

## JOURNAL OF THE SENATE

## Fifty-ninth Legislative Assembly

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Bismarck, February 8, 2005

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

The prayer was offered by Reverend Carlyle L. Roth, St. Mark's Lutheran Church, Minot.

The roll was called and all members were present.

A quorum was declared by the President.

## MOTION

**SEN. CHRISTMANN MOVED** that the Senate resolve itself into a Confirmation Session, which motion prevailed.

## REPORT OF SELECT COMMITTEE

**MR. PRESIDENT:** Your **Select Committee (Sen. Flakoll, Chairman)** appointed to consider the nomination for the North Dakota State Board of Higher Education, do advise and consent to the nomination of John Q. Paulson.

**SEN. FLAKOLL MOVED** that the report be adopted.

## ROLL CALL

The question being will the Senate "advise and consent to the nomination of John Q. Paulson for the North Dakota State Board of Higher Education", the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

The Senate advises and consents to the nomination of John Q. Paulson to the North Dakota State Board of Higher Education.

## MOTION

**SEN. CHRISTMANN MOVED** that the Confirmation Session be dissolved, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2240: SEN. COOK (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 318-319 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2255: SEN. TRENBEATH (Transportation Committee) MOVED** that the amendments on SJ pages 319-322 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2274: SEN. MUTCH (Transportation Committee) MOVED** that the amendments on SJ page 323 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2339: SEN. TRENBEATH (Transportation Committee) MOVED** that the amendments on SJ page 324 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2067: SEN. HEITKAMP (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 270 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2099: SEN. BERCIER (Transportation Committee) MOVED** that the amendments on SJ pages 315-316 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2170: SEN. WARDNER (Finance and Taxation Committee) MOVED** that the amendments on SJ page 317 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2196: SEN. BOWMAN (Appropriations Committee) MOVED** that the amendments on SJ page 317 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2227: SEN. WARDNER (Finance and Taxation Committee) MOVED** that the amendments on SJ page 318 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2331: SEN. ESPEGARD (Transportation Committee) MOVED** that the amendments on SJ page 323 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2333: SEN. FREBORG (Education Committee) MOVED** that the amendments on SJ page 324 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2368: SEN. TRENBEATH (Transportation Committee) MOVED** that the amendments on SJ pages 324-325 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SCR 4017: SEN. ERBELE (Agriculture Committee) MOVED** that the amendments on SJ page 325 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SCR 4020: SEN. TAYLOR (Agriculture Committee) MOVED** that the amendments on SJ page 325 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that the rules be suspended and after action taken on the Sixth order, SB 2115, SB 2155, and SB 2206 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2115: SEN. HEITKAMP (Natural Resources Committee) MOVED** that the amendments on SJ page 316 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2115:** A BILL for an Act to provide for a legislative council study of the process to negotiate and quantify reserved water rights.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer;

Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Engrossed SB 2115 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2206: SEN. FLAKOLL (Education Committee) MOVED** that the amendments on SJ pages 317-318 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2206:** A BILL for an Act to provide a statement of legislative intent regarding the allocation of certain funding appropriated to higher education institutions.

#### MOTION

**SEN. STENEHJEM MOVED** that the question be put at 1:27 p.m., which motion prevailed.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 22 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Brown; Christmann; Cook; Dever; Erbele; Every; Fischer; Flakoll; Freborg; Grindberg; Kilzer; Klein; Kringstad; Lee, G.; Lee, J.; Mathern; Nelson; Nething; Stenehjem; Syverson; Traynor; Warner

**NAYS:** Andrist; Bercier; Bowman; Espgaard; Fairfield; Hacker; Heitkamp; Holmberg; Krauter; Krebsbach; Lindaas; Lyson; Mutch; O'Connell; Robinson; Schobinger; Seymour; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner

Engrossed SB 2206 lost.

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#### CONSIDERATION OF AMENDMENTS

**SB 2155: SEN. HEITKAMP (Natural Resources Committee) MOVED** that the amendments on SJ pages 316-317 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2155:** A BILL for an Act to create and enact a new section to chapter 61-01 of the North Dakota Century Code, relating to findings and declaration of policy of the legislative assembly concerning the use of ground water for irrigation.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Kringstad

Engrossed SB 2155 passed and the title was agreed to.

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#### MOTION

**SEN. TRIPLETT MOVED** that the Senate reconsider its action whereby SB 2229 failed to pass.

#### REQUEST

**SEN. HEITKAMP REQUESTED** a recorded roll call vote on the motion to reconsider the action whereby SB 2229 failed to pass, which request was granted.

**ROLL CALL**

The question being on the motion to reconsider the action whereby SB 2229 failed to pass, the roll was called and there were 16 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Espegard; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Seymour; Tallackson; Taylor; Triplett; Warner

**NAYS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Kringstad

So the motion to reconsider the action whereby SB 2229 failed to pass, failed.

**MOTION**

**SEN. KRAUTER MOVED** that the Senate reconsider its action whereby SB 2272 failed to pass, which motion prevailed on a verification vote.

**SECOND READING OF SENATE BILL**

**SB 2272:** A BILL for an Act to amend and reenact subsection 1 of section 57-02-01 of the North Dakota Century Code, relating to the definition of agricultural property for property tax assessment and classification purposes; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, the roll was called and there were 26 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Freborg; Hacker; Heitkamp; Klein; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Seymour; Tallackson; Taylor; Traynor; Triplett; Warner

**NAYS:** Brown; Cook; Flakoll; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Stenehjem; Syverson; Tollefson; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Thane

SB 2272 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2058:** A BILL for an Act to amend and reenact subsections 1 and 5 of section 54-06-09 of the North Dakota Century Code, relating to mileage and travel expense reimbursement for state officials and employees.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Engrossed SB 2058 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2062:** A BILL for an Act to amend and reenact sections 15.1-09-33, 15.1-09-48, and 15.1-09-50 of the North Dakota Century Code, relating to powers of the board of education of the city of Fargo.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Engrossed SB 2062 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2176:** A BILL for an Act to amend and reenact subsection 31 of section 57-39.2-04 of the North Dakota Century Code, relating to sales and use tax exemption for sales of precious metal bullion; 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, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**NAYS:** Fairfield; Nelson

Engrossed SB 2176 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2250:** A BILL for an Act to authorize agencies to limit the liability to the state of certain contracting parties and to permit ratification of certain existing agreements limiting liability to the state; 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 33 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Seymour; Stenehjem; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner

**NAYS:** Bercier; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Syverson; Tallackson; Taylor; Warner

Engrossed SB 2250 passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2234 be placed at the top of the Eleventh order, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2234:** A BILL for an Act to amend and reenact section 5-02-05 of the North Dakota Century Code, relating to the dispensing of alcoholic beverages on certain days.

**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 24 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Brown; Cook; Espgaard; Every; Fischer; Flakoll; Grindberg; Hacker; Heitkamp; Holmberg; Klein; Krauter; Krebsbach; Kringstad; Lee, J.; Lyson; Mathern; Nelson; Stenehjerm; Syverson; Tallackson; Thane; Traynor; Triplett

**NAYS:** Andrist; Bercier; Bowman; Christmann; Dever; Erbele; Fairfield; Freborg; Kilzer; Lee, G.; Lindaas; Mutch; Nething; O'Connell; Robinson; Schobinger; Seymour; Taylor; Tollefson; Trenbeath; Urlacher; Wardner; Warner

SB 2234 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2276:** A BILL for an Act to amend and reenact section 6-09.4-02, subsection 5 of section 6-09.4-03, sections 6-09.4-06, 6-09.4-07, 6-09.4-09, and 6-09.4-13, and subsection 1 of section 40-57-02 of the North Dakota Century Code, relating to the purchase of qualified small issue bonds by the municipal bond bank and issuance of municipal industrial development revenue bonds by the municipal bond bank; and to provide program limits for the purchase or issuance of qualified small issue bonds or municipal industrial revenue bonds by the municipal bond bank.

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

**YEAS:** Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**NAYS:** Andrist; Mutch; Nething

Engrossed SB 2276 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2338:** A BILL for an Act to create and enact five new subsections to section 20.1-01-02 and a new chapter to title 20.1 of the North Dakota Century Code, relating to prevention and control of aquatic nuisance species; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Engrossed SB 2338 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2369:** A BILL for an Act to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to nonresident fishing license fees; and to amend and reenact section 20.1-03-10 of the North Dakota Century Code, relating to nonresident fishing licenses.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Engrossed SB 2369 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2376:** A BILL for an Act to amend and reenact subsection 3 of section 20.1-03-11 of the North Dakota Century Code, relating to the acreage requirement for gratis and the fee for preferential landowner licenses to hunt deer.

**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, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**NAYS:** Erbele

Engrossed SB 2376 passed and the title was agreed to.

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**RECESS**

**THE PRESIDENT ANNOUNCED** that the Senate would stand in recess for five minutes.

**THE SENATE RECONVENED** pursuant to recess taken, with President Pro Tem Grindberg residing.

**SECOND READING OF SENATE BILL**

**SB 2387:** A BILL for an Act to amend and reenact subsection 3 of section 49-01-01 and sections 49-02-01, 49-02-01.1, 49-03-01, 49-03-01.3, 49-03-01.4, 49-03-01.5, 49-03-02, 49-03-05, and 49-20-12.1 of the North Dakota Century Code, relating to jurisdiction of the public service commission over electric distribution cooperatives.

**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 13 YEAS, 34 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Cook; Dever; Fischer; Kilzer; Kringstad; Lee, J.; Lyson; Mutch; Schobinger; Stenehjem; Syverson; Tollefson

**NAYS:** Andrist; Bercier; Brown; Christmann; Erbele; Espegard; Every; Fairfield; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Mathern; Nelson; Nething; O'Connell; Robinson; Seymour; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Engrossed SB 2387 lost.

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**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 4:30 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Pro Tem Grindberg presiding.

**SECOND READING OF SENATE BILL**

**SB 2404:** A BILL for an Act to direct a study of education funding by the legislative council.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Engrossed SB 2404 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2332:** A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to status as a retired farmer for purposes of the farm buildings and residence property tax exemption; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mathern; Mutch; Nething; Robinson; Schobinger; Stenehjem; Syverson; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**NAYS:** Bercier; Every; Fairfield; Heitkamp; Lindaas; Nelson; O'Connell; Seymour; Taylor

SB 2332 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2403:** A BILL for an Act to amend and reenact section 4-10.4-04 of the North Dakota Century Code, relating to barley districts.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

SB 2403 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2137:** A BILL for an Act to amend and reenact section 6-09-36, subsection 1 of section 39-16-05, and sections 39-16-06, 39-16-07, 39-16.1-08, 39-16.1-17, and 39-16.1-19 of the North Dakota Century Code, relating to providing a security deposit as proof of financial responsibility for driver's license purposes; and to repeal sections 39-16-09, 39-16-10, and 39-16.1-15 of the North Dakota Century Code, relating to providing a security deposit as proof of financial responsibility for driver's license purposes.

**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, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**NAYS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

SB 2137 lost.

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**SECOND READING OF SENATE BILL**

**SB 2141:** A BILL for an Act to amend and reenact subsection 2 of section 20.1-13-07, sections 20.1-13.1-06 and 20.1-13.1-07, subsection 5 of section 20.1-13.1-08, and section 20.1-13.1-09 of the North Dakota Century Code, relating to boating under the influence; to provide a penalty; to provide an effective date; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

SB 2141 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2205:** A BILL for an Act to amend and reenact subsection 6 of section 39-24-09 and section 39-24-09.1 of the North Dakota Century Code, relating to snowmobile operation by an individual who is at least twelve years of age.

**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 46 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**NAYS:** Mutch

SB 2205 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2207:** A BILL for an Act to amend and reenact section 55-10-12 of the North Dakota Century Code, relating to the historical marker program.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

SB 2207 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2208:** A BILL for an Act to amend and reenact sections 24-02-01.5 and 39-01-01, subdivision c of subsection 2 of section 39-06.1-06, sections 39-08-18, 39-08-19, 39-21-41.2, and 51-20-01, and subsection 9 of section 57-40.3-04 of the North Dakota Century Code, relating to motor vehicle child restraint systems.

**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 35 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Brown; Dever; Espgaard; Every; Fairfield; Flakoll; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Seymour; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**NAYS:** Andrist; Bowman; Christmann; Cook; Erbele; Fischer; Freborg; Kringstad; Mutch; Schobinger; Stenehjem; Syverson

SB 2208 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2254:** A BILL for an Act to create and enact a new section to chapter 39-20 of the North Dakota Century Code, relating to drivers' records for driving while under the influence.

**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, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner

**NAYS:** Warner

**ABSENT AND NOT VOTING:** Holmberg

SB 2254 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2273:** A BILL for an Act to create and enact a new section to chapter 28-21 of the North Dakota Century Code, relating to limitations on bond requirements in litigation; to provide an effective date; to provide for application; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Fairfield; Nelson; Triplett; Warner

SB 2273 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2312:** A BILL for an Act to provide for the establishment of a centralized electronic prescription monitoring system for medical assistance recipients.

**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 1 YEA, 46 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Krauter

**NAYS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

SB 2312 lost.

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**SECOND READING OF SENATE BILL**

**SB 2313:** A BILL for an Act to amend and reenact section 12.1-23-03 of the North Dakota Century Code, relating to theft of services for unpaid wages.

**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 13 YEAS, 34 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Seymour; Taylor; Triplett; Warner

**NAYS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Robinson; Schobinger; Stenehjem; Syverson; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

SB 2313 lost.

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**SECOND READING OF SENATE BILL**

**SB 2384:** A BILL for an Act to amend and reenact subsection 3 of section 53-06.1-06 of the North Dakota Century Code, relating to games of chance accounting records.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

SB 2384 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2397:** A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to annual financial reports of cities.

#### 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 12 YEAS, 35 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Fairfield; Fischer; Klein; Lindaas; Mathern; Nelson; O'Connell; Seymour; Tallackson; Warner

**NAYS:** Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Robinson; Schobinger; Stenehjem; Syverson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner

SB 2397 lost.

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#### SECOND READING OF SENATE BILL

**SB 2410:** A BILL for an Act to create and enact a new subsection to section 50-06-05.1 of the North Dakota Century Code, relating to medical assistance and children's health insurance program eligibility determinations.

#### 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

SB 2410 passed and the title was agreed to.

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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 2085, SB 2106, SB 2171, SB 2187, SB 2231, SB 2232, SB 2236, SB 2245, SB 2251, SB 2257, SB 2264, SB 2314, SB 2367, SB 2371, SB 2379, SB 2392, SB 2405, SCR 4031, SCR 4032.

#### MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1073, HB 1125, HB 1174, HB 1203, HB 1248, HB 1275, HB 1277, HB 1306, HB 1330, HB 1364, HB 1497.

#### MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HCR 3020.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1213.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Wednesday, February 9, 2005, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2025: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2025 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2033: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2033 was placed on the Sixth order on the calendar.

Page 2, line 6, replace "first" with "fifteenth"

Page 2, line 7, replace "first" with "fifteenth"

Page 2, line 29, replace "first" with "fifteenth"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2051: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (4 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2051 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2082: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2082 was placed on the Sixth order on the calendar.

Page 2, line 23, after "business" insert "or unreasonable timeliness of service" and overstrike the second comma

Page 2, after line 31, insert "The board may inspect an abstractor's records to determine compliance with this chapter or rules adopted under this chapter. The board may adopt rules under chapter 28-32 addressing discipline of abstractors, including establishing standards for timeliness of service based on a presumed standard turnaround time of three weeks or less."

Page 3, line 14, after the underscored boldfaced period insert:

"1."

Page 3, line 21, remove "An abstractor"

Page 3, remove line 22

Page 3, line 23, replace "allowed under section 43-01-18 at rates determined by the board and the" with "The"

Page 4, after line 3, insert:

"2. The board may establish a fund to provide for additional expenses of an abstractor operating under a temporary certificate of authority. The fund may be paid for by an additional fee fixed by the board of no more than fifty dollars per year for each certificate of registration. The fund may not exceed five thousand dollars. The board may pay the expenses, including mileage, meals, and lodging, of an abstractor operating under a temporary certificate of authority at the rates established for state employees on official business."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2107: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2107 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2160: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2160 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 council study of administration and enforcement of the state building code.

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY - STATE BUILDING CODE.** The legislative council shall consider studying, during the 2005-06 interim, the administration and enforcement of the state building code and its relationship to local standards and enforcement. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2164: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2164 was placed on the Sixth order on the calendar.

Page 2, line 14, after the period insert "If the holder of the check or the holder's agent or representative uses the automated clearinghouse network to collect the collection fees or costs, that individual shall comply with the network's rules and requirements."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2200: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2200 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "an event" with "a systems" and remove "recorder"

Page 1, line 10, remove "or sensing and diagnostic"

Page 1, line 12, after "device" insert a period

Page 1, remove lines 13 through 18

Page 1, line 19, remove "Any contract provision to the contrary is void." and replace "recording" with "systems data module"

Page 1, line 20, remove the first "device" and remove "and does"

Page 1, line 21, remove "any of the following" and replace "after an accident:" with a period

Page 1, remove lines 22 through 24

Page 2, remove lines 1 through 6

Page 2, line 7, remove "described in subsection 1 which is"

Page 2, remove lines 10 through 13

Page 2, line 14, replace "c." with "a."

Page 2, line 26, replace "d." with "b."

Page 3, line 5, replace "A violation of this section by a motor vehicle dealer is grounds for action on the" with "Data recorded on a recording device is not admissible evidence in any court proceeding."

Page 3, remove lines 6 and 7

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2225: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2225 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2278: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2278 was placed on the Sixth order on the calendar.

Page 1, line 12, after the period insert "The commission may order that expenses associated with investigating the application made by the public utility for a rate stability plan be paid by the public utility in accordance with section 49-02-02."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2281: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2281 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with ", 57-38.6-02," and after "57-38.6-03" insert ", and 57-38.6-04"

Page 2, line 3, after "subsection" insert ", but not a business that was previously certified as a qualified business under chapter 57-38.5."

Page 2, after line 5, insert:

**"SECTION 2. AMENDMENT.** Section 57-38.6-02 of the North Dakota Century Code is amended and reenacted as follows:

**57-38.6-02. Certification - Investment reporting by qualified businesses.**

The director shall certify whether a business that has requested to become a qualified business meets the requirements of subsection 3 of section 57-38.6-01. The director shall establish the necessary forms and procedures for certifying qualified businesses. The director is not required to recertify a business as a qualified business under this chapter if the business was previously certified by the director as a qualified business under chapter 57-38.5.

Page 3, line 10, after the period insert "An investment placed in escrow does not qualify for the credit."

Page 3, after line 22, insert:

"8. An investment in an ethanol production facility made before January 1, 2005, that did not qualify for the tax credit because of the two million five hundred thousand dollar credit limitation in section 57-38.5-02, is entitled to a credit against state income tax liability under section 57-38-29 or 57-38-30.3 in the amount of thirty percent of the amount invested by the taxpayer in a qualified business subject to the following:

a. The aggregate investment for which a taxpayer may obtain a credit under this subsection is not less than five thousand dollars and not more than two hundred fifty thousand dollars.

b. In any taxable year, a taxpayer may claim no more than one-fourth of the credit under this subsection which is attributable to an investment made before January 1, 2005.

- c. Any amount of credit under this subsection not allowed because of the limitations in this section may be carried forward for up to five taxable years after the taxable year in which the investment was made.

**SECTION 4. AMENDMENT.** Section 57-38.6-04 of the North Dakota Century Code is amended and reenacted as follows:

**57-38.6-04. Taxable year for agricultural business investment tax credit.** The tax credit under section 57-38.6-03 accrues to the taxpayer for the taxable year in which ~~full consideration for~~ the investment in the qualified business was received by the qualified business."

Page 3, line 23, replace "This" with "Section 1 of this Act is effective for any business certified by the director after December 31, 2004. Sections 2, 3, and 4 of this" and replace "is" with "are"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2305: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2305 was placed on the Sixth order on the calendar.

Page 1, line 6, after the boldfaced period insert:

"1."

Page 1, line 10, replace "1." with "a."

Page 1, line 14, replace "2." with "b."

Page 1, after line 16, insert:

"2. This section does not limit the jurisdiction of the public service commission under title 49 or 64."

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2324: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2324 was placed on the Sixth order on the calendar.

Page 1, line 11, overstrike the first "not" and overstrike "any tax or exercise any power that was not otherwise"

Page 1, overstrike lines 12 through 14

Page 1, line 15, overstrike "board which are designated as cities" and replace "or as otherwise specified in the plan and" with "taxes within the portion of the combined district outside city limits within the limitations provided by law for a board of county park commissioners and may levy taxes within the portion of the combined park district that is within city limits within the limitations provided by law for city park districts"

Page 1, line 16, remove "approved by the electorate in the affected cities and counties"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2335: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2335 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to amend and"

Page 1, remove line 3



Page 1, line 4, remove "abandoned property under the Uniform Unclaimed Property Act;"

Page 1, remove lines 6 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 31

Page 4, remove the underscore under lines 3 through 9

Page 4, after line 9, insert:

"The term does not include a general-use prepaid card issued by a prepaid card issuer, including a plastic card or other electronic payment device that is usable at multiple, unaffiliated merchants or service providers or at an automatic teller machine, and purchased or loaded on a prepaid basis; a general-use prepaid card issued by a prepaid card issuer and purchased by a person that is not an individual; or a debit card linked to a deposit account."

Page 4, line 10, remove the underscore under "51-29-02.", remove "Records -", remove the underscore under "Expiration dates - Service fees", remove "- Exemptions", and remove the underscore under the second underscored boldfaced period

Page 4, remove lines 11 and 12

Page 4, line 13, remove "sold, including the state in which the sale of the gift certificate took place." and remove the underscore under "A person"

Page 4, remove the underscore under line 14

Page 4, line 15, remove the underscore under "certificate" and replace ", limit the time for redemption of a gift certificate, place an expiration date" with ". A person may not limit the time for redemption of a gift certificate to a date before six years after the date of purchase of the gift certificate, place an expiration date on a gift certificate before six years after the date of purchase of the gift certificate, or include on a gift certificate any statement suggesting that an expiration or redemption date, except as permitted in this section, may apply to a gift certificate."

Page 4, remove lines 16 and 17

Page 4, line 18, remove "2.", remove the underscore under "This section does not apply to", and remove the underscored colon

Page 4, remove lines 19 through 29

Page 4, line 30, remove "b.", replace "A" with "a", and remove the underscore under "gift certificate distributed to a consumer pursuant to an awards, loyalty, or"

Page 4, remove the underscore under line 31

Page 5, remove the underscore under lines 1 through 3

Page 5, remove lines 4 through 7

Page 5, line 8, replace "51-29-04" with "51-29-03" and remove the underscore under ". Enforcement - Powers - Remedies - Penalties. The attorney general shall"

Page 5, line 9, remove the underscore under "enforce this chapter" and remove ", excluding section 59-29-03, which must be enforced by the administrator"

Page 5, line 10, remove "of the state abandoned property office" and remove the underscore under ". In enforcing this chapter, the attorney general has all"

Page 5, remove the underscore under lines 11 through 13

Page 5, line 14, remove the underscore under "to all other causes of action, remedies, and penalties as provided in" and replace "chapters 47-30.1 and" with "chapter"

Page 5, remove the underscore under line 15

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2337: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2337 was placed on the Sixth order on the calendar.

Page 1, line 21, remove ", and no more than four members may belong to"

Page 1, line 22, remove "the same political party"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2345: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2345 was placed on the Sixth order on the calendar.

Page 1, line 20, after the second "commissioner" insert ", other than one who is a county commissioner,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2351: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2351 was placed on the Sixth order on the calendar.

Page 1, line 2, after "employees" insert "; and to provide for application"

Page 2, after line 7, insert:

**"SECTION 2. APPLICATION OF ACT.** This Act only applies to additional benefit payments made pursuant to section 65-05-09.4 which are scheduled to be paid on or after the effective date of this Act."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2359: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2359 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2370: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2370 was placed on the Sixth order on the calendar.

Page 1, line 6, remove "~~full-time~~", remove the overstrike over "~~in~~", after "~~counties~~" insert "a county", and remove the overstrike over "~~having a population exceeding~~"

Page 1, line 7, remove the overstrike over "~~thirty five thousand, or in~~", after "~~where~~" insert "a county in which", and remove the overstrike over "~~the board of county commissioners~~"

Page 1, remove the overstrike over line 8

Page 1, line 9, remove the overstrike over "~~not to be an attorney or counsel for any party except the state or county,~~"

Page 1, line 10, remove the overstrike over "~~minimum~~"

Page 1, line 12, remove the overstrike over "~~at least~~"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2372: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2372 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2381: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2381 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 create and enact a new subsection to section 65-05-32 of the North Dakota Century Code, relating to exceptions to the workers' compensation confidentiality requirements.

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

**SECTION 1.** A new subsection to section 65-05-32 of the North Dakota Century Code is created and enacted as follows:

If an injured employee or injured employee's representative voluntarily discloses claim information to the public, the injured employee waives the confidentiality of this section to the extent necessary for the organization to respond to the disclosure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2383: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2383 was rereferred to the **Appropriations Committee**.

Page 2, line 2, replace "Referral" with "The department or the law enforcement agency may refer the case"

Page 2, line 3, remove "is"

Page 2, line 4, remove "presumed to be the correct response to such a report" and remove "children's advocacy center,"

Page 2, line 5, remove the underscored comma

Page 2, line 8, remove "children's advocacy center," and remove the second underscored comma

Page 2, line 9, remove "children's advocacy center location,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2388: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2388 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2390: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2390 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 council study of city and county development impact fees.

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY - CITY DEVELOPMENT IMPACT FEES.** The legislative council shall consider studying, during the 2005-06 interim, city and county development impact fees. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2393: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2393 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 council study of sales, use, and gross receipts tax exemptions and rate reductions.

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY.** The legislative council shall study sales, use, and gross receipts tax exemptions and reductions, with emphasis on those that are available for only certain purchasers, including, for each exemption or reduction, a detailed analysis of the fiscal impact to the state, benefits to the state economy from eliminating the exemption or rate reduction, benefits to the state economy of retaining the exemption or rate reduction, relationship of the exemption or rate reduction to tax policies of other states and to federal or state laws or regulations, and who are the beneficiaries of each exemption or rate reduction, specifically including the extent to which the benefits flow to out-of-state concerns. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2395: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2395 was placed on the Sixth order on the calendar.

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

Page 1, line 4, after "treatment" insert "and"

Page 1, line 5, after "services" insert "; to direct the department of human services to apply for a medical waiver; to provide for a legislative council study; and to declare an emergency"

Page 1, line 21, after the underscored period insert "The parent of an individual receiving services under this section shall obtain any readily available employer-based health insurance, and that insurance must be the primary payer before payment under this program. There may be no recipient liability connected with this program."

**SECTION 3. MEDICAID WAIVER - IN-HOME SERVICES.** The department shall apply for a medicaid waiver to provide in-home services to children with extraordinary medical needs who would otherwise require hospitalization or nursing facility care. The department shall require an applicant to demonstrate a chronic physical condition that results in prolonged dependency on medical care for which daily skilled nursing intervention is medically necessary. The department shall require an applicant to demonstrate a condition that is life-threatening, requires frequent administration of time-consuming medically necessary daily treatments, or requires the use of complex medical equipment or services such as a ventilator, dialysis machine, enteral or parenteral nutrition support, or continuous oxygen. The department may limit the waiver to fifteen participants and may prioritize applicants by degree of need.

**SECTION 4. LEGISLATIVE COUNCIL STUDY - CHILD HEALTH CARE NEEDS.** The legislative council shall consider studying, during the 2005-06 interim, issues relating to medicaid and other public funding for the extraordinary health care needs of children who live in an institution or who are at risk of institutionalization. The legislative council may assign portions of this study to appropriate interim committees. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly.

**SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SCR 4024: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4024 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "nearly" with "over" and after "students" insert "and 300 children"

Page 1, line 10, replace "40" with "70"

Page 1, line 16, remove "recent" and after "study" insert "dated August 25, 2000,"

Page 1, line 19, remove "any funding for the institution"

Page 1, line 20, after "budget" insert "any funding for the institution's self-determination contract with the Department of the Interior, which is the base funding for United Tribes Technical College, and has provided little or no funding for improvements to campus facilities"

Page 1, line 25, replace "3.5" with "4.5", replace "to" with "for the self-determination contract the Department of the Interior has with", and after "College" insert "along with additional funding for improvements to college facilities"

Renumber accordingly

#### **FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. Every, Mathern, Wardner and Reps. Hawken, S. Kelsh, Nicholas introduced:

**SCR 4033:** A concurrent resolution directing the Legislative Council to study whether enhancing the quality of childcare and increasing access to affordable childcare would favorably impact economic development in the state.

Was read the first time and referred to the **Human Services Committee**.

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

**William R. Horton, Secretary**

