

JOURNAL OF THE SENATE

Sixty-second Legislative Assembly

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Bismarck, January 31, 2011

The Senate convened at 1:30 p.m., with President Wrigley presiding.

The prayer was offered by Senator Margaret Sitte, District 35.

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

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2281: SEN. FLAKOLL (Education Committee) MOVED that the amendments on SJ pages 205-206 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2133: SEN. LYSON (Judiciary Committee) MOVED that the amendments on SJ page 204 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2229: SEN. KLEIN (Agriculture Committee) MOVED that the amendments on SJ page 205 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2190: SEN. NETHING (Judiciary Committee) MOVED that the amendments on SJ pages 204-205 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2105: SEN. LYSON (Judiciary Committee) MOVED that the amendments on SJ pages 203-204 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2051: SEN. SITTE (Judiciary Committee) MOVED that the amendments on SJ page 203 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2038: SEN. NETHING (Judiciary Committee) MOVED that the amendments on SJ pages 202-203 be adopted and then be placed on the Eleventh order **WITHOUT RECOMMENDATION**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2089: A BILL for an Act to amend and reenact section 65-01-11 of the North Dakota Century Code, relating to burden of proof in compensation matters; and to provide for application.

ROLL CALL

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy;

Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Grindberg

Engrossed SB 2089 passed.

SECOND READING OF SENATE BILL

SB 2128: A BILL for an Act to create and enact a new section to chapter 36-15 of the North Dakota Century Code, relating to reimbursement for losses during official livestock disease testing required by the state veterinarian; to provide an appropriation; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Grindberg

Engrossed SB 2128 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2147: A BILL for an Act to amend and reenact section 63-05-01 of the North Dakota Century Code, relating to cutting weeds and grass along county and township roads.

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: Andrist; Berry; Bowman; Burckhard; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Heckaman; Hogue; Holmberg; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner

NAYS: Christmann; Kilzer; Nelson; O'Connell; Warner

ABSENT AND NOT VOTING: Grindberg

Engrossed SB 2147 passed.

SECOND READING OF SENATE BILL

SB 2079: A BILL for an Act to amend and reenact section 50-11-01.4 of the North Dakota Century Code, relating to a person's ability to provide adult foster care after a license is denied or revoked; to provide for a legislative management study; 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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Grindberg

Engrossed SB 2079 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2177: A BILL for an Act to create and enact a new section to chapter 39-10 of the North Dakota Century Code, relating to overtaking a bicycle.

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 17 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Cook; Dotzenrod; Flakoll; Heckaman; Hogue; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Taylor; Triplett; Wardner; Warner

NAYS: Berry; Bowman; Burckhard; Christmann; Dever; Erbele; Fischer; Freborg; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjerm; Uglem; Wanzek

ABSENT AND NOT VOTING: Grindberg

SB 2177 lost.

SECOND READING OF SENATE BILL

SB 2112: A BILL for an Act to create and enact three new subsections to section 39-06.2-02 and section 39-06.2-08.1 of the North Dakota Century Code, relating to commercial driver's licenses; to amend and reenact subsection 25 of section 39-06.2-02, subdivision b of subsection 4 of section 39-06.2-07, and subsections 1 and 5 of section 39-06.2-08 of the North Dakota Century Code, relating to commercial driver's licenses.

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Grindberg

SB 2112 passed.

SECOND READING OF SENATE BILL

SB 2235: A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to hunting of waterfowl by nonresidents.

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

YEAS: Andrist; Berry; Bowman; Christmann; Dotzenrod; Erbele; Freborg; Heckaman; Hogue; Klein; Krebsbach; Laffen; Lee, J.; Luick; Lyson; Marcellais; Oehlke; Schaible; Uglem; Wardner; Warner

NAYS: Burckhard; Cook; Dever; Fischer; Flakoll; Holmberg; Kilzer; Larsen; Lee, G.; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Olafson; Robinson; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Wanzek

ABSENT AND NOT VOTING: Grindberg

SB 2235 lost.

SECOND READING OF SENATE BILL

SB 2076: A BILL for an Act to amend and reenact section 39-05-20.3 of the North Dakota Century Code, relating to branding of certificate of title.

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Grindberg

SB 2076 passed.

SECOND READING OF SENATE BILL

SB 2030: A BILL for an Act to create and enact chapter 17-09 of the North Dakota Century Code, relating to biodiesel plant production incentives; 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 NOT PASS, the roll was called and there were 1 YEA, 45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: O'Connell

NAYS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Grindberg

SB 2030 lost.

SECOND READING OF SENATE BILL

SB 2246: A BILL for an Act to amend and reenact section 57-40.6-02 of the North Dakota Century Code, relating to fees imposed for emergency services communications.

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: Andrist; Berry; Bowman; Burckhard; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Christmann; Cook

ABSENT AND NOT VOTING: Grindberg

SB 2246 passed.

SECOND READING OF SENATE BILL

SB 2041: A BILL for an Act to create and enact a new section to chapter 25-03.1 of the North Dakota Century Code, relating to involuntary commitment procedures and the use of telemedicine technology.

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Grindberg

SB 2041 passed.

SECOND READING OF SENATE BILL

SB 2091: A BILL for an Act to amend and reenact subsection 1 of section 37-17.1-16 of the North Dakota Century Code, relating to liability of federal government employees assisting in a state disaster.

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy;

Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Grindberg

SB 2091 passed.

SECOND READING OF SENATE BILL

SB 2039: A BILL for an Act to amend and reenact section 25-03.1-23 of the North Dakota Century Code, relating to those mental health professionals authorized to execute a certificate regarding a continuing treatment order.

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Grindberg

SB 2039 passed.

SECOND READING OF SENATE BILL

SB 2219: A BILL for an Act to amend and reenact section 58-05-12 of the North Dakota Century Code, relating to township officer interest in a township contract.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Cook; Dever; Stenehjerm

ABSENT AND NOT VOTING: Grindberg

SB 2219 passed.

SECOND READING OF SENATE BILL

SB 2054: A BILL for an Act to authorize construction of a Devils Lake east end flood control structure; to provide an appropriation; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 37 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Flakoll; Heckaman; Mathern; Nelson; O'Connell; Schneider; Sorvaag; Taylor; Warner

NAYS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Freborg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Sitte; Stenehjem; Triplett; Uglen; Wanzek; Wardner

ABSENT AND NOT VOTING: Grindberg

SB 2054 lost.

MOTION

SEN. CHRISTMANN MOVED that Engrossed SB 2229 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed SB 2229 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that Engrossed SB 2038 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed SB 2038 was rereferred.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2148, SB 2198, SB 2226, SB 2270.

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 1027, HB 1078, HB 1115, HB 1135, HB 1144, HB 1149, HB 1180, HB 1196, HB 1204, HB 1304, HB 1328, HB 1329, HB 1339, HB 1366, HB 1371, HB 1380, HB 1395, HB 1417, HB 1421, HB 1471.

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 1416.

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

MR. PRESIDENT: The House has passed, unchanged: SCR 4009.

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 Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Tuesday, February 1, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2049, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2049 was placed on the Sixth order on the calendar.

Page 1, line 23, remove "rent or"

Page 1, line 24, remove "financing subsidy or a federal"

Page 2, line 2, replace "2010" with "2011"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2088: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS,

0 ABSENT AND NOT VOTING). SB 2088 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 43-29 of the North Dakota Century Code, relating to dispensing of veterinary prescription drugs; and to"

Page 1, line 9, replace "the board by rule" with "section 2 of this Act"

Page 1, after line 9, insert:

"SECTION 2. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Veterinary prescription drugs.

1. Except as provided under subsection 2, a veterinary prescription drug must be dispensed, used, or prescribed within the context of a veterinarian-client-patient relationship.
2. Other than a controlled substance, a licensed veterinarian may dispense a veterinary prescription drug without establishing a veterinarian-client-patient relationship if:
 - a. The drug is prescribed by a licensed veterinarian or by a veterinarian licensed in another jurisdiction who has established a veterinarian-client-patient relationship;
 - b. The prescribing veterinarian has an inadequate supply of the drug, failure to dispense the drug would interrupt a therapeutic regimen, or failure to dispense the drug would cause an animal to suffer; and
 - c. The dispensing veterinarian verifies the prescription with the prescribing veterinarian."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2138: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2138 was placed on the Sixth order on the calendar.

Page 1, line 9, after the underscored period insert "At the time of hiring, the employer provided the employee written notice of the limitation on payment of accrued paid time off;

b."

Page 1, line 10, replace "b." with "c."

Page 1, line 13, replace "hold a hearing on" with "investigate"

Page 1, line 14, remove "hold a"

Page 1, line 15, replace "hearing on" with "investigate"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2140: 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 2140 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "57-62-01,"

Page 1, line 1, after "57-62-03.1" insert a comma

Page 1, line 1, remove the second "of the"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 57-62-01 of the North Dakota Century Code is amended and reenacted as follows:

57-62-01. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires:

1. "Coal development" means the mining of coal and industries directly related to the processing of coal, including the generation of electricity from coal or coal products, coal gasification, coal liquefaction, and the manufacture of fertilizer from coal.
2. "Impacted city" means a city which demonstrates actual or anticipated extraordinary expenditures caused by coal or oil and gas development and the growth incidental thereto.
3. "Impacted county" means a county which demonstrates actual or anticipated extraordinary expenditures caused by coal or oil and gas development and the growth incidental thereto.
4. "Impacted park district" means a city or county park district that demonstrates actual or anticipated extraordinary expenditures caused by coal or oil and gas development and the growth incidental thereto.
5. "Impacted school district" means a public school district which demonstrates actual or anticipated extraordinary expenditures caused by coal or oil and gas development and the growth incidental thereto.
- 5-6. "Impacted taxing district" means a taxing district as defined in subsection 7-8 which demonstrates actual or anticipated extraordinary expenditures caused by coal or oil and gas development and the growth incidental thereto.
- 6-7. "Oil and gas development" means the exploration for and production of oil and gas and industries directly relating to the refining or processing of the oil or gas.
- 7-8. "Taxing district" means any political subdivision, other than those included in subsections 2 through 45, empowered by law to levy taxes."

Page 1, line 7, remove "1."

Page 1, remove lines 16 through 20

Page 2, line 4, after the comma insert "including services provided by city or county park districts."

Page 2, line 7, remove "As used in this"

Page 2, remove line 8

Page 2, line 9, remove "increased use of park district property or facilities is an "initial impact"."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2170: Finance and Taxation Committee (Sen. Cook, Chairman) recommends

AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2170 was placed on the Sixth order on the calendar.

Page 2, line 14, after "tax" insert "or the nonresident's income is exempt from taxation by this state under the United States Constitution or federal statute"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2171: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2171 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and"

Page 1, line 3, after "date" insert "; and to provide an expiration date"

Page 1, line 7, remove the overstrike over "~~(Effective through June 30,~~"

Page 1, line 7, after "~~2011~~" insert "**2013**"

Page 1, line 7, remove the overstrike over the boldfaced closing parenthesis

Page 1, line 22, after "DATE" insert "- EXPIRATION DATE"

Page 1, line 23, after "2011" insert ", and before July 1, 2013, and after that date is ineffective"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2182: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2182 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2188: Transportation Committee (Sen. G. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2188 was placed on the Sixth order on the calendar.

Page 1, line 17, after "state" insert "that has a reciprocal excise tax agreement with this state"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2193: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2193 was placed on the Sixth order on the calendar.

Page 1, line 10, after "mailed" insert "at least two days before the presentation"

Page 1, line 16, replace "The" with "At the same time, the"

Page 1, line 18, after "authority" insert "or taxing authority"

Page 2, line 15, after "mail" insert "at least two days before the meeting"

Page 2, line 22, after the first "mail" insert "at least two days before the meeting"

Page 2, line 24, after "authority" insert "or taxing authority"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2203: Transportation Committee (Sen. G. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2203 was placed on the Sixth order on the calendar.

Page 1, line 2, after "funding" insert "; and to declare an emergency"

Page 1, line 13, remove "auditor"

Page 1, after line 13, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2207: Transportation Committee (Sen. G. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2207 was placed on the Sixth order on the calendar.

Page 1, line 13, overstrike "for any"

Page 1, line 14, overstrike "purpose and are not gainfully employed or stationed in this state"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2238: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2238 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2263: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2263 was placed on the Sixth order on the calendar.

Page 3, line 12, replace "2011" with "2010"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2283: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2283 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2293: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2293 was placed on the Eleventh order on the calendar.

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

William R. Horton, Secretary

