

JOURNAL OF THE SENATE

Sixty-third Legislative Assembly

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Bismarck, February 21, 2013

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

The prayer was offered by Reverend Larry J Giese, Lord of Life Lutheran Church, Bismarck.

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

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)** recommends that the Journal of the Twenty-eighth, Twenty-ninth, and Thirty-first Days be corrected as follows and when so corrected, recommends that it be approved:

Page 384, after line 24 insert:

"SB 2358 was rereferred to the **Appropriations Committee.**"

Page 417, line 16, replace "line 30" with "after line 29"

Page 453, line 43, insert "amended" before "bill"

Page 453, after line 30 insert:

"SB 2237 was rereferred to the **Appropriations Committee.**"

Page 454, line 15, insert "amended" before "bill"

Page 456, line 9, insert "amended" before "bill"

Page 457, line 12, insert "amended" before "bill"

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

CONSIDERATION OF AMENDMENTS

SB 2146, as engrossed: SEN. KREBSBACH (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS.**

REQUEST

SEN. MILLER REQUESTED a verification vote, which request was granted.

The proposed amendments to Engrossed SB 2146 were adopted on a verification vote.

SECOND READING OF SENATE BILL

SB 2146: A BILL for an Act to create and enact a new section to chapter 4-01 of the North Dakota Century Code, relating to the grape and wine advisory committee; 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 26 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Axness; Burckhard; Campbell; Dotzenrod; Erbele; Grabinger; Grindberg; Hogue; Holmberg; Kilzer; Krebsbach; Lee, J.; Marcellais; Murphy; Nelson; O'Connell; Oehlke; Robinson; Schneider; Sinner; Sitte; Sorvaag; Triplett; Wanzek; Wardner; Warner

NAYS: Anderson; Andrist; Armstrong; Berry; Bowman; Carlisle; Cook; Dever; Flakoll; Heckaman; Klein; Laffen; Larsen; Lee, G.; Luick; Lyson; Miller; Poolman; Schaible; Unruh

ABSENT AND NOT VOTING: Mathern

Reengrossed SB 2146 passed.

CONSIDERATION OF AMENDMENTS

SB 2338: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments 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 2338: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a conditional exemption and payments in lieu of taxes for affordable rental residential property; to amend and reenact subsection 8 of section 57-02-08 of the North Dakota Century Code, relating to the property tax exemption for property owned by institutions of public charity; and to provide an effective date.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2338 passed.

CONSIDERATION OF AMENDMENTS

SB 2187, as engrossed: SEN. GRINDBERG (Appropriations Committee) MOVED that the amendments 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 2187: A BILL for an Act to create and enact section 6-09-47 of the North Dakota Century Code, relating to a Bank of North Dakota medical facility infrastructure loan program; to amend and reenact section 6-09-47 of the North Dakota Century Code, relating to the medical facility infrastructure loan program; to provide for transfer; to provide an appropriation; to provide a continuing appropriation; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Cook; Laffen

ABSENT AND NOT VOTING: Mathern

Reengrossed SB 2187 passed.

CONSIDERATION OF AMENDMENTS

SCR 4012: SEN. SCHAIBLE (Education Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4012: A concurrent resolution directing the Legislative Management to study state alternatives to the statutory and regulatory requirements placed on North Dakota schools and school districts by the United States Department of Education, determine whether there are viable options to achieve the federal government's goals without having the federal government's oversight and involvement, and determine whether the federal fiscal impact is a significant and necessary factor in assenting to the continuance of federal government involvement in this state's educational process.

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

Engrossed SCR 4012 was declared adopted on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2364, as engrossed: SEN. CAMPBELL (Appropriations Committee) MOVED that the amendments 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 2364: A BILL for an Act to create and enact two new sections to chapter 57-38, subsections 7 and 8 to section 57-38-34, subsection 11 to section 57-38-38, and subsection 16 to section 57-38-40 of the North Dakota Century Code, relating to a corporate income tax credit, utilization of net operating losses and credit carryforwards, the time for filing of returns for certain corporations, interest on tax when the time for filing a return is extended, refunds of tax for certain corporations, and audits of certain corporations; to amend and reenact subsection 5 of section 11-37-08, subsection 8 of section 40-63-01, subsection 5 of section 40-63-04, section 40-63-06, subsections 3 and 4 of section 40-63-07, subsection 3 of section 57-38-01.3, subsections 5 and 7 of section 57-38-01.32, subdivisions c and f of subsection 2 of section 57-38-30.3, and section 57-39.2-26.1 of the North Dakota Century Code, relating to subjecting financial institutions to the corporate income tax, adjustments for net operating losses, bonds and other obligations of a commerce authority, creation of renaissance zones, state aid distribution fund allocations to political subdivisions, the housing incentive fund tax credit, computation of farm income, and income associated with losses passed through to a financial institution; to repeal chapter 57-35.3 of the North Dakota Century Code, relating to elimination of the financial institutions tax; and to provide an effective date.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson;

Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Reengrossed SB 2364 passed.

SECOND READING OF SENATE BILL

SB 2273: A BILL for an Act to create and enact a new subsection to section 57-35.3-05 of the North Dakota Century Code, relating to a financial institutions tax credit for investments in an angel fund; to amend and reenact subsection 1 of section 57-38-01.26 of the North Dakota Century Code, relating to a financial institutions tax credit for investments in an angel fund and elimination of the lifetime limit on angel fund investment tax credits for individuals; 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 NOT PASS, the roll was called and there were 0 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

NAYS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

SB 2273 failed.

MOTION

SEN. KLEIN MOVED that SB 2243, SB 2271, and SB 2193 be moved to the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2243: A BILL for an Act to provide for a legislative management study of behavioral health needs; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2243 passed.

SECOND READING OF SENATE BILL

SB 2271: A BILL for an Act to amend and reenact subsection 5 of section 39-01-15 and section 50-06.1-16 of the North Dakota Century Code, relating to the committee on employment of people with disabilities.

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: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2271 passed.

SECOND READING OF SENATE BILL

SB 2193: A BILL for an Act to provide for the establishment of an autism spectrum disorder database and an autism spectrum disorder voucher program; to provide for a department of human services study and report to the legislative management; 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: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Campbell; Miller

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2193 passed.

SECOND READING OF SENATE BILL

SB 2247: A BILL for an Act to amend and reenact section 34-14-04.1 of the North Dakota Century Code, relating to limitations on withholdings.

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: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2247 passed.

SECOND READING OF SENATE BILL

SB 2318: A BILL for an Act to amend and reenact sections 16.1-11-06, 16.1-11-10, 16.1-11-11, and 16.1-11-16, subsection 5 of section 16.1-11-18, section 16.1-12-02.1, subsection 4 of section 16.1-12-02.2, subsection 2 of section 16.1-12-04, and sections 16.1-12-06 and 44-05-04 of the North Dakota Century Code, relating to candidate filing papers; and to repeal section 16.1-11-13 of the North Dakota Century Code, relating to legislative candidate filings.

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: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2318 passed.

SECOND READING OF SENATE BILL

SB 2297: A BILL for an Act to provide for a legislative management study of the state's workers' compensation system's treatment of preexisting medical conditions.

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

SB 2297 passed.

SECOND READING OF SENATE BILL

SB 2298: A BILL for an Act to amend and reenact section 65-05-08.3 of the North Dakota Century Code, relating to workers' compensation consideration of treating doctor's opinions; and to provide for application.

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: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner;

Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2298 passed.

SECOND READING OF SENATE BILL

SB 2295: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to the passthrough of the new and expanding business exemption; 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 38 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Poolman; Robinson; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Armstrong; Cook; Dever; Grindberg; Lee, G.; Lee, J.; Oehlke; Sitte

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2295 passed.

SECOND READING OF SENATE BILL

SB 2352: A BILL for an Act to authorize the conveyance of real property owned by the state of North Dakota.

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: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2352 passed.

SECOND READING OF SENATE BILL

SB 2231: A BILL for an Act to amend and reenact sections 20.1-03-12, 20.1-03-12.1, and 20.1-03-12.2 of the North Dakota Century Code, relating to hunting fees.

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 40 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Burckhard; Campbell; Carlisle; Dotzenrod; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer;

Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Murphy; Nelson; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Bowman; Cook; Dever; Erbele; Marcellais; O'Connell

ABSENT AND NOT VOTING: Mathern

SB 2231 passed.

SECOND READING OF SENATE BILL

SB 2241: A BILL for an Act to provide an appropriation to the department of human services; and to provide for a legislative management study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wardner; Warner

ABSENT AND NOT VOTING: Mathern; Wanzek

Engrossed SB 2241 passed.

SECOND READING OF SENATE BILL

SB 2200: A BILL for an Act to create and enact chapter 15-18.1 of the North Dakota Century Code, relating to the determination of funding for institutions of higher education; to provide for legislative intent; and to provide an expiration 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wardner; Warner

ABSENT AND NOT VOTING: Mathern; Wanzek

SB 2200 passed.

SECOND READING OF SENATE BILL

SB 2260: A BILL for an Act amend and reenact sections 13-07-01, 13-11-01, 51-15-06.1, 51-28-01, and 51-28-02 of the North Dakota Century Code, relating to consumer credit counseling services, debt settlement providers, assurance of discontinuance, and telephone solicitations.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wardner; Warner

ABSENT AND NOT VOTING: Mathern; Wanzek

SB 2260 passed.

SECOND READING OF SENATE BILL

SB 2342: A BILL for an Act to create and enact sections 43-15.3-10, 43-15.3-11, and 43-15.3-12 of the North Dakota Century Code, relating to wholesale drug distribution; to amend and reenact sections 43-15.3-01, 43-15.3-02, 43-15.3-03, 43-15.3-04, 43-15.3-05, 43-15.3-07, 43-15.3-08, and 43-15.3-09 of the North Dakota Century Code, relating to wholesale drug distribution; 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 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wardner; Warner

NAYS: O'Connell

ABSENT AND NOT VOTING: Mathern; Wanzek

Engrossed SB 2342 passed.

SECOND READING OF SENATE BILL

SB 2288: A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to a department of commerce North Dakota tribal tourism alliance program; and to provide an appropriation.

ROLL CALL

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

YEAS: Axness; Heckaman; Marcellais; Nelson; O'Connell; Robinson; Schneider; Triplett; Warner

NAYS: Anderson; Andrist; Armstrong; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Murphy; Oehlke; Poolman; Schaible; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner

ABSENT AND NOT VOTING: Mathern

SB 2288 failed.

MOTION

SEN. KLEIN MOVED that SB 2129, SB 2156, SB 2236, SB 2358, and SB 2277 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2289: A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to creation of department of commerce satellite offices on Indian reservations.

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 14 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Axness; Dotzenrod; Grabinger; Heckaman; Krebsbach; Larsen; Marcellais; Murphy; Nelson; O'Connell; Robinson; Schneider; Triplett; Warner

NAYS: Anderson; Andrist; Armstrong; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Erbele; Flakoll; Grindberg; Hogue; Holmberg; Kilzer; Klein; Laffen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Oehlke; Poolman; Schaible; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner

ABSENT AND NOT VOTING: Mathern

SB 2289 failed.

SECOND READING OF SENATE BILL

SB 2008: A BILL for an Act to provide an appropriation for defraying the expenses of the department of financial institutions.

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: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2008 passed.

SECOND READING OF SENATE BILL

SB 2238: A BILL for an Act to reimburse school districts for expenses incurred in providing cardiopulmonary resuscitation training to students; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2238 passed.

SECOND READING OF SENATE BILL

SB 2334: A BILL for an Act to create and enact a new section to chapter 37-17.3 of the North Dakota Century Code, relating to fees for the statewide seamless base map; and to provide a continuing appropriation.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Reengrossed SB 2334 passed.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2059, SB 2142, SB 2203, SB 2223, SB 2246, SB 2264, SB 2267, SB 2344.

MOTION

SEN. KLEIN MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. KLEIN 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 12:30 p.m., Friday, February 22, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2020: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2020 was placed on the Sixth order on the calendar.

Page 1, line 4, after the semicolon insert "to amend and reenact subsection 6 of section 4-05.1-19 of the North Dakota Century Code, relating to the duties of the state board of agricultural research and education;"

Page 1, remove lines 20 through 23

Page 2, replace line 1 with:

"Extension service	\$47,026,654	\$6,123,604	\$53,150,258
Soil conservation committee	<u>987,800</u>	<u>150,000</u>	<u>1,137,800</u>
Total all funds	\$48,014,454	\$6,273,604	\$54,288,058
Less estimated income	<u>23,128,810</u>	<u>1,858,604</u>	<u>24,987,414</u>
Total general fund	\$24,885,644	\$4,415,000	\$29,300,644"

Page 2, replace line 23 with:

"Total all funds	\$89,012,990	\$23,307,632	\$112,320,622"
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Page 2, replace lines 25 and 26 with:

"Total general fund	\$47,382,346	\$11,682,691	\$59,065,037
Full-time equivalent positions	349.01	2.98	351.99"

Page 3, replace lines 22 through 24 with:

"Grand total general fund	\$90,025,408	\$20,968,204	\$110,993,612
Grand total special funds	<u>104,997,261</u>	<u>15,067,926</u>	<u>120,065,187</u>
Grand total all funds	\$195,022,669	\$36,036,130	\$231,058,799"

Page 4, replace line 4 with:

"Agronomy laboratories	0	5,925,000"
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Page 4, after line 5, insert:

"Oil impact assistance	0	100,000"
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Page 4, replace lines 9 through 11 with:

"Total all funds	\$10,726,983	\$8,535,000
Total other funds	<u>2,852,931</u>	<u>950,000</u>
Total general fund	\$7,874,052	\$7,585,000"

Page 5, line 16, after "program" insert "and agents-in-training program"

Page 5, replace lines 17 and 18 with:

"SECTION 9. AMENDMENT. Subsection 6 of section 4-05.1-19 of the North Dakota Century Code is amended and reenacted as follows:

- Develop a biennial budget request based on its prioritized needs list and submit that request to the president of North Dakota state university and the state board of higher education, and forward its prioritized needs list and request without modification to the office of management and budget and the appropriations committees of the legislative assembly"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2020 - Summary of Senate Action

	Executive Budget	Senate Changes	Senate Version
Transportation Institute			
Total all funds	\$25,353,629	\$0	\$25,353,629
Less estimated income	<u>22,525,054</u>	0	<u>22,525,054</u>
General fund	\$2,828,575	\$0	\$2,828,575
Branch Research Centers			
Total all funds	\$33,746,878	\$0	\$33,746,878
Less estimated income	<u>16,021,866</u>	0	<u>16,021,866</u>
General fund	\$17,725,012	\$0	\$17,725,012
NDSU Extension Service			
Total all funds	\$54,088,058	\$200,000	\$54,288,058
Less estimated income	<u>25,437,414</u>	(450,000)	<u>24,987,414</u>
General fund	\$28,650,644	\$650,000	\$29,300,644
Northern Crops Institute			
Total all funds	\$3,874,651	\$0	\$3,874,651
Less estimated income	<u>1,800,307</u>	0	<u>1,800,307</u>
General fund	\$2,074,344	\$0	\$2,074,344
Main Research Center			
Total all funds	\$110,293,322	\$2,027,300	\$112,320,622
Less estimated income	<u>53,255,585</u>	0	<u>53,255,585</u>
General fund	\$57,037,737	\$2,027,300	\$59,065,037
Agronomy Seed Farm			
Total all funds	\$1,474,961	\$0	\$1,474,961
Less estimated income	<u>1,474,961</u>	0	<u>1,474,961</u>
General fund	\$0	\$0	\$0
Bill total			
Total all funds	\$228,831,499	\$2,227,300	\$231,058,799

Less estimated income	120,515,187	(450,000)	120,065,187
General fund	\$108,316,312	\$2,677,300	\$110,993,612

Senate Bill No. 2020 - NDSU Extension Service - Senate Action

	Executive Budget	Senate Changes	Senate Version
Extension Service	\$53,025,258	\$125,000	\$53,150,258
Soil Conservation Committee	1,062,800	75,000	1,137,800
Total all funds	\$54,088,058	\$200,000	\$54,288,058
Less estimated income	25,437,414	(450,000)	24,987,414
General fund	\$28,650,644	\$650,000	\$29,300,644
FTE	258.26	0.00	258.26

Department No. 630 - NDSU Extension Service - Detail of Senate Changes

	Changes Funding Source for 4-H Camp ¹	Increases Funding to Soil Conservation Committee ²	Provides Funding to Rural Leadership North Dakota ³	Total Senate Changes
Extension Service			\$125,000	\$125,000
Soil Conservation Committee		75,000		75,000
Total all funds	\$0	\$75,000	\$125,000	\$200,000
Less estimated income	(450,000)	0	0	(450,000)
General fund	\$450,000	\$75,000	\$125,000	\$650,000
FTE	0.00	0.00	0.00	0.00

¹The source of funding for the NDSU Extension Service 4-H camp project is changed to provide a total of \$1.9 million, \$950,000 of which is from the general fund and \$950,000 from special funds. The executive budget provided a total of \$1.9 million, of which \$500,000 is from the general fund and \$1.4 million from special funds.

²Funding to the soil conservation committee is increased to provide a total of \$150,000.

³Funding is provided for the Rural Leadership North Dakota program.

Section 8 is changed to remove the matching requirement for the summer internship program and to allow the funds to also be used for the agents-in-training program.

Senate Bill No. 2020 - Main Research Center - Senate Action

	Executive Budget	Senate Changes	Senate Version
Main Research Center	\$110,293,322	\$2,027,300	\$112,320,622
Total all funds	\$110,293,322	\$2,027,300	\$112,320,622
Less estimated income	53,255,585	0	53,255,585
General fund	\$57,037,737	\$2,027,300	\$59,065,037
FTE	351.49	0.50	351.99

Department No. 640 - Main Research Center - Detail of Senate Changes

	Provides Funding for Capital Projects ¹	Provides Funding for Oil-Impacted Centers ²	Adds Animal Science Position ³	Provides Funding for Flooded Lands Study ⁴	Total Senate Changes
Main Research Center	\$1,625,000	\$100,000	\$140,000	\$162,300	\$2,027,300

Total all funds	\$1,625,000	\$100,000	\$140,000	\$162,300	\$2,027,300
Less estimated income	0	0	0	0	0
General fund	\$1,625,000	\$100,000	\$140,000	\$162,300	\$2,027,300
FTE	0.00	0.00	0.50	0.00	0.50

¹One-time funding is added for replacing the agronomy laboratories at the Langdon and Central Grasslands Research Extension Center locations.

²A funding pool of \$100,000 is added for housing allowances or hiring bonuses for employees at the North Central, Dickinson, and Williston Research Extension Centers.

³Funding for a new .5 FTE animal science position is added.

⁴Funding is provided for conducting research relating to the recovery of grasslands affected by Souris River flooding.

This amendment adds a section relating to the State Board of Agricultural Research and Education needs-based budget request.

REPORT OF STANDING COMMITTEE

SB 2024: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2024 was placed on the Sixth order on the calendar.

Page 1, replace lines 11 through 13 with:

"Comprehensive tobacco control	<u>\$12,922,614</u>	<u>\$6,514,132</u>	<u>\$19,436,746</u>
Total special funds	\$12,922,614	\$6,514,132	\$19,436,746
Full-time equivalent positions	5.00	3.00	8.00"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2024 - Tobacco Prevention & Control Exec Comm - Senate Action

	Executive Budget	Senate Changes	Senate Version
Comprehensive tobacco control	\$13,016,197	\$6,420,549	\$19,436,746
Total all funds	\$13,016,197	\$6,420,549	\$19,436,746
Less estimated income	13,016,197	6,420,549	19,436,746
General fund	\$0	\$0	\$0
FTE	5.00	3.00	8.00

Department No. 305 - Tobacco Prevention & Control Exec Comm - Detail of Senate Changes

	Corrects Executive Compensation Package ¹	Increase Funding to CDC Level ²	Adds 3 FTE ³	Total Senate Changes
Comprehensive tobacco control	\$4,471	\$6,416,078		\$6,420,549
Total all funds	\$4,471	\$6,416,078	\$0	\$6,420,549

Less estimated income	4,471	6,416,078	0	6,420,549
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	3.00	3.00

¹Funding is added due to a calculation error in the executive compensation package.

²This amendment increases funding to the Centers for Disease Control and Prevention (CDC) recommended level as adjusted for inflation and estimated population increases.

³This amendment adds 1 FTE field coordinator, 1 FTE statewide programs manager, and 1 FTE evaluation program manager. These positions are currently temporary positions.

REPORT OF STANDING COMMITTEE

SB 2036, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2036 was placed on the Sixth order on the calendar.

Page 2, line 18, after the underscored period insert "Failure to file the claim for the reduction by the deadline under this subsection renders the property ineligible for the reduction and the reduction may not be allowed by abatement or refund if the claim was not filed by the deadline under this subsection."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2037: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2037 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2097: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2097 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2171, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2171 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2179: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2179 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2197: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (1 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SB 2197 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2222: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2222 was placed on the Sixth order on the calendar.

Page 3, line 5, after "7." insert:

"a."

Page 3, after line 9, insert:

- "b. (1) If after six consecutive semesters a student requires twenty-four or fewer credits to graduate, the student may retain scholarship eligibility by enrolling in only twelve credits during each of the student's final two semesters, or the equivalent number of credits, as determined by the state board of higher education, with respect to students in a quarter system.
- (2) The exception provided for in this subdivision is applicable to any student graduating after June 30, 2013, but before July 1, 2015."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2226: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2226 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2284: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2284 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the first "and"

Page 1, line 3, after "alcohol" insert "; and to provide for a statement of legislative intent and severability"

Page 1, line 9, replace "located within this state to produce beer" with "producing no more than twenty-five thousand barrels of malt beverages annually"

Page 1, line 15, remove "to wholesale malt"

Page 1, line 16, remove "beverage licensees"

Page 1, line 17, replace the underscored semicolon with an underscored period

Page 1, line 20, replace the underscored semicolon with an underscored period

Page 1, line 21, after "c." insert "Sell beer manufactured on the licensed premises for off premises consumption in brewery-sealed containers of not less than twelve ounces [36 liters] and not more than 5.16 gallons [19.53 liters].

d. Sell and deliver beer produced by the brewery to licensed beer wholesalers.

e."

Page 1, line 22, replace the underscored semicolon with an underscored period

Page 1, line 23, replace "d." with "f."

Page 1, line 23, after "beer" insert "produced by the brewery"

Page 1, line 23, remove "one hundred fifty miles [241.40]"

Page 1, line 24, replace "kilometers] of the brewery" with "the state"

Page 3, after line 18, insert:

"SECTION 3. LEGISLATIVE INTENT - SEVERABILITY. A licensee who manufactures more than twenty-five thousand barrels of malt beverages annually

may not use the sales and distribution activities identified in section 1 of this Act. In the event that a court of competent or final jurisdiction holds that any section of title 5 is unconstitutional or otherwise invalid, the invalidity does not affect other provisions or applications of title 5 that can be given effect without the invalid provisions or application, and to this end the provisions of title 5 are severable."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2290, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2290 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2313: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2313 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2314: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2314 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "certification that" with "determination of whether"

Page 1, line 2, after "sector" insert "or retail sector"

Page 1, line 3, after the semicolon insert "to provide for a legislative management study;"

Page 1, line 8, after the boldfaced period insert:

"1."

Page 1, line 18, replace "received" with ":

a. Received"

Page 1, line 20, after "40-57.1-02" insert:": or

b. Established by resolution or ordinance the criteria that will be applied by the governing body to determine whether it is appropriate to grant a partial or complete exemption from ad valorem taxation under this section for a project operating in the retail sector. Criteria established by the governing body under this subdivision, at a minimum, must be intended to require:

- (1) Evaluation of the potential positive or adverse consequences for existing retail sector businesses in the municipality from granting the exemption;
- (2) Evaluation of the short-term and long-term effects for other property taxpayers in the municipality from granting the exemption;
- (3) A written agreement with the project operator, including performance requirements for which the exemption may be terminated by the governing body of the municipality if those requirements are not met; and
- (4) Evaluation of whether the project operator would locate the project within the municipality without the exemption"

"2."

Page 2, line 7, after the period insert:

"3."

Page 2, line 25, after the period insert:

"4."

Page 3, line 8, after the period insert:

"5."

Page 3, after line 13, insert:

"SECTION 2. LEGISLATIVE MANAGEMENT STUDY. During the 2013-14 interim, the legislative management shall study methods to assure that an accurate and reliable means is developed to measure effectiveness and accountability of property tax exemptions and other economic development incentives granted by cities and counties and to determine whether other taxpayers in the city or county ultimately derive a measurable benefit from granting of the incentives. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2325, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2325 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 3 of section 57-33.2-01 and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 3 of section 57-33.2-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Company" means an individual, partnership, corporation, limited liability company, limited liability partnership, cooperative, or any other organization or association engaged in generation, distribution, or transmission of electricity. A company subject to taxation under chapter 57-06, is not a "company" for purposes of this chapter unless it files an irrevocable election with the commissioner to be treated as a company under this chapter by October 1, ~~2009~~2013, for taxable periods after December 31, ~~2009~~2013; by October 1, ~~2010~~2014, for taxable periods after December 31, ~~2010~~2014; by October 1, ~~2011~~2015, for taxable periods after December 31, ~~2011~~2015; or by October 1, ~~2012~~2016, for taxable periods after December 31, ~~2012~~2016. Property subject to taxation under this chapter which is owned by a company that is otherwise taxable under chapter 57-06 which files an election under this chapter is exempt from taxation under chapter 57-06."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2335: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2335 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the sale of portable electronics insurance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. PORTABLE ELECTRONICS INSURANCE - LEGISLATIVE MANAGEMENT STUDY. During the 2013-14 interim, the legislative management shall consider studying the feasibility and desirability of regulating the sale of portable electronics insurance. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2336, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2336 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2362: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2362 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2371: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2371 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4014: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4014 was placed on the Eleventh order on the calendar.

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

William R. Horton, Secretary

