

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

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Bismarck, January 19, 2007

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

The prayer was offered by Pastor Sammy Allen, Faith Center Church of God of Prophecy, Bismarck.

The roll was called and all members were present except Senators Bowman, Cook, Erbele, and Nothing.

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 Twelfth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 125, line 28, replace "Juciciary" with "Judiciary"

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

SECOND READING OF SENATE BILL

SB 2140: A BILL for an Act to amend and reenact section 53-06.1-10.1 of the North Dakota Century Code, relating to raffle prizes; 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Cook; Erbele; Nothing

SB 2140 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. CHRISTMANN MOVED the rules be suspended and that SB 2140 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2140.

SECOND READING OF SENATE BILL

SB 2035: A BILL for an Act to amend and reenact subdivision d of subsection 5 of section 52-04-05 of the North Dakota Century Code, relating to determination of unemployment insurance tax rates.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Christmann; Dever; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein;

Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Cook; Erbele; Nothing

SB 2035 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2034: A BILL for an Act to create and enact a new section to chapter 52-04 of the North Dakota Century Code, relating to imposition of a fee by job service North Dakota on certain employers for employees in the return-to-employer status.

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

YEAS: Andrist; Christmann

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

ABSENT AND NOT VOTING: Bowman; Cook; Erbele; Nothing

Engrossed SB 2034 lost.

REQUEST

SEN. CHRISTMANN REQUESTED that the record show he intended to vote "NAY" on Engrossed SB 2034, which request was granted.

SECOND READING OF SENATE BILL

SB 2037: A BILL for an Act to amend and reenact subdivision h of subsection 2 of section 12-60-24 and sections 54-35-15.2, 54-59-05, 54-59-11, 54-59-19, 54-59-20, and 54-59-21 of the North Dakota Century Code, relating to criminal history record checks, powers and duties of the information technology committee and the information technology department, information technology plans, the information technology department annual report, and access to the criminal justice information sharing system.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Cook; Erbele; Nothing

Engrossed SB 2037 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2042: A BILL for an Act to amend and reenact section 65-01-15.1 of the North Dakota Century Code, relating to the workers' compensation presumption of compensability for firefighters and law enforcement officers; and to provide for retroactive application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Cook; Erbele; Nothing

Engrossed SB 2042 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2081: A BILL for an Act to amend and reenact subsection 3 of section 57-38.6-01 and sections 57-38.6-02 and 57-38.6-03 of the North Dakota Century Code, relating to the definition and certification of a qualified business and calculation of the agricultural business investment tax credit; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Cook; Erbele; Nothing

Engrossed SB 2081 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2084: A BILL for an Act to amend and reenact sections 57-38.5-02 and 57-38.5-03 of the North Dakota Century Code, relating to certification of a qualified business and calculation of the seed capital investment tax credit; 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 PASS, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Cook; Erbele; Nothing

SB 2084 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2095: A BILL for an Act to amend and reenact section 4-35-05 of the North Dakota Century Code, relating to pesticide definitions; 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Cook; Erbele; Nothing

Engrossed SB 2095 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2118: A BILL for an Act to create and enact a new subsection to section 54-59-19 of the North Dakota Century Code, relating to annual reporting requirements of the information technology department; and to amend and reenact section 54-46-11 of the North Dakota Century Code, relating to management of state records.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Cook; Erbele; Nothing

SB 2118 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2139: A BILL for an Act to require the legislative council to study laws relating to agriculture.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Cook; Erbele; Nothing

SB 2139 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2142: A BILL for an Act to amend and reenact sections 37-14-04, 37-14-06, and 37-14-07 of the North Dakota Century Code, relating to loans made from the veterans' aid 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Christmann; Dever; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson;

O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Cook; Erbele; Nothing

SB 2142 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2147: A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to nonresidents hunting geese in Richland and Sargent Counties during the early goose season.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Cook; Erbele; Nothing

SB 2147 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2151: A BILL for an Act to amend and reenact sections 6-08-16 and 6-06-16.2 of the North Dakota Century Code, relating to increasing fees and costs for checks issued on closed accounts and accounts with insufficient funds; 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 41 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Potter

ABSENT AND NOT VOTING: Bowman; Cook; Erbele; Nothing

SB 2151 passed and the title was agreed to.

REQUEST

SEN. ANDRIST REQUESTED that the record show he intended to vote "YEA" on SB 2151, which request was granted.

SECOND READING OF SENATE BILL

SB 2155: A BILL for an Act to create and enact chapter 26.1-34.2 of the North Dakota Century Code, relating to suitability in annuity transactions; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Christmann; Dever; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein;

Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Cook; Erbele; Nothing

Engrossed SB 2155 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2156: A BILL for an Act to amend and reenact subsections 4 and 5 of section 6-09.4-03 of the North Dakota Century Code, relating to issuance of clean renewable energy 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Cook; Erbele; Nothing

SB 2156 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2175: A BILL for an Act to amend and reenact section 39-10-22 of the North Dakota Century Code, relating to right of way of vehicles at an intersection.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Cook; Erbele; Nothing

SB 2175 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4006: A concurrent resolution urging Congress to require the United States Department of Veterans' Affairs assume all health care and pharmaceutical needs of veterans in state veterans homes.

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

SCR 4006 was declared adopted, and the title was agreed to on a voice vote.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2078, SB 2087, SB 2170, SB 2181.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2068.

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 1045, HB 1056, HB 1077, HB 1085, HB 1089, HB 1092, HB 1100, HB 1116, HB 1117, HB 1131, HB 1206.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1178.

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 3005.

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

MR. PRESIDENT: Your signature is respectfully requested on: HCR 3015.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, January 22, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2030: 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). SB 2030 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "educational associations governed by joint powers agreements" with "area service providers"

Page 1, line 3, remove "and" and after "15.1-09-33" insert ", 15.1-32-08, and 15.1-33-02"

Page 1, line 13, replace "educational associations" with "area service providers"

Page 1, line 15, replace "educational associations" with "area service providers"

Page 4, line 7, replace "educational association" with "area service provider"

Page 4, line 11, replace "Educational association" with "Area service provider"

Page 4, line 13, replace "educational association" with "area service provider"

Page 5, line 1, replace "educational associations" with "area service providers"

Page 5, line 2, replace "educational associations" with "area service providers"

Page 5, line 9, replace "educational association" with "area service provider"

Page 5, line 12, replace "educational association" with "area service provider"

Page 5, line 15, replace "educational association" with "area service provider"

Page 6, line 19, replace "educational association" with "area service provider"

Page 6, line 21, replace "association's" with "provider's"

Page 7, line 9, replace "educational association" with "area service provider"

Page 7, line 11, replace "educational association" with "area service provider"

Page 7, line 12, replace "educational association" with "area service provider"

Page 7, line 13, replace "educational association" with "area service provider"

Page 7, line 15, replace "educational association" with "area service provider"

Page 7, after line 15, insert:

"15.1-09.1-03. Area service providers - Provision of special education and related services - Annual plan. An area service provider may prepare an annual plan regarding the provision of special education and related services on behalf of its members and submit the plan to the superintendent of public instruction for approval.

15.1-09.1-04. Area service providers - Provision of special education and related services - Powers. An area service provider that provides special education and related services may:

1. Receive and expend state and federal moneys for the provision of special education and related services to the students of its member districts;
2. Employ personnel necessary to carry out administrative services, itinerant instruction, coordinative services, and related services; and
3. Receive and expend private and public moneys.

15.1-09.1-05. Area service providers - Provision of special education and related services - Student transportation - Coordination. An area service provider shall plan and coordinate the transportation of students who are enrolled in its member districts and to whom it provides special education and related services."

Page 7, line 16, replace "15.1-09.1-03" with "15.1-09.1-06"

Page 7, line 17, replace "educational association" with "area service provider"

Page 7, line 18, replace "association's" with "provider's"

Page 7, line 19, replace "association's" with "provider's"

Page 7, line 20, replace "15.1-09.1-04. Educational association" with "15.1-09.1-07. Area service provider"

Page 7, line 21, replace "educational association" with "area service provider"

Page 7, line 23, replace "educational" with "provider"

Page 7, line 24, remove "association"

Page 7, line 26, replace "association" with "area service provider"

Page 7, line 27, replace "educational association's" with "provider's"

Page 7, line 28, replace "15.1-09.1-05" with "15.1-09.1-08"

Page 7, line 29, replace "educational association" with "area service provider"

Page 8, after line 2, insert:

"15.1-09.1-09. State aid - Payable to area service provider - Obligation of district.

1. The superintendent of public instruction shall forward the portion of a school district's state aid that is payable by the superintendent as a result of the district's participation in an area service provider directly to the area service provider of which the district is a member. The superintendent shall forward the amount payable under this subsection at the same time and in the same manner as provided for other state aid payments under section 15.1-27-01.
2. If the superintendent of public instruction determines that a school district failed to meet any contractual or statutory obligation imposed upon it as a result of the district's participation in an area service provider, the superintendent shall subtract the amount for which the district was not

eligible from any future distribution of state aid to the district under section 15.1-27-01.

SECTION 5. AMENDMENT. Section 15.1-32-08 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-08. School districts - Provision of special education. Each school district shall provide special education, ~~singly or jointly with other districts,~~ and related services as a single district, as a member of a multidistrict special education unit in accordance with ~~this chapter~~ 15.1-33, or as a member of an area service provider approved by the superintendent of public instruction under chapter 15.1-09.1. Each school district and entity providing special education shall cooperate with the director of special education and with the institutions of this state in the provision of special education.

SECTION 6. AMENDMENT. Section 15.1-33-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-33-02. Multidistrict special education units - School district participation. A school district may join a multidistrict special education unit or together with other school districts form a multidistrict special education unit for purposes of planning and delivering special education and related services. ~~Each school district shall participate in a multidistrict special education unit or have on file with the superintendent of public instruction a plan for providing special education and related services as a single district.~~ If a school district wishes to join a multidistrict special education unit from which it has been excluded, the school district may petition the superintendent of public instruction. A school district may appeal a decision of the superintendent under this section to the state board of public school education."

Page 8, line 3, replace "EDUCATIONAL" with "AREA SERVICE PROVIDERS"

Page 8, line 4, remove "ASSOCIATIONS"

Page 8, line 6, replace "educational association" with "area service provider"

Page 8, line 8, replace "educational association" with "area service provider"

Page 8, line 9, replace "educational associations" with "area service providers"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2033: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2033 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "property" with "real estate"

Page 1, line 7, remove the overstrike over "~~real estate~~" and remove "~~property~~"

Page 1, line 8, replace "~~property~~" with "real estate"

Page 1, line 9, remove the overstrike over "~~real estate~~" and remove "~~property~~"

Page 1, line 18, replace "~~property~~" with "real estate"

Page 1, line 20, after "each" insert "major"

Page 1, line 21, remove "and taxes expressed in dollars of taxes per one thousand dollars of true and full"

Page 1, line 22, remove "valuation of the property"

Page 2, line 2, replace "2006" with "2007"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2057: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2057 was placed on the Sixth order on the calendar.

Page 1, line 3, after "certification" insert "; to provide an appropriation; and to provide for a report to the legislative council"

Page 2, line 28, after "4." insert "The board shall pay to any individual who received national board certification before July 1, 2007, one thousand dollars for each year the individual has maintained and continues to maintain national board certification, provided the individual continues to be employed by a school district in this state. An individual may not receive more than four thousand dollars under this subsection."

5. a."

Page 2, line 29, after "the" insert "board shall pay to an" and overstrike "is entitled to receive"

Page 2, line 31, remove "the funds are available and"

Page 3, line 1, overstrike "a." and insert immediately thereafter "(1)" and overstrike "served" and insert immediately thereafter "was employed"

Page 3, line 2, overstrike "in a public or nonpublic" and insert immediately thereafter "by a" and after "school" insert "district in this state"

Page 3, line 3, overstrike "b." and insert immediately thereafter "(2)"

Page 3, after line 4, insert:

"b. The payment provided for in this subsection is available beginning with the 2007-08 school year."

6. A contract negotiated under chapter 15.1-16 may not preclude or limit the ability of a school district or any other entity, public or private, from providing any remuneration to a teacher who has obtained national board certification. Any remuneration received by a teacher as a consequence of having obtained national board certification is in addition to any other compensation otherwise payable as a result of any contract negotiated under chapter 15.1-16.

SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$85,000, or so much of the sum as may be necessary, to the education standards and practices board for the purpose of providing payments to recipients of national board certification and scholarships to individuals seeking national board certification, for the biennium beginning July 1, 2007, and ending June 30, 2009. This appropriation is not subject to cancellation at the close of each biennial period as otherwise required under section 54-44.1-11.

SECTION 4. REPORT TO LEGISLATIVE COUNCIL. Before November 1, 2008, the education standards and practices board shall report to an interim committee designated by the legislative council regarding the payments made to individuals who hold national board certification as provided in section 15.1-18.1-02."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2066: 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). SB 2066 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "removing the expiration dates on"

Page 1, line 13, after the period insert "This section does not apply to nor prohibit the department from licensing additional bed capacity for a new residential treatment center for children if the additional beds are designated for the care of children and adolescents who are residents of other states."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2070: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2070 was placed on the Sixth order on the calendar.

Page 1, line 10, after "provide" insert "unbiased"

Page 1, line 14, after "service" insert ", which must be provided without a conflict of interest"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2109: 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). SB 2109 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "maintain a minimum occupancy rate" with "any participation program"

Page 1, after line 20, insert:

"c. If the state department of health and the department of human services grant approval of new basic care beds to an entity, the approved entity shall license the beds within forty-eight months from the date of approval."

Page 2, line 2, after the period insert "A nursing facility may not convert licensed nursing bed capacity to basic care bed capacity or convert basic care beds back to nursing facility beds more than one time in a twelve-month period if the beds have been licensed as basic care."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2132: 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). SB 2132 was placed on the Sixth order on the calendar.

Page 2, line 3, replace the underscored semicolon with "or"

Page 2, line 5, replace "; or from the provider of a recipient's medical services if third-party benefits" with an underscored comma

Page 2, line 6, remove "have been received by the provider"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2159: Transportation Committee (Sen. G. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2159 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2167: 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). SB 2167 was placed on the Sixth order on the calendar.

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

Page 1, line 12, replace "possesses" with "possessed"

Page 1, line 14, after the first "the" insert "exception to the" and after "requirements" insert "under subsection 1"

Page 1, after line 16, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2173: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2173 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2184: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2184 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to provide an appropriation;"

Page 3, after line 9, insert:

"SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$3,512,600, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing funding for the additional schooldays as provided in this Act, for the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2189: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2189 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Urlacher, Klein introduced:

SB 2335: A BILL for an Act to provide an appropriation to the agriculture commissioner for the purpose of expanding organic food production and processing in the state.

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

Sens. Dever, Fischer, Warner and Rep. Klemin introduced:

SB 2336: A BILL for an Act to create and enact a new subsection to section 14-09-09.7 of the North Dakota Century Code, relating to liability for children's health insurance coverage or health care costs; to amend and reenact sections 14-09-08.10, 14-09-08.15, and 14-09-09 and subsection 3 of section 14-09-09.10 of the North Dakota Century Code, relating to liability for children's health insurance coverage or health care costs; and to provide an effective date.

Was read the first time and referred to the **Human Services Committee**.

Sens. Mathern, Nething and Rep. Aarsvold introduced:

SB 2337: A BILL for an Act to create and enact subsection 3 to section 39-06-01.1 and a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to restrictions on minors while driving; and to amend and reenact sections 39-06-04 and 39-06-05, subdivision c of subsection 3 of section 39-06-14, and sections 39-06-17, 39-06.1-08, and 39-06.1-09 of the North Dakota Century Code, relating to minors driving motor vehicles.

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

Sens. Olafson, Erbele, Taylor, Wanzek and Reps. Herbel, Pinkerton introduced:

SB 2338: A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to the state board of animal health; and to provide an appropriation.

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

Sen. Nething introduced:

SB 2339: A BILL for an Act to amend and reenact section 9 of chapter 15 of the 2005 Session Laws, relating to Bank of North Dakota transfers to the general fund; and to declare an emergency.

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

Sens. Freborg, Dever, Nething and Reps. Hawken, Koppelman, S. Meyer introduced:

SB 2340: A BILL for an Act to amend and reenact sections 25-03.3-02, 25-03.3-03, 25-03.3-03.1, 25-03.3-04, 25-03.3-05, 25-03.3-06, 25-03.3-08, 25-03.3-09, 25-03.3-10, 25-03.3-13, 25-03.3-17, 25-03.3-18, 25-03.3-20, and 25-03.3-24 of the North Dakota Century Code, relating to the civil commitment of sexually dangerous individuals; and to provide an appropriation.

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

Sens. Andrist, Fischer, Horne and Reps. Aarsvold, D. Johnson, Martinson introduced:

SB 2341: A BILL for an Act to provide an appropriation to the state historical society for the expansion of the heritage center; and to declare an emergency.

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

Sens. Andrist, Heitkamp, Klein, Nething introduced:

SB 2342: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to timely processing of workers' compensation claims.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Tallackson, Freborg and Reps. DeKrey, Kretschmar introduced:

SB 2343: A BILL for an Act to create and enact a new subsection to section 43-23.1-05 of the North Dakota Century Code, relating to exemptions for registration provisions of the Subdivided Lands Disposition Act.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. G. Lee, Klein and Reps. Belter, Carlson, DeKrey introduced:

SB 2344: A BILL for an Act to amend and reenact sections 15-10-17.4 and 15.1-35-08 of the North Dakota Century Code, relating to the preparation and provision of meals by institutions of higher education and school districts.

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

Sens. Wardner, Dever, Mathern and Reps. N. Johnson, L. Meier, Mueller introduced:

SB 2346: 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 sales by thrift stores owned and operated by nonprofit corporations; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Grindberg, Krebsbach, Robinson and Reps. Aarsvold, Bellew, Monson introduced:

SB 2347: A BILL for an Act to create and enact five new sections to chapter 15-62.2 of the North Dakota Century Code, relating to creation of the North Dakota promise grant program for students enrolled in institutions of higher education; to provide for reports to the legislative council; to provide legislative intent; to provide a transfer; and to provide a continuing appropriation.

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

Sens. Tollefson, Freborg, Heitkamp, Krebsbach and Reps. Bellew, Wrangham introduced:

SB 2348: A BILL for an Act to require a public hearing before high school tournament site selections.

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

Sens. Tollefson, Andrist, Krebsbach and Reps. Bellew, Wrangham introduced:

SB 2349: A BILL for an Act to provide for ownership and maintenance for the medal of honor monument; and to provide an appropriation for the medal of honor monument.

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

Sens. Freborg, Andrist, Triplett and Reps. Dietrich, Thoreson, Vigesaa introduced:

SB 2350: A BILL for an Act to create and enact a new chapter to title 41 of the North Dakota Century Code, relating to filing fraudulent and harassing financing statement records; and to provide a penalty.

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

Sens. Potter, Lyson introduced:

SB 2351: A BILL for an Act to amend and reenact section 39-08-03.1 of the North Dakota Century Code, relating to exhibition driving.

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

Sens. Wanzek, J. Lee, Robinson, Wardner and Reps. Headland, Hunskor introduced:

SB 2352: A BILL for an Act to provide for limitations on tattooing and body piercing of minors; and to provide a penalty.

Was read the first time and referred to the **Human Services Committee**.

Sens. Dever, Lyson, Tollefson and Reps. Carlisle, Karls, L. Meier introduced:

SB 2353: A BILL for an Act to amend and reenact sections 37-01-40, 37-19.1-01, and 37-19.1-02 and subsection 1 of section 37-19.1-04 of the North Dakota Century Code, relating to veterans and veterans' preferences.

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

Sens. Triplett, Flakoll, Warner and Reps. Aarsvold, N. Johnson, Mueller introduced:

SB 2354: A BILL for an Act to amend and reenact section 15.1-21-02 of the North Dakota Century Code, relating to instruction in physical education.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Lyson and Reps. Hatlestad, Sukut introduced:

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

Was read the first time and referred to the **Political Subdivisions Committee**.

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

William R. Horton, Secretary