

## JOURNAL OF THE SENATE

## Sixtieth Legislative Assembly

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Bismarck, March 7, 2007

The Senate convened at 1:00 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 Fischer, Krauter, and Olafson.

A quorum was declared by the President.

**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senator Jim Dotzenrod.

**CONSIDERATION OF AMENDMENTS**

**HB 1134, as engrossed: SEN. TAYLOR (Education Committee) MOVED** that the amendments on SJ pages 716-717 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1503: SEN. HEITKAMP (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 717-718 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1421, as reengrossed: SEN. ERBELE (Agriculture Committee) MOVED** that the amendments on SJ page 717 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1513, as engrossed: SEN. HEITKAMP (Natural Resources Committee) MOVED** that the amendments on SJ page 718 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1061, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1023:** A BILL for an Act to provide an appropriation for defraying the expenses of the commission on legal counsel for indigents.

**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; Bowman; Christmann; Cook; Dever; Erbele; Fiebigler; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Fischer; Krauter; Olafson

HB 1023 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1056:** A BILL for an Act to amend and reenact section 52-04-22 of the North Dakota Century Code, relating to the unemployment insurance federal advance interest repayment fund; and to provide a continuing appropriation.

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

**ABSENT AND NOT VOTING:** Fischer; Krauter; Olafson

HB 1056, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1062:** A BILL for an Act to amend and reenact subsection 1 of section 6-01-03, subsection 4 of section 6-01-07.1, and sections 6-01-09 and 6-08.4-03 of the North Dakota Century Code, relating to per diem of state banking board and state credit union board members, information and sharing agreements with other entities, the timeframe of examinations of financial institutions, and approval of interstate branches by state banks.

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

**ABSENT AND NOT VOTING:** Fischer; Krauter; Olafson

HB 1062 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1071:** A BILL for an Act to amend and reenact subsection 1 of section 11-10.1-01, section 57-02-08.2, subsections 3 and 6 of section 57-02-27.2, section 57-20-08, and subsection 3 of section 57-60-01 of the North Dakota Century Code, relating to removal of obsolete language, transfer of funds to the state medical center, appeals of determinations on inundated agricultural land applications, tax receipts filed with county auditors, and coal conversion facilities; and to repeal section 57-29-04 of the North Dakota Century Code, relating to tax sale certificates on state-acquired land.

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

**ABSENT AND NOT VOTING:** Fischer; Krauter; Olafson

HB 1071 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1092:** A BILL for an Act to create and enact sections 27-20-32.3, 27-20-48.2, 27-20-48.3, and 27-20-48.4 of the North Dakota Century Code, relating to active efforts in juvenile proceedings regarding Indian children and legal guardianships for children; to amend and reenact section 12-46-14, subsection 1 of section 15.1-29-14, sections 27-20-02 and 27-20-06, subsection 1 of section 27-20-10, sections 27-20-12, 27-20-13, 27-20-14, 27-20-15, 27-20-17, 27-20-19, 27-20-20, 27-20-24, 27-20-26, 27-20-28, 27-20-30, 27-20-31, 27-20-32.1, subsection 4 of section 27-20-34, subsections 2 and 3 of section 27-20-36, subsection 3 of section 27-20-37, subsection 1 of section 27-20-40, subsection 1 of section 27-20-42, section 27-20-44, subsection 2 of section 27-20-45, and sections 27-20-48, 27-20-48.1, 27-20-50, 27-20-54, 27-20-59, and 54-12-01.3 of the North Dakota Century Code, relating to proceedings under the Uniform Juvenile Court Act and references to juvenile supervisor; to repeal sections 27-05-29, 27-20-01, and 27-20-35 of the North Dakota Century Code, relating to assigned duties of juvenile supervisors and Uniform Juvenile Court Act proceedings; and to provide for a legislative council study.

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

**ABSENT AND NOT VOTING:** Fischer; Krauter; Olafson

Engrossed HB 1092, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1130:** A BILL for an Act to amend and reenact sections 24-02-26.1 and 24-02-28 of the North Dakota Century Code, relating to highway construction arbitration.

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

**ABSENT AND NOT VOTING:** Fischer; Krauter; Olafson

Engrossed HB 1130 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1221:** A BILL for an Act to create and enact a new section to chapter 49-05 of the North Dakota Century Code, relating to public utility rate adjustments for recovery of costs resulting from federal environmental mandates on existing electricity generating stations.

**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, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Mathern

**ABSENT AND NOT VOTING:** Fischer; Krauter; Olafson

Engrossed HB 1221 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

**HB 1439:** A BILL for an Act to amend and reenact subsections 1 and 4 of section 54-17.6-05 of the North Dakota Century Code, relating to the membership of the oil and gas research council.

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

**ABSENT AND NOT VOTING:** Fischer; Krauter; Olafson

Engrossed HB 1439 passed and the title was agreed to.

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## REQUEST

**SEN. O'CONNELL REQUESTED** that his remarks be printed in the Journal, which request was granted.

## REMARKS OF MINORITY LEADER O'CONNELL

### **Eric Herbel Named Mr. Hockey**

We would like to recognize Bottineau High School senior Eric Herbel for his selection by the North Dakota High School Coaches Association as the Outstanding Senior Athlete/Mr. Hockey Award recipient. Eric helped his team, that had won only one game in the four previous seasons, go on to win eleven games this year and come within one win of playing in the State Hockey Tournament. Following the completion of the region tournament, Eric was tied for the lead in scoring in the state of North Dakota.

Eric is not only an outstanding hockey player but also an excellent student/athlete at Bottineau High School. Eric's selection as the Mr. Hockey Award recipient is magnified by the fact that he plays for the school that has by far the smallest enrollment of schools with hockey, and he is the first player from the West Region in twelve years to win the award.

### **Bottineau Braves Win State B1 Championship**

With all the recent success of Bottineau's athletic teams, it should come as no surprise that the Bottineau PeeWees Hockey Team is continuing the city's winning streak. The Bottineau Braves, coached by Pat Langhaug, won the State B1 Championship on Sunday, March 4, 2007.

The Bottineau Braves advanced to the state championship after a nail biting semifinal game against the Grand Forks Ice Kings. The two teams roughed it on the ice into two sudden death overtimes. The Braves were able to score the winning goal two minutes into the second overtime to advance to the State PeeWee Championship. The Braves played the Fargo Flyers, a team whose goalie had shut out every team in the entire tournament, for the state championship. The Braves, however, ended that streak by defeating the Flyers 5-2. Congratulations to the Bottineau Braves - the State PeeWee Champions!

**Team Members**

Harrison Aide  
Cody Brooks  
Jaden Cote  
Dylan Drader  
Chris Evans  
Wyatt Hohnson  
Seth Pedie  
Levi Kippen  
Ryan Koch  
Cody Longie  
Nick Monson  
Zack Monson  
Taylor Neubauer  
Seth Serhienko

**Coaches and Staff**

Pat Langhaug - Head Coach  
David Vad - Assistant Coach  
Larry Brooks - Assistant Coach  
Collin Serhienko - Team Manager

**Lumberjacks Win NJCAA National Title Championship**

What an exciting weekend it was for the city of Bottineau! Today I join both the city of Bottineau and the great state of North Dakota in honoring the Minot State University-Bottineau Mens Hockey Team after winning the men's NJCAA National Title. The Lumberjacks won their fifth NJCAA National Title Championship on home ice on Saturday, March 3, 2007 in shut out, three game series.

The small college of only 605 students scored big as they defeated the Monroe Tribunes of Rochester, New York, a school boasting an enrollment population of 35,000 plus. The team of 24 players from four different countries secured their victory late in game two, as Eric Schultz scored the winning goal. The team finished this year with an impressive record of 23-6-1. The Most Valuable Player Award was given to Tyson Friesen, of Altona, Manitoba and the Top Goaltender Award recipient was Eric Everson of Mosinee, Wisconsin. Head Coach Travis Rybchinski was awarded the Coach of the Tournament award, and three of MSU-Bottineau's Lumberjacks were placed on the All Tournament Team.

Even off the ice, the team has further reason to celebrate. The Lumberjack's combined GPA for the fall semester was 3.33, which further demonstrates the team's success. Coach Rybchinski told me in a recent e-mail how proud he was of the team's accomplishments this season. He said, "I am so proud of our young men here, they are a true sense of a team and they are well deserving of being called Champions. I think we need to call Bottineau the 'Title Town of North Dakota' after this weekend." I couldn't agree more. Bottineau is the "Title Town of North Dakota" this year. Not only did the men's hockey team score another championship, our girl's basketball team won their second straight State Class B Championship title this weekend.

Do you believe in miracles? The city of Bottineau does! Congratulations to all the outstanding athletes in Bottineau and keep up the great work.

**2007 Lumberjack Hockey**

Kirk Graham - Brandon, MB  
Cory Braybrook- Virden, MB  
Miles Jones - Killarney, MB  
Marty Bilodeau - Winnipeg, MB  
Mitchell Jore - West Fargo, ND  
Derek Behrman - Consul, SK  
Tyler Wood - Boissevain, MB  
Tyson Friesen - Altona, MB  
Sam Aide - Bismarck, ND  
Niclas Soderberg - Malmo, Sweden  
Tyler Robertson - Brea, CA  
Steven Burdick - West Fargo, ND  
Jaret Martens - Cartwright, MB  
Trevor Gordon - Deloraine, MB  
Alec Kautzman - Bismarck, ND  
Jamie Schultz - Winnipeg, MB  
Brayden Hnatiuk - Oak Bluff, MB  
Justin Blue - Bottineau, ND

Quinn McIntosh - Lucky Lake, SK  
Jared Kopp - Bismarck, ND  
Hardijs Paradnieks - Riga, Latvia  
Eric Schultz - Strasbourg, SK  
Eric Everson - Mosinee, WI  
Christian Berlin - Malmo Sweden

**Coaches and Staff**

Travis Rybchinski - Head Coach  
Ron Gullett - Assistant Coach  
Jeremi Tweed - Assistant Coach  
Keith Pritchard - Athletic Therapist  
Scott Johnson - Athletic Director  
Dr. Ken Grosz - Campus Dean

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4026.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1034, HB 1102, HB 1137, HB 1412.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1195, HCR 3003.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1217, HB 1293.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2149, SB 2250, SB 2263, SB 2271, SB 2360, SB 2369.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2081, SB 2148, SB 2165.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2081**

Page 1, line 1, remove "subsection 3 of section 57-38.6-01 and" and after "sections" insert "57-38.6-01,"

Page 1, line 2, after "57-38.6-02" insert a comma and replace "the definition and" with "definitions and to the"

Page 1, replace lines 6 through 19 with:

**"SECTION 1. AMENDMENT.** Section 57-38.6-01 of the North Dakota Century Code is amended and reenacted as follows:

**57-38.6-01. Definitions.** As used in this chapter, unless the context otherwise requires:

1. "Agricultural commodity processing facility" means a facility that through processing involving the employment of knowledge and labor adds value to an agricultural commodity capable of being raised in this state.
2. "Director" means the director of the department of commerce division of economic development and finance.
3. "Qualified business" means a cooperative, corporation, partnership, or limited liability company that:
  - a. Is incorporated or organized in this state after December 31, 2000, for the primary purpose of processing and marketing agricultural commodities capable of being raised in this state;
  - b. Has been certified by the securities commissioner to be in compliance under the securities laws of this state; and

- c. Has an agricultural commodity processing facility, or intends to locate one, in this state; ~~and~~
  - d. ~~Is among the first ten businesses that meets the requirements of this subsection, but not a business that was previously certified as a qualified business under chapter 57-38.5.~~
4. "Qualified investment" means an investment in cash or an investment of a fee simple interest in real property located in this state. For purposes of this chapter, the definition of real property does not include any personal property that may become a fixture to the real property, as defined by chapter 41-09, which is added to the real property following investment of the real property in the qualified business.
5. "Taxpayer" means an individual, estate, trust, corporation, partnership, or limited liability company."

Page 4, line 10, after the period insert "Real property that qualifies as an investment must be used in, and be an integral part of, the qualified business's North Dakota business operations.

8. If the investment is a contribution of real property:
- a. The value of the contribution may not exceed the appraised value as established by a licensed or certified appraiser licensed or certified under the requirements of sections 43-23.3-04, 43-23.3-04.1, 43-23.3-05, 43-23.3-06, 43-23.3-07, 43-23.3-08, 43-23.3-09, 43-23.3-10, 43-23.3-11, and 43-23.3-12.
  - b. The value of the contribution must be approved by the governing body of the qualified business applying the valuation standards set forth in subsection 3 of section 10-19.1-63.
  - c. The qualified business receiving the contribution of real property shall provide to the tax commissioner a copy of the appraised valuation, a copy of the governing body's resolution approving the value of the contribution, and a copy of the statement of full consideration within thirty days after the instrument transferring title to the real property is recorded with the register of deeds as provided in chapter 47-19.
  - d. A taxpayer making a contribution of real property is entitled to the tax credit in the taxable year in which the instrument transferring title to the real property is recorded with the register of deeds as provided in chapter 47-19."

Page 4, line 11, replace "8." with "9."

Renumber accordingly

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2148

Page 2, line 12, remove the overstrike over "~~The department~~"

Page 2, line 13, remove the overstrike over "~~shall~~" and replace ", or a" with "assess a fee of at least"

Page 2, line 14, replace "dollar fee" with "dollars but not more than two thousand dollars"

Page 7, line 1, replace "five hundred dollar fee" with "fee of at least five hundred dollars but not more than two thousand dollars"

Page 7, line 18, replace "five hundred dollar fee" with "fee of at least five hundred dollars but not more than two thousand dollars"

Page 8, line 16, replace "five hundred dollar fee" with "fee of at least five hundred dollars but not more than two thousand dollars"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2148**

In addition to the amendments adopted by the House as printed on page 792 of the House Journal, Senate Bill No. 2148 is further amended as follows:

Page 3, line 2, after "a" insert "fee of at least"

Page 3, line 3, replace "dollar fee" with "dollars but not more than two thousand dollars"

Page 6, line 9, after "a" insert "fee of at least" and replace "dollar fee" with "dollars but not more than two thousand dollars"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2165**

Page 1, line 9, overstrike "probable cause" and insert immediately thereafter "reasonable suspicion"

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2193, SB 2214.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2193**

Page 1, line 3, remove "and" and after "penalty" insert "; and to declare an emergency"

Page 1, after line 8, insert:

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

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2214**

Page 1, line 14, remove "and"

Page 1, line 15, after "renewal" insert "; and to declare an emergency"

Page 21, after line 26, insert:

"**SECTION 47. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2354.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2031, SB 2216, SB 2359, SB 2380, SB 2381.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2031, SB 2216, SB 2359, SB 2380, SB 2381.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1033, HB 1035, HB 1046, HB 1087, HB 1100, HB 1116, HB 1139, HB 1205, HB 1234, HB 1291, HB 1310, HCR 3020, HCR 3023, HCR 3033.

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

**MR. SPEAKER:** The President has signed: HB 1033, HB 1035, HB 1046, HB 1087, HB 1100, HB 1116, HB 1139, HB 1205, HB 1234, HB 1291, HB 1310, HCR 3020, HCR 3023, HCR 3033.

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

**MR. SPEAKER:** The President has signed: HB 1069, HB 1109, HB 1172, HB 1213, HB 1232, HB 1235, HB 1238, HB 1268, HB 1281, HB 1305, HB 1313, HB 1338, HB 1342, HB 1408, HB 1413, HB 1470, HB 1500, HB 1514, HCR 3030, HCR 3044.



**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., Thursday, March 8, 2007, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1010, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1010 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "113,940" with "137,019"

Page 1, line 20, replace "139,021" with "169,021"

Page 1, line 22, replace "163,537" with "216,616"

Page 1, line 24, replace "143,537" with "196,616"

Page 2, line 6, replace "569,406" with "592,485"

Page 2, line 8, replace "1,615,278" with "1,645,278"

Page 2, line 9, replace "2,431,546" with "2,484,625"

Page 2, line 11, replace "1,143,228" with "1,196,307"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1060, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Reengrossed HB 1060, as amended, was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1094: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1094 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1140, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1140 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1156: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1156 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1157, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1157 was placed on the Sixth order on the calendar.

Page 1, line 10, after "provide" insert "funding of at least three hundred fifty dollars per individual per year for" and after "deputy" insert ". The sheriff may expend the funds for uniforms as the sheriff deems necessary and is not limited to an annual amount that may be expended for each uniform or for each individual"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1199: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1199 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1245, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1245 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1273, as engrossed: 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). Engrossed HB 1273 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "with a population of fewer than twenty"

Page 1, line 9, remove "thousand"

Page 1, remove lines 12 through 14

Page 1, line 15, replace "3." with "2."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1304: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1304 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 35-17-08, 35-30-06, 35-31-06, and"

Page 1, line 2, after "to" insert "certain lien and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 35-17-08 of the North Dakota Century Code is amended and reenacted as follows:

**35-17-08. Fees - Penalty.** The fee for filing an agister's lien and related documents with the secretary of state or the county recorder is ~~ten dollars. The fee for filing a termination statement is five dollars. The termination fee must be paid at the time the fee for filing the lien is paid. The fee for filing an amendment or assignment of an agister's lien is ten dollars~~ the same as that provided for in section 41-09-96. If a lienholder fails to file a termination statement within sixty days after the lien is has been satisfied, the lienholder is liable to the debtor for one hundred dollars.

**SECTION 2. AMENDMENT.** Section 35-30-06 of the North Dakota Century Code is amended and reenacted as follows:

**35-30-06. Fees - Penalty.** The fee for filing an agricultural processor's lien and related documents with the secretary of state or the county recorder is ~~ten dollars. The fee for filing a termination statement is five dollars. The termination fee must be paid at the time the fee for filing the lien is paid. The fee for filing an amendment or assignment of an agricultural processor's lien is ten dollars~~ the same as that provided for in section 41-09-96. If a lienholder fails to file a termination statement within sixty days after the lien has been satisfied, the lienholder is liable to the debtor for one hundred dollars.

**SECTION 3. AMENDMENT.** Section 35-31-06 of the North Dakota Century Code is amended and reenacted as follows:

**35-31-06. Fees - Penalty.** The fee for filing an agricultural supplier's lien and related documents with the secretary of state or the county recorder is ~~ten dollars. The fee for filing a termination statement is five dollars. The termination fee must be paid at the time the fee for filing the lien is paid. The fee for filing an amendment or assignment of an agricultural supplier's lien is ten dollars~~ the same as that provided for in section 41-09-96. If a lienholder fails to file a termination statement within sixty days after the lien has been satisfied, the lienholder is liable to the debtor for one hundred dollars."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1312, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1312 was placed on the Sixth order on the calendar.

Page 2, line 11, after "mistake" insert "and the 2007 through 2011 tax year mill rates and levies in dollars for a school district applying a levy increase under this section must be reduced to the amount of the mill rate and levy in dollars without the levy increase under this section"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1403, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1403 was placed on the Sixth order on the calendar.

Page 1, after line 12, insert:

"c. "Economically viable small community" means a community with a population of at least one hundred but fewer than two thousand, which has one or more of the following:

- (1) An active community economic development organization;
- (2) An ongoing relationship with a regional or urban economic development organization; or
- (3) An existing city sales tax, all or part of the revenue from which is dedicated to economic development."

Page 1, line 13, replace "c." with "d."

Page 1, line 14, replace "the city limits of a city of three thousand or less population" with "an economically viable small community"

Page 1, line 15, replace "d." with "e."

Page 1, line 22, replace "e." with "f."

Page 2, remove lines 9 through 25

Page 3, line 15, remove "and"

Page 3, line 17, after "located" insert ";

- d. The new business will not directly compete with any established business located within fifteen miles of the proposed new business;
- e. The new business will be located in an area determined by the director to be an economically viable small community located at least fifteen miles from the city limits of a city with a population of two thousand or more; and
- f. The applicant is not closing or reducing its business operation in one area of the state and relocating substantially the same business operation in another area."

Page 4, line 17, remove "this" and after "subsection" insert "10"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1451, as reengrossed: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1451 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1463, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1463 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1471, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1471 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1517, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1517 was placed on the Fourteenth order on the calendar.

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

**William R. Horton, Secretary**