

## JOURNAL OF THE SENATE

## Sixtieth Legislative Assembly

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Bismarck, February 27, 2007

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

The prayer was offered by Reverend Carlyle Roth, St. Mark's Lutheran Church, Minot.

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

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 reexamined the Journal of the Thirty-second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 549, line 13, replace "failed" with "passed"

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

## MOTION

**SEN. CHRISTMANN MOVED** that HB 1136 be returned to the Senate floor from the **Education Committee** and be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1136 was rereferred.

## MOTION

**SEN. CHRISTMANN MOVED** that HB 1455 be returned to the Senate floor from the **Judiciary Committee** and be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1455 was rereferred.

## MOTION

**SEN. CHRISTMANN MOVED** that HB 1340 be returned to the Senate floor from the **Industry, Business and Labor Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1340 was rereferred.

## MOTION

**SEN. CHRISTMANN MOVED** that SCR 4022 be moved to the bottom of the Sixth order, and that SCR 4024 be moved to the bottom of the Eleventh order, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1060, as reengrossed: SEN. TOLLEFSON (Natural Resources Committee) MOVED** that the amendments on SJ pages 611-612 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1149: SEN. FREBORG (Natural Resources Committee) MOVED** that the amendments on SJ page 612 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1379, as engrossed: SEN. J. LEE (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 613 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1402, as engrossed: SEN. TRIPLETT (Natural Resources Committee) MOVED** that the amendments on SJ page 613 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SCR 4023: SEN. LYSON (Judiciary Committee) MOVED** that the amendments on SJ pages 610-611 be adopted and then be placed on the Eleventh order **WITHOUT RECOMMENDATION**, which motion prevailed.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4013:** A concurrent resolution directing the Legislative Council to study the property tax exemption for public housing authorities.

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

SCR 4013 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4031:** A concurrent resolution directing the Legislative Council to study political subdivisions that receive property tax revenue and any changes that may increase efficiencies and reduce property taxes.

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

SCR 4031 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4032:** A concurrent resolution directing the Legislative Council to study ways in which schools and school districts can better identify high-risk students and provide programs designed to reduce the incidences of high-risk behaviors that can lead to suicide attempts.

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

SCR 4032 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4033:** A concurrent resolution directing the Legislative Council to study federal-state initiatives to aid the energy industry in its efforts to control carbon emissions and pollutants to maintain North Dakota's good air quality.

**REQUEST**

**SEN. POTTER REQUESTED** a verification vote on SCR 4023, which request was granted.

**REQUEST**

**SEN. CHRISTMANN REQUESTED** a recorded roll call vote on SCR 4033, which request was granted.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 35 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Fiebiger; Heckaman; Horne; Marcellais; Nelson; Pomeroy; Potter; Warner

**NAYS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Nething; O'Connell; Oehlke; Olafson; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Mathern

SCR 4033 was declared lost on a roll call vote.

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**MOTION**

**SEN. HACKER MOVED** that the Senate reconsider its action whereby HB 1380 passed, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1380:** A BILL for an Act to amend and reenact sections 16.1-01-02.2 and 16.1-01-03, subsection 4 of section 16.1-01-04, section 16.1-01-05.1, and subsections 1 and 2 of section 16.1-01-09 of the North Dakota Century Code, relating to general procedures for elections.

**MOTION**

**SEN. HACKER MOVED** that HB 1380 be amended as follows:

Page 2, line 9, overstrike "seven" and insert immediately thereafter "eight"

Renumber accordingly

**REQUEST**

**SEN. HEITKAMP REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to HB 1380, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the proposed amendments to HB 1380, the roll was called and there were 33 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Behm; Bowman; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Horne; Klein; Krebsbach; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Stenehjerm; Tallackson; Taylor; Triplett; Urlacher; Wanzek; Warner

**NAYS:** Anderson; Andrist; Christmann; Cook; Heckaman; Kilzer; Krauter; Lee, G.; Lee, J.; Olafson; Seymour; Tollefson; Wardner

**ABSENT AND NOT VOTING:** Mathern

The proposed amendments to HB 1380 were adopted.

**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, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Behm; Bowman; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Anderson; Andrist; Christmann; Heckaman; Heitkamp; Krauter; Olafson

**ABSENT AND NOT VOTING:** Mathern

HB 1380, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1022:** A BILL for an Act to provide an appropriation for defraying the expenses of the state seed department.

**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; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern

HB 1022 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1028:** A BILL for an Act to amend and reenact section 54-35-18 of the North Dakota Century Code, relating to the energy development and transmission committee; and to provide an expiration date.

**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; Erbele; Fiebigier; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern

HB 1028 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1030:** A BILL for an Act to amend and reenact section 15-10-12 of the North Dakota Century Code, relating to the appropriation of higher education institutions' special revenue funds; and to declare an emergency.

**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:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebigier; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern; O'Connell

HB 1030 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1031:** A BILL for an Act to amend and reenact sections 54-44.1-04 and 54-44.1-06 of the North Dakota Century Code, relating to budget requests and block grant appropriations for the North Dakota university system; and to declare an emergency.

**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, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Cook; Dever; Erbele; Fiebigier; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Christmann

**ABSENT AND NOT VOTING:** Mathern

HB 1031 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1032:** A BILL for an Act to amend and reenact section 54-44.1-11 of the North Dakota Century Code, relating to the cancellation of unexpended appropriations for the North Dakota university system; and to declare an emergency.

**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 33 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Marcellais; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Wardner; Warner

**NAYS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Freborg; Klein; Lyson; Stenehjerm; Tollefson; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Mathern

HB 1032 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1054:** A BILL for an Act to create and enact sections 43-15-38.1 and 43-15-42.3 of the North Dakota Century Code, relating to pharmacy closings and reporting requirements; to amend and reenact sections 43-15-01, 43-15-05, 43-15-10, and 43-15-25.2 of the North Dakota Century Code, relating to the practice of pharmacy; and to provide a penalty.

**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; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern

Engrossed HB 1054 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1058:** A BILL for an Act to amend and reenact section 47-30.1-01 and subsection 1 of section 47-30.1-18 of the North Dakota Century Code, relating to abandoned property under the Uniform Unclaimed Property 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern

HB 1058 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1066:** A BILL for an Act to amend and reenact section 4-19-01.2 of the North Dakota Century Code, relating to the balance in the state forester reserve account.

**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; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern

HB 1066 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1074:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to the information reporting responsibilities of special events promoters or organizers under the sales tax laws; to amend and reenact subsection 1 of section 57-39.2-23 of the North Dakota Century Code, relating to the confidentiality of sales and use tax information; and to provide a penalty.

**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, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Potter

**ABSENT AND NOT VOTING:** Mathern

Engrossed HB 1074 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1096:** A BILL for an Act to create and enact a new section to chapter 6-09.4 of the North Dakota Century Code, relating to confidentiality of certain commercial or financial information held by the public finance authority; and to amend and reenact section 8 of chapter 90 of the 2005 Session Laws, relating to program limits for the purchase or issuance of qualified small issue bonds or municipal industrial revenue bonds by the public finance authority.

**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; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern

Engrossed HB 1096 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1097:** A BILL for an Act to amend and reenact sections 27-02.1-01, 27-02.1-02, 27-02.1-03, 27-02.1-04, 27-02.1-05, 27-02.1-06, 27-02.1-07, 27-02.1-08, and 27-02.1-09 of the North Dakota Century Code, relating to the temporary court of appeals; to provide an effective date; and to provide an expiration date.

**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; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern

HB 1097 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1103:** A BILL for an Act to create and enact section 54-24.2-02.2 of the North Dakota Century Code, relating to public libraries' maintenance of local effort in order to receive state aid; to repeal section 54-24.2-04 of the North Dakota Century Code, relating to public libraries' maintenance of local effort in order to receive state aid; to provide for application; and to declare an emergency.

**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; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern

HB 1103 passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1143 be placed at the top of the Eleventh order, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1143:** A BILL for an Act to create and enact a new subsection to section 49-21-01.7 of the North Dakota Century Code, relating to the powers of the public service commission with respect to rural telephone companies under the federal Telecommunications Act of 1996.

**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; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Mathern

HB 1143 passed and the title was agreed to.

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**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has passed unchanged: HB 1052, HB 1064, HB 1085, HB 1114, HB 1185, HB 1236, HB 1318, HB 1374, HB 1376, HB 1377, HB 1382, HB 1383, HB 1468, HCR 3001, HCR 3005.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1179.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1118.

**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 3048, HCR 3049, HCR 3050, HCR 3051, HCR 3056, HCR 3057.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2058, SB 2059, SB 2061, SB 2082, SB 2086, SB 2098, SB 2104, SB 2107, SB 2119, SB 2142, SB 2147, SB 2151, SB 2158, SB 2230.

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

**MR. PRESIDENT:** The House has passed unchanged: SCR 4007.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2095, SB 2099.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2071, SB 2210.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2071**

Page 5, line 7, replace "as determined by" with "of" and replace "department" with "maximum amount allowed"

Page 5, line 12, replace "as determined by" with "of" and replace "department" with "maximum amount allowed"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2210**

Page 3, line 9, remove "or twenty-five dollars"

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2083, SB 2085, SB 2088, SB 2097, SB 2120, SB 2130, SB 2132, SB 2133, SB 2170, SB 2175.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2083, SB 2085, SB 2088, SB 2097, SB 2120, SB 2130, SB 2132, SB 2133, SB 2170, SB 2175.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The President has signed: HB 1045, HB 1048, HB 1206, HB 1224, HB 1257, HB 1333, HB 1454.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1037, HB 1053, HB 1057, HB 1068, HB 1098, HB 1104, HB 1122, HB 1131, HB 1178, HB 1184, HB 1193, HB 1201, HB 1248, HB 1261, HB 1341, HB 1347, HB 1387, HB 1490, HCR 3014.



**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on February 27, 2007: SCR 4010.

**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, Thirteenth, and Fifteenth orders of business today and on the Thirty-eighth legislative day and at the conclusion of those orders today, the Senate stand adjourned until 1:00 p.m., Thursday, March 1, 2007, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SCR 4008: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4008 was placed on the Sixth order on the calendar.

Page 1, line 2, after "including" insert "out-of-home placement determinations; emphasis on family counseling, including in-home counseling;" and replace the second comma with a semicolon

Page 1, line 3, replace the first comma with a semicolon, after "from" insert "private," after "state" insert a comma, and replace the second comma with a semicolon

Page 1, line 4, after "counties" insert "and the nature of public and private partnerships"

Page 1, after line 12, insert:

**"WHEREAS,** joint efforts between the Department of Human Services and Village Family Services demonstrate contributions made by public and private partnerships in support of families; and"

Page 1, line 20, after "of" insert "private," and after "state" insert a comma

Page 1, line 22, after "counties" insert "and the nature of public and private relationships"

Page 2, line 2, after "including" insert "out-of-home placement determinations; emphasis on family counseling, including in-home counseling;" and replace the second comma with a semicolon

Page 2, line 3, replace the first comma with a semicolon, after "from" insert "private," after "state" insert a comma, and replace the second comma with a semicolon

Page 2, line 4, after "counties" insert "and the nature of public and private partnerships"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4029: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4029 was placed on the Sixth order on the calendar.

Page 1, line 2, after "transferring" insert "some of"

Page 1, after line 5, insert:

**"WHEREAS,** North Dakota Century Code Section 25-02-03 identifies the State Hospital as an institution serving specialized populations of the mentally ill, including persons suffering from drug addiction or alcoholism, and is one component of the North Dakota mental health delivery system; and"

Page 1, line 7, after "illness" insert ", services for individuals addicted to alcohol or other drugs"

Page 1, line 18, after "illness" insert "and individuals addicted to alcohol or other drugs"

Page 1, line 22, after "transferring" insert "some of"

Page 2, line 1, after "illness" insert "and care for individuals addicted to alcohol or other drugs"

Page 2, line 2, after "property" insert ", including the continuation of a state hospital in Jamestown to provide necessary services to individuals with mental illness and drug addiction and alcoholism"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4030: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4030 was placed on the Sixth order on the calendar.

Page 1, line 1, after "study" insert "joint powers associations and" and after "reorganizations" insert ", annexations,"

Page 1, line 17, after "study" insert "joint powers associations and" and after "reorganizations" insert ", annexations,"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1008: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1008 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1062: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1062 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**HB 1070: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1070 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1077, as engrossed: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1077 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1083: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1083 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1088, as engrossed: 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). Engrossed HB 1088 was placed on the Sixth order on the calendar.

Page 1, line 1, after the first "to" insert "amend and reenact subdivision c of subsection 4 of section 6-09-15 of the North Dakota Century Code, relating to defining eligible investments with the North Dakota alternative and venture capital investments; and to"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subdivision c of subsection 4 of section 6-09-15 of the North Dakota Century Code is amended and reenacted as follows:

- c. In North Dakota alternative and venture capital investments and early-stage capital funds, including the North Dakota development fund, incorporated, not to exceed ten million dollars, for the purpose of providing funds for investment in North Dakota alternative and venture capital investments and early-stage capital funds. The Bank may invest a maximum of two hundred thousand dollars per biennium in North Dakota-based venture capital entities that make investments in

companies located outside North Dakota. The Bank may allow for third-party management of the funds invested under this subdivision if the management is provided by the North Dakota development fund, incorporated, or a third party that is located in the state and that has demonstrated fund management experience."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1095: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1095 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1177, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1177 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1186: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1186 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1198: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1198 was placed on the Sixth order on the calendar.

Page 1, line 11, after the second "district" insert "with a combined enrollment of under three hundred sixty students"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1215, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1215 was placed on the Sixth order on the calendar.

Page 1, line 2, after "payments" insert "; and to declare an emergency"

Page 1, line 8, after "the" insert "United States department of" and remove the overstrike over "~~agriculture~~"

Page 1, line 9, overstrike "service" and insert immediately thereafter "agency"

Page 1, line 11, after the second "the" insert "United States department of" and overstrike "stabilization and"

Page 1, line 12, overstrike "conservation" and insert immediately thereafter "farm" and after "service" insert "agency"

Page 1, line 15, overstrike "three" and insert immediately thereafter "four" and replace "three" with "two"

Page 1, after line 18, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1238, as engrossed: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1238 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1256, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1256 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1330: Judiciary Committee (Sen. Nething, 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). HB 1330 was placed on the Sixth order on the calendar.

Page 2, line 18, after the underscored boldfaced period insert:

"1."

Page 2, line 25, replace "1." with "a."

Page 2, line 27, replace "2." with "b."

Page 3, line 1, replace "3." with "c."

Page 3, after line 3, insert:

"2. If the attorney general receives federal funds in excess of the year 2006 level of Byrne grant funding that may be used to defray the expenses and operating costs incurred by a multijurisdictional task force during the 2007-09 biennium, the attorney general may seek emergency commission approval to receive and spend the additional federal funds but may not spend moneys from the funds appropriated by the legislative assembly to the extent of the additional federal funds received for this purpose for the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1342: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1342 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1408, as engrossed: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1408 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1500: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1500 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1413: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1413 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1514, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1514 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3021: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3021 was placed on the Sixth order on the calendar.

Page 1, line 1, remove ", 2007,"

Page 1, after line 1, insert:

"WHEREAS, Ronald Reagan was born in Tampico, Illinois, on February 6, 1911; and"

Page 1, line 22, remove "and"

Page 1, remove lines 23 and 24

Page 2, line 3, remove ", 2007,"

Renumber accordingly

#### FIRST READING OF HOUSE BILLS

**HB 1027:** A BILL for an Act to create and enact a new section to chapter 54-34.3, a new section to chapter 54-34.4, two new sections to chapter 54-60, section 57-38-01.24, and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to international business, visitor information centers, department of commerce division of workforce development programs and duties, and tax credits for internships and research and experimental expenditures; to amend and reenact sections 15-69-02, 15-69-03, 15-69-04, and 15-69-05, subsections 4 and 6 of section 54-17-07.3, and sections 54-60-02, 54-60-09, 54-60-12, 57-38-30.5, 57-38.5-05, and 57-38.6-01 of the North Dakota Century Code and section 17 of chapter 151 of the 2005 Session Laws, relating to the centers of excellence program, housing finance agency programs, updating department of commerce law, department of commerce division of workforce development duties, the North Dakota image information program, tax forms, research and experimental expenditures tax credits, seed capital investment tax credits, agricultural business investment tax credits, and a legislative council study; to repeal sections 57-38-71, 57-38-72, 57-38-73, and 57-38-74 of the North Dakota Century Code, relating to beginning entrepreneur income tax incentives; to provide for state agency studies, a tax expenditure report pilot project and a state business incentive expenditure report pilot project and reports on the pilot projects, reports to the legislative council, and legislative council studies; to provide effective dates; and to declare an emergency.

Was read the first time and referred to the **Appropriations Committee**.

**HB 1093:** A BILL for an Act to amend and reenact subsection 1 of section 57-60-14 of the North Dakota Century Code, relating to allocation of the privilege tax on coal conversion facilities to the lignite research fund; and to provide an expiration date.

Was read the first time and referred to the **Appropriations Committee**.

**HB 1106:** A BILL for an Act to amend and reenact subsection 1 of section 54-03-20 and subsection 1 of section 54-35-10 of the North Dakota Century Code, relating to compensation and expense reimbursement of members of the legislative assembly; and to provide an effective date.

Was read the first time and referred to the **Appropriations Committee**.

**HB 1107:** A BILL for an Act to amend and reenact subsections 1 and 5 of section 54-06-09 of the North Dakota Century Code, relating to mileage and travel expense reimbursement for state officials and employees.

Was read the first time and referred to the **Appropriations Committee**.

**HB 1175:** A BILL for an Act to amend and reenact section 54-35-10 of the North Dakota Century Code, relating to compensation and expense reimbursement for members and members-elect of the legislative assembly for attendance at the biennial meeting of the legislative council.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1360:** A BILL for an Act to amend and reenact section 60-10-02 of the North Dakota Century Code, relating to investment of the credit-sale contract indemnity fund; and to provide a continuing appropriation.

Was read the first time and referred to the **Agriculture Committee**.

**HB 1399:** A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to authority of the director of the department of transportation to join the multistate highway transportation agreement; and to provide an appropriation.

Was read the first time and referred to the **Appropriations Committee**.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3020:** A concurrent resolution declaring the renewable energy policy of the Legislative Assembly.

Was read the first time and referred to the **Natural Resources Committee**.

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

**William R. Horton, Secretary**