

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

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Bismarck, January 23, 2007

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

The prayer was offered by Chaplain Dan Sweeney, Bismarck Police Department, Bismarck.

The roll was called and all members were present except Senators Bowman and Wanzek.

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that Engrossed SB 2132, which is on the Eleventh order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed SB 2132 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that after action taken on the Sixth order, SB 2001, SB 2135, and SB 2163 be placed at the bottom of today's Eleventh order, as amended, for second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2135: SEN. TOLLEFSON (Finance and Taxation Committee) MOVED that the amendments on SJ page 157 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2163: SEN. WARNER (Human Services Committee) MOVED that the amendments on SJ page 158 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2001: SEN. TALLACKSON (Appropriations Committee) MOVED that the amendments on SJ pages 151-154 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2029: SEN. LYSON (Judiciary Committee) MOVED that the amendments on SJ page 154 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2041: SEN. OLAFSON (Judiciary Committee) MOVED that the amendments on SJ page 154 be adopted and then be **REREFERRED** to the **Appropriations Committee WITHOUT RECOMMENDATION**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2103: SEN. LYSON (Judiciary Committee) MOVED that the amendments on SJ page 155 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2134: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ pages 155-157 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2100: SEN. MARCELLAIS (Judiciary Committee) MOVED that the amendments on SJ page 155 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2160: SEN. FIEBIGER (Judiciary Committee) MOVED that the amendments on SJ pages 157-158 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2030: A BILL for an Act to create and enact chapter 15.1-09.1 of the North Dakota Century Code, relating to area service providers; to amend and reenact sections 15.1-02-08, 15.1-07-23, 15.1-09-33, 15.1-32-08, and 15.1-33-02 of the North Dakota Century Code, relating to accounting procedures and school district business managers; to repeal sections 15.1-07-28, 15.1-07-30, and 15.1-27-40 of the North Dakota Century Code, relating to criteria for and expenditures by educational associations governed by joint powers agreements; and to provide for a report to the legislative council.

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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; 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; Mathern; Nelson; Nothing; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Wanzek

Engrossed SB 2030 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2045: A BILL for an Act to create and enact a new subsection to section 54-52.1-02 of the North Dakota Century Code, relating to prescription drug coverage under the uniform group insurance program; and to amend and reenact subsection 7 of section 54-52.1-01, subsection 3 of section 54-52.1-03.3, and sections 54-52.1-03.4 and 54-52.1-04 of the North Dakota Century Code, relating to minimum life insurance benefits coverage, the retiree health benefits fund, employer payment of a temporary employee's health insurance premium, temporary employee eligibility, and bids for prescription drug coverage under the uniform group insurance program.

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; 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; Mathern; Nelson; Nothing; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Wanzek

SB 2045 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2050: A BILL for an Act to amend and reenact sections 54-52-02.9 and 54-52-27, subsection 1 of section 54-52.1-03.2, and subsection 2 of section 54-52.1-03.3 of the North Dakota Century Code, relating to contributions and benefits under the retiree health benefits fund of the public employees retirement 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; 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; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Wanzek

Engrossed SB 2050 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2066: A BILL for an Act to amend and reenact sections 25-03.2-03.1 and 50-11-02.3 of the North Dakota Century Code, relating to the moratorium on expansion of residential treatment center for children bed capacity and the moratorium on residential child care facility or group home bed capacity.

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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; 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; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Wanzek

Engrossed SB 2066 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2109: A BILL for an Act to amend and reenact subsection 1 of section 23-09.3-01.1 and subsection 1 of section 23-16-01.1 of the North Dakota Century Code, relating to the moratorium on licensing of basic care for medical assistance recipient beds and the moratorium on expansion of long-term care bed capacity; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; 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; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Wanzek

Engrossed SB 2109 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2117: A BILL for an Act to provide for fair practices in potato production contracting; 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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; 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; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Wanzek

SB 2117 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2167: A BILL for an Act to amend and reenact section 50-32-02.1 of the North Dakota Century Code, relating to licensure requirements of assisted living facilities; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; 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; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Wanzek

Engrossed SB 2167 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4005: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a transition to independence program for young adults with mental illness.

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

SCR 4005 was declared adopted, and the title was agreed to on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 7:45 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem J. Lee presiding over Citizen's Night at the Legislature.

SECOND READING OF SENATE BILL

SB 2135: A BILL for an Act to create and enact two new subsections to section 5-01-01 of the North Dakota Century Code, relating to definitions of bottle or can and in bulk for alcoholic beverage purposes; and to amend and reenact subsection 14 of section 5-01-01, sections 5-01-04, 5-01-08, and 5-01-16, subsections 2, 3, 4, and 5 of section 5-01-17, and sections 5-03-01, 5-03-07, and 5-03-09 of the North Dakota Century Code, relating to the definition of twenty-one years of age for alcoholic beverage purposes, manufacture of alcoholic beverages, use of alcoholic beverages, direct sales from out-of-state sellers, sales and tax reporting by domestic wineries, qualifications for a state wholesale license, imposition of tax on sales by domestic wineries, microbrew pubs, and direct shippers, and requirements for alcoholic beverage supplier's licenseholders.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Grindberg; Krauter

Engrossed SB 2135 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2025: A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to provision of medication at a correctional facility; and to amend and reenact section 43-12.1-04 of the North Dakota Century Code, relating to exemptions from the Nurse Practices 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Grindberg; Krauter

SB 2025 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2043: A BILL for an Act to amend and reenact section 65-01-16 of the North Dakota Century Code, relating to the period to appeal a workers' compensation decision based on the presumption of compensability for firefighters and law enforcement officers.

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 1 YEAS, 43 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Nelson

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

ABSENT AND NOT VOTING: Bowman; Grindberg; Krauter

SB 2043 lost.

SECOND READING OF SENATE BILL

SB 2163: A BILL for an Act to create and enact chapter 23-06.6 of the North Dakota Century Code, relating to the revised Uniform Anatomical Gift Act; to amend and reenact section 23-06-01.2, subsection 5 of section 23-06.5-05.1, subsection 1 of section 39-06-03.1, subsection 2 of section 39-06-07, and subsection 1 of section 39-06-14 of the North Dakota Century Code, relating to cross-references to the Uniform Anatomical Gift Act; to repeal chapter 23-06.2 of the North Dakota Century Code, relating to the Uniform Anatomical Gift Act; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nothing; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Grindberg; Krauter

Engrossed SB 2163 passed and the title was agreed to

SECOND READING OF SENATE BILL

SB 2011: A BILL for an Act to provide an appropriation for defraying the expenses of the securities commissioner.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nothing; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Grindberg; Krauter

SB 2011 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2033: A BILL for an Act to amend and reenact section 57-20-07.1 of the North Dakota Century Code, relating to information that must be included with annual real estate tax statements; 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 13 YEAS, 31 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Behm; Christmann; Cook; Dever; Fischer; Hacker; Lee, G.; Mathern; Nothing; Potter; Stenehjem; Urlacher; Wanzek

NAYS: Anderson; Andrist; Bakke; Erbele; Fiebiger; Flakoll; Freborg; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Seymour; Tallackson; Taylor; Tollefson; Triplett; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Grindberg; Krauter

Engrossed SB 2033 lost.

SECOND READING OF SENATE BILL

SB 2145: A BILL for an Act to create and enact a new section to chapter 54-02 of the North Dakota Century Code, relating to designating the chokecherry as the official state fruit.

MOTION

SEN. STENEHJEM MOVED the question be put at 8:30, which motion prevailed.

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 42 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Behm; O'Connell

ABSENT AND NOT VOTING: Bowman; Grindberg; Krauter

SB 2145 passed and the title was agreed to.

REQUEST

SEN. CHRISTMANN REQUESTED the Senate be on the Fourteenth order, which request was granted.

SECOND READING OF HOUSE BILL

HB 1040: A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to disorderly conduct at a funeral; to provide a penalty; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Grindberg; Krauter

Engrossed HB 1040 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. CHRISTMANN MOVED that Engrossed HB 1040 be messaged to the House immediately, which motion prevailed.

REMARKS OF MAJORITY LEADER STENEHJEM

On behalf of the Senators of North Dakota, I'd like to thank all of you who came tonight. We work for you, the people of North Dakota. As you work at your jobs, pay your taxes and raise your families, we want you to remember that those of us elected are just like you. We are truly a citizen legislature. We are farmers and teachers and businessmen. For just four months out of every twenty-four, we take time away from work to represent you by striving to make laws that are good and just and wise.

As you have watched the process of bills being openly heard, as you have heard the debate here on the Senate floor, as you have watched us vote, we want you to know how important you are to the process. Stay informed, keep us informed of your views through e-mails and phone calls, and always remember to vote.

Thanks for coming. We hope to see you here again!

REMARKS OF MINORITY LEADER O'CONNELL

I want to thank all the Senators here tonight and the staff and employees who made this night possible. I want to remind everybody that all 47 of us here in the Senate were hired through the ballot box to represent the people of North Dakota. We just went through a job evaluation

and I hope the people that pay our salaries give us a good evaluation. Once again, thanks to everybody in the Senate.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1040.

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 2159.

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 1074, HB 1193.

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 1201.

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 today and on the Sixteenth legislative day, and at the conclusion of those orders today, the Senate stand adjourned until 1:00 p.m., Thursday, January 25, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2036: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2036 was placed on the Sixth order on the calendar.

Page 5, line 15, after "e." insert "The date of the end of the applicant's fiscal year.

f."

Page 5, line 19, replace "f." with "g."

Page 5, line 22, replace "g." with "h."

Page 5, line 26, replace "h." with "i."

Page 6, line 9, after "4." insert "a."

Page 6, after line 11, insert:

"b. For the purposes of a renewal application, the audited and verified financial statement may be based on the twelve months of operating history before the close of the fiscal year immediately preceding the renewal date of the license. A professional employer organization that is unable to obtain an audited and verified financial statement before the expiration of a license may submit with the application for renewal:

- (1) A written request for an extension to submit the audited and verified financial statement by a specific date within six months after the license is renewed and a verified statement, signed by an individual authorized by the professional employer organization, affirming that the professional employer organization has continuously maintained sufficient working capital to meet the financial capacity requirements under this chapter; or
- (2) A bond with a minimum value of one hundred thousand dollars to be held by the secretary of state to secure payment by the professional employer organization of any tax, wage, benefit, or other entitlement due to or with respect to a covered employee if the professional employer organization does not make the payment when due.

- c. The secretary of state shall suspend the license of a professional employer organization if the professional employer organization fails to submit the audited and verified financial statement by the extended date provided under subdivision b."

Page 9, line 19, replace "52-04-08.1, 52-04-08.2," with "52-04-24"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2072: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2072 was placed on the Sixth order on the calendar.

Page 2, line 5, remove "workforce safety and"

Page 2, line 6, remove "insurance,"

Page 2, line 7, after the period insert "The requirements of this section do not apply to special investigative unit vehicles operated by workforce safety and insurance."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2073: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2073 was placed on the Sixth order on the calendar.

Page 1, line 23, replace "one" with "two"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2096: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2096 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "section" with "subsection 1 of section 20.1-02-15.1 and sections", after "61-03-21.3" insert "and 61-33-05", and after "to" insert "powers of the game and fish department,"

Page 1, line 4, after "waters" insert ", and powers of the state engineer"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 20.1-02-15.1 of the North Dakota Century Code is amended and reenacted as follows:

1. To enforce state laws and rules on any game refuge, game management area, or other land or water owned, leased, or managed by the department and on sovereign lands."

Page 1, line 9, overstrike "a"

Page 1, line 13, remove the overstrike over the first "or", remove the first underscored comma, remove the overstrike over the second "or", and remove the second underscored comma

Page 1, line 14, remove "or the environment,"

Page 1, line 18, remove the overstrike over "or" and remove the underscored comma

Page 1, line 19, remove the overstrike over "or", remove the first underscored comma, and remove "or the environment,"

Page 3, line 7, remove the overstrike over the first "ø", remove the first underscored comma, remove the overstrike over the second "ø", and remove the second underscored comma

Page 3, line 8, remove "or the environment."

Page 3, after line 20, insert:

"SECTION 3. AMENDMENT. Section 61-33-05 of the North Dakota Century Code is amended and reenacted as follows:

61-33-05. Duties and powers of the state engineer. The state engineer shall manage, operate, and supervise all properties transferred to it by this chapter; may enter into any agreements regarding such property; may enforce all rights of the owner in its own name; may issue and enforce administrative orders and recover the cost of the enforcement from the party against which enforcement is sought; and may make and execute all instruments of release or conveyance as may be required pursuant to agreements made with respect to such assets, whether such agreements were made heretofore, or are made hereafter. The state engineer may enter agreements with the game and fish department or other law enforcement entities to enforce this chapter and rules adopted under this chapter."

Page 3, line 24, replace "and is subject to a civil penalty not to exceed one thousand" with "unless a lesser penalty is indicated. A"

Page 3, line 25, remove "dollars for each violation. The"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2097: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2097 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2112, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2112 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2114, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2114 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2123: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2123 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subdivision b of subsection 16 of section 65-01-02 and"

Page 1, line 3, remove "the definition of employment,"

Page 1, remove lines 8 through 24

Page 2, remove lines 1 through 17

Page 6, line 11, replace "4" with "3"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2125: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2125 was placed on the Sixth order on the calendar.

Page 4, line 2, after "board" insert ", which may not exceed federal education requirement standards."

Page 4, line 5, after "board" insert ", which may not exceed federal education requirement standards."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2126: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2126 was placed on the Sixth order on the calendar.

Page 2, line 24, after "costs" insert ", including attorney's fees."

Page 7, line 16, replace "by" with "but"

Page 8, line 4, remove "or other person settling the claim"

Page 9, line 11, replace "discriminated" with "retaliated"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2128: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2128 was placed on the Sixth order on the calendar.

Page 5, line 25, replace "Determine" with "Accept from any person a sample of seed which the person claims to be a new variety, distinct from any commonly known variety of the seed, together with a proposed, distinctive name. The commissioner shall determine"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2162: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2162 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2176: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2176 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2182: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2182 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2205: 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 2205 was placed on the Sixth order on the calendar.

Page 8, line 31, remove "special assistant" and remove "general who are duly appointed under section 54-12-08"

Page 9, line 2, after the underscored period insert "Any attorney who represents the state agency under this chapter must be a special assistant attorney general appointed by the attorney general under section 54-12-08." and after "salary" insert "and expenses"

Page 9, line 12, replace "Investigate" with "investigate"

Page 11, line 17, replace "January" with "February"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2304: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2304 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2306: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2306 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4007: 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). SCR 4007 was placed on the Sixth order on the calendar.

Page 2, line 10, after the comma insert "the Chairmen of the United States Senate and United States House of Representatives Agriculture Committees,"

Renumber accordingly

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

William R. Horton, Secretary