

**JOURNAL OF THE SENATE**

**Sixty-second Legislative Assembly**

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**Bismarck, February 7, 2011**

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

The prayer was offered by Pastor Cecil Stanton, Faith Center Church of God of Prophecy, Bismarck.

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

A quorum was declared by the President.

**CONSIDERATION OF AMENDMENTS**

**SB 2308: SEN. G. LEE (Transportation Committee) MOVED** that the amendments on SJ pages 272-273 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**SB 2244: SEN. OEHLKE (Transportation Committee) MOVED** that the amendments on SJ page 272 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 2227 be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2227 was rereferred.

**SECOND READING OF SENATE BILL**

**SB 2260:** A BILL for an Act to create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit equal to a portion of a taxpayer's federal earned income credit; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 34 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Dotzenrod; Heckaman; Marcellais; Mathern; Murphy; Nelson; O'Connell; Schneider; Taylor; Triplett; Warner

**NAYS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Nething; Nodland; Oehlke; Schaible; Sitte; Sorvaag; Stenehjem; Uglem; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Olafson; Robinson

Engrossed SB 2260 lost.

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**SECOND READING OF SENATE BILL**

**SB 2157:** A BILL for an Act to create and enact two new subdivisions to subsection 2 of section 39-06.1-06 and a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the fee and demerit points for entering a road closed due to hazardous conditions; 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.

**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; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Olafson; Robinson

Engrossed SB 2157 passed.

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**SECOND READING OF SENATE BILL**

**SB 2336:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales tax exemption for machinery or equipment used to produce coal from a new mine located in this state; 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; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Olafson; Robinson

Engrossed SB 2336 passed.

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**SECOND READING OF SENATE BILL**

**SB 2245:** A BILL for an Act to amend and reenact subdivision b of subsection 2 of section 52-04-07 and subsection 1 of section 52-06-02 of the North Dakota Century Code, relating to eligibility for unemployment compensation benefits; 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; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Olafson; Robinson

Engrossed SB 2245 passed and the emergency clause was declared carried.

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**MOTION**

**SEN. CHRISTMANN MOVED** that Engrossed SB 2245 be rereferred to the **Appropriations**

**Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed SB 2245 was rereferred.

#### SECOND READING OF SENATE BILL

**SB 2097:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 and a new section to chapter 43-47 of the North Dakota Century Code, relating to criminal history record checks of counselors; and to amend and reenact subsection 3 of section 43-47-03 of the North Dakota Century Code, relating to fees.

#### 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; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Olafson; Robinson

Engrossed SB 2097 passed.

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#### SECOND READING OF SENATE BILL

**SB 2347:** A BILL for an Act to create and enact a new subsection to section 23-37-17 of the North Dakota Century Code, relating to financial responsibility; and to amend and reenact subsection 1 of section 23-37-18 of the North Dakota Century Code, relating to the petroleum compensation 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 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; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**NAYS:** O'Connell

**ABSENT AND NOT VOTING:** Olafson; Robinson

Engrossed SB 2347 passed.

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#### SECOND READING OF SENATE BILL

**SB 2326:** A BILL for an Act to provide for a substance abuse services pilot voucher payment program; to provide a continuing appropriation; and to provide for a report to the legislative management.

#### 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; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Schaible; Schneider; Sitte; Sorvaag;

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

**NAYS:** Erbele

**ABSENT AND NOT VOTING:** Olafson; Robinson

Engrossed SB 2326 passed.

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### SECOND READING OF SENATE BILL

**SB 2287:** A BILL for an Act to amend and reenact subsection 2 of section 39-01-01 of the North Dakota Century Code, relating to emergency lights on response vehicles.

### 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; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Olafson; Robinson

SB 2287 passed.

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### SECOND READING OF SENATE BILL

**SB 2144:** A BILL for an Act to create and enact a new section to chapter 54-17 of the North Dakota Century Code, relating to authority of the industrial commission to provide matching grants for applied research at North Dakota higher education institutions to increase the recovery rate or percentage share of oil recovered from geologic formations in North Dakota; 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 NOT PASS, the roll was called and there were 17 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Fischer; Flakoll; Grindberg; Laffen; Lee, J.; Lyson; Marcellais; Mathern; Murphy; O'Connell; Oehlke; Schneider; Sorvaag; Warner

**NAYS:** Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Freborg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Luick; Miller; Nelson; Nething; Nodland; Schaible; Sitte; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Olafson; Robinson

SB 2144 lost.

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### SECOND READING OF SENATE BILL

**SB 2167:** A BILL for an Act to create and enact seven new sections to chapter 15.1-19 of the North Dakota Century Code, relating to bullying.

### 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 34 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Christmann; Cook; Dotzenrod; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Kilzer; Krebsbach; Laffen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Schaible; Schneider; Sorvaag; Stenehjem; Taylor; Triplett; Wardner; Warner

**NAYS:** Bowman; Burckhard; Dever; Erbele; Hogue; Klein; Larsen; Miller; Sitte; Uglem; Wanzek

**ABSENT AND NOT VOTING:** Olafson; Robinson

Engrossed SB 2167 passed.

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**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 2080, SB 2143, SB 2288, SB 2305, SB 2311, SB 2330, SCR 4010.

**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 1121, HB 1183, HB 1218, HB 1386, HB 1389, HB 1413.

**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 1:00 p.m., Tuesday, February 8, 2011, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2161: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2161 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new"

Page 1, line 1, after "subsection" insert "7"

Page 1, replace lines 13 through 17 with:

**"SECTION 2.** Subsection 7 to section 32-12.1-03 of the North Dakota Century Code is created and enacted as follows:

7. a. With regard to a congressional section line, as described in section 24-07-03, which is unimproved, the political subdivision that has jurisdiction over that congressional section line:
- (1) Is not liable for any claim based on a naturally occurring hazard regarding that congressional section line; and
  - (2) Is not liable for any claim based on a manmade hazard regarding that congressional section line unless:
    - (a) The political subdivision is notified in writing that the hazard exists; and
    - (b) The political subdivision either fails to take action to mitigate the hazard as soon as is practicable, but not to exceed ten days, after the written notification, or fails to provide warning that the congressional section line has a hazardous condition.

- b. Except as provided in paragraph 2 of subdivision a, any person that creates a hazard by altering a congressional section line is liable for any damages caused by the alteration.
- c. The political subdivision may seek an order directing the person that alters a congressional section line to restore the congressional section line to its original state."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2174: Judiciary Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2174 was placed on the Sixth order on the calendar.

Page 1, line 2, after the second comma insert "and"

Page 1, line 2, replace the second "and" with a comma

Page 1, line 2, after the third comma insert "and"

Page 1, remove line 3

Page 1, line 4, remove "10-33-142, subsection 3 to section 45-10.2-112, section"

Page 1, line 4, remove ", and subsection 3 to section"

Page 1, line 5, remove "45-22-24"

Page 1, line 13, replace the first "section" with "sections"

Page 1, line 13, after "10-19.1-147" insert "and 10-19.1-149"

Page 1, line 17, after the first comma insert "section 10-32-153,"

Page 1, line 23, after "sections" insert "10-33-142,"

Page 1, line 24, after the first comma insert "section 45-10.2-112,"

Page 1, line 24, after the fourth comma insert "45-22-24,"

Page 4, line 27, replace the third "of" with "or"

Page 7, line 4, replace "10-15-52.6" with "10-15-52.5"

Page 9, line 6, replace "must" with "may"

Page 9, line 11, replace "must" with "may"

Page 9, line 21, replace "10-19.1-57" with "10-19.1-52"

Page 14, line 19, remove "subsection 1 of"

Page 19, line 23, after "principal" insert "executive"

Page 21, line 30, after "maintain" insert "both"

Page 21, line 30, replace "or" with "and"

Page 24, replace lines 17 through 21 with:

**"SECTION 24. AMENDMENT.** Section 10-19.1-149 of the North Dakota Century Code is amended and reenacted as follows:

**10-19.1-149. Secretary of state - Certificates and certified copies to be received in evidence.**

1. All certificates issued by the secretary of state and all copies of records filed in accordance with this chapter, when certified by the secretary of state, ~~must~~may be taken and received in all courts, public offices, and official bodies as ~~prima facie~~ evidence of the facts stated.
2. A certificate by the secretary of state under the great seal of this state, as to the existence or nonexistence of the facts relating to corporations which would not appear from a certified copy of any of the foregoing records or certificates, ~~must~~may be taken and received in all courts, public offices, and official bodies as ~~prima facie~~ evidence of the existence or nonexistence of the facts stated.
3. Any certificate or certified copy issued by the secretary of state under this section may be created and disseminated as an electronic record with the same force and effect as if produced in a paper form.

Page 38, line 2, remove "subsection 1 of"

Page 43, line 13, overstrike "a corporation" and insert immediately thereafter "an organization"

Page 43, line 13, overstrike "shares" and insert immediately thereafter "ownership interests"

Page 47, replace lines 16 through 20 with:

**"SECTION 39. AMENDMENT.** Section 10-32-153 of the North Dakota Century Code is amended and reenacted as follows:

**10-32-153. Secretary of state - Certificates and certified copies to be received in evidence.**

1. All certificates issued by the secretary of state and all copies of records filed in accordance with this chapter, when certified by the secretary of state, ~~must~~may be taken and received in all courts, public offices, and official bodies as ~~prima facie~~ evidence of the facts therein stated.
2. A certificate by the secretary of state under the great seal of this state, as to the existence or nonexistence of the facts relating to limited liability companies which would not appear from a certified copy of any of the foregoing records or certificates, ~~must~~may be taken and received in all courts, public offices, and official bodies as ~~prima facie~~ evidence of the existence or nonexistence of the facts stated therein.
3. Any certificate or certified copy issued by the secretary of state under this section may be created and disseminated as an electronic record with the same force and effect as if produced in a paper form.

Page 54, line 13, remove "subsection 1 of"

Page 58, line 27, replace the second "the" with "any"

Page 67, remove lines 30 and 31

Page 68, replace lines 1 through 3 with:

**"SECTION 61. AMENDMENT.** Section 10-33-142 of the North Dakota Century Code is amended and reenacted as follows:

**10-33-142. Secretary of state - Evidence.**

1. All certificates issued by the secretary of state and all copies of records filed in accordance with this chapter, when certified by the secretary of state,

~~must~~may be taken and received in all courts, public offices, and official bodies as ~~prima facie~~evidence of the facts stated.

2. A certificate by the secretary of state under the great seal of this state, as to the existence or nonexistence of the facts relating to corporations which would not appear from a certified copy of any of the foregoing records or certificates, ~~must~~may be taken and received in all courts, public offices, and official bodies as ~~prima facie~~evidence of the existence or nonexistence of the facts stated.
3. Any certificate or certified copy issued by the secretary of state under this section may be created and disseminated as an electronic record with the same force and effect as if produced in a paper form."

Page 71, line 14, replace "1" with "3"

Page 71, line 14, replace "45-10.2-23" with "45-10.2-27"

Page 74, replace lines 24 through 28 with:

**"SECTION 67. AMENDMENT.** Section 45-10.2-112 of the North Dakota Century Code is amended and reenacted as follows:

**45-10.2-112. Secretary of state - Certificates and certified copies to be received in evidence.**

1. All copies of records filed in accordance with this chapter, when certified by the secretary of state, ~~must~~may be taken and received in all courts, public offices, and official bodies as ~~prima facie~~evidence of the facts stated.
2. A certificate by the secretary of state under the great seal of this state, as to the existence or nonexistence of the facts relating to limited partnerships or foreign limited partnerships which would not appear from a certified copy of any of the foregoing records or certificates, ~~must~~may be taken and received in all courts, public offices, and official bodies as ~~prima facie~~evidence of the existence or nonexistence of the facts stated.
3. Any certificate or certified copy issued by the secretary of state under this section may be created and disseminated as an electronic record with the same force and effect as if produced in a paper form."

Page 80, line 5, replace "1" with "9"

Page 81, replace lines 20 through 24 with:

**"SECTION 72. AMENDMENT.** Section 45-22-24 of the North Dakota Century Code is amended and reenacted as follows:

**45-22-24. Certificates and certified copies to be received in evidence.**

1. All copies of documents filed in accordance with this chapter, when certified by the secretary of state, ~~must~~may be taken and received in all courts, public offices, and official bodies as ~~prima facie~~evidence of the facts stated.
2. A certificate by the secretary of state under the great seal of this state, as to the existence or nonexistence of the facts relating to domestic limited liability partnerships or foreign limited liability partnerships which would not appear from a certified copy of any of the foregoing documents or certificates, ~~must~~may be taken and received in all courts, public offices, and official bodies as ~~prima facie~~evidence of the existence or nonexistence of the facts stated.
3. Any certificate or certified copy issued by the secretary of state under this section may be created and disseminated as an electronic record with the same force and effect as if produced in a paper form."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2194: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2194 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2207, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2207 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2222: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2222 was placed on the Sixth order on the calendar.

Page 2, line 20, after the underscored period insert "Grants may be awarded for up to seventy-five percent of the first fifty thousand dollars and up to fifty percent thereafter of the future actuarial and development costs."

Page 2, replace lines 26 through 28 with:

**"Access to board records.**

Materials and data submitted to, or made or received by, the board, to the extent that the board determines the materials or data consist of trade secrets or commercial, financial, or proprietary information of individuals or entities applying to or contracting with the board or receiving board services under this chapter are subject to section 44-04-18.4. The names or identities of the independent technical reviewers on any project or program are confidential and may not be disclosed by the board."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2224: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2224 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2237: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2237 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "abuse" with "domestic violence"

Page 1, line 9, replace the third underscored comma with "or"

Page 1, line 9, remove the second ", or"

Page 1, line 10, remove "should have sought"

Page 1, line 10, replace "abuse" with "domestic violence"

Page 1, line 11, replace the first "abuse" with "domestic violence"

Page 1, line 11, replace the second "abuse" with "domestic violence"

Page 1, line 13, remove ", or potential to be."

Page 1, line 13, replace "abuse" with "domestic violence"

Page 1, line 16, replace the first "abuse" with "domestic violence"

Page 1, line 16, replace the second "abuse" with "domestic violence"

Page 1, line 16, after the underscored period insert "As used in this subdivision, domestic violence has the same meaning as provided under section 14-07.1-01. Under this subdivision, with respect to all other conditions a subject of domestic violence is subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are all other individuals."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2282: Natural Resources Committee (Sen. Lyson, 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 2282 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "61-02-12" insert "and 61-04.1-07"

Page 1, line 2, after "commission" insert "and members of the North Dakota atmospheric resource board"

Page 1, after line 13, insert:

**"SECTION 2. AMENDMENT.** Section 61-04.1-07 of the North Dakota Century Code is amended and reenacted as follows:

#### **61-04.1-07. Board officers - Compensation.**

All members of the board, with the exception of the chairman, are voting members. The board shall elect annually from its membership a chairman, vice chairman, and secretary. A majority of the members constitute a quorum for the purpose of conducting the business of the board. Board members who are not full-time salaried employees of this state are entitled to receive compensation of ~~sixty-two dollars and fifty cents~~ per day in the amount provided for members of the legislative management under section 54-35-10 and must be reimbursed for their mileage and expenses in the amounts provided by sections 44-08-04 and 54-06-09. All other members of the board must be reimbursed for necessary travel and other expenses incurred in the performance of the business of the board in the amounts provided in sections 44-08-04 and 54-06-09."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2290: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2290 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2296: 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 2296 was placed on the Sixth order on the calendar.

Page 1, line 8, after "track" insert ", on an annual basis."

Page 1, line 8, replace "public" with "state-owned"

Page 1, line 9, replace "on an annual basis" with "that is or can be separately metered within budget constraints"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2303: 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 2303 was placed on the Sixth order on the calendar.

Page 1, line 7, remove the underscored period

Page 1, line 8, remove "a. Nine members are"

Page 1, line 10, remove the overstrike over "and"

Page 1, line 10, remove the underscored comma

Page 1, line 11, remove the overstrike over "~~The~~"

Page 1, line 11, remove ", and the"

Page 1, line 13, after the underscored period insert "The term of the individual appointed to represent the feeder cattle industry expires on August 1, 2018, and every seven years thereafter"

Page 1, remove line 14

Page 1, line 15, remove "term that expires on August 1, 2018"

Page 1, line 16, remove "c."

Page 1, line 20, remove "a."

Page 1, line 20, remove "appointed by the governor"

Page 1, line 21, remove the overstrike over "a:"

Page 1, line 21, remove "(1)"

Page 2, line 1, remove the overstrike over "~~b:~~"

Page 2, line 1, remove "(2)"

Page 2, line 4, remove the overstrike over "e:"

Page 2, line 4, replace "(3)" with "One individual who is actively engaged and financially interested in the feeder cattle industry and who shall represent the industry on the board:"

d."

Page 2, line 6, replace "(4)" with "e."

Page 2, line 8, replace "(5)" with "f."

Page 2, line 10, replace "(6)" with "g."

Page 2, line 12, replace "(7)" with "h."

Page 2, line 15, replace "(8)" with "i."

Page 2, remove lines 16 and 17

Page 2, line 23, after the comma insert "by the feeder council of the North Dakota stockmen's association for the individual representing the feeder cattle industry."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2316: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2316 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2322: 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 2322 was placed on the Sixth order on the calendar.

Page 1, line 3, after "providers" insert "; and to declare an emergency"

Page 4, after line 16, insert:

"3. The commission may impose an application fee of up to one hundred twenty-five thousand dollars for an application under this chapter. With the approval of the emergency commission, the commission may impose an additional amount. The commission shall pay the expenses of processing an application under this chapter from the application fee paid by the public utility in accordance with section 49-02-02."

Page 5, after line 17, insert:

**"SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2337: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2337 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2338: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2338 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2341: 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 2341 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new section to chapter 43-29.1 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to administrative costs of the veterinarian loan repayment program;"

Page 4, remove lines 28 and 29

Page 5, remove lines 1 through 5

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2345: Agriculture Committee (Sen. Flakoll, 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 2345 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 for the department of commerce to conduct a sugar-based feedstock biofuel demonstration plant feasibility study; and to provide an appropriation.

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

**SECTION 1. SUGAR-BASED FEEDSTOCK BIOFUEL DEMONSTRATION PLANT FEASIBILITY STUDY.**

1. During the 2011-13 interim, the department of commerce shall conduct a sugar-based feedstock biofuel demonstration plant feasibility study.
2. The feasibility study must:
  - a. Address the cost of a sugar-based feedstock biofuel demonstration plant;
  - b. Determine the nature and scope of existing and potential markets, both domestic and international, for sugar-based feedstock biofuel;
  - c. Review federal laws, regulations, policies, and guidelines regarding biofuels; and
  - d. Examine the potential for obtaining loans, grants, and other incentives in order to further the development of a sugar-based feedstock biofuel demonstration plant.
3. The department of commerce shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly.

**SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$5,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of conducting a sugar-based feedstock biofuel demonstration plant feasibility study as provided under section 1 of this Act, for the biennium beginning July 1, 2011, and ending June 30, 2013."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2358: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2358 was placed on the Eleventh order on the calendar.

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

**William R. Horton, Secretary**

