

JOURNAL OF THE SENATE

Fifty-eighth Legislative Assembly

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Bismarck, February 7, 2003

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

The prayer was offered by Reverend Joseph Howlett, Redeemer Lutheran Church, Dickinson.

The roll was called and all members were present except Senators Andrist and Flakoll.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2194: SEN. BROWN (Human Services Committee) MOVED that the amendments on SJ page 253 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2065: SEN. COOK (Education Committee) MOVED that the amendments on SJ pages 252-253 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2337: SEN. WARDNER (Finance and Taxation Committee) MOVED that the amendments on SJ page 256 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2315: SEN. NICHOLS (Finance and Taxation Committee) MOVED that the amendments on SJ pages 255-256 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

MOTION

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

CONSIDERATION OF AMENDMENTS

SB 2143: SEN. POLOVITZ (Human Services Committee) MOVED that the amendments on SJ page 253 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2143: A BILL for an Act to amend and reenact section 43-45-07.1 of the North Dakota Century Code, relating to the licensure of addiction counselors.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Andrist; Flakoll

Engrossed SB 2143 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2260: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments on SJ pages 253-254 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2260: A BILL for an Act to provide an appropriation for approved applied technology programs.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Kilzer; Mutch

ABSENT AND NOT VOTING: Andrist; Flakoll

Engrossed SB 2260 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2261: SEN. NOTHING (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 254-255 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2261: A BILL for an Act to create and enact a new section to chapter 6-09, a new subsection to section 6-09.4-07, a new section to chapter 15-10, a new subsection to section 40-05-01, a new section to chapter 40-34, a new section to chapter 54-01, a new section to chapter 54-17, three new subsections to section 57-02-08, a new subsection to section 61-24.5-09, and a new subsection to section 61-35-12 of the North Dakota Century Code, relating to long-term leases and leaseback transactions; to amend and reenact sections 40-11-04, 40-33-01, 40-33-02, 40-33-03, 40-33-04, and 40-34-02 of the North Dakota Century Code, relating to long-term leases and leaseback transactions; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bercier; Brown; Christenson; Christmann; Erbele; Espegard; Every; Fairfield; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Bowman; Cook; Dever; Nichols; Stenehjem; Tollefson

ABSENT AND NOT VOTING: Andrist; Flakoll

Engrossed SB 2261 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2312: SEN. ESPEGARD (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 255 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2312: A BILL for an Act to provide for a manufactured home installation program.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Andrist; Flakoll

Engrossed SB 2312 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2406: SEN. TOLLEFSON (Finance and Taxation Committee) MOVED that the amendments on SJ pages 256-257 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2406: A BILL for an Act to provide for collection and review of information on economic development incentives provided by the state and political subdivisions and job quality and accountability standards; and to create and enact a new subsection to section 57-23-06 and a new subsection to section 57-55-12 of the North Dakota Century Code, relating to abatement of property taxes.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 17 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Tallackson; Taylor

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

ABSENT AND NOT VOTING: Andrist; Flakoll

Engrossed SB 2406 lost.

MOTION

SEN. CHRISTMANN MOVED that SB 2310 be returned to the Senate floor from the **Judiciary Committee** and be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2310 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that the Senate proceed to the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2317: A BILL for an Act relating to the duties and responsibilities of the superintendent of public instruction.

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 2 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Mutch; Thane

NAYS: Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson;

Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Andrist; Flakoll

SB 2317 lost.

SECOND READING OF SENATE BILL

SB 2384: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the effect on medical assistance eligibility of transfers involving annuities.

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

ABSENT AND NOT VOTING: Andrist; Flakoll

SB 2384 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2340: A BILL for an Act to amend and reenact section 46-03-10 of the North Dakota Century Code, relating to correction of errors in statutory provisions.

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

ABSENT AND NOT VOTING: Andrist; Flakoll

SB 2340 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2383: A BILL for an Act to authorize the state board of higher education to convey certain land in Ramsey County, North Dakota, to the city of Devils Lake.

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

ABSENT AND NOT VOTING: Andrist; Flakoll

SB 2383 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2088: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to development of a pharmacy best practices and cost control program and to authorize additional prescription drug cost containment strategies in the medical assistance program.

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, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist; Flakoll

SB 2088 lost.

SECOND READING OF SENATE BILL

SB 2313: A BILL for an Act to amend and reenact section 57-38-29 and subsection 1 of section 57-38-30.3 of the North Dakota Century Code, relating to individual income tax rates; to provide appropriations for foundation aid grants for school districts and to require reduction in property tax levies of school districts; 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 10 YEAS, 35 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Lindaas; Mathern; Nelson; Polovitz; Robinson; Seymour; Tallackson; Taylor

NAYS: Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Nichols; O'Connell; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Andrist; Flakoll

SB 2313 lost.

SECOND READING OF SENATE BILL

SB 2141: A BILL for an Act to amend and reenact sections 54-10-01, 54-10-22.1, and 54-10-24 of the North Dakota Century Code, relating to investigations by the state auditor.

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, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

NAYS: Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour;

Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Andrist; Flakoll

SB 2141 lost.

SECOND READING OF SENATE BILL

SB 2365: A BILL for an Act to amend and reenact subsection 2 of section 43-25-09 of the North Dakota Century Code, relating to massage therapist continuing education.

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

ABSENT AND NOT VOTING: Andrist; Flakoll

SB 2365 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2257: A BILL for an Act to provide for infant hearing detection and intervention.

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 3 YEAS, 42 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Fairfield; Krebsbach; Mathern

NAYS: Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Andrist; Flakoll

SB 2257 lost.

SECOND READING OF SENATE BILL

SB 2264: A BILL for an Act to amend and reenact section 9-07-14 of the North Dakota Century Code, relating to interpretation of promise terms.

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, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist; Flakoll

SB 2264 lost.

SECOND READING OF SENATE BILL

SB 2063: A BILL for an Act to amend and reenact subsections 2 and 3 of section 16.1-08.1-01 of the North Dakota Century Code, relating to campaign contributions.

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

ABSENT AND NOT VOTING: Andrist; Flakoll

SB 2063 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2378: A BILL for an Act to amend and reenact subsection 3 of section 43-28.1-03 and subsection 1 of section 43-28.1-04 of the North Dakota Century Code, relating to selection criteria and eligibility for loan repayment for dentists.

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

ABSENT AND NOT VOTING: Andrist; Flakoll

SB 2378 passed and the title was agreed to.

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 2070, SB 2147, SB 2216, SB 2232, SB 2238, SB 2268, SB 2269, SB 2281, SB 2286, SB 2287, SB 2289, SB 2302, SB 2309.

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 1049, HB 1111, HB 1206, HB 1246, HB 1338, HB 1348, HB 1391, HB 1394, HB 1400, HB 1444, HB 1471, HB 1480.

MOTION

SEN. CHRISTMANN MOVED that the absent members be excused, which motion prevailed.

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 1:00 p.m., Monday, February 10, 2003, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2044: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (6 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). SB 2044 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2081: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2081 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2125: Natural Resources Committee (Sen. Fischer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2125 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsections 1 and 2 of section 38-08-04.5 and"

Page 1, line 2, after "oil" insert "; and to provide an appropriation"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsections 1 and 2 of section 38-08-04.5 of the North Dakota Century Code are amended and reenacted as follows:

1. Revenue to the fund must include:
 - a. Fees collected by the oil and gas division of the industrial commission for permits or other services.
 - b. Moneys received from the forfeiture of drilling and reclamation bonds.
 - c. Moneys received from any federal agency for the purpose of this section.
 - d. Moneys donated to the commission for the purposes of this section.
 - e. Moneys received from the state's oil and gas impact fund.
 - f. Moneys recovered under the provisions of section 38-08-04.8.
 - g. Moneys recovered from the sale of equipment and oil confiscated ~~under the provisions of~~ section 38-08-04.9.
 - h. Such other moneys as may be deposited in the fund for use in carrying out the purposes of plugging or replugging of wells or the restoration of well sites.
2. Moneys in the fund may be used for the following purposes:
 - a. Contracting for the plugging of abandoned wells.
 - b. Contracting for the reclamation of abandoned drilling and production sites, saltwater disposal pits, drilling fluid pits, and access roads.
 - c. To pay mineral owners their royalty share in confiscated oil."

Page 1, line 15, remove "and oil"

Page 1, line 16, after the underscored period insert "If the commission exercises its authority under this section and there is salable oil at the well, that oil must be confiscated. The commission shall pay the mineral owners the royalty interest in the oil confiscated. In determining the mineral owners and their royalty interests, the commission may rely upon the most recent division order it is able to obtain. If one is unavailable or the commission finds the order unreliable, the commission may rely upon any other source of information the commission deems reasonable to determine and pay mineral owners."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2160: 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, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2160 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and" with a comma and after "34-15-03" insert ", and a new section to chapter 50-09"

Page 1, line 4, remove the first "and" and after "duties" insert ", and cooperative agreements for child support enforcement services"

Page 1, line 7, after the semicolon insert "to provide a continuing appropriation; and"

Page 1, line 8, remove "; and to declare an emergency"

Page 4, line 14, after "or" insert "otherwise"

Page 4, after line 28, insert:

"d. Promptly notify the employer when a current order for medical support for which the public authority is responsible is no longer in effect."

Page 5, line 7, remove "emergency care, inpatient and"

Page 5, line 8, remove "outpatient hospital care."

Page 8, line 10, replace "An" with "The"

Page 8, remove line 14

Page 8, line 16, replace the underscored period with "; or

c. An amount the obligor is ordered to pay toward an arrearage if that amount is included in an order issued when there is no current monthly support obligation."

Page 9, remove lines 15 through 17

Page 9, line 18, replace "4." with "3."

Page 9, line 21, replace "5." with "4."

Page 9, line 26, replace "6." with "5."

Page 9, line 29, replace "7." with "6."

Page 10, line 3, after "obligor" insert "which includes an amount for past-due support"

Page 10, line 5, remove "severance pay."

Page 10, line 6, remove "advance."

Page 10, line 11, after "make" insert "more than one-half of"

Page 12, after line 17, insert:

"SECTION 14. A new section to chapter 50-09 of the North Dakota Century Code is created and enacted as follows:

Continuing appropriation - Cooperative agreements for child support enforcement services. All federal funds and other income generated by the state agency under a cooperative agreement with one or more county child support agencies for centralized administration of child support enforcement services, or with an Indian tribe for child support enforcement services, is appropriated on a continuing basis for the sole purpose of hiring additional staff and payment of other expenses as necessary to carry out the state agency's duties under the agreements."

Page 12, line 19, replace "and sections 1, 2, and 11 of this" with a period

Page 12, remove lines 20 through 22

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2222: 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** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2222 was placed on the Sixth order on the calendar.

Page 1, line 2, after "sections" insert "4-14.1-07,"

Page 1, line 3, after "39-04-39" insert a comma

Page 1, line 6, remove "and" and after "appropriation" insert "; and to provide an effective date"

Page 3, after line 11, insert:

"SECTION 5. AMENDMENT. Section 4-14.1-07 of the North Dakota Century Code is amended and reenacted as follows:

4-14.1-07. Duration and limitation of ethanol plant production incentives. ~~Notwithstanding any other provision of law, an ethanol plant may not receive production incentives except as permitted under this section.~~

- ~~1- An ethanol plant that was in operation before July 1, 1995, may not receive production incentives in the form of direct payments from the state for more than fourteen fiscal years of operation after June 30, 1995. An ethanol plant that begins operation after June 30, 1995, may not receive production incentives in the form of direct payments from the state for more than fourteen fiscal years of operation. After December 31, 2009, the state may not provide production incentives in the form of direct payments to any ethanol plant.~~
- ~~2- An ethanol plant that was in operation before July 1, 1995, and which has a production capacity of fewer than fifteen million gallons [56781000 liters] of ethanol may receive up to ~~seven~~ five hundred fifty thousand dollars in production incentives from the state for production in a fiscal year. An ethanol plant that was in operation before July 1, 1995, and which produced fifteen million [56781000 liters] or more gallons in the previous fiscal year ~~and an ethanol plant that begins operations after June 30, 1995,~~ are each is eligible to receive an equal share in up to ~~five~~ two hundred fifty thousand dollars in production incentives from the state in a fiscal year."~~

Page 4, after line 12, insert:

"SECTION 9. EFFECTIVE DATE. Section 8 of this Act becomes effective on July 1, 2005."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2227: Natural Resources Committee (Sen. Fischer, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2227 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2230: Natural Resources Committee (Sen. Fischer, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2230 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2263: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2263 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2273: Natural Resources Committee (Sen. Fischer, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2273 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2279: Natural Resources Committee (Sen. Fischer, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2279 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2280: Natural Resources Committee (Sen. Fischer, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2280 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2285: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2285 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2292: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2292 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2307: 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** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2307 was placed on the Sixth order on the calendar.

Page 2, line 3, after "to" insert "public health units that are in partnership with"

Page 2, line 4, after "A" insert "public health unit in partnership with a"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2322: Natural Resources Committee (Sen. Fischer, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2322 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2323: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2323 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2330: 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, 1 ABSENT AND NOT VOTING). SB 2330 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "the aged and" with "home and community-based services"

Page 1, line 2, remove "disabled" and replace "waiver" with "waivers"

Page 1, line 4, replace "**Aged and disabled**" with "**Home and community-based services**" and replace "**waiver**" with "**waivers**"

Page 1, line 5, replace the first "the" with "a home and community-based service"

Page 1, line 9, replace "waiver" with "waivers and grants" and after "section" insert "under existing or future federal legislation"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2367: 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** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2367 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "armed forces of the United States or the"

Page 1, line 4, remove "national guard or", replace "units" with "components of the armed forces of the United States when", and replace "duty" with "service"

Page 1, line 9, replace "while under federal orders for active duty" with "when called or ordered to title 10 United States Code federal service"

Page 1, line 10, remove "armed forces of the United States or the", remove "of a", and replace "unit" with "member"

Page 1, line 11, remove "during times when the taxpayer's"

Page 1, remove line 12

Page 1, line 13, remove "federal orders for active duty outside the state"

Page 1, line 16, after "duty" insert "and may not claim a reduction on income already excluded from federal taxation due to service in a combat or hazardous duty zone. This subdivision does not apply to federal service while attending annual training, basic military training, professional military education, or active guard and reserve tours for which the member has volunteered"

Page 1, line 20, replace "while under federal orders for active duty" with "when called or ordered to title 10 United States Code federal service"

Page 1, line 21, remove "armed forces of the United States or the", remove "of a", and replace "unit" with "member"

Page 1, line 22, replace "during times when the taxpayer's" with ". This subdivision does not apply to federal service while attending annual training, basic military training, professional military education, or active guard and reserve tours for which the member has volunteered."

Page 1, remove lines 23 and 24

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2382: Natural Resources Committee (Sen. Fischer, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2382 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2385: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2385 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2388: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2388 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2391: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2391 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2407: Transportation Committee (Sen. Trenbeath, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2407 was placed on the Sixth order on the calendar.

Page 3, line 7, remove the overstrike over "a"

Page 3, line 8, remove "an empty"

Page 3, line 13, remove the overstrike over "a" and remove "an"

Page 3, line 14, remove "empty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2417: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2417 was placed on the Eleventh order on the calendar.

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

WILLIAM R. HORTON, Secretary

