

## JOURNAL OF THE SENATE

## Sixtieth Legislative Assembly

\* \* \* \* \*

Bismarck, February 23, 2007

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

The prayer was offered by Pastor Scott Bauman, Charity Lutheran, Bismarck.

The roll was called and all members were present except Senators Andrist, Lindaas, Stenehjem, Tallackson, Wardner, and Warner.

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

Page 471, remove lines 40 through 43

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

## CONSIDERATION OF AMENDMENTS

**HB 1118, as engrossed: SEN. ERBELE (Human Services Committee) MOVED** that the amendments on SJ pages 583-584 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1179: SEN. HEITKAMP (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 584 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that SCR 4025 and HB 1056 be placed at the bottom of their respective orders, which motion prevailed.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4027:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of Bismarck State College becoming a four-year baccalaureate degree-granting institution.

## REQUEST

**SEN. FLAKOLL REQUESTED** a verification vote on the final adoption of SCR 4027, which request was granted.

The question being on the final adoption of the resolution, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SCR 4027 was declared lost on a verification vote.

\*\*\*\*\*

## SECOND READING OF HOUSE BILL

**HB 1037:** A BILL for an Act to create and enact a new section to chapter 26.1-40 of the North Dakota Century Code, relating to proof of insurance; to amend and reenact section 39-08-20 of the North Dakota Century Code, relating to the criminal procedure for driving without liability insurance; 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, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; 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.; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Taylor; Tollefson; Triplett; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist; Lindaas; Stenehjerm; Tallackson; Wardner; Warner

Engrossed HB 1037 passed and the title was agreed to.

\*\*\*\*\*

#### **SECOND READING OF HOUSE BILL**

**HB 1053:** A BILL for an Act to amend and reenact subsections 3, 4, and 5 of section 43-45-01, sections 43-45-02, 43-45-03, and 43-45-04, subsection 1 of section 43-45-05, sections 43-45-05.1, 43-45-05.3, 43-45-06, and 43-45-07, and subsection 1 of section 43-45-07.3 of the North Dakota Century Code, relating to the licensure of addiction counselors; 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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; 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.; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Taylor; Tollefson; Triplett; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist; Lindaas; Stenehjerm; Tallackson; Wardner; Warner

HB 1053 passed and the title was agreed to.

\*\*\*\*\*

#### **SECOND READING OF HOUSE BILL**

**HB 1057:** A BILL for an Act to create and enact a new section to chapter 52-04 of the North Dakota Century Code, relating to electronic filing of employer unemployment contribution and wage reports and electronic payment of contributions; 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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; 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.; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Taylor; Tollefson; Triplett; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist; Lindaas; Stenehjerm; Tallackson; Wardner; Warner

Engrossed HB 1057 passed and the title was agreed to.

\*\*\*\*\*

#### **SECOND READING OF HOUSE BILL**

**HB 1068:** A BILL for an Act to amend and reenact section 39-06.2-06, subsections 8, 10, and 12 of section 39-06.2-10, and section 39-06.2-16 of the North Dakota Century Code, relating to commercial driver's licenses.

#### **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, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; 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.; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Taylor; Tollefson; Triplett; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist; Lindaas; Stenehjerm; Tallackson; Wardner; Warner

HB 1068 passed and the title was agreed to.

\*\*\*\*\*

#### **SECOND READING OF HOUSE BILL**

**HB 1098:** A BILL for an Act to amend and reenact section 54-36-01 of the North Dakota Century Code, relating to the membership of the Indian affairs commission.

#### **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, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; 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.; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Taylor; Tollefson; Triplett; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist; Lindaas; Stenehjerm; Tallackson; Wardner; Warner

Engrossed HB 1098 passed and the title was agreed to.

\*\*\*\*\*

#### **SECOND READING OF HOUSE BILL**

**HB 1104:** A BILL for an Act to amend and reenact section 54-01.1-03 of the North Dakota Century Code, relating to moving and related expenses for displaced persons; 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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; 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.; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Taylor; Tollefson; Triplett; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist; Lindaas; Stenehjerm; Tallackson; Wardner; Warner

HB 1104 passed and the title was agreed to.

\*\*\*\*\*

#### **SECOND READING OF HOUSE BILL**

**HB 1122:** A BILL for an Act to amend and reenact subsection 3 of section 12.1-04.1-23, subsection 2 of section 12.1-04.1-26, subsection 4 of section 12.1-32-07, subdivision a of subsection 4 of section 12.1-32-08, subsection 6 of section 14-15-19, subsection 2 of section 23-07.6-03, sections 23-07.6-05, 23-07.6-06, and 25-01.2-11, subsection 2 of section 27-20-17, subsection 4 of section 27-20-22, section 27-20-26, subsections 2 and 3 of section 27-20-49, and sections 27-22-02, 29-07-01.1, 29-32.1-05, and 31-01-16 of the North Dakota Century Code, relating to providing legal counsel at public expense.

#### **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, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; 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.; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Taylor; Tollefson; Triplett; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist; Lindaas; Stenehjerm; Tallackson; Wardner; Warner

Engrossed HB 1122 passed and the title was agreed to.

\*\*\*\*\*

#### **SECOND READING OF HOUSE BILL**

**HB 1131:** A BILL for an Act to create and enact sections 43-35-15.3, 43-35-18.3, and 43-35-19.3 of the North Dakota Century Code, relating to the state board of water well contractors and geothermal driller certification and standards; and to amend and reenact sections 43-35-03, 43-35-06, 43-35-11, 43-35-12, 43-35-13, 43-35-14, 43-35-21, and 43-35-22 of the North Dakota Century Code, relating to the state board of water well contractors and geothermal system drillers and drilling.

#### **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, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; 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.; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Taylor; Tollefson; Triplett; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist; Lindaas; Stenehjerm; Tallackson; Wardner; Warner

Engrossed HB 1131 passed and the title was agreed to.

\*\*\*\*\*

#### **SECOND READING OF HOUSE BILL**

**HB 1178:** A BILL for an Act to amend and reenact section 33 of chapter 167 of the 2005 Session Laws, relating to the payment of school district reorganization bonuses; 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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; 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.; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Taylor; Tollefson; Triplett; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist; Lindaas; Stenehjerm; Tallackson; Wardner; Warner

HB 1178 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

#### **SECOND READING OF HOUSE BILL**

**HB 1184:** A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to the use of handguns while hunting with bow and arrow or crossbow.

#### **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 39 YEAS, 2 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**NAYS:** Erbele; Oehlke

**ABSENT AND NOT VOTING:** Andrist; Lindaas; Stenehjerm; Tallackson; Wardner; Warner

Engrossed HB 1184 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1193:** A BILL for an Act to amend and reenact section 49-02-25 of the North Dakota Century Code, relating to hydroelectricity as a renewable electricity and recycled energy source.

### ROLL CALL

The question being on the passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; 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.; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Taylor; Tollefson; Triplett; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist; Lindaas; Stenehjerm; Tallackson; Wardner; Warner

HB 1193 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1201:** A BILL for an Act to amend and reenact subsection 3 of section 53-01-07 of the North Dakota Century Code, relating to the gross revenue fee for boxing, kickboxing, and mixed fighting style competitions; 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 40 YEAS, 1 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; 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.; Lyson; Marcellais; Mathern; Nelson; Nething; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Taylor; Tollefson; Triplett; Urlacher; Wanzek

**NAYS:** O'Connell

**ABSENT AND NOT VOTING:** Andrist; Lindaas; Stenehjerm; Tallackson; Wardner; Warner

HB 1201 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1248:** A BILL for an Act to amend and reenact section 15.1-36-01 of the North Dakota Century Code, relating to school construction approval and appeals.

### ROLL CALL

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

**YEAS:** Anderson; 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.; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Seymour; Taylor; Tollefson; Triplett; Urlacher; Wanzek

**NAYS:** Potter

**ABSENT AND NOT VOTING:** Andrist; Lindaas; Stenehjerm; Tallackson; Wardner; Warner

Engrossed HB 1248 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1261:** A BILL for an Act to amend and reenact section 15.1-07-02 and subsection 1 of section 15.1-12-10 of the North Dakota Century Code, relating to the naming of a school district.

### 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 26 YEAS, 14 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, J.; Lyson; Marcellais; Nething; Olafson; Pomeroy; Potter; Seymour; Tollefson; Triplett

**NAYS:** Bowman; Dever; Erbele; Heitkamp; Krauter; Lee, G.; Mathern; Nelson; O'Connell; Oehlke; Robinson; Taylor; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist; Hacker; Lindaas; Stenehjerm; Tallackson; Wardner; Warner

HB 1261 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1341:** A BILL for an Act to amend and reenact sections 6-09.10-03 and 6-09.10-04 of the North Dakota Century Code, relating to persons eligible for mediation.

### 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, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; 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.; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Taylor; Tollefson; Triplett; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist; Lindaas; Stenehjerm; Tallackson; Wardner; Warner

HB 1341 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1347:** A BILL for an Act to amend and reenact subsections 3 and 4 of section 25-01.3-02 of the North Dakota Century Code, relating to appointment of a member of the committee on protection and advocacy by a North Dakota nonprofit advocacy group of people with disabilities, to update the name of another appointing group, and to stagger the terms of the members.

### 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, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; 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.; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Taylor; Tollefson; Triplett; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist; Lindaas; Stenehjerm; Tallackson; Wardner; Warner

HB 1347 passed and the title was agreed to.

\*\*\*\*\*

#### **SECOND READING OF HOUSE BILL**

**HB 1387:** A BILL for an Act to provide for a legislative council study of the leasing of court facilities.

#### **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, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; 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.; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Taylor; Tollefson; Triplett; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Andrist; Lindaas; Stenehjerm; Tallackson; Wardner; Warner

Engrossed HB 1387 passed and the title was agreed to.

\*\*\*\*\*

#### **SECOND READING OF HOUSE BILL**

**HB 1490:** A BILL for an Act to create and enact a new section to chapter 4-41 of the North Dakota Century Code, relating to the sale of industrial hemp seed; to amend and reenact subdivision b of subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to criminal history record checks; 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 40 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Andrist; Grindberg; Lindaas; Stenehjerm; Tallackson; Wardner; Warner

Engrossed HB 1490 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3014:** A concurrent resolution declaring Monday, February 12, 2007, "North Dakota Close Up Day".

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

HCR 3014 was declared adopted, and the title was agreed to on a voice vote.

\*\*\*\*\*

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4025:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of developing and funding a program to provide services to youth in foster care who are preparing to transition to adulthood and for youth between 18 and 21 years of age who have left foster care and need assistance.

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

SCR 4025 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 unchanged: HB 1045, HB 1048, HB 1206, HB 1224, HB 1257, HB 1333.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1367.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2089, SB 2091.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2124.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2108.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2108**

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15.1-32 of the North Dakota Century Code, relating to students with disabilities resulting from noncategorical delays; and to"

Page 1, replace lines 7 through 24 with:

"4. a. "Student with ~~disabilities~~ a disability" means an individual who is at least three years of age but who has not reached the age of twenty-one before September first of the year in which the individual turns twenty-one and who requires special education and related services because of mental, physical, emotional, or learning characteristics ~~requires regular or special education and related services designed to meet the individual's educational needs. The term includes an individual with mental:~~

- (1) Mental retardation;<sub>i</sub>
- (2) A hearing impairment, including deafness, ~~deafness-blindness,~~  
a<sub>i</sub>
- (3) Deaf-blindness;
- (4) A speech or language impairment;~~a~~<sub>i</sub>
- (5) A visual impairment, including blindness;
- (6) An emotional disturbance;~~an~~<sub>i</sub>
- (7) An orthopedic impairment, ~~or autism, and an individual who has~~  
a<sub>i</sub>
- (8) Autism;
- (9) A traumatic brain injury;
- (10) Other health impairment; or
- (11) A specific learning disability, ~~a traumatic brain injury, or other health impairment. The term,~~



- b. "Student with a disability" includes a student ~~aged age~~ eighteen through twenty-one who is incarcerated in an adult correctional facility and who, in the last educational placement prior to incarceration, was identified as being a student with a disability and did not have an individualized education program or was identified as being a student with a disability and had an individualized education program.

**SECTION 2.** A new section to chapter 15.1-32 of the North Dakota Century Code is created and enacted as follows:

**Noncategorical delay.** If an individual who is at least three years of age but less than ten years of age exhibits a developmental profile in which cognitive, fine motor, vision, hearing, communication, preacademic, socialization, or adaptive skill acquisitions are significantly below that of same-age peers, and if the individual needs special education and related services, the school district may determine that the individual is a student with a disability as a result of a noncategorical delay."

Page 2, remove lines 1 through 6

Renumber accordingly

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2035, SB 2068, SB 2069, SB 2127, SB 2167.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2035, SB 2068, SB 2069, SB 2127, SB 2167.

**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, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, February 26, 2007, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1052: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1052 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1064, as reengrossed: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1064 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1085, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1085 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1114, as engrossed: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1114 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1135: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1135 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1185, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (4 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1185 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1236: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1236 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1295: Transportation Committee (Sen. G. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1295 was placed on the Sixth order on the calendar.

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

Page 2, after line 27, insert:

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1318: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1318 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1362: Transportation Committee (Sen. G. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1362 was placed on the Sixth order on the calendar.

Page 1, line 9, after "~~Fees~~" insert "The permit must be in the operator's possession when that individual is operating the snowmobile within the state."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1374, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1374 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1376, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1376 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1377: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1377 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1380: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1380 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1382: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1382 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1383, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1383 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1468, as engrossed: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1468 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3001: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3001 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3005: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3005 was placed on the Fourteenth order on the calendar.

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

**William R. Horton, Secretary**

