

JOURNAL OF THE SENATE

Sixty-second Legislative Assembly

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Bismarck, March 9, 2011

The Senate was on the Fourth, Fifth, and Thirteenth orders of business pursuant to Sen. Christmann's motion.

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

MR. SPEAKER: The Senate has passed, unchanged: HCR 3025.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2099, SB 2111, SB 2119, SB 2123, SB 2124.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2068, SB 2086, SB 2107, SB 2116, SB 2147, SB 2244.

HOUSE AMENDMENTS TO SENATE BILL NO. 2068

Page 1, line 8, replace "As the secretary of the commission, the" with "The"

Page 1, line 8, after "engineer" insert ", or the state engineer's authorized designee."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2086

Page 1, line 2, after "of" insert "and exceptions to"

Page 1, line 6, after "**Definitions**" insert "**- Exceptions**"

Page 2, after line 6, insert:

"6. Notwithstanding subsection 5, a person in this state engaged in the auto auction business via the internet must be licensed as a motor vehicle dealer as provided for in section 39-22-23."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2107

Page 2, line 13, overstrike "rotating"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2116

Page 1, line 11, after "form" insert "or its equivalent branch's form"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2147

Page 1, line 15, replace "earlier" with "additional"

Page 1, line 16, after "cutting" insert "be"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2244

Page 1, line 12, after "and" insert "may operate"

Page 1, line 13, overstrike ", semitrailer, or farm trailer when the gross weight of the trailer, semitrailer,"

Page 1, overstrike line 14

Page 1, line 15, overstrike "sixteen thousand pounds [7257.48 kilograms]" and insert immediately thereafter "in excess of ten thousand pounds [4535.92 kilograms] provided the combined weight does not exceed twenty-six thousand pounds [1193.40 kilograms] gross combination weight rating"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2039, SB 2071, SB 2091.

HOUSE AMENDMENTS TO SENATE BILL NO. 2039

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

Page 1, line 13, after "counselor" insert ", any of whom is practicing within that individual's professional scope of practice"

Page 1, after line 13, insert:

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

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2071

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

Page 1, after line 13, insert:

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

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2091

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

Page 1, after line 21, insert:

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

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2025, SB 2041, SB 2081, SB 2083, SB 2127, SB 2143, SB 2186, SB 2196, SB 2283, SB 2318, SB 2330.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1026, HB 1076, HB 1081, HB 1082, HB 1088, HB 1115, HB 1116, HB 1118, HB 1180, HB 1273, HB 1288, HB 1315, HB 1436.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HCR 3025.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: SB 2301.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: HCR 3025.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HCR 3025.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on March 9, 2011: SB 2301.

REPORT OF STANDING COMMITTEE

HB 1073, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1073 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1087: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1087 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "may."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1099, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1099 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 2 of section 5-01-17, subsection 2 of section 5-01-19,"

Page 1, line 3, after "to" insert "special events permits for domestic wineries and domestic distilleries,"

Page 1, line 3, replace "sales" with "shipments"

Page 1, after line 9, insert:

"SECTION 1. AMENDMENT. Subsection 2 of section 5-01-17 of the North Dakota Century Code is amended and reenacted as follows:

2. A domestic winery may sell wine produced by that winery at on sale or off sale, in retail lots, and not for resale, and may sell or direct ship its wine to persons inside or outside of the state in a manner consistent with the laws of the place of the sale or delivery in total quantities not in excess of twenty-five thousand gallons [94625 liters] in a calendar year; glassware; wine literature and accessories; and cheese, cheese spreads, and other snack food items. A licensee may dispense free samples of the wines offered for sale. Subject to local ordinance, sales at on sale and off sale may be made on Sundays between twelve noon and twelve midnight. The ~~state~~ tax commissioner may issue special events permits for not more than twenty ~~days~~ events per calendar year to a domestic winery allowing the winery, subject to local ordinance, to give free samples of its wine and to sell its wine by the glass or in closed containers, at a designated trade show, convention, festival, or a similar event approved by the ~~state~~ tax commissioner. To participate in a pride of Dakota event sponsored by the department of agriculture, a domestic winery shall obtain a special events permit. Participation by a domestic winery in a pride of Dakota event sponsored by the department of agriculture does not count against the twenty special events limitation. A domestic winery

may not engage in any wholesaling activities. All sales and deliveries of wines to any other retail licensed premises in this state may be made only through a licensed North Dakota liquor wholesaler. For any month in which a domestic winery has made sales to a North Dakota wholesaler, that domestic winery shall file a report with the state-tax commissioner no later than the last day of each calendar month reporting sales made during the preceding calendar month. When the last day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day thereafter.

SECTION 2. AMENDMENT. Subsection 2 of section 5-01-19 of the North Dakota Century Code is amended and reenacted as follows:

2. A domestic distillery may sell spirits produced by that distillery at on sale or off sale, in retail lots, and not for resale, and may sell or direct ship its spirits to persons inside or outside the state in a manner consistent with the laws of the place of the sale or delivery in total quantities not in excess of twenty-five thousand gallons [94625 liters] in a calendar year. Direct sales within this state are limited to two and thirty-eight hundredths gallons [9 liters] or less per month per person for personal use and not for resale. The packaging must conform with the labeling requirements in section 5-01-16. A licensee may dispense free samples of the spirits offered for sale. Subject to local ordinance, sales at on sale and off sale may be made on Sundays between twelve noon and twelve midnight. A domestic distillery may hold events inside and outside its premises, but only on contiguous property under common ownership, allowing free samples of its spirits and to sell its spirits by the glass or in closed containers. The tax commissioner may issue special events permits for not more than twenty ~~day~~ events per calendar year to a domestic distillery allowing the domestic distillery, subject to local ordinance, to give free samples of its product and to sell its product by the glass or in closed containers, at a designated trade show, convention, festival, or similar event approved by the tax commissioner. To participate in a pride of Dakota event sponsored by the department of agriculture, a domestic distillery shall obtain a special events permit from the tax commissioner. Participation by a domestic distillery in a pride of Dakota event sponsored by the department of agriculture does not count against the twenty special events limitation. A domestic distillery may not engage in any wholesaling activities. All sales and deliveries of spirits to any other retail licensed premises in this state may be made only through a licensed North Dakota liquor wholesaler. However, a domestic distillery may sell distilled spirits to a domestic winery if the distilled spirits were produced from products provided to the domestic distillery by the domestic winery. No later than the last business day of a calendar month, a farm distillery that has made sales to a North Dakota wholesaler during the preceding calendar month shall file a report with the tax commissioner reporting those sales."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1202, as reengrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1202 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1423, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1423 was placed on the Sixth order on the calendar.

Page 1, line 7, after "**adopt**" insert "**emergency**"

Page 1, line 8, replace "The" with "Notwithstanding the requirements of subsection 2 of section 28-32-03, the"

Page 1, line 8, after "create" insert "emergency"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3030, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman)
recommends **DO PASS** (4 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING).
Engrossed HCR 3030 was placed on the Fourteenth order on the calendar.

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

William R. Horton, Secretary

