

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

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Bismarck, February 9, 2009

The Senate convened at 1:00 p.m., with President Dalrymple presiding.

The prayer was offered by Chaplain Clyde Leimberer, The Baptist Home, Bismarck.

The roll was called and all members were present except Senators Lindaas, Marcellais, Olafson, and Wanzek.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2040: SEN. TRIPLETT (Finance and Taxation Committee) MOVED that the amendments on SJ pages 314-315 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2154: SEN. NELSON (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 316-317 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2266: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ page 318 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2198: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ page 317 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2353: SEN. NELSON (Government and Veterans Affairs 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 2355: SEN. DEVER (Human Services 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 2229: SEN. TRIPLETT (Finance and Taxation Committee) MOVED that the amendments on SJ pages 317-318 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2333: SEN. HECKAMAN (Human Services Committee) MOVED that the amendments on SJ pages 319-321 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2270: SEN. COOK (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 318 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2427: SEN. HOGUE (Finance and Taxation Committee) MOVED that the amendments on SJ page 329 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2367: SEN. FIEBIGER (Transportation Committee) MOVED that the amendments on SJ pages 324-325 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2438: SEN. FLAKOLL (Agriculture Committee) MOVED that the amendments on SJ pages 329-330 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2385: SEN. NETHING (Transportation Committee) MOVED that the amendments on SJ page 328 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2048: SEN. ERBELE (Human Services 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 2337: SEN. DEVER (Human Services Committee) MOVED that the amendments on SJ pages 321-323 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2359: SEN. NELSON (Government and Veterans Affairs 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 2366: SEN. BAKKE (Political Subdivisions 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 2371: SEN. MILLER (Agriculture Committee) MOVED that the amendments on SJ pages 325-327 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2376: SEN. HOGUE (Natural Resources Committee) MOVED that the amendments on SJ page 327 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that SB 2401, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that SB 2390, which is on the Eleventh order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2390 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that SB 2383, which is on the Eleventh order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2383 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2402: SEN. HOGUE (Finance and Taxation Committee) MOVED that the amendments on SJ page 328 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2413: SEN. OEHLKE (Finance and Taxation Committee) MOVED that the amendments on SJ page 329 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2407: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the creation of a virtual university; to amend and reenact section 15-10-01 of the North Dakota Century Code, relating to institutions administered by the state board of higher education; to provide an appropriation; 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 18 YEAS, 25 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Dotzenrod; Fischer; Flakoll; Grindberg; Holmberg; Klein; Krebsbach; Lee, J.; Miller; Nething; O'Connell; Oehlke; Potter; Stenehjem; Warner

NAYS: Anderson; Bakke; Behm; Cook; Dever; Erbele; Fiebiger; Freborg; Heckaman; Hogue; Horne; Kilzer; Krauter; Lee, G.; Lyson; Mathern; Nelson; Nodland; Pomeroy; Robinson; Schneider; Seymour; Taylor; Triplett; Wardner

ABSENT AND NOT VOTING: Lindaas; Marcellais; Olafson; Wanzek

SB 2407 lost.

SECOND READING OF SENATE BILL

SB 2053: A BILL for an Act to amend and reenact subsection 6 of section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for purchases by an Indian tribe; 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wardner; Warner

ABSENT AND NOT VOTING: Lindaas; Marcellais; Olafson; Wanzek

Engrossed SB 2053 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2073: A BILL for an Act to amend and reenact sections 59-04.2-17 and 59-04.2-28 of the North Dakota Century Code, relating to payments under the Uniform Principal and Income Act.

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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wardner; Warner

ABSENT AND NOT VOTING: Lindaas; Marcellais; Olafson; Wanzek

SB 2073 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2296: A BILL for an Act to provide a student loan reduction for residents employed in early childhood education or child development.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 19 YEAS, 24 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Dotzenrod; Fiebiger; Heckaman; Horne; Krauter; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Warner

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Stenehjem; Wardner

ABSENT AND NOT VOTING: Lindaas; Marcellais; Olafson; Wanzek

SB 2296 lost.

SECOND READING OF SENATE BILL

SB 2238: A BILL for an Act to prohibit increases in tuition at North Dakota university system institutions; to provide an appropriation; and to provide an expiration date.

MOTION

SEN. SCHNEIDER MOVED that SB 2238 be amended as follows:

Page 1, line 1, replace "prohibit" with "limit"

Page 1, line 4, replace "**INCREASE PROHIBITED**" with "**INCREASES LIMITED**"

Page 1, line 5, after "tuition" insert "by more than four percent" and after "attending" insert "Dickinson state university, Mayville state university, Minot state university, North Dakota state university, the university of North Dakota, and Valley City state university beyond the level in effect during the 2009 spring semester. Notwithstanding any other provision of law, the state board of higher education may not increase tuition for students attending Bismarck state college, Lake Region state college, Minot state university - Bottineau, the state college of science, and Williston state college beyond the level in effect during the 2009 spring semester."

Page 1, remove line 6

Page 1, line 8, replace "\$26,500,000" with "\$8,200,000"

Page 1, line 10, replace "prohibition" with "limitation"

Renumber accordingly

REQUEST

SEN. SCHNEIDER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2238, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2238, the roll was called and there were 22 YEAS, 21 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Dotzenrod; Fiebiger; Heckaman; Horne; Krauter; Mathern; Miller; Nelson; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Wardner; Warner

NAYS: Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Nething; Nodland; Oehlke; Stenehjem

ABSENT AND NOT VOTING: Lindaas; Marcellais; Olafson; Wanzek

The proposed amendments to SB 2238 were adopted.

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 21 YEAS, 22 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Dotzenrod; Fiebiger; Heckaman; Horne; Krauter; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Wardner; Warner

NAYS: Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Stenehjem

ABSENT AND NOT VOTING: Lindaas; Marcellais; Olafson; Wanzek

Engrossed SB 2238 lost.

SECOND READING OF SENATE BILL

SB 2185: A BILL for an Act to amend and reenact section 14-02.4-21 of the North Dakota Century Code, relating to requirements of the labor department regarding discriminatory complaints.

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 41 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Horne; Kilzer; Krauter; Krebsbach; Lee, G.; Lee, J.; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wardner; Warner

NAYS: Hogue; Klein

ABSENT AND NOT VOTING: Lindaas; Marcellais; Olafson; Wanzek

SB 2185 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2193: A BILL for an Act to amend and reenact sections 61-24.5-01, 61-24.5-09, and 61-24.5-10 of the North Dakota Century Code, relating to the powers and duties and tax levy of the southwest water authority.

MOTION

SEN. COOK MOVED that SB 2193 be amended as follows, which motion failed on a verification vote.

Page 4, line 27, remove the overstrike over "~~2010~~" and remove "2020"

Page 4, line 29, after "authority" insert ". For each taxable year after 2010, each county within the authority may levy a tax not to exceed one mill on behalf of the authority if the board of county commissioners has placed the question on the ballot at a regular county election and the levy has been approved by a majority of the qualified electors of the county voting on the question. The proceeds of a levy under this section may be used by the authority"

Page 5, line 7, after "authority" insert "or a county on behalf of the authority"

Page 5, line 9, after "authority" insert "and in which a levy under this section is being made"

Renumber accordingly

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 36 YEAS, 7 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bakke; Behm; Bowman; Christmann; Dever; Dotzenrod; Erbele; Fiebiger; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lyson; Mathern; Nelson; Nething; Nodland; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Schneider; Taylor; Wardner; Warner

NAYS: Anderson; Cook; Fischer; Miller; Seymour; Stenehjem; Triplett

ABSENT AND NOT VOTING: Lindaas; Marcellais; Olafson; Wanzek

SB 2193 passed and the title was agreed to.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2274, SB 2370, SB 2389.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

MR. SPEAKER: Your signature is respectfully requested on: SRM 8501.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1088, HB 1110, HB 1145, HB 1184, HB 1186, HB 1207, HB 1214, HB 1215, HB 1241, HB 1253, HB 1265, HB 1271, HB 1288, HB 1309, HB 1333, HB 1334, HB 1336, HB 1437, HB 1448, HB 1500, HB 1549.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1402.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3018.

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

MR. PRESIDENT: The Speaker has signed: SRM 8501.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Tuesday, February 10, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2063: 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** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2063 was placed on the Sixth order on the calendar.

Page 1, line 2, after "tobacco" insert "prevention and", replace "advisory" with "executive", and after "committee" insert "; to provide a statement of legislative intent; to provide for reports to the legislative council; to provide for retroactive application; and to declare an emergency"

Page 1, line 11, replace the first "18,600,000" with "12,882,000" and replace the second "18,600,000" with "12,882,000"

Page 1, line 12, replace the first "18,600,000" with "12,882,000" and replace the second "18,600,000" with "12,882,000"

Page 1, line 13, replace the second "0.00" with "4.0" and replace the third "0.00" with "4.0"

Page 1, after line 13, insert:

"SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the tobacco prevention and control trust fund, not otherwise appropriated, the sum of \$62,403, or so much of the sum as may be necessary, to the comprehensive tobacco control advisory committee for the purpose of defraying the expenses of the committee, developing, implementing, and administering the comprehensive tobacco control and prevention plan, and contracting with a consultant to facilitate the development of the comprehensive plan, for the period beginning with January 1, 2009, and ending July 1, 2009.

SECTION 3. LEGISLATIVE INTENT - REPORT TO LEGISLATIVE COUNCIL. Any act of the tobacco prevention and control executive committee or its employees is an act of the state of North Dakota functioning in its sovereign and governmental capacity. As a state entity, the committee is subject to accountability requirements including laws relating to state audits, fiscal management, records retention, and procurement. Employees of the committee are part of the state classified system. Before September 1, 2010, the tobacco prevention and control executive committee shall report to the legislative council on implementation of the comprehensive plan and outcomes achieved.

SECTION 4. RETROACTIVE APPLICATION. Section 2 of this Act is retroactive to January 1, 2009.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2316: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2316 was placed on the Sixth order on the calendar.

Page 1, line 1, after "provide" insert "a recommendation concerning" and replace "flood control" with "water retention"

Page 1, line 3, replace "**Flood control**" with "**Water retention**" and after "**cost-share**" insert "**- Recommendation**"

Page 1, line 4, replace "state water commission shall provide" with "legislative assembly recommends that the state water commission fund water retention projects at" and remove "of the funding for"

Page 1, line 5, remove "any flood control project eligible for state cost-share or matching funds"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2336: Natural Resources Committee (Sen. Lyson, 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 2336 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 amend and reenact section 54-35-02.7 of the North Dakota Century Code, relating to the Garrison diversion overview committee.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-35-02.7 of the North Dakota Century Code is amended and reenacted as follows:

54-35-02.7. Garrison diversion overview committee - Duties. The legislative council is responsible for legislative overview of the Garrison diversion project and related matters and for any necessary discussions with adjacent states on water-related topics, during each interim, shall appoint a Garrison diversion overview committee in the same manner as the council appoints other interim committees. The committee must

meet quarterly and is responsible for legislative overview of the Garrison diversion project and related matters and for any necessary discussions with adjacent states on water-related topics. The committee consists of nine members and the legislative council shall designate the chairman of the committee. The committee shall operate according to the statutes and procedure governing the operation of other legislative council interim committees."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2388: Government and Veterans Affairs Committee (Sen. Dever, 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 2388 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "a corporate"

Page 1, line 3, replace "and individual" with "an", replace "equal to" with "for an employer maintaining payment of", and replace "benefits paid by an employer to" with "related retirement plan contributions for"

Page 1, line 9, replace "**benefits**" with "**related retirement plan contributions**" and replace "**deployed**" with "**mobilized**"

Page 1, line 11, replace "in the amount of" with "equal to twenty-five percent of the reduction in compensation that the taxpayer continues to pay during the taxable year to, or on behalf of, each"

Page 1, remove line 12

Page 1, line 13, remove "state to any", after "that" insert "the", and replace "called to" with "mobilized under title 10 of the United States Code"

Page 1, line 14, remove "active military duty", after "component" insert "of the armed forces of the United States. The maximum credit allowed for each eligible employee is one thousand dollars"

Page 1, line 16, after the underscored period insert "For the purposes of this subsection:"

Page 1, after line 16, insert:

"a. "Reduction in compensation" means the amount by which the pay received during the taxable year by the employee for service under title 10 of the United States Code is less than the total amount of salary and related retirement plan contributions that would have been paid by the taxpayer to the employee for the same time period had the employee not been mobilized.

b. "Related retirement plan contributions" means the portion of voluntary or matching contributions paid by the taxpayer into a defined contribution plan maintained by the taxpayer for the employee."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2393: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** and **BE REREFERRED** to the **Appropriations Committee** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2393 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2429: Transportation Committee (Sen. G. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2429 was placed on the Sixth order on the calendar.

Page 1, line 9, remove the overstrike over "~~since the last~~", after "~~eight~~" insert "ten", and remove the overstrike over "~~hours off duty~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2437: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2437 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4010: Transportation Committee (Sen. G. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4010 was placed on the Eleventh order on the calendar.

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

Fran A. Gronberg, Secretary

