

JOURNAL OF THE SENATE

Sixty-fifth Legislative Assembly

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Bismarck, February 8, 2017

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

The prayer was offered by Pastor Sam Coleman, Charity Lutheran Church, Bismarck.

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

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. Anderson, Chairman)** has carefully examined the Journal of the Twenty-fourth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 319, line 13, remove "and BE REREFERRED to the Appropriations Committee"

Page 321, line 25, remove "and BE REREFERRED to the Appropriations Committee"

Page 324, line 39, remove "and BE REREFERRED to the Appropriations Committee"

Page 325, line 42, remove "and BE REREFERRED to the Appropriations Committee"

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

MOTION

SEN. KLEIN MOVED that after action taken on the Sixth order, SB 2279, SB 2256, SB 2019, and SB 2162 be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2330: SEN. DOTZENROD (Finance and Taxation Committee) MOVED that the amendments on SJ page 326 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2330 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

SB 2325: SEN. O. LARSEN (Human Services Committee) MOVED that the amendments on SJ pages 325-326 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2231: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ pages 321-324 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2202: SEN. ANDERSON (Human Services Committee) MOVED that the amendments on SJ page 321 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2264: SEN. HECKAMAN (Human Services 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 on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2199: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ pages 320-321 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2279: SEN. ANDERSON (Human Services Committee) MOVED that the amendments on SJ pages 324-325 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2279: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 50-09-29 of the North Dakota Century Code, relating to mandatory addiction screening for temporary assistance for needy families program individual employment plan participants; to provide for a report to the legislative management; to provide a penalty; 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 20 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bowman; Burckhard; Campbell; Clemens; Kannianen; Kilzer; Kreun; Laffen; Larsen, O.; Larson, D.; Luick; Myrdal; Osland; Roers; Rust; Schaible; Sorvaag; Vedaa; Wanzek

NAYS: Armstrong; Bekkedahl; Casper; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Klein; Krebsbach; Lee, G.; Lee, J.; Marcellais; Mathern; Meyer; Nelson; Oban; Oehlke; Piepkorn; Poolman; Robinson; Unruh; Wardner

ABSENT AND NOT VOTING: Davison

Engrossed SB 2279 failed.

CONSIDERATION OF AMENDMENTS

SB 2256: SEN. HECKAMAN (Human Services 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 on a voice vote.

SECOND READING OF SENATE BILL

SB 2256: A BILL for an Act to provide for a legislative management study regarding the regulation of midwifery.

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 36 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Grabinger; Heckaman; Holmberg; Kannianen; Klein; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner

NAYS: Armstrong; Bekkedahl; Erbele; Hogue; Kilzer; Krebsbach; Kreun; Laffen; Mathern; Unruh

ABSENT AND NOT VOTING: Davison

Engrossed SB 2256 passed.

CONSIDERATION OF AMENDMENTS

SB 2019: SEN. ERBELE (Appropriations Committee) MOVED that the amendments on SJ pages 297-298 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 2019: A BILL for an Act to provide an appropriation for defraying the expenses of the state board for career and technical education.

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; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

Engrossed SB 2019 passed.

MOTION

SEN. KLEIN MOVED that SB 2162 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2023: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota racing commission.

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 41 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Kreun; Laffen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Anderson; Kannianen; Larsen, O.; Larson, D.; Rust

ABSENT AND NOT VOTING: Davison

Engrossed SB 2023 passed.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association.

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; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

Engrossed SB 2009 passed.

SECOND READING OF SENATE BILL

SB 2282: A BILL for an Act to amend and reenact section 20.1-08-04.5 of the North Dakota Century Code, relating to the use of scopes on muzzleloading firearms for individuals over sixty-five years of age.

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: Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Anderson; Cook

ABSENT AND NOT VOTING: Davison

Engrossed SB 2282 passed.

SECOND READING OF SENATE BILL

SB 2177: A BILL for an Act to amend and reenact subsection 3 of section 39-06.1-11 of the North Dakota Century Code, relating to temporary restricted licenses.

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; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

SB 2177 failed.

SECOND READING OF SENATE BILL

SB 2134: A BILL for an Act to create and enact a new section to chapter 54-01 of the North Dakota Century Code, relating to the ownership of minerals inundated by Pick-Sloan Missouri basin project dams.

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 37 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Erbele; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Oehlke; Osland; Poolman; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Nelson; Oban; Piepkorn; Robinson

ABSENT AND NOT VOTING: Davison

Engrossed SB 2134 passed.

SECOND READING OF SENATE BILL

SB 2295: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to the exemption of state university and college title IX records from public disclosure; and to amend and reenact section 44-04-18.4 of the North Dakota Century Code, relating to the confidentiality of research information.

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; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

SB 2295 passed.

SECOND READING OF SENATE BILL

SB 2315: A BILL for an Act to create and enact section 12.1-05-06.1 of the North Dakota Century Code, relating to use of deadly force in defense of premises and property; and to amend and reenact section 12.1-05-07 of the North Dakota Century Code, relating to limits on the use of force and deadly force.

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 4 YEAS, 42 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Clemens; Larsen, O.; Vedaa

NAYS: Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

SB 2315 failed.

SECOND READING OF SENATE BILL

SB 2218: A BILL for an Act to amend and reenact subsection 5 of section 12.1-32-01 of the North Dakota Century Code, relating to the penalty for a class A misdemeanor.

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; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

SB 2218 failed.

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 1:00 p.m., Thursday, February 9, 2017, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2216: Judiciary Committee (Sen. Armstrong, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2216 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "sections 12.1-17-01, 12.1-17-01.1, and"

Page 1, line 2, remove "assault on a health care"

Page 1, line 3, remove "facility provider and"

Page 1, remove lines 5 through 24

Page 2, remove lines 1 through 31

Page 3, line 17, after "contact" insert ". A "health care facility" means an office or institution providing health care services or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychosocial conditions, including a hospital; clinic; ambulatory surgery center; outpatient care facility; weight control clinic; nursing home; basic care or assisted living facility; laboratory; or office of any medical professional licensed or registered under title 43 or any individual who is included within a specialty and subspecialty of those fields. The term includes a waiting room, hallway, private room, semiprivate room, ward, and any mobile or temporary facility"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2230: 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 2230 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 providing an income tax credit for premiums for hybrid long-term care partnership plan insurance coverage.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY. During the 2017-18 interim, the legislative management shall consider studying the feasibility and desirability of providing an income tax credit to individuals for premiums for hybrid long-term care partnership plan insurance coverage. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2258: 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 2258 was placed on the Sixth order on the calendar.

Page 1, line 15, after the underscored semicolon insert "or"

Page 1, line 16, replace ":or" with an underscored period

Page 1, remove line 17

Page 2, line 14, replace "may" with "shall"

Page 2, remove lines 26 and 27

Page 2, line 28, replace "8." with "7."

Page 3, line 1, replace "9." with "8."

Page 3, line 3, replace "10." with "9."

Page 3, line 6, replace "11." with "10."

Page 3, line 6, replace "A" with "Upon request, a"

Page 3, line 10, replace "12." with "11."

Page 3, line 14, replace "13." with "12."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2281: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2281 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 50-09-08.6 of the North Dakota Century Code, relating to notice of a motor vehicle operator's license restriction for nonpayment of child support.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 50-09-08.6 of the North Dakota Century Code is created and enacted as follows:

The state agency may not suspend a motor vehicle operator's license without providing written notice to the licensee as to how the licensee

may obtain a restricted operator's license under this section for use of a motor vehicle during the licensee's normal working hours."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2283: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2283 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 57-01-02 of the North Dakota Century Code, relating to denial of tax incentives to taxpayers delinquent on the payment of state or local taxes; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 57-01-02 of the North Dakota Century Code is created and enacted as follows:

May require a taxpayer to satisfy all state or local tax obligations and tax liens of record for delinquent property, income, income withholding, sales, or use taxes owed to the state or a political subdivision before granting the taxpayer a tax incentive.

SECTION 2. EFFECTIVE DATE. This Act is effective for tax incentives granted after July 31, 2017."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2301: 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 2301 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

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

Page 2, after line 11, insert:

"SECTION 2. APPLICATION. This Act applies to contracts and agreements in effect on and after the effective date of this Act."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2312: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2312 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "as an emergency medical"

Page 1, line 8, remove "technician"

Page 1, line 8, overstrike the comma

Page 1, line 8, remove "advanced"

Page 1, line 9, overstrike "emergency medical"

Page 1, line 9, remove "technician"

Page 1, line 9, overstrike ", or"

Page 1, line 10, replace "paramedic" with "under this chapter"

Page 1, line 13, remove the overstrike over "**Supervision of**"

Page 1, line 13, remove "**Hospital licensed advanced**"

Page 1, line 14, overstrike "**technician**"

Page 1, line 14, replace "**and paramedic scope**" with "**services professionals - Scope**"

Page 1, line 15, remove "Licensed advanced"

Page 1, line 15, overstrike "emergency" and insert immediately thereafter "Emergency"

Page 1, line 16, remove "technicians"

Page 1, line 16, overstrike "and paramedics," and insert immediately thereafter "services professionals"

Page 1, line 17, remove the overstrike over "~~Under this~~"

Page 1, line 18, remove the overstrike over "~~section, these emergency medical services professionals~~"

Page 1, line 19, after "~~executive~~" insert "must be supervised by a hospital designated physician, physician assistant, advanced practice registered nurse, or registered nurse"

Page 1, line 19, remove the overstrike over the overstruck period

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2320: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2320 was placed on the Sixth order on the calendar.

Page 2, line 8, replace "nurse practitioner" with "advanced practice registered nurse"

Page 2, line 29, replace "funds" with "general fund monies"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2326: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2326 was placed on the Sixth order on the calendar.

Page 1, line 16, overstrike "motor vehicle registration fees,"

Page 1, line 21, remove "under this subsection does not include authority to impose"

Page 1, line 22, replace "motor vehicle fuels or special fuels taxes" with "does not include the authority to impose any other tax except as specifically authorized under this section"

Page 2, line 7, overstrike "After December 31, 2005," and insert immediately thereafter:

"3. Impose"

Page 2, line 8, after the second "taxes" insert ". Sales and use taxes and gross receipts taxes"

Page 2, line 13, overstrike "electricity, piped natural or artificial gas"

Page 2, line 14, overstrike "or the retail sale or transfer of motor"

Page 2, line 15, overstrike "vehicles, aircraft, watercraft, modular homes,"

Page 2, line 15, overstrike the fifth comma

Page 3, line 10, overstrike "3." and insert immediately thereafter "4."

Page 3, line 21, overstrike "4." and insert immediately thereafter "5."

Page 3, line 23, overstrike "5." and insert immediately thereafter "6."

Page 3, line 29, overstrike "6." and insert immediately thereafter "7."

Page 4, line 1, overstrike "7." and insert immediately thereafter "8."

Page 4, line 3, overstrike "8." and insert immediately thereafter "9."

Page 4, line 4, overstrike "9." and insert immediately thereafter "10."

Page 4, line 30, overstrike "income taxes"

Page 4, line 30, remove "or motor vehicle"

Page 4, line 31, replace "fuels or special fuels taxes" with "any other tax except as specifically authorized under this section"

Page 6, line 3, overstrike "registration fees on motor vehicles,"

Page 6, line 4, overstrike "in addition to any"

Page 6, line 5, overstrike "other taxes imposed by law. After December 31, 2005, sales" and insert immediately thereafter ". Sales"

Page 6, line 10, overstrike "electricity, piped natural or artificial gas"

Page 6, line 11, overstrike "or the retail sale or transfer of motor"

Page 6, line 12, overstrike "vehicles, aircraft, watercraft, modular homes,"

Page 6, line 12, overstrike the fifth comma

Renumber accordingly

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

Shanda Morgan, Secretary