

JOURNAL OF THE SENATE

Sixty-second Legislative Assembly

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Bismarck, February 18, 2011

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

The prayer was offered by Sister Anna Rose Ruhland, St. Vincent's Care Center, Bismarck.

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

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2332: SEN. UGLEM (Natural Resources Committee) MOVED that the amendments on SJ page 457 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2332: A BILL for an Act to provide for hunting on big game preserves; to provide a penalty; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Hogue

ABSENT AND NOT VOTING: Nething

Engrossed SB 2332 passed.

CONSIDERATION OF AMENDMENTS

SB 2300: SEN. FLAKOLL (Education Committee) MOVED that the amendments on SJ pages 455-456 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2300: A BILL for an Act to create and enact four new sections to chapter 15-10 of the North Dakota Century Code, relating to the creation of the North Dakota commission on higher education funding; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; 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; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Christmann

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2300 passed and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2351: SEN. HECKAMAN (Education Committee) MOVED that the amendments on SJ page 458 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2351: A BILL for an Act to create and enact chapter 15-10.3 of the North Dakota Century Code, relating to student fees at institutions of higher education under the control of the state board of higher education; to provide for a legislative management study; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2351 passed.

CONSIDERATION OF AMENDMENTS

SB 2129: SEN. DOTZENROD (Finance and Taxation Committee) MOVED that the amendments on SJ pages 451-452 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2129: A BILL for an Act to amend and reenact sections 57-51-15, 57-51.1-07, 57-51.1-07.2, and 57-51.1-07.3 of the North Dakota Century Code, relating to legacy fund deposits of oil and gas tax collections and holding political subdivisions harmless against related allocation reductions and oil and gas gross production and oil extraction tax deposits in the permanent oil tax trust fund; and to provide an effective date.

ROLL CALL

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

YEAS: 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; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2129 passed.

CONSIDERATION OF AMENDMENTS

SB 2294: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ page 455 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2294: A BILL for an Act to amend and reenact subsection 7 of section 57-01-02, sections 57-01-05 and 57-02-11, subsection 3 of section 57-12-06, and 57-13-04, 57-13-05, 57-13-07, 57-13-08, and 57-14-08 of the North Dakota Century Code, relating to assessments of property, powers and duties of the state supervisor of assessments, listing of individual property records, inspection of property, the duties of the state board of equalization, and the duties of county assessors.

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

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2294 passed.

CONSIDERATION OF AMENDMENTS

SB 2150, as engrossed: SEN. FLAKOLL (Appropriations Committee) MOVED that the amendments on SJ pages 452-453 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2150: A BILL for an Act to create and enact a new section to chapter 15.1-09.1, four new sections to chapter 15.1-18.2, and two new sections to chapter 15.1-21 of the North Dakota Century Code, relating to regional education associations, the professional development advisory committee, and North Dakota scholarships; to amend and reenact sections 15.1-07-33, 15.1-09-58, 15.1-09.1-02, 15.1-20-01, 15.1-21-02.1, 15.1-21-02.4, 15.1-21-02.5, 15.1-21-02.6, 15.1-21-08, 15.1-21-18, 15.1-21-19, 15.1-22-01, 15.1-27-03.1, 15.1-27-04, 15.1-27-07.2, 15.1-27-11, 15.1-27-35.3, and 15.1-37-01 of the North Dakota Century Code, relating to technology, regional education associations, curriculum requirements, assessments, scholarships, student consultations, compulsory attendance, age of admission, and state aid; to repeal section 15.1-27-15 of the North Dakota Century Code, relating to isolated schools; to provide a continuing appropriation; to provide for compensation increases, transition payments, contingent payments, and the distribution of transportation grants; to provide for a legislative management study and reports; and to provide an effective date.

ROLL CALL

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

YEAS: 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; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nothing

Reengrossed SB 2150 passed.

CONSIDERATION OF AMENDMENTS

SB 2013: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ pages 445-451 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2013: A BILL for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the school for the deaf, North Dakota vision services - school for the blind, and the state library; to provide for the distribution of funding for regional education association grants, alternative education program grants, gifted and talented programs and other grants; to provide a contingent appropriation; to amend and reenact section 15.1-02-02 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction; to repeal section 15.1-13-33 of the North Dakota Century Code, relating to the national board certification fund; to provide an exemption; to provide for a transfer; to amend and reenact sections 54 and 59 of chapter 175 of the 2009 Session Laws, relating to funds appropriated for transportation and state school aid; 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; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2013 passed and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2356: SEN. DOTZENROD (Finance and Taxation Committee) MOVED that the amendments on SJ page 458 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2356: A BILL for an Act to amend and reenact section 40-22.1-01 of the North Dakota Century Code, relating to special assessments for business promotion.

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

YEAS: Andrist; Berry; Bowman; Christmann; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen;

Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Burckhard; Cook; Hogue

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2356 passed.

CONSIDERATION OF AMENDMENTS

SB 2309: SEN. UGLEM (Human Services Committee) MOVED that the amendments on SJ pages 456-457 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2309: A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to federal health care reform legislation.

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 27 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Christmann; Cook; Dever; Erbele; Freborg; Hogue; Holmberg; Kilzer; Klein; Laffen; Larsen; Lee, G.; Lyson; Miller; Nodland; O'Connell; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjerm; Wanzek; Wardner

NAYS: Burckhard; Dotzenrod; Fischer; Flakoll; Grindberg; Heckaman; Krebsbach; Lee, J.; Luick; Marcellais; Mathern; Murphy; Nelson; Robinson; Schneider; Taylor; Triplett; Uglem; Warner

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2309 passed.

CONSIDERATION OF AMENDMENTS

SB 2258: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ page 454 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2258: A BILL for an Act to create and enact a new section to chapter 14-09, two new subsections to section 26.1-02-28, and a new section to chapter 35-34 of the North Dakota Century Code, relating to child support enforcement; to amend and reenact sections 26.1-02-28, 34-15-03, 34-15-04, 35-34-02, 35-34-03, and 35-34-04, subsection 1 of section 35-34-06, and sections 35-34-09 and 35-34-10 of the North Dakota Century Code, relating to child support enforcement; to provide for transition; 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, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; 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; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Cook; O'Connell

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2258 passed.

CONSIDERATION OF AMENDMENTS

SB 2314: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments on SJ page 457 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2314: A BILL for an Act to provide an appropriation to the superintendent of public instruction for grants to the prevention advisory task force.

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

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2314 passed.

CONSIDERATION OF AMENDMENTS

SB 2218: SEN. TRIPLETT (Finance and Taxation Committee) MOVED that the amendments on SJ pages 453-454 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2218: A BILL for an Act to amend and reenact subsection 5 of section 40-63-07 of the North Dakota Century Code, relating to renaissance fund organization income tax credits; and to provide an effective date.

ROLL CALL

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

YEAS: 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; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2218 passed.

CONSIDERATION OF AMENDMENTS

SCR 4020: SEN. MATHERN (Human Services Committee) MOVED that the amendments

on SJ page 458 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4020: A concurrent resolution directing the Legislative Management to study the causes of increases in Department of Human Services caseloads and program utilization and the impact of federal health care reform.

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

Engrossed SCR 4020 was declared adopted on a voice vote.

SECOND READING OF SENATE BILL

SB 2050: A BILL for an Act to create and enact a new subsection to section 40-58-20 of the North Dakota Century Code, relating to tax increment financing districts; and to amend and reenact subsection 2 of section 40-58-01.1 and subsection 1 of section 40-58-20 of the North Dakota Century Code, relating to tax increment financing by cities.

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

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2050 passed.

SECOND READING OF SENATE BILL

SB 2059: A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to creation of a technology impact zone program; to provide a continuing 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 NOT PASS, the roll was called and there were 3 YEAS, 43 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Flakoll; Grindberg; Schneider

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

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2059 lost.

SECOND READING OF SENATE BILL

SB 2329: 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 individual and corporate income tax credit for targeted retail businesses; 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 35 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: 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; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Sorvaag; Stenehjem; Uglem; Wanzek; Wardner

NAYS: Dotzenrod; Heckaman; Marcellais; Mathern; Murphy; Nelson; Schneider; Sitte; Taylor; Triplett; Warner

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2329 passed.

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 2008, SB 2021, SB 2160, SB 2265, SB 2349, SB 2354, SCR 4005, SCR 4012.

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 2232, SB 2285.

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 1038, HB 1100, HB 1142, HB 1241, HB 1261, HB 1284, HB 1336, HB 1364, HB 1385, HB 1396, HB 1418, HB 1425, HB 1469.

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 1267.

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 1:00 p.m., Monday, February 21, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2004: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2004 was placed on the Sixth order on the calendar.

Page 1, line 1, after the semicolon insert "to provide an appropriation to the legislative council;"

Page 1, after line 23, insert:

"SECTION 3. APPROPRIATION - LEGISLATIVE COUNCIL. There is appropriated out of any moneys in the general fund in the state treasury, not

otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the legislative council for the purpose of contracting for a performance review of the state auditor's office, for the biennium beginning July 1, 2011, and ending June 30, 2013. The legislative management shall solicit bids from national private accounting firms and contract by October 1, 2011, for a performance review of the state auditor's office, including quality controls, procedures, technical applications, professionalism, customer feedback, efficiency, staffing review, and reporting. The performance review must be completed by July 1, 2012."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2004 - Summary of Senate Action

	Executive Budget	Senate Changes	Senate Version
State Auditor			
Total all funds	\$9,571,330	\$0	\$9,571,330
Less estimated income	2,427,522	0	2,427,522
General fund	\$7,143,808	\$0	\$7,143,808
Legislative Council			
Total all funds	\$0	\$100,000	\$100,000
Less estimated income	0	0	0
General fund	\$0	\$100,000	\$100,000
Bill total			
Total all funds	\$9,571,330	\$100,000	\$9,671,330
Less estimated income	2,427,522	0	2,427,522
General fund	\$7,143,808	\$100,000	\$7,243,808

Senate Bill No. 2004 - Legislative Council - Senate Action

	Executive Budget	Senate Changes	Senate Version
Performance review		\$100,000	\$100,000
Total all funds	\$0	\$100,000	\$100,000
Less estimated income	0	0	0
General fund	\$0	\$100,000	\$100,000
FTE	0.00	0.00	0.00

Department No. 160 - Legislative Council - Detail of Senate Changes

	Adds Funding for State Auditor's Office Performance Review	Total Senate Changes
Performance review	\$100,000	\$100,000
Total all funds	\$100,000	\$100,000
Less estimated income	0	0
General fund	\$100,000	\$100,000
FTE	0.00	0.00

A section is added to provide funding for a performance review of the State Auditor's office, including quality controls, procedures, technical applications, professionalism, customer feedback, efficiency, staffing review, and reporting. The Legislative Management shall solicit bids from national private accounting firms and contract for the review by October 1, 2011. The performance review must be completed by July 1, 2012.

REPORT OF STANDING COMMITTEE

SB 2006: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2006 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the first "and"

Page 1, line 4, after "salary" insert "; and to provide an exemption"

Page 2, after line 27, insert:

"SECTION 5. EXEMPTION - GRANT TO NORTH DAKOTA STATE UNIVERSITY. Up to \$50,000 of the general fund appropriation to the state tax commissioner in section 1 of chapter 6 of the 2009 Session Laws is not subject to the provisions of section 54-44.1-11 and may be distributed by the state tax commissioner as a grant to North Dakota state university, department of agribusiness and applied economics, for the purpose of converting the software of the core model used for the preparation of agricultural land valuations as required under section 57-02-27.2, during the biennium beginning July 1, 2011, and ending June 30, 2013."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2006 - State Tax Commissioner - Senate Action**

This amendment allows the Tax Commissioner to continue up to \$50,000 from the commissioner's 2009-11 general fund appropriation which the commissioner may provide as a grant to North Dakota State University for the purpose of converting the software of the core model used for preparation of agricultural land values as required under Section 57-02-27.2 during the 2011-13 biennium. This provision will result in a \$50,000 reduction to estimated 2009-11 biennium general fund turnback.

REPORT OF STANDING COMMITTEE

SB 2019: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2019 was placed on the Sixth order on the calendar.

Page 3, line 18, replace "\$400,000" with "\$575,000"

Page 3, line 19, after the first comma insert "\$400,000"

Page 3, line 19, after "project" insert "and \$175,000 relating to the Fort Stevenson state park marina electric and water service project"

Page 3, line 20, replace "is" with "are"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2019 - Summary of Senate Action**

	Executive Budget	Senate Changes	Senate Version
Parks and Recreation Department			
Total all funds	\$28,252,389	\$0	\$28,252,389
Less estimated income	12,669,532	0	12,669,532
General fund	\$15,582,857	\$0	\$15,582,857
International Peace Garden			
Total all funds	\$773,699	\$0	\$773,699

Less estimated income	0	0	0
General fund	\$773,699	\$0	\$773,699
Bill total			
Total all funds	\$29,026,088	\$0	\$29,026,088
Less estimated income	12,669,532	0	12,669,532
General fund	\$16,356,556	\$0	\$16,356,556

Senate Bill No. 2019 - Parks and Recreation Department - Senate Action

This amendment changes the emergency clause section to include \$175,000 for the Fort Stevenson State Park marina electric and water service project.

REPORT OF STANDING COMMITTEE

SB 2029: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2029 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2137: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2137 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2159, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2159 was placed on the Sixth order on the calendar.

Page 1, line 14, after the underscored period insert "The exemption under this section and section 57-40.2-03.3 may not exceed a total exemption of more than five thousand dollars of sales and use taxes per year for each nonprofit hospital's contractors, subcontractors, or builders."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2172: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2172 was placed on the Sixth order on the calendar.

Page 5, line 26, replace "2011" with "2013"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2178, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2178 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2188, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2188 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2200: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2200 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2212: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2212 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2234: 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 2234 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 a legislative management study relating to mechanisms for improving coordination and consultation regarding federal designation over land or water resources in North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - LAND OR WATER RESOURCES. The legislative management shall consider studying, during the 2011-12 interim, various mechanisms for improving coordination and consultation regarding federal designation over land or water resources in North Dakota. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2238: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2238 was placed on the Sixth order on the calendar.

Page 11, line 9, replace "2011" with "2012"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2239: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SB 2239 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2240, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2240 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2248: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2248 was placed on the Sixth order on the calendar.

Page 1, line 2, after "provide" insert "for"

Page 1, line 2, remove "report to the"

Page 1, line 3, after "management" insert "study"

Page 1, line 11, overstrike "invested" and insert immediately thereafter "remitted"

Page 1, line 11, overstrike "in" and insert immediately thereafter "to"

Page 1, line 13, after the period insert "The investment used to calculate the credit under this section may not be used to calculate any other income tax deduction or credit allowed by law."

Page 1, line 14, remove the overstrike over "at-risk in"

Page 1, line 14, remove "committed by"

Page 1, line 15, remove "to the enterprises in which the angel fund invests"

Page 2, line 9, after the underscored period insert "Early-stage and mid-stage entities do not include those that have more than forty percent of their revenue from income-producing real estate."

Page 2, line 30, replace "paid for the investment" with "remitted"

Page 3, line 1, replace "on which full consideration" with "the payment"

Page 3, line 16, remove "If a passthrough entity does not elect to sell, transfer, or assign the credit as"

Page 3, line 17, replace "provided under this subsection and subsection 7, the" with "The"

Page 3, remove lines 21 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 15

Page 5, line 16, remove "**REPORT TO THE**"

Page 5, line 16, after "**MANAGEMENT**" insert "**TAX CREDIT TRANSFER STUDY**"

Page 5, line 16, remove "and"

Page 5, replace lines 17 and 18 with "interim, the legislative management shall consider studying the policy reasons for, feasibility of, and impact to the state of providing for the sale, assignment, or transfer of state tax credits. The legislative management shall report its findings and recommendations, together with any legislation to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2267: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SB 2267 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "\$50,000" with "\$25,000"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2275: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2275 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2299: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2299 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2313: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT**

PASS (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2313 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2334, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2334 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2345, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2345 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2350: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2350 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2357: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2357 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2362: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2362 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact sections 47-05-18, 47-05-19, 47-05-20, 47-05-21, and"

Page 1, remove line 2

Page 1, line 3, remove "Act; and"

Page 1, line 20, remove "for"

Page 1, remove line 21

Page 1, line 22, remove "years before the created interest"

Page 2, line 3, after the period insert "The duration of a conservation easement as defined in section 47-05-02.2 may not exceed forty years."

Page 2, replace lines 8 through 10 with:

"3."

Page 2, line 11, replace "sections 47-05-18 through 47-05-22" with "this section"

Page 2, line 12, replace "1." with "a."

Page 2, line 18, replace "2." with "b."

Page 2, remove lines 26 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 19

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2364: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT**

PASS (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2364 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4007: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4007 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4008: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4008 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4017: 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). SCR 4017 was placed on the Sixth order on the calendar.

Page 1, line 2, after "officials" insert ", including officials of higher education institutions,"

Page 1, after line 14, insert:

"WHEREAS, officials of higher education institutions also have restricted access to juvenile court records of incoming and enrolled students; and"

Page 1, line 15, after "about" insert "incoming and"

Page 1, line 16, after "offenders" insert "or who are students with juvenile court records"

Page 1, line 17, after "offenders" insert "or to students with juvenile court records"

Page 1, line 18, after "offenders" insert "or the students with juvenile court records"

Page 1, line 22, after "officials" insert ", including officials of higher education institutions,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4022: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SCR 4022 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "directing the Legislative Management to study the feasibility and"

Page 1, line 2, replace "desirability of the sale of federal land to long-term lessees of the land in this state" with "urging Congress to sell federal land to long-term lessees of the land in this state"

Page 1, line 3, remove "Land"

Page 1, remove lines 5 and 6

Page 1, line 7, remove "these"

Page 1, line 15, remove "Legislative Management study the feasibility and desirability of the sale of federal"

Page 1, replace line 16 with Sixty-second Legislative Assembly urges the Congress of the United States to sell federal land to long-term lessees of the land in this state

Page 1, line 17, remove "Legislative Management reports its findings and"

Page 1, replace lines 18 and 19 with "Secretary of State forward copies of this resolution to the Bureau of Reclamation and each member of the North Dakota Congressional Delegation."

Renumber accordingly

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

William R. Horton, Secretary