

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

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Bismarck, March 13, 2007

The Senate convened at 1:00 p.m., with President Pro Tem J. Lee presiding.

The prayer was offered by Father Paul Becker, Corpus Christi, Bismarck.

The roll was called and all members were present except Senators Bowman, Kilzer, O'Connell, and Robinson.

A quorum was declared by the President Pro Tem.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Employment Committee (Sen. Dever, Chairman)** recommends that Daniel Davenport of Bismarck be appointed to the position of Legislative Assistant/Page and Bill Book Clerk effective March 12, 2007 and that Rita Giesen be moved to the position of Chief Page and Bill Book Clerk effective February 5, 2007.

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

OATH OF OFFICE

PRESIDENT PRO TEM J. LEE ADMINISTERED the Oath of Office to Daniel Davenport.

MOTION

SEN. CHRISTMANN MOVED that HB 1365, which is on the Fourteenth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1365 was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1138: SEN. OEHLKE (Finance and Taxation Committee) MOVED that the amendments on SJ page 776 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1229, as engrossed: SEN. URLACHER (Natural Resources Committee) MOVED that the amendments on SJ pages 776-777 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1270, as engrossed: SEN. FLAKOLL (Education Committee) MOVED that the amendments on SJ page 777 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1282, as engrossed: SEN. OLAFSON (Political Subdivisions Committee) MOVED that the amendments on SJ pages 777-778 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1303, as engrossed: SEN. TRIPLETT (Finance and Taxation Committee) MOVED that the amendments on SJ pages 778-779 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1456, as engrossed: SEN. POMEROY (Natural Resources Committee) MOVED that the amendments on SJ page 780 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1462, as engrossed: SEN. TOLLEFSON (Natural Resources Committee) MOVED that the amendments on SJ page 780 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1371: SEN. OLAFSON (Political Subdivisions Committee) MOVED that the amendments on SJ page 779 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1492, as engrossed: SEN. WANZEK (Agriculture Committee) MOVED that the amendments on SJ pages 780-781 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1501, as engrossed: SEN. ERBELE (Agriculture Committee) MOVED that the amendments on SJ page 781 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

REQUEST

SEN. CHRISTMANN REQUESTED that the Senate move to the Fourteenth order of business, which request was granted.

SECOND READING OF HOUSE BILL

HB 1089: A BILL for an Act to amend and reenact sections 39-26-12, 39-29.1-01, and 39-29.1-08 of the North Dakota Century Code, relating to the abandoned motor vehicle fund and low-speed vehicles.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Bowman

Engrossed HB 1089, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1055: A BILL for an Act to create and enact section 19-03.1-20.1 of the North Dakota Century Code, relating to theft or loss of controlled substances reports; to amend and reenact subsections 5 and 7 of section 19-03.1-05, subsections 4, 6, and 7 of section 19-03.1-07, section 19-03.1-09, subsections 4 and 6 of section 19-03.1-11, and sections 19-03.1-13 and 19-03.1-22 of the North Dakota Century Code, relating to controlled substances; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1055 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1059: A BILL for an Act to amend and reenact section 54-61-04 of the North Dakota Century Code, relating to confidentiality of commission on legal counsel for indigents information and records.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1059 passed and the title was agreed to.

REQUEST

SEN. CHRISTMANN REQUESTED that the Senate move to the Sixth order of business, which request was granted.

CONSIDERATION OF AMENDMENTS

HB 1086, as engrossed: SEN. KLEIN (Agriculture Committee) MOVED that the amendments on SJ page 760 be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

SEN. OLAFSON REQUESTED a verification vote on the adoption of the proposed amendments to Engrossed HB 1086, which request was granted.

The question being the adoption of the proposed amendments to Engrossed Hb 1086, the proposed amendments to HB 1086 failed on a verification vote.

Engrossed HB 1086 was rereferred to the **Appropriations Committee**.

SECOND READING OF HOUSE BILL

HB 1063: A BILL for an Act to amend and reenact subsection 11 of section 39-03-09 of the North Dakota Century Code, relating to the powers of the highway patrol.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1063 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1110: A BILL for an Act to create and enact a new section to chapter 18-04 of the North Dakota Century Code, relating to reimbursement for responding to emergencies outside the jurisdiction; and to provide an appropriation.

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 6 YEAS, 41 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Behm; Christmann; Freborg; Krauter; Tallackson; Wardner

NAYS: Anderson; Andrist; Bakke; Bowman; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; 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; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Warner

Reengrossed HB 1110 lost.

SECOND READING OF HOUSE BILL

HB 1166: A BILL for an Act to provide for a portion of a paved four-lane highway for United States highway 52.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1166, as amended, passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that Engrossed HB 1181 be placed at the top of the Fourteenth order, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1181: A BILL for an Act to amend and reenact section 60-10-03 of the North Dakota Century Code, relating to the credit-sale contract indemnity fund.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 27 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Nething; Oehlke; Olafson; Stenehjerm; Tallackson; Tollefson; Urlacher; Wanzek; Wardner

NAYS: Anderson; Bakke; Behm; Fiebiger; Heckaman; Heitkamp; Horne; Krauter; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Seymour; Taylor; Triplett; Warner

Engrossed HB 1181 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1082: A BILL for an Act to create and enact a new section to chapter 5-01 of the North Dakota Century Code, relating to alcohol without liquid devices; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist

Engrossed HB 1082 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1200: A BILL for an Act to create and enact two new subsections to section 20.1-02-05 of the North Dakota Century Code, relating to the power of the director of the game and fish department and a private land open to sportsmen program for youth and a youth hunting grant program; to amend and reenact section 20.1-02-07 of the North Dakota Century Code, relating to a youth program coordinator position within the game and fish department; to provide for a study; and to provide an appropriation.

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

YEAS: Stenehjem

NAYS: Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebigler; 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; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

Engrossed HB 1200 lost.

SECOND READING OF HOUSE BILL

HB 1231: A BILL for an Act to amend and reenact section 47-05-16 of the North Dakota Century Code, relating to wind energy payments.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebigler; 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; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

HB 1231 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1278: A BILL for an Act to amend and reenact section 52-04-06.1 of the North Dakota Century Code, relating to construction project risk protection.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebigler; 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; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

Engrossed HB 1278, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1334: A BILL for an Act to amend and reenact section 15.1-07-20 of the North Dakota Century Code, relating to requirements for drivers of school vehicles.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; 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: Andrist

Engrossed HB 1334, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1355: A BILL for an Act to amend and reenact section 31-13-03 of the North Dakota Century Code, relating to persons subject to DNA testing.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist

HB 1355 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1386: A BILL for an Act to amend and reenact sections 58-06-02, 58-07-01, and 58-08-01 of the North Dakota Century Code, relating to the compensation of township officers.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Bowman; Christmann; 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; Wanzek; Wardner; Warner

NAYS: Cook

ABSENT AND NOT VOTING: Andrist

HB 1386 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1315: A BILL for an Act to create and enact a new section to chapter 49-22 of the North Dakota Century Code, relating to electrical generation and transmission safety.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nothing; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

Engrossed HB 1315, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1369: A BILL for an Act to amend and reenact subsection 1 of section 6-02-01 and section 6-05-02 of the North Dakota Century Code, relating to use of terms for bank, annuity, safe deposit, surety, and trust company regulation purposes; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist

Engrossed HB 1369 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1393: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2, a new subdivision to subsection 2 of section 57-38-30.3, a new subsection to section 57-39.2-04, and a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to income tax exemptions and sales, use, and motor vehicle excise tax exemptions for enrolled tribal members; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nothing; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

Engrossed HB 1393 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1414: A BILL for an Act to amend and reenact section 14-05-24 of the North Dakota Century Code, relating to the division of property in a divorce proceeding.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist

HB 1414 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1506: A BILL for an Act to establish a state renewable and recycled energy objective; to create and enact six new sections to chapter 49-02 of the North Dakota Century Code, relating to renewable and recycled energy; and to amend and reenact sections 49-02-25 and 49-02-26 of the North Dakota Century Code, relating to electricity produced from hydroelectric sources as renewable electricity and recycled energy.

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 38 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Christmann; Cook; Dever; Freborg; Kilzer; Stenehjem; Urlacher

ABSENT AND NOT VOTING: Andrist

Engrossed HB 1506 passed and the title was agreed to.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 12, 2007, I have signed the following: SB 2149, SB 2250, SB 2263, SB 2271, SB 2360, and SB 2369.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1013, HB 1024, HB 1067, HB 1078, HB 1090, HB 1121, HB 1161, HB 1162, HB 1183, HB 1225, HB 1381, HB 1398, HB 1425, HCR 3007, HCR 3035, HCR 3042.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1154, HB 1390, HB 1482, HB 1505.

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

MR. SPEAKER: The Senate has failed to pass: HB 1259, HCR 3051.

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

MR. PRESIDENT: The House has passed unchanged: SB 2067, SB 2105, SB 2153, SB 2171, SB 2182, SB 2188, SB 2192, SB 2219, SB 2265, SB 2295, SB 2318, SB 2343.

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

MR. PRESIDENT: The House has passed, the emergency clause failed, unchanged: SB 2101.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2135, SB 2176, SB 2196, SB 2204, SB 2252.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2135

Page 1, line 17, replace "one-fourth" with "one-sixth"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2176

Page 1, line 3, after "6-03-38" insert "and subsection 11 of section 6-06-06"

Page 1, line 20, replace "Notwithstanding any state law to the" with "Subject to authorization by the state banking board, acting by order or rule, a state bank has the same powers as a national bank and may engage directly or indirectly in any activity in which a bank could engage if the state bank were nationally chartered."

Page 1, remove lines 21 through 24

Page 2, after line 30, insert:

"SECTION 4. AMENDMENT. Subsection 11 of section 6-06-06 of the North Dakota Century Code is amended and reenacted as follows:

11. ~~Credit unions~~ Subject to authorization by the state credit union board, acting by order or rule, a state credit union has the same powers as a federal credit union and may engage in any activity in which ~~they~~ a credit union could engage if ~~they~~ the credit union were federally chartered, subject to rules that the state credit union board shall adopt.

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2196

Page 1, line 10, replace "Prior to" with "Before"

Page 2, line 20, after the second boldfaced period, insert:

"1."

Page 2, line 22, overstrike "1." and insert immediately thereafter "a."

Page 2, line 25, overstrike "2." and insert immediately thereafter "b."

Page 2, line 27, overstrike "3." and insert immediately thereafter "c."

Page 2, line 28, overstrike "4." and insert immediately thereafter "d."

Page 3, line 1, overstrike "5." and insert immediately thereafter "e."

Page 3, line 4, overstrike "6." and insert immediately thereafter "f."

Page 3, line 6, overstrike "7." and insert immediately thereafter "g."

Page 3, line 9, overstrike "8." and insert immediately thereafter "h."

Page 3, line 13, replace "9." with "i."

Page 3, line 16, replace "10." with "j."

Page 3, line 17, replace "a." with "(1)"

Page 3, line 19, replace "b." with "(2)"

Page 3, line 21, replace "c." with "(3)"

Page 3, line 23, replace "No" with "2. A" and after "may" insert "not"

Page 3, line 25, replace "this" with "subdivision j of" and after "subsection" insert "1"

Page 3, after line 25, insert:

"3."

Page 4, line 13, replace "A commission may be denied, revoked, or suspended for the reasons set forth in" with "The"

Page 4, line 14, remove "subsection 1, or the" and replace "as" with "for a violation of subsection 1 if"

Page 4, line 16, replace ", including" with ". A lesser sanction includes", remove "reasonable", and replace "fine" with "penalty not to exceed five hundred dollars"

Page 4, line 20, remove "complaint must be in a form prescribed by the" and replace "and" with "shall provide a complaint form. The complainant shall use that form and the form"

Page 4, line 24, replace "institute" with "initiate"

Page 4, line 25, after "the" insert "secretary of state may dismiss the"

Page 4, line 26, remove "may be dismissed" and replace "institute" with "initiate"

Page 4, line 29, remove "Any person may be permitted to intervene and participate in secretary of state"

Page 4, remove lines 30 and 31

Page 5, line 1, remove "5."

Page 5, line 2, replace "vacation" with "termination"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2204

Page 2, line 13, replace "called 911" with "contacted law enforcement or emergency medical services"

Page 2, line 15, replace "or" with an underscored comma

Page 2, line 17, after "scene" insert ", or was the individual in need of medical assistance" and remove "The maximum number of"

Page 2, remove line 18

Page 2, line 28, replace "called 911" with "contacted law enforcement or emergency medical services"

Page 2, line 30, replace "or" with an underscored comma

Page 3, line 1, after "scene" insert ", or was the individual in need of medical assistance" and remove "The maximum number"

Page 3, remove line 2

Page 3, line 9, replace "the police" with "law enforcement"

Page 4, line 26, replace "the police" with "law enforcement"

Page 5, line 16, replace "the police" with "law enforcement"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2252

Page 1, line 8, replace "health insurance policy, health service contract, or evidence of coverage" with "hospital, surgical, medical, or major medical benefit policy"

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 2040.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2040

In lieu of the amendments adopted by the House as printed on page 801 of the House Journal, Engrossed Senate Bill No. 2040 is amended as follows:

Page 1, line 2, after "practices" insert "; to amend and reenact section 51-15-09 of the North Dakota Century Code, relating to barred claims for relief; and to declare an emergency"

Page 1, line 10, after the underscored period insert "This section does not authorize a private claim for relief for a violation of this section and no entity other than the attorney general may enforce this section."

SECTION 2. AMENDMENT. Section 51-15-09 of the North Dakota Century Code is amended and reenacted as follows:

51-15-09. Claims not barred. ~~The provisions of~~ Except as provided in section 1 of this Act, this chapter ~~do~~ does not bar any claim for relief by any person against any person who has acquired any moneys or property by means of any practice declared to be unlawful in this chapter. If the court finds the defendant knowingly committed the conduct, the court may order that the person commencing the action recover up to three times the actual damages proven and the court must order that the person commencing the action recover costs, disbursements, and actual reasonable attorney's fees incurred in the action.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

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 2134.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2134

Page 1, line 13, replace ", a tramadol-containing substance, and" with "and nonscheduled substances containing tramadol or"

Renumber accordingly

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

MR. PRESIDENT: The House has failed to pass: SB 2162.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2055.

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

MR. PRESIDENT: The Speaker has signed: SB 2055.

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

MR. PRESIDENT: Your signature is respectfully requested on: HCR 3032.

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

MR. PRESIDENT: The Speaker has signed: HB 1023, HB 1062, HB 1071, HB 1130, HB 1221, HB 1439.

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

MR. SPEAKER: The President has signed: HB 1061, HB 1094, HB 1137, HB 1140, HB 1156, HB 1199, HB 1517.

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

MR. SPEAKER: The President has signed: SB 2038, SB 2044, SB 2048, SB 2052, SB 2354.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 13, 2007: SB 2038, SB 2044, SB 2048, SB 2052, SB 2354.

REQUEST

SEN. STENEHJEM REQUESTED that the record show that Sens. Bowman, Kilzer, O'Connell, and Robinson were absent at the beginning of today's session because they were part of a delegation that visited the Veterans' Home in Lisbon and that they be counted present, which request was granted.

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., Wednesday, March 14, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1044, 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, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1044 was placed on the Sixth order on the calendar.

Page 1, line 2, after the second semicolon insert "and"

Page 1, line 3, remove "; and to provide an expiration date"

Page 6, line 26, remove "- EXPIRATION DATE"

Page 6, line 27, replace ", and before August 1, 2009," with a period

Page 6, remove line 28

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1049, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1049 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1072: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1072 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1081: Transportation Committee (Sen. G. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1081 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1101: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1101 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1126, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1126 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "two" with "three"

Page 1, line 4, replace "section" with "subsection 4 of section 53-06.2-05, subsection 1 of section 53-06.2-07, subsection 4 of section 53-06.2-08, sections 53-06.2-10.1 and", after "53-06.2-11" insert ", and subsection 2 of section 53-06.2-13", and remove "taxes on"

Page 1, line 13, replace "Two" with "Three"

Page 1, after line 19, insert:

"Complete, distribute, and post on the commission's web site the minutes of each commission meeting within thirty days of that meeting or before the next meeting of the commission, whichever occurs first."

SECTION 3. AMENDMENT. Subsection 4 of section 53-06.2-05 of the North Dakota Century Code is amended and reenacted as follows:

4. License all participants in the racing and simulcast parimutuel wagering industry and require and obtain information the commission deems necessary from license applicants. Licensure of service providers, totalizator companies, site operators, and organizations applying to conduct or conducting parimutuel wagering must be approved by the attorney general. The attorney general may not grant a license denied by the commission. The commission may obtain from the bureau of criminal investigation, without charge, criminal history record information as required in the licensing process.

SECTION 4. AMENDMENT. Subsection 1 of section 53-06.2-07 of the North Dakota Century Code is amended and reenacted as follows:

1. On compliance by an applicant with this chapter and the approval of the attorney general, the commission may issue a license to conduct races. The attorney general may not grant a license denied by the commission.

SECTION 5. AMENDMENT. Subsection 4 of section 53-06.2-08 of the North Dakota Century Code is amended and reenacted as follows:

4. The commission may grant licenses to horse owners, jockeys, riders, agents, trainers, grooms, stable foremen, exercise workers, veterinarians, valets, concessionaires, service providers, employees of racing associations, and such other persons as determined by the commission. Licensure of service providers, totalizator companies, site operators, and organizations applying to conduct or conducting parimutuel wagering must be approved by the attorney general. The attorney general may not grant a license denied by the commission. License fees are as established by the commission.

SECTION 6. AMENDMENT. Section 53-06.2-10.1 of the North Dakota Century Code is amended and reenacted as follows:

53-06.2-10.1. Simulcast wagering. In addition to racing under the certificate system, as authorized by this chapter, and conducted upon the premises of a racetrack, simulcast parimutuel wagering may be conducted in accordance with this chapter and interim standards that need not comply with chapter 28-32, or rules adopted by the commission under this chapter. Any organization qualified under section 53-06.2-06 to conduct racing may make written application to the commission for the conduct of simulcast parimutuel wagering on races held at licensed racetracks inside the state or racetracks outside the state, or both. Licensure of service providers, totalizator companies, site operators, or organizations applying to conduct or conducting simulcast or account wagering must be approved by the attorney general. The attorney general may not grant a license denied by the commission. Notwithstanding any other provision of this chapter, the commission may authorize any licensee to participate in interstate or international combined wagering pools with one or more other racing jurisdictions. Anytime that a licensee participates in an interstate or international combined pool, the licensee, as prescribed by the commission, may adopt the take-out of the host jurisdiction or facility. The commission may permit a licensee to use one or more of its races or simulcast programs for an interstate or international combined wagering pool at locations outside its jurisdiction and may allow parimutuel pools in other states to be combined with parimutuel pools in its jurisdiction for the purpose of establishing an interstate or international combined wagering pool. The participation by a licensee in a combined interstate or international wagering pool does not cause that licensee to be considered to be doing business in any jurisdiction other than the jurisdiction in which the licensee is physically located. Parimutuel taxes or commissions may not be imposed on any amounts wagered in an interstate or international combined wagering pool other than amounts wagered within this jurisdiction. The certificate system also permits parimutuel wagering to be conducted through account wagering. As used in this section, "account wagering" means a form of parimutuel wagering in which an individual deposits money in an account and uses the account balance to pay for parimutuel wagers. An account wager made on an account established in this state may only be made through the licensed simulcast service provider approved by the attorney general and authorized by the commission to operate the simulcast parimutuel wagering system under the certificate system. The attorney general may not grant a license denied by the commission. An account wager may be made in person, by direct telephone communication, or through other electronic communication in accordance

with rules adopted by the commission. Breakage for interstate or international combined wagering pools must be calculated in accordance with the statutes or rules of the host jurisdiction and must be distributed among the participating jurisdictions in a manner agreed to among the jurisdictions."

Page 8, after line 20, insert:

"SECTION 8. AMENDMENT. Subsection 2 of section 53-06.2-13 of the North Dakota Century Code is amended and reenacted as follows:

2. a. The attorney general may audit and investigate licensed service providers and affiliated companies authorized by the commission to operate the simulcast parimutuel wagering system, totalizator companies, site operators, or organizations applying to conduct or conducting parimutuel wagering. The attorney general may:
 - (1) Inspect all sites in which parimutuel wagering is conducted.
 - (2) Inspect all parimutuel wagering equipment and supplies.
 - (3) Seize, remove, or impound any parimutuel equipment, supplies, or books and records for the purpose of examination and inspection.
 - (4) Inspect, examine, photocopy, and audit all books and records.
- b. The commission shall reimburse the attorney general for all services rendered to the racing commission auditing and investigation. Payment for the services auditing and investigation must be deposited in the attorney general's operating fund."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1136, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1136 was placed on the Sixth order on the calendar.

Page 1, line 13, after "received" insert "age appropriate"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1147, as engrossed: 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). Engrossed HB 1147 was placed on the Sixth order on the calendar.

Page 2, line 12, replace "Notwithstanding any agreement to the contrary, if" with "If"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1158: Transportation Committee (Sen. G. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1158 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1160, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1160 was placed on the Sixth order on the calendar.

Page 1, line 1, after "57-40.3-04" insert "and a new subsection to section 57-40.5-03"

Page 1, line 2, remove "a", replace "exemption" with "and aircraft excise tax exemptions", and after "ambulances" insert "and air ambulances"

Page 1, after line 9, insert:

"**SECTION 2.** A new subsection to section 57-40.5-03 of the North Dakota Century Code is created and enacted as follows:

Aircraft for use as an air ambulance, when purchased by the operator of an emergency medical services operation licensed under chapter 23-27."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1197, as reengrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed HB 1197 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "a contingent" with "an"

Page 2, line 8, after "offense" insert "or an individual arrested for the commission of a felony offense after July 31, 2009,"

Page 3, line 8, remove "**CONTINGENT**" and replace "is contingent on the receipt" with "becomes effective on August 1, 2009"

Page 3, remove lines 9 through 11

Page 3, line 12, remove "Act"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1216: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1216 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "subsection 3 of section 12.1-20-01, section", after the first comma insert "subsection 1 of section 12.1-20-03.1, and sections", and remove the second comma

Page 1, after line 4, insert:

"**SECTION 1. AMENDMENT.** Subsection 3 of section 12.1-20-01 of the North Dakota Century Code is amended and reenacted as follows:

3. When criminality depends on the victim being a minor fifteen years of age or older, the actor is guilty of an offense only if the actor is at least ~~four~~ three years older than the minor."

Page 2, line 1, overstrike "or"

Page 2, line 3, after "being" insert "; or

- c. That person knows that the victim is unaware that sexual contact is being committed on the victim"

Page 2, line 7, overstrike "more than five years"

Page 2, line 8, overstrike "older than the victim" and insert immediately thereafter "at least twenty-two years of age"

Page 2, line 10, remove "lifetime"

Page 2, line 11, after the underscored period insert "The court may deviate from the mandatory sentence if the court finds that the sentence would impose a manifest injustice as defined in section 39-01-01 and the defendant has accepted responsibility for the crime or cooperated with law enforcement. However, a defendant convicted of a AA felony under this section may not be sentenced to serve less than five years of incarceration."

Page 2, line 12, overstrike "An offense under this section is a class C felony if the actor's conduct violates"

Page 2, overstrike lines 13 through 15

Page 2, line 16, overstrike "c."

Page 2, after line 19, insert:

"SECTION 3. AMENDMENT. Subsection 1 of section 12.1-20-03.1 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual in adult court is guilty of an offense if the individual engages in any combination of three or more sexual acts or sexual contacts with a minor under the age of fifteen years during a period of three or more months. The offense is a class AA felony if the actor was ~~more than five years older than the victim at the time of the offense. The offense is a class C felony if the actor was at least four but not more than five years older than the victim~~ at least twenty-two years of age at the time of the offense. Otherwise, the offense is a class A felony. The court may not defer imposition of sentence."

Page 3, line 7, overstrike "a", replace "minimum of" with "at least", and after "years" insert "but not more than ten years"

Page 3, overstrike line 9

Page 3, line 10, overstrike "five years."

Page 4, line 12, after "section" insert ", unless the court finds after at least eight years of supervised probation that further supervision would impose a manifest injustice as defined in section 39-01-01"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1219, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1219 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "**Criminal justice information sharing board -**"

Page 1, line 9, replace "criminal justice information sharing board" with "information technology department" and remove "and administer"

Page 1, line 10, after "may" insert "be administered by the department of corrections and rehabilitation and must"

Page 2, line 18, replace "may satisfy" with "satisfies"

Page 2, line 22, replace "criminal justice information sharing board" with "system operator"

Page 2, line 23, remove "statewide automated victim information and"

Page 2, line 24, remove "notification"

Page 2, line 28, replace "Upon the request of the criminal justice information sharing board custodial" with "Custodial"

Page 2, line 29, replace "board" with "system operator"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1241, as engrossed: 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). Engrossed HB 1241 was placed on the Sixth order on the calendar.

Page 115, line 1, replace "partners" with "portions"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1246: 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** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1246 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to provide for a report to the legislative council; to provide an effective date;"

Page 1, line 7, after "reimbursement" insert "- Report to legislative council"

Page 1, line 8, after the first "services" insert "for medical assistance recipients from birth through twenty years of age" and after the second "services" insert "and for medical assistance recipients age twenty-one and older at the rate of seventy-five percent of billed services"

Page 1, line 11, after the underscored period insert "By October 1, 2008, the department of human services shall report to the legislative council regarding the impact of this Act on access to dental services by medical assistance recipients."

Page 1, line 13, replace "\$1,150,106" with "\$660,678"

Page 1, line 15, replace "\$2,042,955" with "\$1,173,519"

Page 1, after line 17, insert:

"SECTION 3. EFFECTIVE DATE. This Act becomes effective on January 1, 2008."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1249, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1249 was placed on the Sixth order on the calendar.

Page 2, line 7, replace "five" with "two"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1258: Transportation Committee (Sen. G. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1258 was placed on the Sixth order on the calendar.

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

Page 2, after line 16, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1317, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1317 was placed on the Sixth order on the calendar.

Page 1, line 1, after the first "to" insert "create and enact a new chapter to title 49 of the North Dakota Century Code, relating to the decommissioning of commercial wind energy facilities; to"

Page 1, after line 5, insert:

"SECTION 1. A new chapter to title 49 of the North Dakota Century Code is created and enacted as follows:

Definitions. In this chapter, unless the context otherwise requires:

1. "Commercial wind energy conversion facility" means a wind energy conversion facility of equal to or greater than five hundred kilowatts in total nameplate generating capacity.
2. "Commission" means the public service commission.
3. "Wind turbine" means a wind turbine of equal to or greater than five hundred kilowatts in total nameplate generating capacity.

Jurisdiction of the commission for decommissioning of commercial wind energy conversion facilities. The commission has continuing jurisdiction and authority over all persons and property necessary to enforce this chapter. The commission may:

1. Investigate all methods and practices of commercial wind energy conversion facilities, subject to this chapter.
2. Require the filing and determine the amount of a bond or other assurance, conditioned upon the full compliance with this chapter and the rules and orders of the commission. The commission may accept under the terms and conditions as the commission may prescribe a surety bond, collateral bond, self-bond, escrow account, or any alternative form of security or other financial assurance, or combination thereof, by which an owner or operator assures faithful performance of all requirements of this chapter and the rules and orders of the commission.
3. Regulate the decommissioning of a commercial wind energy conversion system.
4. Adopt and enforce rules and orders to effectuate the purposes and the intent of this chapter.

Decommissioning of commercial wind energy conversion facilities.

1. The owner and operator, at its expense, shall complete decommissioning of the commercial wind energy conversion facility, or individual wind turbines, within twelve months after the end of the useful life of the commercial wind energy conversion facility or individual wind turbines. The commercial wind energy conversion facility or individual wind turbine is presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve months unless a plan is developed and submitted to the commission outlining the steps and schedule for returning the turbine to service.
2. Decommissioning of commercial wind energy conversion facilities includes removal of all physical material pertaining to the wind energy conversion facility to a depth of forty-eight inches [1.219 meters] beneath the soil surface and restoration of the disturbed area to substantially the same physical condition that existed immediately before construction.
3. Disturbed earth must be graded and reseeded, unless the landowner requests in writing that the access roads or other land surface areas not be removed and restored to substantially the same physical condition that existed immediately before construction.
4. The commission may require a performance bond to provide for the decommissioning and removal of a commercial wind energy conversion facility. The performance bond may be in the form of a surety bond, collateral bond, self-bond, cash, or any alternative form of security or other financial assurance as prescribed by the commission by rule. The commission shall consider the anticipated life of the project, the estimated decommissioning costs in current dollars, the method and schedule for

updating the costs of decommissioning and restoration, the method of ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the project will be decommissioned and the site restored when adopting rules that detail the bond requirements and when determining the amount of any required bond.

5. If the commercial wind energy conversion facility owner or operator does not complete decommissioning, the commission may take any action necessary to complete decommissioning, including requiring forfeiture of the bond. The execution of a participating landowner agreement constitutes agreement and consent of the parties to the agreement, their respective heirs, successors, and assigns, that the commission may take such action as may be necessary to implement the decommissioning plan, including the exercise by the commission, commission staff, and contractors of the right of ingress and egress for the purpose of decommissioning the commercial wind energy conversion facility.
6. An easement or lease between a landowner and the owner or operator of a commercial wind energy facility or wind turbine may contain provisions for decommissioning that are more restrictive than this chapter."

Page 1, replace lines 9 through 22 with:

"Taxable valuation of centrally assessed wind turbine electric generators.

A centrally assessed wind turbine electric generation unit with a nameplate generation capacity of one hundred kilowatts or more, on which construction is completed before January 1, 2011, must be valued at three percent of assessed value to determine taxable valuation of the property. ~~However, a~~ except:

1. A centrally assessed wind turbine electric generation unit with a nameplate generation capacity of one hundred kilowatts or more, for which a purchased power agreement has been executed after April 30, 2005, and before January 1, 2006, and construction is ~~begun~~ completed after April 30, 2005, and before July 1, 2006, must be valued at one and one-half percent of assessed value to determine taxable valuation of the property ~~and this reduced valuation applies for that property~~ for the duration of the initial purchased power agreement for that generation unit; and
2. A centrally assessed wind turbine electric generation unit with a nameplate generation capacity of one hundred kilowatts or more, on which construction is completed after June 30, 2006, and before January 1, 2011, must be valued at one and one-half percent of assessed value to determine taxable valuation of the property."

Page 1, line 23, replace "This" with "Section 2 of this"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1322, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1322 was placed on the Sixth order on the calendar.

Page 2, line 4, after "failure" insert "of the state"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1324, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1324 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1346, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1346 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1348, 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, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1348 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and" and after "date" insert "; and to provide an expiration date"

Page 1, after line 11, insert:

"SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 2009, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1357: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1357 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1358, as reengrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1358 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1378: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1378 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1404, 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 1404 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and"

Page 1, line 4, after "date" insert "; and to declare an emergency"

Page 1, line 17, replace "nine" with "six" and remove "and the"

Page 1, line 18, remove "department of human services"

Page 1, after line 20, insert:

"d. Three members from the department of human services.

e. Two members from groups advocating for recipients."

Page 3, line 21, replace "December 31, 2008" with "June 30, 2009"

Page 3, after line 21, insert:

"SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1431, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1431 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1432, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1432 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "The board shall"

Page 1, line 11, remove "receive bids for this program under section 54-52.1-04."

Page 1, line 14, replace "and" with an underscored comma and after "pharmacists" insert ", and other health professionals"

Page 1, line 17, after "program" insert an underscored comma and after "pharmacists" insert "and other health professionals"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1433, 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 1433 was placed on the Sixth order on the calendar.

Page 1, line 3, after "families" insert "; and to provide an appropriation"

Page 1, line 13, replace "and" with an underscored comma and after "pharmacists" insert ", and certified diabetes educators"

Page 1, line 15, after "pharmacists" insert "and certified diabetes educators"

Page 1, line 21, replace "prescriptives" with "prescriptive"

Page 2, after line 4, insert:

"SECTION 2. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from federal funds and other income, to the following departments for the purpose of defraying the cost of additional health insurance premiums necessary to pay the cost of the provisions of section 1 of this Act, for the biennium beginning July 1, 2007, and ending June 30, 2009, as follows:

DEPARTMENT	GENERAL	OTHER
Governor	\$864	\$0
Secretary of state	1,243	53
Office of management and budget	5,119	1,241
Information technology department	941	14,045
State auditor	1,826	805
State treasurer	288	0
Attorney general	7,232	1,470
Tax commissioner	6,384	0
Office of administrative hearings	0	384
Legislative assembly	6,000	0
Legislative council	1,584	0
Judicial branch	16,039	425
Commission on legal counsel for indigents	1,392	0
Retirement and investment office	0	816
Public employees retirement system	0	1,584
Department of public instruction	1,413	3,303
Land department	0	900
State library	1,233	195
School for the deaf	2,212	113
North Dakota vision services - school for the blind	996	300
Department of career and technical education	1,224	96
State department of health	4,896	11,016
Veterans' home	1,304	3,062
Indian affairs commission	192	0

Department of veterans' affairs	288	0
Department of human services	63,181	36,931
Protection and advocacy project	259	1,061
Job service North Dakota	66	14,718
Insurance commissioner	0	2,232
Industrial commission	2,382	276
Labor commissioner	377	151
Public service commission	1,326	690
Aeronautics commission	0	288
Department of financial institutions	0	1,296
Securities department	432	0
Bank of North Dakota	0	8,472
Housing finance agency	0	2,064
North Dakota mill and elevator association	0	6,288
Workforce safety and insurance	0	10,711
Highway patrol	6,241	3,215
Department of corrections and rehabilitation	32,051	1,875
Adjutant general	3,897	7,239
Department of commerce	2,564	940
Agriculture commissioner	1,708	1,508
Seed department	0	1,440
Upper great plains transportation institute	224	1,859
Branch research centers	3,369	1,203
North Dakota state university extension service	7,052	5,325
Northern crops institute	302	236
Main research center	11,415	5,293
Agronomy seed farm	0	144
Racing commission	17	79
Historical society	2,560	320
Council on the arts	240	0
Game and fish department	0	7,440
Parks and recreation department	2,302	122
State water commission	3,663	369
Department of transportation	0	50,520
Total	\$208,298	\$214,113"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1434, as reengrossed: 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). Reengrossed HB 1434 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1435, as reengrossed: 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** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed HB 1435 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "amend and reenact subsection 1 of section 23-07-17.1 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to child immunizations; and to" and after "appropriation" insert "; and to provide for a report to the legislative council"

Page 1, remove lines 4 through 23

Page 2, remove lines 1 through 4

Page 2, line 8, replace "providing vaccines to" with "implementing the provider choice program including the purchase of vaccines for"

Page 2, line 11, remove the second comma

Page 2, line 12, remove "pursuant to section 2 of this Act"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1479, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1479 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1507, as engrossed: 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). Engrossed HB 1507 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new section to chapter 44-04 and"

Page 1, line 2, remove "exempting electronic mail"

Page 1, line 3, remove "addresses and telephone numbers from open records requirements and to"

Page 1, remove lines 7 through 11

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3002: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3002 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3008: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3008 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3031: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3031 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3050: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3050 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3056: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3056 was placed on the Fourteenth order on the calendar.

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

William R. Horton, Secretary

