

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

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Bismarck, February 11, 2009

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

The prayer was offered by Pastor Spencer Baker, Open Door Baptist Church, Bismarck.

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

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2017: SEN. WARDNER (Appropriations Committee) MOVED that the amendments on SJ page 357 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2420: SEN. ERBELE (Human Services Committee) MOVED that the amendments on SJ page 359 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2390: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ pages 358-359 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2255: A BILL for an Act to amend and reenact section 61-16.1-09 of the North Dakota Century Code, relating to exercise of the power of eminent domain by water resource districts.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Behm; Christmann; Horne; Krauter; Miller

ABSENT AND NOT VOTING: Triplett

SB 2255 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2269: A BILL for an Act to amend and reenact section 57-38-01.26 of the North Dakota Century Code, relating to angel fund investment income tax credits; 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; 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.; Lindaas; Lyson; Marcellais;

Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2269 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2197: A BILL for an Act to amend and reenact sections 57-36-01, 57-36-09, 57-36-25, 57-36-26, 57-36-28, 57-36-29, and 57-36-33 of the North Dakota Century Code, relating to the tobacco products tax; 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 21 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Behm; Bowman; Dever; Dotzenrod; Heckaman; Horne; Lindaas; Marcellais; Mathern; Miller; Nelson; O'Connell; Pomeroy; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Warner

NAYS: Andrist; Bakke; Christmann; Cook; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lyson; Nething; Nodland; Oehlke; Olafson; Potter; Wardner

ABSENT AND NOT VOTING: Triplett

SB 2197 lost.

SECOND READING OF SENATE BILL

SB 2304: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to creation of a North Dakota center for nursing; to provide a continuing appropriation; 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 NOT PASS, the roll was called and there were 2 YEAS, 44 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bakke; Dever

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

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2304 lost.

SECOND READING OF SENATE BILL

SB 2373: A BILL for an Act to amend and reenact section 5-03-08 of the North Dakota Century Code, relating to a grape and wine program fund; and to provide a continuing 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 28 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bakke; Behm; Dotzenrod; Fiebiger; Grindberg; Heckaman; Hogue; Horne; Kilzer; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nething;

Nodland; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Wanzek; Warner

NAYS: Anderson; Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Holmberg; Klein; Miller; Nelson; Oehlke; Olafson; Stenehjem; Wardner

ABSENT AND NOT VOTING: Triplett

SB 2373 passed and the title was agreed to.

DEEMED RECONSIDERED AND REFERRED

PRESIDENT DALRYMPLE STATED that SB 2373 is deemed reconsidered and must be referred to the **Appropriations Committee** under Senate Rule 329(3).

SECOND READING OF SENATE BILL

SB 2310: A BILL for an Act to amend and reenact section 65-01-01 of the North Dakota Century Code, relating to construction of workers' compensation law.

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; 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.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2310 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that SB 2317 and SB 2369, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2405: A BILL for an Act to amend and reenact subdivision i of subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to income tax treatment of the domestic reduction activities deduction for marketing cooperatives; 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; 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.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2405 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2362: A BILL for an Act to create and enact three new sections to chapter 50-29 of the North Dakota Century Code, relating to children's health insurance buy-in and premium assistance programs to be established by the department of human services and the creation of a children's health insurance program advisory committee; and to amend

and reenact section 50-29-04 of the North Dakota Century Code, relating to eligibility for the children's health insurance program.

REQUEST

SEN. POTTER REQUESTED that the Senate divide Engrossed SB 2362 as follows, which request was granted.

DIVISION A: Sections 1 and 3 of Engrossed SB 2362.

DIVISION B: The remainder of Engrossed SB 2362.

ROLL CALL

The question being on the final adoption of Division A of Engrossed SB 2362, the roll was called and there were 21 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Dotzenrod; Fiebiger; Heckaman; Horne; Krauter; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; 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; Olafson; Stenehjem; Wanzek; Wardner

ABSENT AND NOT VOTING: Triplett

Division A of Engrossed SB 2362 lost.

ROLL CALL

The question being on the final adoption of Division B of Engrossed SB 2362, the roll was called and there were 20 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Dotzenrod; Fiebiger; Heckaman; Horne; Krauter; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; 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; Olafson; Stenehjem; Wanzek; Wardner

ABSENT AND NOT VOTING: Triplett

Division B of Engrossed SB 2362 lost.

Divisions A and B of Engrossed SB 2362 failed. Therefore, pursuant to Senate Rule 319(4), there being no divisions approved, Engrossed SB 2362 lost.

SECOND READING OF SENATE BILL

SB 2374: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for aircraft repair parts; 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 NOT PASS, the roll was called and there were 0 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

NAYS: 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.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2374 lost.

SECOND READING OF SENATE BILL

SB 2432: A BILL for an Act to amend and reenact subsection 3 of section 65-05-28.2 of the North Dakota Century Code, relating to preferred providers for work-related injuries.

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; 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.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2432 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2377: A BILL for an Act to amend and reenact subdivision b of subsection 2 of section 57-62-02 of the North Dakota Century Code, relating to allocation of money in the coal development fund.

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; 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.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

SB 2377 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2384: A BILL for an Act to create and enact a new subsection to section 57-51.1-03 of the North Dakota Century Code, relating to an oil extraction tax exemption for costs of enhanced production that increases production from an oil well to the extent the well loses stripper well status; to amend and reenact subsection 4 of section 38-08-04, subsection 10 of section 57-51.1-01, subsection 1 of section 57-51.1-03.1, and section 57-51.1-06 of the North Dakota Century Code, relating to annual determination of stripper well status under the oil extraction tax and deposits in the enhanced oil recovery fund; 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 8 YEAS, 38 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Behm; Fiebiger; Heckaman; Marcellais; Mathern; Potter; Seymour; Taylor

NAYS: Anderson; Andrist; Bakke; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Schneider; Stenehjem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

SB 2384 lost.

SECOND READING OF SENATE BILL

SB 2395: A BILL for an Act to require a study by the state board of veterinary medical examiners regarding afterhours emergency care.

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: Bakke; Horne; Mathern; Nelson

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

ABSENT AND NOT VOTING: Triplett

SB 2395 lost.

SECOND READING OF SENATE BILL

SB 2424: A BILL for an Act to provide funding for water project features constructed to control aquatic nuisance species.

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 15 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Behm; Bowman; Cook; Dotzenrod; Fischer; Grindberg; Heckaman; Horne; Kilzer; Lee, J.; Miller; Nelson; O'Connell; Oehlke

NAYS: Anderson; Bakke; Christmann; Dever; Erbele; Fiebiger; Flakoll; Freborg; Hogue; Holmberg; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Lyson; Marcellais; Mathern; Nething; Nodland; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

SB 2424 lost.

SECOND READING OF SENATE BILL

SB 2431: A BILL for an Act to amend and reenact subsection 3 of section 65-05-28 of the North Dakota Century Code, relating to independent medical examinations required by workforce safety and insurance.

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; 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.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2431 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2413: A BILL for an Act to create and enact a new section to chapter 57-51 of the North Dakota Century Code, relating to an oil and gas gross production tax exemption for certain gas to generate electricity; to amend and reenact section 38-08-06.4 of the North Dakota Century Code, relating to flaring of gas; 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; 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.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2413 passed and the title was agreed to.

MOTION

SEN. STENEHJEM MOVED that Engrossed SB 2402, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Stenehjem's motion, Engrossed SB 2402 was rereferred.

SECOND READING OF SENATE BILL

SB 2376: A BILL for an Act to amend and reenact section 17-05-08 of the North Dakota Century Code, relating to replenishing a reserve fund for a portion of bonds issued by the transmission authority.

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; 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.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2376 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2371: A BILL for an Act to amend and reenact sections 63-01.1-06 and 63-01.1-07.6 of the North Dakota Century Code or in the alternative to amend and reenact section 16 of House Bill No. 1026, as approved by the sixty-first legislative assembly, and to amend and reenact sections 2, 10, 18, and 21 of House Bill No. 1026, as approved by the sixty-first legislative assembly, relating to funding limits for certain noxious weed programs, defining invasive species, and to expenditures and authority to control invasive species.

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, 1 NAYS, 0 EXCUSED, 1 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.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

NAYS: Potter

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2371 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2366: A BILL for an Act to amend and reenact section 23-15-01 of the North Dakota Century Code, relating to the sale of fireworks.

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 35 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Horne; Kilzer; Krebsbach; Lee, J.; Lindaas; Marcellais; Mathern; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Schneider; Seymour; Taylor; Wanzek; Wardner; Warner

NAYS: Behm; Bowman; Christmann; Dotzenrod; Hogue; Klein; Krauter; Lee, G.; Lyson; Potter; Stenehjerm

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2366 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2359: A BILL for an Act to amend and reenact section 11-11-05 of the North Dakota Century Code, relating to the time and place of county commission meetings; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2359 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2337: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to a study of the state's medical assistance program; to provide a continuing appropriation; to provide an 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 NOT PASS, the roll was called and there were 3 YEAS, 43 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Fischer; Potter; Seymour

NAYS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern;

Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Schneider; Stenehjem; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2337 lost.

SECOND READING OF SENATE BILL

SB 2048: A BILL for an Act to create and enact a new section to chapter 23-01.2 of the North Dakota Century Code, relating to hospitals licensed as primary care or acute care participating in the trauma system; to amend and reenact section 23-27-04.6 of the North Dakota Century Code, relating to licensure of quick response units; 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; 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.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed SB 2048 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2437: A BILL for an Act to provide for payment of a share of property taxes on land by the owners of severed mineral interests if a producing oil or gas well is generating royalty payments to those owners; 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 5 YEAS, 41 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Krauter; Mathern; O'Connell; Wanzek; Warner

NAYS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wardner

ABSENT AND NOT VOTING: Triplett

SB 2437 lost.

SECOND READING OF SENATE BILL

SB 2440: A BILL for an Act to create and enact a new section to chapter 4-35.1 of the North Dakota Century Code, relating to chemigation site permits; and to provide for a legislative council report.

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 22 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Cook; Dotzenrod; Heckaman; Horne; Krauter; Lindaas; Lyson; Marcellais; Mathern; Nelson; O'Connell; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Warner

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

ABSENT AND NOT VOTING: Triplett

SB 2440 lost.

MOTION

SEN. CHRISTMANN MOVED that SB 2010, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2010 was rereferred.

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 2033, SB 2039, SB 2168, SB 2242, SB 2259, SB 2286, SB 2294, SB 2300, SB 2416.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2022.

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 1249, HB 1257, HB 1266, HB 1314, HB 1367, HB 1414, HB 1435, HB 1489, HB 1497.

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

MR. PRESIDENT: Your signature is respectfully requested on: HCR 3018.

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

MR. SPEAKER: The President has signed: HCR 3018.

MOTION

SEN. CHRISTMANN MOVED that the absent member 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., Thursday, February 12, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2034: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2034 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2042, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2042 was placed on the Sixth order on the calendar.

Page 1, line 5, remove the second "and"

Page 1, line 7, after "duties" insert "; and to provide an expiration date"

Page 17, after line 30, insert:

"SECTION 13. EXPIRATION DATE. Section 11 of this Act is effective through June 30, 2011, and after that date is ineffective."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2184, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2184 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2212, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2212 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2214: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2214 was placed on the Sixth order on the calendar.

Page 2, line 14, after "d." insert "For an eligible individual applying under subparagraph d of paragraph 1 of subdivision a of subsection 5, on the date the lifetime maximum occurred if the application:

- (1) Is submitted within ninety days after the date that lifetime maximum occurred; and
- (2) Is accompanied with premium for coverage retroactive to the date that lifetime maximum occurred.

e."

Page 2, line 18, overstrike "e." and insert immediately thereafter "f."

Page 3, after line 6, insert:

"(d) Written evidence that the applicant has reached the lifetime maximum coverage amount on the most recent health insurance coverage."

Page 5, line 21, overstrike "or"

Page 5, line 22, after "coverage" insert ", or the lifetime maximum amount being reached"

Page 7, line 2, after "under" insert "subparagraph d of paragraph 1 of subdivision a of subsection 5 or"

Page 7, after line 15, insert:

"e. To an individual who has obtained coverage as an eligible individual under subparagraph d of paragraph 1 of subdivision a of subsection 5."

Page 7, line 21, after "under" insert "subparagraph d of paragraph 1 of subdivision a of subsection 5 or"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2221, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2221 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2223, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2223 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2260: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). SB 2260 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2264: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (9 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2264 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2318: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2318 was placed on the Sixth order on the calendar.

Page 4, line 11, replace "not to exceed five" with "in the amount of two"

Page 4, line 12, after "hundred" insert "fifty" and replace ", or proof of insurance satisfactory to the commissioner for the use" with ". Any surety bond issued under this section must authorize recovery by the commissioner on behalf of any person in this state that sustained damages as the result of unfair practices, conviction of fraud, or failure by a qualified program of all-inclusive care for the elderly to perform a contractual obligation owed to the person."

Page 4, remove lines 13 and 14

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2323: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2323 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2350, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2350 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2367, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2367 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2403: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2403 was placed on the Sixth order on the calendar.

Page 3, line 10, remove ", including that required by federal law"

Page 3, after line 23, insert:

- "4. This section does not prohibit access of the department of health to peer review records to determine compliance with requirements of federal or state law for the survey and certification of a health care facility or for trauma center designation and as authorized under any rules issued under sections 23-01.2-01 or 23-01-11 to enable the state to be in compliance with any federal laws to qualify for any federal funds related to medical facilities or agencies licensed by the department of health."

Page 3, line 26, after the first underscored comma insert "data,"

Page 3, line 27, after "to" insert "the department of health or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4023: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SCR 4023 was placed on the Eleventh order on the calendar.

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

Fran A. Gronberg, Secretary