

JOURNAL OF THE SENATE

Sixty-second Legislative Assembly

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Bismarck, February 3, 2011

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

The prayer was offered by Reverend Merle Hoots, Bismarck Baptist Church, Bismarck.

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

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 238, line 13, replace "SB 2093" with "Engrossed SB 2093"

Page 241, line 38, replace "Engrossed" with "Reengrossed"

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

CONSIDERATION OF AMENDMENTS

SB 2042: SEN. MILLER (Finance and Taxation Committee) MOVED that the amendments on SJ pages 242-243 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2159: SEN. OEHLKE (Finance and Taxation Committee) MOVED that the amendments on SJ pages 244-245 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2311: SEN. LUICK (Education Committee) MOVED that the amendments on SJ page 246 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2143: SEN. MATHERN (Transportation Committee) MOVED that the amendments on SJ page 244 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2080: SEN. MURPHY (Agriculture Committee) MOVED that the amendments on SJ pages 243-244 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2288: SEN. NETHING (Judiciary Committee) MOVED that the amendments on SJ page 245 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2252: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ page 245 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 2305: SEN. NELSON (Judiciary Committee) MOVED that the amendments on SJ pages 245-246 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that SB 2305 be placed at the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2305: A BILL for an Act to provide for a legislative management study relating to the extension of juvenile court jurisdiction and the extent of juvenile court jurisdiction in other states.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Kilzer; Robinson

Engrossed SB 2305 passed.

SECOND READING OF SENATE BILL

SB 2203: A BILL for an Act to amend and reenact section 54-27-26 of the North Dakota Century Code, relating to annual reports for transportation funding; and to declare an emergency.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Kilzer; Robinson

Engrossed SB 2203 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2170: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to the imposition of individual income taxes and employer income tax withholding for mobile workforce employees; to amend and reenact subsection 1 of section 57-38-59 of the North Dakota Century Code, relating to the imposition of individual income taxes and employer income tax withholding for mobile workforce employees; 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, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Miller

ABSENT AND NOT VOTING: Kilzer; Robinson

Engrossed SB 2170 passed.

SECOND READING OF SENATE BILL

SB 2301: A BILL for an Act to amend and reenact section 58-02-28 of the North Dakota Century Code, relating to disposition of township funds upon dissolution; and to declare an emergency.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Kilzer; Robinson

SB 2301 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2111: A BILL for an Act to create and enact section 26.1-38.1-17 of the North Dakota Century Code, relating to the application of effective dates of amendments to member insurers of the North Dakota life and health insurance guaranty association; and to amend and reenact section 26.1-38.1-01, subsections 12, 20, and 23 of section 26.1-38.1-02, subdivision b of subsection 1 of section 26.1-38.1-05, paragraph 4 of subdivision b of subsection 2 of section 26.1-38.1-05, subsection 3 of section 26.1-38.1-06, subdivision e of subsection 14 of section 26.1-38.1-06, subsection 4 of section 26.1-38.1-07, subsection 4 of section 26.1-38.1-08, and sections 26.1-38.1-11 and 26.1-38.1-15 of the North Dakota Century Code, relating to coverage limits, powers and duties, and assessments of the North Dakota life and health insurance guaranty association.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Kilzer; Robinson

SB 2111 passed.

SECOND READING OF SENATE BILL

SB 2361: A BILL for an Act to create and enact two new subsections to section 54-21.3-02 and a new section to chapter 54-21.3 of the North Dakota Century Code, relating to definitions under the State Building Code and used temporary work camp housing exemptions; to amend and reenact section 54-21.3-04 of the North Dakota Century Code, relating to applicability of the State Building Code to other state or local government codes; and to declare an emergency.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Kilzer; Robinson

SB 2361 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2202: A BILL for an Act to amend and reenact sections 57-39.2-04.5, 57-39.2-04.6, and 57-40.2-03.3 of the North Dakota Century Code, relating to the sales and use tax exemption for materials used in compressing, processing, gathering, or refining gas, the sales and use tax exemption for materials used in construction or expansion of an oil refinery, and the use tax on contractors; and to provide an effective date.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Kilzer; Robinson

SB 2202 passed.

SECOND READING OF SENATE BILL

SB 2189: A BILL for an Act to amend and reenact subsection 9 of section 57-02-08 of the North Dakota Century Code, relating to the acreage of church property eligible for the church property tax exemption; to repeal subsection 7 of section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for church property; and to provide an effective date.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Kilzer; Robinson

Engrossed SB 2189 passed.

SECOND READING OF SENATE BILL

SB 2208: A BILL for an Act to amend and reenact subdivision o of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to the income tax exemption applying to qualifying reservation residents, activities, and sources; and to provide an effective date.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Kilzer; Robinson

SB 2208 passed.

MOTION

SEN. CHRISTMANN MOVED that SB 2301 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2301.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Kasper, Headland, Ruby, Thoreson, Wrangham and Sen. Hogue introduced:

HCR 3013: A concurrent resolution to recognize February 6, 2011, as "Ronald Reagan Day" in North Dakota.

Was read the first time.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended, that HCR 3013 not be printed, not be referred to committee, but be read in title only, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3013: A concurrent resolution to recognize February 6, 2011, as "Ronald Reagan Day" in North Dakota.

The question being on the final adoption of the resolution, which has been read.

HCR 3013 was declared adopted on a voice vote.

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 2049, SB 2088, SB 2093, SB 2138, SB 2140, SB 2182, SB 2193, SB 2263, SB 2306.

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

MR. SPEAKER: The Senate has passed, unchanged: HCR 3013.

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 1315, HB 1391.

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 1343.

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

MR. PRESIDENT: Your signature is respectfully requested on: HCR 3013.

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

MR. SPEAKER: The President has signed: HCR 3013.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, February 4, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2097: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2097 was placed on the Sixth order on the calendar.

Page 1, line 13, overstrike ", not to exceed"

Page 1, line 13, remove "two"

Page 1, line 13, overstrike "hundred"

Page 1, line 13, overstrike "dollars,"

Page 1, line 14, overstrike ", not to exceed"

Page 1, line 15, remove "two"

Page 1, line 15, overstrike "hundred"

Page 1, line 15, remove "fifty"

Page 1, line 15, overstrike "dollars,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2157: 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 2157 was placed on the

Sixth order on the calendar.

Page 1, line 1, replace "a" with "two"

Page 1, line 1, replace "subdivision" with "subdivisions"

Page 1, line 4, after "conditions" insert "; to amend and reenact section 39-10-21.1 of the North Dakota Century Code, relating to entering a closed road; and to provide a penalty"

Page 1, line 6, replace "A" with "Two"

Page 1, line 6, replace "subdivision" with "subdivisions"

Page 1, line 7, replace "is" with "are"

Page 1, line 8, after the first "of" insert "subsection 3 of"

Page 1, after line 8, insert:

"A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty dollars."

Page 1, replace line 11 with:

"Entering a closed road in violation of subsection 2 of section 39-10-21.1 4 points

SECTION 3. AMENDMENT. Section 39-10-21.1 of the North Dakota Century Code is amended and reenacted as follows:

39-10-21.1. Closing road because of hazardous conditions - Posting of official traffic-control devices - Entering closed road prohibited.

1. The highway patrol or local law enforcement authorities having jurisdiction over a road may close a road temporarily due to hazardous conditions for the protection and safety of the public. If such a closing is made, the authority ordering the closing shall make every reasonable attempt to notify the public and, when practical, may post appropriate official traffic-control devices to advise motorists of the closing. ~~No person~~
2. An individual, while operating a motor vehicle, may not knowingly enter a road closed under this section which is posted with an appropriate traffic-control device at the point of entry.
3. An individual, while operating a motor vehicle, may not knowingly enter a road that is closed through reasonable public notification by law enforcement and which is not posted with an appropriate traffic-control device at the point of entry.
4. The highway patrol or local law enforcement having jurisdiction over a road may require an individual to pay the expenses of that law enforcement agency in providing assistance to that individual if that individual has been cited for violation of subsection 2 and was assisted by that law enforcement agency. The law enforcement agency may retain and hold a possessory lien in any vehicle used in relation to a violation for a violation of subsection 2."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2162: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2162 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2172: 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 2172 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2215: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2215 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2221: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (4 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2221 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2245: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2245 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "either"

Page 1, line 11, overstrike "Who was" and insert immediately thereafter "Was"

Page 1, line 13, replace "Who was" with "Was"

Page 1, line 13, replace "due" with "with the base-period employer for reasons directly attributable"

Page 3, line 26, replace "individual is separated" with "reason for separation"

Page 3, line 26, after "from" insert "the individual's"

Page 3, line 27, replace "due" with "is directly attributable"

Page 3, line 27, remove "reasonable"

Page 3, line 28, remove "and which causes the individual to reasonably believe the individual's"

Page 3, line 29, replace "continuing" with "that substantiates the individual's reason for separation from the most recent employment and such continued"

Page 3, line 30, remove "reasonable"

Page 3, line 31, remove "of domestic violence or sexual assault"

Page 3, line 31, replace "for" with an underscored comma

Page 4, line 1, after "protection" insert "order, restraining order,"

Page 4, line 1, remove "documentation of equitable relief by the court; a police record"

Page 4, remove lines 2 through 5

Page 4, line 6, replace "domestic violence or sexual assault," with "record filed with a court; a police record; a medical record indicating domestic violence or sexual assault; or a written affidavit"

Page 4, line 8, remove "; or a reliable statement from"

Page 4, remove lines 9 and 10

Page 4, line 11, remove "violence or sexual assault"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2260: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2260 was placed on the Sixth order on the calendar.

Page 1, line 20, remove "On an annual basis, the tax commissioner shall alert those resident taxpayers who"

Page 1, remove lines 21 through 24

Page 2, remove lines 1 through 5

Page 2, line 6, remove "4."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2302: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2302 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2312: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2312 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2326: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2326 was placed on the Sixth order on the calendar.

Page 1, line 23, remove "in one human service region of the state as determined by the"

Page 1, line 24, remove "department to provide services"

Page 2, line 2, after "region" insert "or regions"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2330: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2330 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2333: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2333 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2336: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2336 was placed on the Sixth order on the calendar.

Page 1, line 10, after the underscored period insert "The exemption for each new mine under this section is limited to the first two million dollars of sales and use tax liability exempted."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2347: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2347 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "withing" with "within"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4004: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4004 was placed on the Sixth order on the calendar.

Page 1, line 24, after "used" insert ", in part,"

Page 1, after line 25, insert:

"3. The amount available annually for each scholarship must be equal to at least twenty percent, but may not exceed fifty percent, of the statewide average undergraduate tuition and fees at the four-year public institutions of higher education in this state. Any amount not necessary for the purpose of scholarships is available for appropriation by the legislative assembly or for distribution by the legislative assembly to each resident of the state over the age of eighteen, notwithstanding the provisions of section 18 of article X of the Constitution of North Dakota.

4."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4010: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4010 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

HB 1039: A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 14-15-17, section 15-12-25, subsections 2 and 3 of section 15-52-03, sections 23-34-02, 23-34-02.1, 43-04-40, 43-53-04, and 50-06-05.1, subsection 1 of section 61-06-13, subsection 5 of section 61-07-03, section 61-11-03, and subdivision a of subsection 2 of section 65-02-03.1 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references; and to repeal sections 4-32-09 and 40-05-21 of the North Dakota Century Code, relating to obsolete provisions.

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

HB 1063: A BILL for an Act to amend and reenact subsections 1 and 2 of section 43-04-42 of the North Dakota Century Code, relating to barber licensing fees.

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

HB 1104: A BILL for an Act to amend and reenact subsection 7 of section 23-20.3-03.1 of the North Dakota Century Code, relating to financial assurance requirements for property subject to institutional controls or responsibility exemptions.

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

HB 1108: A BILL for an Act to amend and reenact sections 27-02.1-01, 27-02.1-02, 27-02.1-03, 27-02.1-04, 27-02.1-05, 27-02.1-06, 27-02.1-07, 27-02.1-08, and 27-02.1-09 of the North Dakota Century Code, relating to the temporary court of appeals; to provide an effective date; and to provide an expiration date.

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

HB 1112: A BILL for an Act to amend and reenact section 21-04-09 of the North Dakota Century Code, relating to security for public deposits.

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

HB 1137: A BILL for an Act to create and enact sections 41-09-132, 41-09-133, 41-09-134, 41-09-135, 41-09-136, 41-09-137, 41-09-138, and 41-09-139 of the North Dakota Century Code, relating to transition provision for revision of secured transaction laws; to amend and reenact sections 41-09-02 and 41-09-05, subdivision b of subsection 6 of section 41-09-27, subsection 1 of section 41-09-31, sections 41-09-36, 41-09-37, and 41-09-46, subsection 5 of section 41-09-68, subsection 2 of section 41-09-70, subdivision c of subsection 3 of section 41-09-73, section 41-09-74, subsection 3 of section 41-09-78, subsection 6 of section 41-09-86, subsection 2 of section 41-09-87, section 41-09-89, and paragraph 1 of subdivision b of subsection 2 of section 41-09-104 of the North Dakota Century Code, relating to a revision to Uniform Commercial Code Article 9 relating to secured transactions; and to provide an effective date.

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

HB 1240: A BILL for an Act to amend and reenact section 54-55-01 of the North Dakota Century Code, relating to the qualifications of members of the commission on uniform state laws.

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

HB 1366: A BILL for an Act to amend and reenact subsection 3 of section 45-11-01 and section 47-25-03 of the North Dakota Century Code, relating to a partnership fictitious name and a trade name filed with the secretary of state.

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

HB 1471: A BILL for an Act to amend and reenact section 54-21.3-04 of the North Dakota Century Code, relating to the state building code.

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

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

William R. Horton, Secretary

