

## JOURNAL OF THE SENATE

## Sixtieth Legislative Assembly

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Bismarck, March 22, 2007

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

The prayer was offered by Reverend Joel Winckler, Calvary United Methodist Church, Bismarck.

The roll was called and all members were present except Senators Heckaman and Marcellais.

A quorum was declared by the President.

**CORRECTION AND REVISION OF THE JOURNAL**

**MR. PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Andrist, Chairman)** has carefully examined the Journal of the Fifth-second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 898, line 33, after "**CONCURRENT**" insert "**RESOLUTION NO. 4030**"

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

**REPORT OF DELAYED BILLS COMMITTEE**

**MR. PRESIDENT:** Your **Delayed Bills Committee (Sen. Cook, Chairman)** has cast a vote of 4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING in favor of accepting the introduction of a bill for an Act to create and enact chapter 57-51.2 of the North Dakota Century Code, relating to agreements with Indian tribes to share revenue from state taxes on mineral production from Indian reservations; to amend and reenact subsection 8 of section 57-51.1-03 of the North Dakota Century Code, relating to an oil extraction tax exemption on production from wells on Indian reservations, Indian trust land, and land owned by an Indian tribe; to provide a continuing appropriation; and to provide an effective date.

The bill will be SB 2419.

**REPORT OF DELAYED BILLS COMMITTEE**

**MR. PRESIDENT:** Your **Delayed Bills Committee (Sen. Cook, Chairman)** has cast a vote of 4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING in favor of accepting the introduction of a concurrent resolution declaring North Dakota the snow angel capital of the world.

The resolution will be SCR 4035.

**REPORT OF DELAYED BILLS COMMITTEE**

**MR. PRESIDENT:** Your **Delayed Bills Committee (Sen. Cook, Chairman)** has cast a vote of 3 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING in favor of rejecting the introduction of a concurrent resolution honoring the North Dakota Knights of Columbus on the occasion of the 100th anniversary of the founding of the state organization.

**CONSIDERATION OF AMENDMENTS**

**HB 1228: SEN. COOK (Finance and Taxation Committee) MOVED** that the amendments on SJ page 899 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1260: SEN. FLAKOLL (Education Committee) MOVED** that the amendments on SJ pages 910-911 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1351, as engrossed: SEN. WARNER (Human Services Committee) MOVED** that the amendments on SJ page 899 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1359: SEN. G. LEE (Transportation Committee) MOVED** that the amendments on SJ page 911 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1417, as engrossed: SEN. ANDRIST (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 899-900 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1491, as engrossed: SEN. BAKKE (Education Committee) MOVED** that the amendments on SJ page 900 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that Engrossed HB 1243, which is on the Fourteenth order, be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed HB 1243 was rereferred.

**MOTION**

**SEN. CHRISTMANN MOVED** that Engrossed HB 1340 and Engrossed HB 1394, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that after action taken on the Sixth order, Engrossed HCR 3045 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HCR 3045, as engrossed: SEN. TOLLEFSON (Finance and Taxation Committee) MOVED** that the amendments on SJ page 911 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3045:** A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to establishment and use of a permanent oil tax trust fund; and to provide an effective date.

**ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of **DO PASS**, the roll was called and there were 24 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Hacker; Holmberg; Kilzer; Klein; Lee, G.; Lyson; Oehlke; Olafson; Stenehjem; Tollefson; Triplett; Urlacher; Wanzek; Wardner

**NAYS:** Bakke; Behm; Fiebigler; Grindberg; Heitkamp; Horne; Krauter; Krebsbach; Lee, J.; Lindaas; Mathern; Nelson; Nething; O'Connell; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Warner

**ABSENT AND NOT VOTING:** Heckaman; Marcellais

Engrossed HCR 3045, as amended, was declared adopted, and the title was agreed to on a roll call vote.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4034:** A concurrent resolution proclaiming Monday, November 12, 2007, Smith-Lemli-Opitz Syndrome Awareness Day.

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

SCR 4034 was declared adopted, and the title was agreed to on a voice vote.

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