindaas; Marcellais; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schneider; Seymour; Taylor; Wanzek; Warner

Engrossed SB 2348 lost.

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**SECOND READING OF SENATE BILL**

**SB 2010:** A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed SB 2010 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2023:** A BILL for an Act to provide an appropriation for defraying the expenses of the commission on legal counsel for indigents.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed SB 2023 passed and the title was agreed to.



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**SECOND READING OF SENATE BILL**

**SB 2038:** A BILL for an Act to amend and reenact sections 15-10-12, 54-44.1-04, 54-44.1-06, and 54-44.1-11 of the North Dakota Century Code, relating to the appropriation of higher education institutions' special revenue funds; budget requests and block grant appropriations for the North Dakota university system; cancellation of unexpended appropriations of the North Dakota university system; to provide for a report to the legislative council; to provide for a legislative council study of higher education; to provide legislative intent for higher education accountability measures; 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, 1 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Potter

Engrossed SB 2038 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2133:** A BILL for an Act to create and enact a new section to chapter 37-15 of the North Dakota Century Code, relating to telephone services at the veterans' home; and to amend and reenact sections 37-15-10 and 37-15-14.1 of the North Dakota Century Code, relating to admission to and fees paid by residents of the veterans' home.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

SB 2133 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2046:** A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to surveys during construction or renovation projects of health facilities licensed by the state department of health; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

Reengrossed SB 2046 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2160:** A BILL for an Act to create and enact two new sections to chapter 13-04.1 and chapter 13-10 of the North Dakota Century Code, relating to licensing of residential mortgage brokers and regulation of loans not in excess of one thousand dollars and automatic extension of money broker license; to amend and reenact subsections 1 and 3 of section 6-01-01.1, sections 13-04.1-02.1, 13-04.1-04, and 13-04.1-05, subsection 2 of section 41-09-11, and section 51-14-03.2 of the North Dakota Century Code, relating to changes necessitated by the repeal of chapter 13-03.1, the financial institutions regulatory fund balance, exemptions from licensing requirements under the North Dakota money broker statute, annual license fees, and licensure renewal dates; to repeal chapter 13-03.1 of the North Dakota Century Code, relating to regulation of lending activities; to provide a penalty; to provide an effective date; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

Reengrossed SB 2160 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2217:** A BILL for an Act to amend and reenact section 15.1-20-03 of the North Dakota Century Code, relating to compulsory school attendance; to provide for a legislative council report; and to provide a penalty.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 3 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Christmann; Flakoll; O'Connell

Engrossed SB 2217 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2237:** A BILL for an Act to create and enact a new section to title 23 of the North Dakota Century Code, relating to a health care record registry; to provide an appropriation; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed SB 2237 passed and the title was agreed to.

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#### MOTION

**SEN. CHRISTMANN MOVED** that SB 2243 be moved to the bottom of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2173:** A BILL for an Act to amend and reenact subsection 2 of section 11-11-53 and subsection 8 of section 57-15-06.7 of the North Dakota Century Code, relating to county levies for historical works; 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 24 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Dotzenrod; Fiebiger; Flakoll; Freborg; Heckaman; Holmberg; Horne; Krebsbach; Marcellais; Mathern; Nelson; Nething; Nodland; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor

**NAYS:** Christmann; Cook; Dever; Erbele; Fischer; Grindberg; Hogue; Kilzer; Klein; Krauter; Lee, G.; Lee, J.; Lindaas; Lyson; Miller; O'Connell; Oehlke; Olafson; Stenehjem; Triplett; Wanzek; Wardner; Warner

SB 2173 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2253:** A BILL for an Act to amend and reenact section 61-16-08 of the North Dakota Century Code, relating to the appointment of water resource district managers.

#### 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

SB 2253 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2257:** A BILL for an Act to create and enact a new subsection to section 57-15-10 and a new section to chapter 57-15 of the North Dakota Century Code, relating to authorization for voter approval of a city property tax levy for programs and activities for support of child care providers; 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 17 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Bowman; Dotzenrod; Fiebiger; Heckaman; Horne; Mathern; Nelson; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Warner

**NAYS:** Andrist; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Stenehjem; Triplett; Wanzek; Wardner

Engrossed SB 2257 lost.

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### SECOND READING OF SENATE BILL

**SB 2271:** A BILL for an Act to create and enact a new section to chapter 50-25.1 of the North Dakota Century Code, relating to child abuse investigations and required reports of animal abuse.

### 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, 47 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

SB 2271 lost.

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### SECOND READING OF SENATE BILL

**SB 2289:** A BILL for an Act to amend and reenact section 15.1-19-02 of the North Dakota Century Code, relating to corporal punishment.

### 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed SB 2289 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2297:** A BILL for an Act to create and enact chapter 57-33.2 of the North Dakota Century Code, relating to taxation of generation, distribution, and transmission of electric power; to amend and reenact sections 10-13-04, 17-05-12, 49-21.1-01.1, 57-06-03, 57-06-17.3, and 57-60-06 of the North Dakota Century Code, relating to references to assessment and imposition of taxes against centrally assessed electric power companies and taxation of rural electric cooperatives and cooperative electrical generating plants; to repeal chapters 57-33 and 57-33.1 of the North Dakota Century Code, relating to taxation of rural electric cooperatives and cooperative electrical generating plants; to provide a penalty; to provide a continuing appropriation; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marcellais;

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

Engrossed SB 2297 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2302:** A BILL for an Act to create and enact a new section to chapter 50-09 of the North Dakota Century Code, relating to extended payments for children in foster care.

### 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, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

Engrossed SB 2302 lost.

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### SECOND READING OF SENATE BILL

**SB 2305:** A BILL for an Act to provide an appropriation to the state water commission for a Beaver Bay embankment feasibility study.

### 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, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson; Andrist; Hogue; Lee, J.; O'Connell; Triplett

Engrossed SB 2305 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2307:** A BILL for an Act to repeal section 16.1-03-20 of the North Dakota Century Code, relating to presidential preference caucuses.

### 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

SB 2307 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2308:** A BILL for an Act to amend and reenact sections 18-05.1-02 and 18-05.1-03 of the North Dakota Century Code, relating to payments to a deceased firefighter's survivor.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Engrossed SB 2308 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2324:** A BILL for an Act to create and enact a new subsection to section 16.1-01-04 of the North Dakota Century Code, relating to qualifications of electors; and to amend and reenact subsection 1 of section 15.1-09-11, sections 16.1-01-09, 16.1-01-09.1, 16.1-02-01, 16.1-02-02, and 16.1-02-05, subsection 2 of section 16.1-02-06, sections 16.1-02-07, 16.1-02-10, 16.1-02-13, 16.1-03-03, 16.1-03-19, 16.1-05-01, and 16.1-05-02, subsection 3 of section 16.1-05-04, sections 16.1-05-06, 16.1-09-02, 16.1-10-04.1, 16.1-11-06, 16.1-13-32, 16.1-15-15, 16.1-15-16, 16.1-15-34, 16.1-16-01, and 40-09-03, subsection 1 of section 40-21-02, sections 40-21-07 and 44-08-21, and subsection 2 of section 57-40.6-02 of the North Dakota Century Code, relating to absentee ballot deadlines for schools, initiative petitions, recall petitions, central voter file, political party organization, appointment of election judges and poll clerks, voter affidavits, statement of interests, political advertising disclaimers, certificates of endorsement, candidate petitions, spoiled ballot retention, canvassing boards, recounts, and city elections.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; Oehlke; Olafson; Pomeroy; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** O'Connell; Potter

SB 2324 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2327:** A BILL for an Act to amend and reenact section 18-01-04 of the North Dakota Century Code, relating to exemptions from the state fire code.

**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 28 YEAS, 19 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Dotzenrod; Erbele; Fiebiger; Freborg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Krauter; Lindaas; Marcellais; Mathern; Miller; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Wardner; Warner

**NAYS:** Bowman; Christmann; Cook; Dever; Fischer; Flakoll; Grindberg; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Nelson; Nething; Nodland; Oehlke; Olafson; Stenehjem; Wanzek

SB 2327 passed and the title was agreed to.

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

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1071, HB 1112, HB 1135, HB 1149, HB 1313, HB 1321, HB 1323, HB 1326, HB 1340, HB 1341, HB 1347, HB 1368, HB 1370, HB 1377, HB 1399, HB 1403, HB 1418, HB 1457, HB 1459, HB 1513.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1067, HB 1238, HB 1567.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Tuesday, February 17, 2009, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2027: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2027 was placed on the Sixth order on the calendar.

Page 1, line 2, after "cities" insert "; and to provide an expiration date"

Page 4, line 21, after the period insert "A city that has exercised its authority under this subdivision has joint zoning and subdivision regulation jurisdiction beyond one-half mile [.80 kilometer] with the political subdivision that would otherwise have jurisdiction."

Page 4, line 23, after the period insert "A city that has exercised its authority under this subdivision has joint zoning and subdivision regulation jurisdiction beyond one mile [1.61 kilometers] with the political subdivision that would otherwise have jurisdiction."

Page 4, line 25, after the period insert "A city that has exercised its authority under this subdivision has joint zoning and subdivision regulation jurisdiction beyond two miles [3.22 kilometers] with the political subdivision that would otherwise have jurisdiction."

Page 4, replace lines 28 through 31 with:

"3. An application for a zoning change or subdivision plat or any change in zoning or subdivision regulation in an area of joint jurisdiction must be submitted to the governing body of the city. Upon receipt of the application, the governing body of the city shall notify the governing body that would otherwise have jurisdiction and provide that body with a copy of the application. After the governing body of the city takes action on the application, the governing body that would otherwise have jurisdiction has fifteen days to object to the city's decision or the decision becomes final. If the governing body that would otherwise have jurisdiction objects, the governing body of the city shall submit the issue to the board of county commissioners for a final decision. The board of county commissioners shall make a final decision and issue findings based on the record and the comprehensive plans on file from the city, township, and county."

Page 5, remove lines 1 through 28

Page 8, after line 9, insert:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2011, and after that date is ineffective."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2063, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2063 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2346: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2346 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2394: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2394 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2400: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2400 was placed on the Eleventh order on the calendar.

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

**Fran A. Gronberg, Secretary**