

JOURNAL OF THE SENATE

Sixty-second Legislative Assembly

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Bismarck, February 24, 2011

The Senate convened at 8:30 a.m., with President Wrigley presiding.

The prayer was offered by Senator Ryan Taylor, District 7.

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

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 Thirty-second and Thirty-fifth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 447, line 10, replace "**MAINTENACE**" with "**MAINTENANCE**"

Page 546, line 20, replace "analysis" with "analyst"

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

CONSIDERATION OF AMENDMENTS

SB 2362: SEN. HOGUE (Natural Resources Committee) MOVED that the amendments on SJ page 474 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 2362: A BILL for an Act to amend and reenact section 47-05-02.1 of the North Dakota Century Code, relating to requirements for easements, servitudes, and nonappurtenant restrictions.

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 30 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Burckhard; Christmann; Cook; Dever; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Kilzer; Klein; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; O'Connell; Olafson; Schaible; Sitte; Sorvaag; Stenehjelm; Uglem; Wanzek; Wardner

NAYS: Bowman; Dotzenrod; Erbele; Holmberg; Krebsbach; Marcellais; Mathern; Murphy; Nelson; Nodland; Oehlke; Robinson; Schneider; Taylor; Triplett; Warner

ABSENT AND NOT VOTING: Nething

Engrossed SB 2362 passed.

CONSIDERATION OF AMENDMENTS

SB 2302: SEN. WARDNER (Appropriations Committee) MOVED that the amendments on SJ pages 551-552 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 2302: A BILL for an Act to amend and reenact sections 21-10-01, 21-10-04, and

21-10-06 of the North Dakota Century Code, relating to the membership of the state investment board and management of the legacy fund.

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Klein; Laffen; Larsen; Lee, G.; Luick; Lyson; Miller; Nodland; Olafson; Schaible; Sitte; Sorvaag; Stenehjem; Uglem; Wanzek

NAYS: Dotzenrod; Heckaman; Kilzer; Krebsbach; Lee, J.; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oehlke; Robinson; Schneider; Taylor; Triplett; Wardner; Warner

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2302 passed.

MOTION

SEN. HECKAMAN MOVED that the Senate reconsider its action whereby Engrossed SB 2362 passed, which motion failed on a verification vote.

CONSIDERATION OF AMENDMENTS

SB 2015: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ pages 587-589 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 2015: A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide an exemption; to provide for various transfers; and to provide legislative intent.

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 2015 passed.

CONSIDERATION OF AMENDMENTS

SB 2017: SEN. CHRISTMANN (Appropriations Committee) MOVED that the amendments on SJ pages 589-591 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 2017: A BILL for an Act to provide an appropriation for defraying the expenses of the game and fish department; to provide legislative intent; 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; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2017 passed and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2020: SEN. FISCHER (Appropriations Committee) MOVED that the amendments on SJ pages 591-593 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 2020: A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to amend and reenact section 7 of chapter 20 of the 2009 Session Laws, relating to Fargo flood control project funding; to provide exemptions; to repeal section 5 of chapter 535 of the 1999 Session Laws, relating to pledge of revenues from the Grand Forks corporate center; to provide legislative intent; to provide for retroactive application; 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 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Dotzenrod; Miller; Olafson; Triplett

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2020 passed and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2057: SEN. GRINDBERG (Appropriations Committee) MOVED that the amendments on SJ page 593 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 2057: A BILL for an Act to create and enact a new chapter to title 54 and a new section to chapter 54-60 of the North Dakota Century Code, relating to a centers of research excellence program and centers of entrepreneurship excellence grants; to amend and reenact section 54-60-22 of the North Dakota Century Code, relating to centers of workforce excellence grants; to provide for transfers; to provide a continuing appropriation; and to provide an 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 44 YEAS, 2 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; Murphy; Nelson; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Miller; Sitte

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2057 passed.

CONSIDERATION OF AMENDMENTS

SB 2163, as engrossed: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments on SJ page 594 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 2163: A BILL for an Act to provide an appropriation to the department of human services for traumatic brain injury services.

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 2163 passed.

CONSIDERATION OF AMENDMENTS

SB 2132: SEN. BOWMAN (Appropriations Committee) MOVED that the amendments on SJ pages 593-594 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 2132: A BILL for an Act to create and enact a new section to chapter 57-62 of the North Dakota Century Code, relating to designation of a portion of the oil and gas impact grant fund for grants to cities of fewer than seven thousand five hundred population or counties of fewer than ten thousand population.

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

NAYS: Lee, J.; Olafson

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2132 passed.

SECOND READING OF SENATE BILL

SB 2228: A BILL for an Act to provide an appropriation to the parks and recreation department for a community health and wellness center grant.

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 4 YEAS, 42 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Dotzenrod; Laffen; Lyson

NAYS: Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; 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

SB 2228 lost.

SECOND READING OF SENATE BILL

SB 2357: A BILL for an Act to provide an appropriation to the department of human services for implementing programs associated with the family impact initiative.

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

YEAS: Berry; Dever; Dotzenrod; Heckaman; Krebsbach; Laffen; Lee, J.; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oehlke; Robinson; Schneider; Taylor; Triplett; Uglem; Warner

NAYS: Andrist; Bowman; Burckhard; Christmann; Cook; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Larsen; Lee, G.; Luick; Lyson; Miller; Nodland; Olafson; Schaible; Sitte; Sorvaag; Stenehjem; Wanzek; Wardner

ABSENT AND NOT VOTING: Nothing

SB 2357 lost.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 10:35 a.m., which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2334: A BILL for an Act to amend and reenact section 50-24.1-02.6 of the North Dakota Century Code, relating to the medical assistance eligibility requirements for pregnant women; 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 20 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berry; Dever; Dotzenrod; Fischer; Freborg; Heckaman; Krebsbach; Lee, J.; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Sitte; Taylor; Triplett; Uglem; Warner

NAYS: Andrist; Bowman; Burckhard; Christmann; Cook; Erbele; Flakoll; Grindberg; Hogue; Holmberg; Kilzer; Klein; Laffen; Larsen; Lee, G.; Luick; Lyson; Miller; Nodland; Oehlke; Olafson; Schaible; Sorvaag; Stenehjem; Wanzek; Wardner

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2334 lost.

SECOND READING OF SENATE BILL

SB 2325: A BILL for an Act to provide an appropriation to the department of transportation for a county and township road reconstruction program; to provide an exemption; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 24 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berry; Dotzenrod; Erbele; Heckaman; Klein; Lee, G.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schneider; Sitte; Taylor; Triplett; Uglem; Wanzek; Warner

NAYS: Andrist; Bowman; Burckhard; Christmann; Cook; Dever; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Krebsbach; Laffen; Larsen; Lee, J.; Lyson; Schaible; Sorvaag; Stenehjem; Wardner

ABSENT AND NOT VOTING: Nothing

SB 2325 passed but the emergency clause failed.

MOTION

SEN. GRINDBERG MOVED that the Senate reconsider its action whereby Engrossed SB 2048 failed to pass, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2048: 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 benefits received by renaissance zone property from tax increment financing districts; and to amend and reenact subsection 1 of section 40-63-03 of the North Dakota Century Code, relating to benefits received by tax increment financing district property from renaissance zones.

MOTION

SEN. COOK MOVED that Engrossed SB 2048 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 1, after " A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 40-63-03 of the North Dakota Century Code, relating to informational reporting by cities and the department of commerce on the status of property included in both a tax increment financing district and a renaissance zone.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 40-63-03 of the North Dakota Century Code is created and enacted as follows:

If within a renaissance zone there is property that is included in a tax increment financing district, the city in which the property is located shall provide the department of commerce an annual report regarding any such property at the time requested by the department of commerce. The report required under this subsection must identify the property, provide the expected duration of inclusion of the property in the tax increment financing district and the renaissance zone, and identify any property and income tax benefits of the property and the expected duration of those benefits. The department of commerce shall deliver an annual report compiling the information required under this subsection to the legislative management interim committee on taxation issues or upon request of any other interim committee of the legislative management."

Renumber accordingly

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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 2048 passed.

SECOND READING OF SENATE BILL

SB 2152: A BILL for an Act to provide an appropriation to the department of emergency services for a grant for administering 211 services.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 17 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berry; Dever; Dotzenrod; Heckaman; Krebsbach; Lee, J.; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Taylor; Triplett; Uglem; Warner

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

ABSENT AND NOT VOTING: Nothing

SB 2152 lost.

SECOND READING OF SENATE BILL

SB 2043: A BILL for an Act to provide for a developmental disabilities system reimbursement project.

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; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; 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; Luick

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2043 passed.

SECOND READING OF SENATE BILL

SB 2042: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-01 and sections 53-06.1-11, 53-06.1-12, and 53-06.1-12.3 of the North Dakota Century Code, relating to consolidation of gaming taxes and allowable expenses.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Hogue; Larsen; Luick; Stenehjem

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2042 passed.

SECOND READING OF SENATE BILL

SB 2108: A BILL for an Act to amend and reenact sections 39-03.1-09, 39-03.1-10, 54-52-02.9, 54-52-05, 54-52-06, 54-52-06.1, 54-52-06.3, and 54-52-06.4, subsection 6 of 54-52.6-02, and section 54-52.6-09 of the North Dakota Century Code, relating to increased employer and employee contributions under the highway patrolmen's retirement plan and public employees retirement system.

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 2108 passed.

SECOND READING OF SENATE BILL

SB 2058: A BILL for an Act to provide for legislative intent regarding the funding of certain scholarships; and to declare an emergency.

ROLL CALL

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

NAYS: 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

SB 2058 lost.

SECOND READING OF SENATE BILL

SB 2056: A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to an electronic portfolio pilot program; to amend and reenact subsection 3 of section 52-02.1-01 and sections 52-08-10 and 54-60-17 of the North Dakota Century Code, relating to the new jobs training program, workforce training program, and operation intern program; 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 42 YEAS, 4 NAYS, 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; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nodland; O'Connell; Olafson; Robinson; Schaible; Schneider; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Christmann; Larsen; Oehlke; Sitte

ABSENT AND NOT VOTING: Nothing

Engrossed SB 2056 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2297: A BILL for an Act to provide an appropriation to the department of transportation for a county road project grant.

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 10 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Heckaman; Marcellais; Mathern; Murphy; Nelson; Robinson; Schneider; Taylor; Triplett; Warner

NAYS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Nodland; O'Connell; Oehlke;

Olafson; Schaible; Sitte; Sorvaag; Stenehjem; Uglem; Wanzek; Wardner

ABSENT AND NOT VOTING: Nothing

SB 2297 lost.

SECOND READING OF SENATE BILL

SB 2014: A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

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

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

NAYS: Burckhard; Christmann; Hogue; Klein; Larsen; Luick; Olafson

ABSENT AND NOT VOTING: Nothing

SB 2014 passed.

SECOND READING OF SENATE BILL

SB 2343: A BILL for an Act to provide for a transfer from the permanent oil tax trust fund to the legacy fund.

ROLL CALL

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

YEAS: Bowman; Christmann; Cook; Fischer; Hogue; Klein; Laffen; Marcellais; Stenehjem

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

ABSENT AND NOT VOTING: Nothing

SB 2343 lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4018: A concurrent resolution urging the Secretary of the United States Department of Agriculture to rely on sound scientific research to support regulatory decisionmaking with respect to the deregulation of alfalfa and all other similar circumstances.

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

SCR 4018 was declared adopted on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4024: A concurrent resolution directing the Legislative Management to study issues relating to sodium intake and legislative measures aimed at decreasing heart disease and stroke.

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

SCR 4024 was declared adopted on a verification vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4021: A concurrent resolution directing the Legislative Management to study the feasibility and desirability of developing a strategic partnership between the State Tourism Division and corresponding tourism departments or alliances of tourism departments of the Indian tribes within North Dakota promoting tourism in North Dakota.

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

SCR 4021 was declared adopted on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that HB 1142 be returned to the Senate floor from the **Agriculture Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed.

Pursuant to Sen. Christmann's motion, HB 1142 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that HB 1450 be returned to the Senate floor from the **Human Services Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed.

Pursuant to Sen. Christmann's motion, HB 1450 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that HB 1054 be returned to the Senate floor from the **Human Services Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed.

Pursuant to Sen. Christmann's motion, HB 1054 was rereferred.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2012, SB 2018, SB 2055, SB 2134, SB 2155, SB 2178, SB 2210, SB 2271, SB 2278, SB 2320, SB 2323, SB 2344, SB 2345, SB 2355.

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 2014, SB 2042, SB 2043, SB 2048, SB 2057, SB 2108, SB 2132, SB 2163, SB 2302, SB 2362, SCR 4018, SCR 4021, SCR 4024.

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 2015, SB 2325.

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 2009, SB 2016, SB 2047.

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 2017, SB 2020, SB 2056.

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 1002, HB 1004, HB 1005, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1011, HB 1022, HB 1023, HB 1024, HB 1025, HB 1033, HB 1034, HB 1035, HB 1049, HB 1129, HB 1194, HB 1269, HB 1285, HB 1292, HB 1302, HB 1318, HB 1322, HB 1350, HB 1353, HB 1363, HB 1369, HB 1373, HB 1411, HB 1429, HB 1442, HB 1447, HB 1468, HCR 3040.

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 1015, HB 1016, HB 1019, HB 1021, HB 1202, HB 1270, HB 1368, HCR 3021, HCR 3022, HCR 3025, HCR 3026.

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 1001, HB 1003, HB 1459.

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 1012, HB 1013, HB 1014, HB 1018, HB 1020, HB 1451.

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, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, March 2, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1037, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1037 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1039: 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). HB 1039 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and"

Page 1, line 3, after the third comma insert "57-38-30, and 57-43.2-02.3,"

Page 11, after line 3, insert:

"SECTION 9. AMENDMENT. Section 57-38-30 of the North Dakota Century Code is amended and reenacted as follows:

57-38-30. Imposition and rate of tax on corporations.

A tax is hereby imposed upon the taxable income of every domestic and foreign corporation which must be levied, collected, and paid annually as in this chapter provided:

1. a. For the first twenty-five thousand dollars of taxable income, at the rate of two and one-tenth percent.

- b-2. On all taxable income exceeding twenty-five thousand dollars and not exceeding fifty thousand dollars, at the rate of five and twenty-five hundredths percent.
- e-3. On all taxable income exceeding fifty thousand dollars, at the rate of six and four-tenths percent.
- 2. A corporation that has paid North Dakota alternative minimum tax in years beginning before January 1, 1991, may carry over any alternative minimum tax credit remaining to the extent of the regular income tax liability of the corporation for a period not to exceed four taxable years.

SECTION 10. AMENDMENT. Section 57-43.2-02.3 of the North Dakota Century Code is amended and reenacted as follows:

57-43.2-02.3. Exemptions.

1. Special fuel commonly known as diesel fuel which is dyed for federal fuel tax exemption purposes and sold for an agricultural, industrial, or railroad purpose is exempt from the special fuel tax imposed by section 57-43.2-02 at the time the fuel is sold to the consumer and is subject instead to the tax imposed by section 57-43.2-03. Special fuel known as diesel fuel which is dyed for federal fuel tax exemption purposes and sold for use as heating fuel is exempt from the special fuel tax imposed by section 57-43.2-02 and subject to a tax at a rate of two cents per gallon under section 57-43.2-03 from January 1, 2008, through June 30, 2009, and after that date is exempt from the special fuel tax imposed by sections 57-43.2-02 and 57-43.2-03. Fuel purchased for use in a licensed motor vehicle is not exempt from the tax imposed by section 57-43.2-02.
2. Special fuel, other than diesel fuel, sold for an agricultural, industrial, or railroad purpose is exempt from the special fuel tax imposed by section 57-43.2-02 at the time the fuel is sold to the consumer and is subject instead to the tax imposed by section 57-43.2-03. Propane sold for use as heating fuel is exempt from the special fuel tax imposed by section 57-43.2-02 and subject to a tax at a rate of one percent under section 57-43.2-03 from January 1, 2008, through June 30, 2009, and thereafter is exempt from the special fuel tax imposed by sections 57-43.2-02 and 57-43.2-03 at the time the fuel is sold to the consumer. Special fuel, other than diesel fuel and propane, sold for use as heating fuel is exempt from the special fuel tax imposed by section 57-43.2-02 and subject to a tax at a rate of two cents per gallon under section 57-43.2-03 from January 1, 2008, through June 30, 2009, and thereafter is exempt from the special fuel tax imposed by sections 57-43.2-02 and 57-43.2-03 at the time the fuel is sold to the consumer. Fuel purchased for use in a licensed motor vehicle is not exempt from the tax imposed by section 57-43.2-02.
3. A consumer purchasing special fuel for a use in which it becomes an ingredient or a component part of tangible personal property intended to be sold ultimately at retail is exempt from the tax imposed by section 57-43.2-02 and is not subject to the tax imposed by section 57-43.2-03."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1050: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1050 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1051: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1051 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1056, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1056 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1063: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1063 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1064: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1064 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1065: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1065 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1121: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1121 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1135, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1135 was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE BILL

Sens. Stenehjem, G. Lee, Wanzek, Robinson and Reps. Carlson, D. Johnson introduced:
(Approved by the Delayed Bills Committee)

SB 2369: A BILL for an Act to provide appropriations to the department of emergency services for emergency snow removal grants, flood mitigation, and for state disasters; to provide for a transfer; and to declare an emergency.
Was read the first time and referred to the **Appropriations Committee**.

FIRST READING OF HOUSE BILLS

HB 1422: A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to electronic drug prior authorization standards; and to provide for a report to the legislative management.
Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1462: A BILL for an Act to create and enact a new section to chapter 6-09.10 of the North Dakota Century Code, relating to compensation for members of the credit review board; to amend and reenact sections 4-24-13, 6-08.1-02, 6-08.1-03, 6-09.10-01, 6-09.10-02, 6-09.10-02.1, 6-09.10-03, 6-09.10-04, 6-09.10-04.1, 6-09.10-06, 6-09.10-10, 6-09.10-11, and 6-09.11-04 of the North Dakota Century Code, relating to the agricultural mediation service; to repeal sections 6-09.10-05, 6-09.10-07, 6-09.10-08, and 6-09.11-10 of the North Dakota Century Code, relating to the home-quarter fund; and to provide an appropriation.

Was read the first time and referred to the **Natural Resources Committee**.

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

William R. Horton, Secretary