

## JOURNAL OF THE HOUSE

## Sixtieth Legislative Assembly

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Bismarck, March 12, 2007

The House convened at 1:00 p.m., with Speaker Delzer presiding.

The prayer was offered by Pastor Steve Sathre with Trinity Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Kingsbury, S. Meyer, and Mueller.

A quorum was declared by the Speaker.

**CORRECTION AND REVISION OF THE JOURNAL**

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Forty-fifth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 932, line 23, replace the second "12.1-17-01.1" with "12.1-17-07.1"

**REP. KRETSCHMAR MOVED** that the report be adopted, which motion prevailed.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 9, 2007, I have signed the following: 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, and HB 1514.

**POINT OF PERSONAL PRIVILEGE**

**REP. R. KELSCH:** Mr. Speaker: I rise on a point of personal privilege.

Rep. Todd Porter, and I, a mother of one of the players on the Mandan Braves Girls Baseball Team, are proud to honor the team, the coaches and the Mandan girls' basketball program.

Last year shortly after winning a record breaking fourth straight Class "A" Title and record breaking 7th state title overall, the Mandan Girls started their "Drive for 5". The girls worked hard during the off season, and competed in tournaments in North Dakota, Wisconsin, Montana, South Dakota, and California.

On Saturday, March 10, 2007, the Mandan Braves Girls Basketball Team successfully completed their "Drive for 5", winning their Fifth - Straight North Dakota Class "A" Basketball Championship, and 8th title overall.

This year the Mandan Braves posted a record of 24 wins and 1 loss, and won 23 straight games. Over the Christmas break the Mandan Girls won the Energy Classic Tournament in Gillette, Wyoming, which included top ranked teams from Wyoming, Idaho, Oregon, and Utah.

As a result of this success, the Mandan Girls Basketball Team became the first North Dakota team to be ranked in the Top 25 Teams in the country by Sports Illustrated.

Mandan Coach Greg Amundson, and the Mandan Girls Basketball team have been in 11 out of the last 12 State Championship games, and have won 7 Championships in the last 8 years.

Mandan Senior Jessica Kielpinski, was named North Dakota Miss Basketball, and Jessica, Cassandra Kelsch and Allie Collins were named to the "All-Tournament Team".

Over the last five years the Mandan Braves have a record of 116 wins and 9 losses. District 34, the City of Mandan, and the State of North Dakota are very proud of each of you and your accomplishments. Congratulations to the Mandan Girls Basketball team on achieving your "Drive for 5".

**REQUEST**

**REP. MONSON REQUESTED** that the remarks of Rep. R. Kelsch be printed in the Journal, which request was granted.

**SIXTH ORDER OF BUSINESS**

**SPEAKER DELZER DEEMED** approval of the amendments to Engrossed SB 2047, SB 2062, Engrossed SB 2183, Engrossed SB 2241, Reengrossed SB 2249, Engrossed SB 2264, Engrossed SB 2284, Engrossed SB 2320, SB 2340, and Engrossed SB 2402.

Engrossed SB 2183, Reengrossed SB 2249, and SB 2340, as amended, were rereferred to the **Appropriations Committee**.

Engrossed SB 2047, SB 2062, Engrossed SB 2241, Engrossed SB 2264, Engrossed SB 2284, Engrossed SB 2320, and Engrossed SB 2402, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MOTION**

**REP. MONSON MOVED** that SB 2139, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**MOTION**

**REP. MONSON MOVED** that Engrossed SB 2303, which is on the Fourteenth order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, Engrossed SB 2303 was rereferred.

**MOTION**

**REP. METCALF MOVED** that the House reconsider its action whereby SB 2162 failed to pass, which motion lost on a verification vote.

**SECOND READING OF SENATE BILL**

**SB 2067:** A BILL for an Act to amend and reenact section 26.1-03-11.3 of the North Dakota Century Code, relating to sharing of confidential documents with international insurance regulators.

**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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Kingsbury; Meyer, S.

SB 2067 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2101:** A BILL for an Act to amend and reenact subsections 3 and 5 of section 53-12.1-01, subsection 1 of section 53-12.1-04, sections 53-12.1-08 and 53-12.1-09, subsection 1 of section 53-12.1-11, subsection 1 of section 53-12.1-12, and subsection 2 of section 57-40.3-04 of the North Dakota Century Code, relating to the North Dakota lottery and a motor vehicle excise tax exemption for a motor vehicle to be awarded as a prize by the lottery; to provide a penalty; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 62 YEAS, 28 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Clark; Dahl; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Griffin; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kelsh, S.; Kempenich; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Nelson; Nottestad; Onstad; Owens;

Pietsch; Porter; Schmidt; Schneider; Solberg; Sukut; Svedjan; Thoreson; Uglem; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Zaiser

**NAYS:** Bellew; Belter; Charging; Conrad; Damschen; Froseth; Glassheim; Grande; Gruchalla; Heller; Karls; Kasper; Keiser; Kelsch, R.; Kerzman; Klein; Mueller; Myxter; Pinkerton; Pollert; Potter; Price; Ruby; Thorpe; Vig; Vigesaa; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Carlson; Kingsbury; Meyer, S.; Skarphol

Engrossed SB 2101 passed, the title was agreed to, but the emergency clause lost.

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#### SECOND READING OF SENATE BILL

**SB 2192:** A BILL for an Act to create and enact five new subsections to section 6-01-02 and a new section to chapter 6-08 of the North Dakota Century Code, relating to the legal recognition of electronic records and signatures.

#### 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 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser

**NAYS:** Speaker Delzer

**ABSENT AND NOT VOTING:** Kingsbury; Meyer, S.

SB 2192 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2219:** A BILL for an Act to amend and reenact section 47-04.1-05 of the North Dakota Century Code, relating to descriptions of condominium units in conveyances.

#### 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 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**NAYS:** Kasper

**ABSENT AND NOT VOTING:** Kingsbury; Meyer, S.

SB 2219 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2265:** A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to records of victims of domestic violence; and to amend and reenact subsection 4 of section 28-32-08, subsection 2 of section 28-32-10, subsection 5 of section 28-32-19, section 28-32-33, subsections 2, 6, and 8 of section 44-04-18, subsections 1 and 6 of section 44-04-18.7, subsection 4 of section 44-04-18.10, section 44-04-18.13, subsection 2 of section 44-04-28, and section 57-40.6-07 of the North Dakota Century Code, relating to fees and discovery in adjudicative proceedings, fees for copies, providing copies of records, personal records in criminal files, release of confidential records, lists of minors, release of social security numbers, and release of 911 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 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**NAYS:** Bellew; Drovdal

**ABSENT AND NOT VOTING:** Kingsbury; Meyer, S.

SB 2265 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2295:** A BILL for an Act to amend and reenact subsection 1 of section 6-01-01.1 and sections 6-03-02.2, 6-06-06.1, 6-06-35, and 6-09-36 of the North Dakota Century Code, relating to conversion of a state credit union to a building and loan association and repealed building and loan association law references; to repeal title 7 of the North Dakota Century Code, relating to building and loan associations; to provide for a department of financial study and report to the legislative council; to provide a penalty; 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 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**NAYS:** Owens

**ABSENT AND NOT VOTING:** Kingsbury; Meyer, S.

Engrossed SB 2295 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

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

**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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Kingsbury; Meyer, S.

SB 2343 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2040:** A BILL for an Act to create and enact a new section to chapter 51-15 of the North Dakota Century Code, relating to facilitating and assisting deceptive acts or practices; 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.

**ROLL CALL**

The question being on the final passage of the further amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Kingsbury; Meyer, S.

Engrossed SB 2040, as further amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2196:** A BILL for an Act to create and enact section 44-06-13.2 of the North Dakota Century Code, relating to disciplinary proceedings for a notary public; and to amend and reenact sections 44-06-02, 44-06-12, and 44-06-13.1 of the North Dakota Century Code, relating to notary commissions and to prohibited acts by a notary public.

**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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin;

Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Kingsbury; Meyer, S.

Engrossed SB 2196, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2204:** A BILL for an Act to amend and reenact sections 5-01-08, 5-01-09, 5-02-06, and 14-10-06 of the North Dakota Century Code, relating to immunity from criminal liability for consumption of alcoholic beverages by an individual under twenty-one years of age and mitigating factors for other individuals.

### 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 61 YEAS, 31 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boe; Boehning; Boucher; Carlisle; Charging; Conrad; Dahl; DeKrey; Delmore; Dietrich; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsh, S.; Kerzman; Klein; Klemin; Koppelman; Kretschmar; Kroeber; Martinson; Metcalf; Monson; Mueller; Nelson; Nottestad; Onstad; Owens; Pinkerton; Potter; Price; Schmidt; Schneider; Solberg; Sukut; Svedjan; Thorpe; Uglem; Vig; Wall; Williams; Wolf; Zaiser

**NAYS:** Bellew; Belter; Brandenburg; Carlson; Clark; Damschen; Dosch; Drovdal; Froseth; Grande; Headland; Kasper; Keiser; Kelsch, R.; Kempenich; Kreidt; Meier, L.; Myxter; Pietsch; Pollert; Porter; Ruby; Skarphol; Thoreson; Vigesaa; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Kingsbury; Meyer, S.

SB 2204, as amended, passed and the title was agreed to.

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### MOTION

**REP. MONSON MOVED** that SB 2392, which is on the Fourteenth order, be laid over two legislative days, which motion prevailed.

### SECOND READING OF SENATE BILL

**SB 2153:** A BILL for an Act to create and enact chapter 10-01.1 of the North Dakota Century Code, relating to registered agents; to amend and reenact subsection 1 of section 10-06.1-15, subsection 2 of section 10-06.1-17, subsection 2 of section 10-06.1-18, sections 10-15-12 and 10-15-13, subsection 2 of section 10-15-39, subsection 4 of section 10-15-51, subsection 4 of section 10-15-52.4, sections 10-15-52.6 and 10-15-54, subsection 1 of section 10-19.1-10, sections 10-19.1-15 and 10-19.1-16, subsection 4 of section 10-19.1-103, subsection 5 of section 10-19.1-104.6, subsection 1 of section 10-19.1-118, sections 10-19.1-129 and 10-19.1-135, subsection 2 of section 10-19.1-136, section 10-19.1-138, subsection 1 of section 10-19.1-140, sections 10-19.1-141, 10-19.1-145, 10-19.1-146, and 10-19.1-147, subsection 1 of section 10-32-07, sections 10-32-12 and 10-32-13, subsection 4 of section 10-32-107, subsection 5 of section 10-32-108.6, subsection 1 of section 10-32-122, sections 10-32-132 and 10-32-138, subsection 2 of section 10-32-139, section 10-32-141, subsection 1 of section 10-32-143, sections 10-32-144, 10-32-148, 10-32-149, and 10-32-150, subsection 1 of section 10-33-06, sections 10-33-12 and 10-33-13, subsection 4 of section 10-33-92, subsection 1 of section 10-33-107, sections 10-33-120 and 10-33-128, subsection 2 of section 10-33-129, section 10-33-131, subsection 1 of section 10-33-133, sections 10-33-134, 10-33-138, and 10-33-139, subsection 1 of section 10-33-140, sections 10-34-04, 10-34-06, 10-34-09, 45-10.2-17, and 45-10.2-18, subsection 1 of section 45-10.2-23, section 45-10.2-79, subsection 2 of section 45-10.2-80, sections 45-10.2-82, 45-10.2-87, 45-10.2-107, 45-10.2-108, and

45-10.2-109, subsection 1 of section 45-15-03, sections 45-15-03.1 and 45-15-03.2, subsection 5 of section 45-21-04.2, subsection 2 of section 45-21-06, subsection 3 of section 45-22-03, sections 45-22-11 and 45-22-12, subsection 2 of section 45-22-13, sections 45-22-16, 45-22-17, and 45-22-21.1, subsection 1 of section 45-22-22, section 45-23-08, subsection 8 of section 54-09-04, and section 54-09-07 of the North Dakota Century Code, relating to farm corporations and farm limited liability companies, cooperative associations, business corporations, limited liability companies, nonprofit corporations, real estate investment trusts, limited partnerships, partnerships, limited liability partnerships, limited liability limited partnerships, and the secretary of state; to repeal section 10-15-12.1 of the North Dakota Century Code, relating to cooperative associations; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Kingsbury; Meyer, S.

Engrossed SB 2153 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2171:** A BILL for an Act to amend and reenact subsection 1 of section 26.1-13-12 of the North Dakota Century Code, relating to the location of a county mutual insurance company's principal office.

#### 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 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser

**NAYS:** Speaker Delzer

**ABSENT AND NOT VOTING:** Kingsbury; Meyer, S.

SB 2171 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2182:** A BILL for an Act to create and enact a new section to chapter 6-03 of the North Dakota Century Code, relating to bank operations in the case of an epidemic or other 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Kingsbury; Meyer, S.

SB 2182 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2188:** A BILL for an Act to create and enact a new section to chapter 49-10.1 of the North Dakota Century Code, relating to railroad accident reports; and to provide for a legislative council study of risk assessments and railroad safety.

**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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Froelich; Kingsbury; Meyer, S.; Price

Engrossed SB 2188 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2318:** A BILL for an Act to amend and reenact subsection 2 of section 26.1-36-04 of the North Dakota Century Code, relating to accident and health policy provisions.

**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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Froelich; Kingsbury; Meyer, S.; Pinkerton



SB 2318 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2134:** A BILL for an Act to create and enact chapter 19-03.5 of the North Dakota Century Code, relating to a prescription drug monitoring program for controlled substances; to repeal section 50-06-27 of the North Dakota Century Code, relating to a prescription drug monitoring program; to provide a penalty; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gullerson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Zaiser; Speaker Delzer

**NAYS:** Charging; Dietrich; Dosch; Kasper; Meier, L.; Ruby; Wrangham

**ABSENT AND NOT VOTING:** Kingsbury

Engrossed SB 2134, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

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

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gullerson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**NAYS:** Bellew

**ABSENT AND NOT VOTING:** Kingsbury

Engrossed SB 2135, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2176:** A BILL for an Act to create and enact section 6-03-02.3 of the North Dakota Century Code, relating to parity of state and national bank powers; to amend and reenact sections 6-01-01 and 6-03-38 and subsection 11 of section 6-06-06 of the North Dakota Century Code, relating to the exclusivity of state regulation of financial institutions and credit unions and the uses of bank assets; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulletson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Drovdal; Kingsbury

SB 2176, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2252:** A BILL for an Act to create and enact section 26.1-36-09.12 of the North Dakota Century Code, relating to health insurance coverage for suicide-related medical services.

**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 86 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulletson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Wall; Weiler; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**NAYS:** DeKrey; Keiser; Koppelman; Owens; Vigesaa; Wald; Weisz

**ABSENT AND NOT VOTING:** Kingsbury

Engrossed SB 2252, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2105:** A BILL for an Act to amend and reenact sections 4-30-18, 4-30-20, 4-30-36, 4-30-36.2, 4-30-36.3, and 4-30-36.4 of the North Dakota Century Code, relating to dairy products regulations.

**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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Kingsbury

Engrossed SB 2105 passed and the title was agreed to.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1061, HB 1094, HB 1140, HB 1156, HB 1199, HB 1517.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2038, SB 2044, SB 2048, SB 2052.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1034, HB 1102, HB 1412.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 12, 2007: HB 1034, HB 1102, HB 1412.

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

**MR. SPEAKER:** The President 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: SB 2294.

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

**MR. PRESIDENT:** The House has failed to pass: SB 2191, SB 2215, SB 2245, SB 2292, SB 2324, SB 2384, SB 2417.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2055.

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

**MR. SPEAKER:** The Senate has passed unchanged: HCR 3032.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1010, HB 1157, HB 1304, HB 1312.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1010**

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

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1157**

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

**SENATE AMENDMENTS TO HOUSE BILL NO. 1304**

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

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1312**

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

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2038, SB 2044, SB 2048, SB 2052.

**MOTION**

**REP. MONSON MOVED** that the absent members be excused, which motion prevailed.

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, March 13, 2007, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2023, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2023 was placed on the Sixth order on the calendar.

Page 2, line 19, replace "957,860" with "612,067"

Page 2, line 20, replace "3,850,795" with "3,457,765"

Page 2, line 21, replace "4,808,655" with "4,069,832"

Page 2, line 22, replace "11,823,274" with "11,084,451"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment decreases the deficiency appropriation for the Department of Corrections and Rehabilitation by \$738,823, from \$4,808,655 to \$4,069,832 and the total general fund deficiency fund by \$738,823, from \$11,823,274 to \$11,084,451. The following is a summary of the general fund deficiency appropriations as provided for in Senate Bill No. 2023:

AGENCY	SENATE BILL NO. 2023 AS INTRODUCED (EXECUTIVE BUDGET VERSION)	ENGROSSED SENATE BILL NO. 2023 (SENATE VERSION)	ENGROSSED SENATE BILL NO. 2023 WITH PROPOSED AMENDMENTS
Department of Public Instruction	\$275,000	\$275,000	\$275,000
Attorney General	167,170	167,170	167,170
Adjutant General	4,300,000	4,100,000	4,100,000
Department of Agriculture	114,000	58,130	58,130
University of North Dakota	560,476	2,069,727	2,069,727
North Dakota State University	289,092	289,092	289,092
Forest Service	55,500	55,500	55,500
Department of Corrections and Rehabilitation	4,808,655	4,808,655	4,069,832
Total	\$10,569,893	\$11,823,274	\$11,084,451

**REPORT OF STANDING COMMITTEE**

**SB 2036, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2036 was placed on the Sixth order on the calendar.

Page 2, line 28, replace "under which at least a majority of the employees" with an underscored period

Page 2, remove line 29

Page 3, remove lines 20 through 23

Page 3, line 24, replace "4." with "3."

Page 3, line 27, replace "5." with "4."

Page 4, line 1, replace "6." with "5."

Page 4, line 5, replace "7." with "6."

Page 4, line 17, replace "8." with "7."

Page 5, line 27, remove "audited and" and replace "an independent" with "a"

Page 8, replace lines 21 through 30 with:

"b. (1) A statement that provides that:

- (a) The professional employer organization shall pay wages to any covered employee and shall withhold, collect, report, and remit payroll-related and unemployment taxes on wages paid to the covered employee by the professional employer organization;
  - (b) The client shall accurately report all wages of a covered employee to the professional employer organization; and
  - (c) The professional employer organization shall make payments for employee benefits for covered employees to the extent the professional employer organization has assumed responsibility in the professional employer agreement.
- (2) As used in this subdivision, the term "wages" means all remuneration for services to the professional employer organization and the client, regardless of source, including a commission or bonus and the cash value of any remuneration in a medium other than cash. Any gratuity customarily received by an individual in the course of the individual's service from any source other than the client or the professional employer organization must be treated as wages received from the individual's coemployers."

Page 9, remove lines 1 and 2

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2046: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2046 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "and" and after "appropriation" insert "; and to provide an expiration date"

Page 3, line 18, replace "five" with "three"

Page 3, line 20, replace "five" with "three"

Page 5, line 24, after "member" insert "or a tier two member"

Page 5, line 27, remove "When a tier two member has paid"

Page 5, remove lines 28 through 30

Page 7, line 24, replace "to the fund sixteen and five-tenths percent per annum of the salary of the" with "the employer contributions required by section 15-39.1-09 on the salary of the retired member both before and after the retired member reaches the annual hour limit."

Page 7, remove lines 25 through 28

Page 8, line 30, replace "to the fund sixteen and five-tenths percent per annum of the salary of the" with "the employer contributions required by section 15-39.1-09 on the salary of the retired member."

Page 8, remove line 31

Page 10, line 4, replace "five" with "three"

Page 10, after line 10, insert:

**"SECTION 16. EXPIRATION DATE.** Section 3 of this Act is effective until the ratio of the actuarial value of assets to the actuarial accrued liability of the teachers' fund for retirement increases to ninety-five percent based upon the actuarial value of assets. The board of trustees of the teachers' fund for retirement shall notify the legislative council of the expiration date of section 3 of this Act."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2049: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2049 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2053, as engrossed: Political Subdivisions Committee (Rep. Herbel, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2053 was placed on the Sixth order on the calendar.

Page 2, after line 31, insert:

"6. A state agency receiving federal tax information under section 6103 of the Internal Revenue Code, as amended [26 U.S.C. 6103], in conjunction with the state auditor, may enter a contract with the vendor selected by the state auditor under subdivision c of subsection 1 to conduct a review and assessment of the state agency's computer systems and related security systems, including an assessment of system vulnerability, network penetration, potential security breach, and susceptibility to cyber attack or cyber fraud."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2096, as engrossed: Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2096 was placed on the Sixth order on the calendar.

Page 1, line 11, after "lands" insert "as defined by section 61-33-01"

Page 1, line 18, remove the overstrike over "~~by a court~~"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2113: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2113 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2118: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2118 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2128, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2128 was placed on the Sixth order on the calendar.

Page 2, line 27, after "any" insert "variety"

Page 2, line 28, after the first "the" insert "variety"

Page 5, line 28, replace "that" with "whether"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2180, as engrossed: Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2180 was placed on the Sixth order on the calendar.

Page 1, line 13, replace the underscored colon with "agriculture producers must hold at least ten percent of the ownership interest in the facility or at least fifty percent of the ownership interest of the facility must be owned by residents of this state."

Page 1, remove lines 14 and 15

Page 1, line 16, after the underscored period insert ""Biodiesel pump" means retail or wholesale infrastructure designed to dispense and distribute biodiesel fuel.  
3."

Page 1, line 18, remove ", to grain handling facilities."

Page 2, line 1, overstrike "3." and insert immediately thereafter "4."

Page 2, line 3, after the overstruck period insert ""E-85 pump" means retail or wholesale infrastructure designed to dispense gasoline blends with greater than sixty percent ethanol.  
5."

Page 2, line 7, replace the underscored colon with "agriculture producers must hold at least ten percent of the ownership interest in the facility or at least fifty percent of the ownership interest of the facility must be owned by residents of this state."

Page 2, remove lines 8 through 11

Page 2, line 12, replace "5." with "6."

Page 3, line 7, remove "The total amount from the"

Page 3, remove line 8

Page 3, line 9, remove "thousand dollars" and overstrike the period

Page 3, line 14, remove "to a grain handling facility."

Page 3, line 15, remove "or" and after "operation" insert ", or for the installation of E-85 or biodiesel pumps"

Page 3, line 22, remove ", the grain handling facility."

Page 4, line 15, remove "The maximum amount"

Page 4, remove lines 16 and 17

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2247, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2247 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 60-02.1 and a new section to chapter 60-10 of the North Dakota Century Code, relating to licensure and bonding exemptions for roving grain buyers; and to provide an expiration date.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new section to chapter 60-02.1 of the North Dakota Century Code is created and enacted as follows:

**Roving grain buyers - Exception - Applicability of provisions.**  
Notwithstanding any other law, this chapter does not apply to any person that purchases, solicits, or merchandises grain, which has been cleaned, processed, and made ready for consumption, from a public warehouseman licensed and bonded under chapter 60-02 or from a facility-based grain buyer licensed and bonded under this



chapter. If the person engages in any activity other than those described in this section, the person is subject to the law governing those other activities.

**SECTION 2.** A new section to chapter 60-10 of the North Dakota Century Code is created and enacted as follows:

**Roving grain buyers - Exception - Applicability of provisions.**  
Notwithstanding any other law, this chapter does not apply to any person that purchases, solicits, or merchandises grain, which has been cleaned, processed, and made ready for consumption, from a public warehouseman licensed and bonded under chapter 60-02 or from a facility-based grain buyer licensed and bonded under chapter 60-02.1. If the person engages in any activity other than those described in this section, the person is subject to the law governing those other activities.

**SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2009, and after that date is ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2248, as engrossed and amended: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2248, as amended, was placed on the Sixth order on the calendar.

In addition to the amendments adopted by the House as printed on page 848 of the House Journal, Engrossed House Bill No. 2248 is further amended as follows:

Page 1, line 7, remove the underscore under the boldfaced period and insert immediately thereafter:

"1."

Page 1, line 9, overstrike "1." and insert immediately thereafter "a."

Page 1, line 16, overstrike "2." and insert immediately thereafter "b."

Page 1, line 21, overstrike "3." and insert immediately thereafter "2."

Page 2, after line 8, insert:

"3. The attorney general may issue an administrative subpoena compelling an internet service provider or cellular phone company to provide subscriber information to a law enforcement agency investigating a possible violation of this section."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2251: Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2251 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "two licenses" with "one license"

Page 1, line 18, replace "game and" with "national wild turkey federation superfund"

Page 1, line 19, remove "fish fund"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2259, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (22 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2259 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2277, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

**PASS** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2277 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "before the"

Page 1, line 9, overstrike "officer proceeds to sell the" and remove "property"

Page 1, line 10, after "~~such~~" insert "the"

Page 1, line 11, overstrike the first comma, replace "a" with "the county's official", remove "of general circulation", and overstrike "in the county"

Page 1, line 12, remove "as" and overstrike "designated by the judgment creditor or the judgment creditor's"

Page 1, line 13, overstrike "attorney, or," and overstrike "by posting advertisements in five public"

Page 1, line 14, overstrike "places in the county"

Page 1, line 20, overstrike "or posting"

Page 2, line 12, overstrike "a" and insert immediately thereafter "the county's official" and remove "of"

Page 2, line 13, remove "general circulation" and overstrike "in the county"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2285, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2285 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2288, as engrossed: Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2288 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to provide for a biomass energy center;"; replace the second "a" with "three", and replace "chapter" with "sections"

Page 1, line 2, replace "title 54" with "chapter 54-60", replace "an" with "renewable", remove "independence research", and after "council" insert "grants"

Page 1, line 3, after the first "and" insert "the renewable energy", replace "sections" with "section", and remove "and 39-04-39"

Page 1, line 4, remove "and distribution of"

Page 1, line 5, remove "motor vehicle registration fees"

Page 1, line 12, after "4-14.1-08" insert "and may not distribute any payment that would create a negative ethanol production incentive fund balance. If the incentive fund balance is insufficient to pay all valid incentive requests received in any quarter, the funds available must be paid out on a pro rata basis and obligations may not be carried forward"

Page 1, remove lines 17 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 30

Page 6, replace lines 1 through 14 with:

"**SECTION 2.** A new section to chapter 54-60 of the North Dakota Century Code is created and enacted as follows:

**Renewable energy council.** The renewable energy council consists of a representative of the agriculture community appointed by the governor, a member from the biodiesel industry appointed by the governor, a member from the biomass industry appointed by the governor, a member from the wind industry appointed by the governor, a member from the ethanol industry appointed by the governor, and the commissioner of commerce who shall serve as chairman of the renewable energy council. Members of the renewable energy council shall represent the same interest on the energy policy commission.

**SECTION 3.** A new section to chapter 54-60 of the North Dakota Century Code is created and enacted as follows:

**Renewable energy council - Grants.** The renewable energy council shall recommend to the department of commerce the approval of grants, loans, or other financial assistance necessary or appropriate for funding, research, and development. Grants made pursuant to this section must be matched on a dollar-for-dollar basis by the entity receiving the grant.

**SECTION 4.** A new section to chapter 54-60 of the North Dakota Century Code is created and enacted as follows:"

Page 6, line 15, replace "**Energy independence**" with "**Renewable energy**" and after "The" insert "renewable"

Page 6, line 16, remove "independence" and after the second "the" insert "renewable"

Page 6, line 17, remove "independence" and replace "industrial commission" with "department of commerce"

Page 6, line 18, replace "this chapter" with "sections 2 and 3 of this Act"

Page 6, line 23, after the comma insert "and any gifts, grants, or federal funds received," replace "industrial commission" with "renewable energy development fund", and after the third "the" insert "renewable"

Page 6, line 24, remove "independence" and replace "section 7" with "sections 2 and 3"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2300, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2300 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2312: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (18 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). SB 2312 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2314: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2314 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2323: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). SB 2323 was placed on the Sixth order on the calendar.

Page 1, line 6, overstrike "**(Effective through June 30, 2007)**"

Page 1, line 16, overstrike "fifty dollars for each registered"

Page 1, line 17, overstrike "product to the general fund in the state treasury and the remainder of"

Page 2, overstrike line 15

Page 2, line 16, remove "1." and overstrike "Any person before selling or offering for sale any pesticide for use within this state"

Page 2, overstrike lines 17 and 18

Page 2, line 19, remove "a." and overstrike "Give the name and address of each manufacturer or distributor."

Page 2, line 20, remove "b." and overstrike "Give the name and brand of each product to be registered."

Page 2, line 21, remove "c." and overstrike "Be accompanied by a current label of each product to be registered."

Page 2, line 22, remove "d." and overstrike "Be accompanied by a registration fee of three hundred dollars for each"

Page 2, line 23, overstrike "product to be registered."

Page 2, line 29, remove "e." and overstrike "Be accompanied by a material safety data sheet for each product to be"

Page 2, line 30, overstrike "registered."

Page 3, line 1, remove "2." and overstrike "The commissioner may require an applicant or registrant to provide efficacy,"

Page 3, overstrike lines 2 through 4

Page 3, line 5, remove "3." and overstrike "If the commissioner finds that the application conforms to law, the commissioner"

Page 3, overstrike line 6

Page 3, line 7, remove "4." and overstrike "Each registration covers a designated two-year period beginning January first of"

Page 3, overstrike lines 8 through 15

Page 3, remove lines 16 through 18

Page 3, line 19, remove "6." and overstrike "This section does not apply to a pesticide sold by a retail dealer if the registration"

Page 3, overstrike lines 20 and 21

Page 3, line 24, replace "\$325,000" with "\$50,000"

Page 3, line 25, after "of" insert "funding two full-time equivalent employees and operating expenses for"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2329: Transportation Committee (Rep. Weisz, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2329 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "eight hours of"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2333, as reengrossed: Political Subdivisions Committee (Rep. Herbel, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2333 was placed on the Sixth order on the calendar.

Page 1, line 19, remove "and"

Page 1, line 21, replace the underscored period with ";

- (4) Establish home value maximums that may not be exceeded for a new construction project to be eligible under this program;  
and
- (5) Establish the minimum and maximum size of the gap between the cost of construction and the appraised value of the new construction, within which the new construction project must fall to be eligible under this program."

Page 2, line 10, replace "\$2,215,000" with "\$500,000"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2358, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2358 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2371, as reengrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2371 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-23 of the North Dakota Century Code, relating to violations of the home education chapter; to amend and reenact sections 15.1-23-03, 15.1-23-05, 15.1-23-06, 15.1-23-09, 15.1-23-10, 15.1-23-11, 15.1-23-12, and 15.1-23-13 of the North Dakota Century Code, relating to the provision of home education; and to provide a penalty.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 15.1-23-03 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-03. Home education - Parental qualifications.** A parent may supervise home education if the parent:

1. Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
2. Holds a baccalaureate degree;
3. Has met or exceeded the ~~cutoff state's qualifying score of a national teacher examination given in this state or in any other state if this state does not offer such a~~ on the preprofessional skills test; or
4. Meets the requirements of section 15.1-23-06.

**SECTION 2. AMENDMENT.** Section 15.1-23-05 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-05. Home education - Academic records.** A parent supervising home education shall maintain an annual record of courses taken by the child and the child's academic progress assessments, including the results of any standardized achievement test ~~results or state assessment~~. If the child transfers to a public school

district, the parent shall furnish the record, upon request, to the school district superintendent or other administrator.

**SECTION 3. AMENDMENT.** Section 15.1-23-06 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-06. Home education - Required monitoring of progress.** A parent who has a high school diploma or a general education development certificate may supervise home education but must be monitored in accordance with section 15.1-23-07 for the first two years. If a child receiving home education obtains either a below grade level proficiency score in any subject tested on the state assessment or a basic composite standardized achievement test score below the fiftieth percentile nationally, in any subject tested on an alternative assessment specified in section 15.1-23-09, the parent must be monitored for at least one additional school year and until the child receives a test score at or above the fiftieth percentile on an alternative assessment allowed under section 15.1-23-09. If testing is not required by section 15.1-23-07 during the first two years of monitoring, the period of monitoring may not be extended, except upon the mutual consent of the parent and the monitor or as provided for in section 9 of this Act. If a parent completes the monitoring requirements of this section for one child, the parent may not be monitored with respect to other children for whom the parent supervises home education, except as provided for in section 9 of this Act.

**SECTION 4. AMENDMENT.** Section 15.1-23-09 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-09. Home education - ~~Standardized achievement test~~ Required tests.**

1. While in grades ~~three, four, six, eight, and ten eleven~~, each child receiving home education shall ~~take a standardized achievement test used by the school district in which the child resides or, if requested by the parent, shall:~~
  - a. Take the state assessment, as provided in section 15.1-21-08; or
  - b. At the option of the child's parent, take a nationally normed standardized achievement test.
2. The child shall take the state assessment or the achievement test in the child's learning environment or, if requested by the child's parent, in a public school. An individual licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board shall administer the test.

**SECTION 5. AMENDMENT.** Section 15.1-23-10 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-10. Home education - ~~Standardized achievement test~~ Required tests - Cost.**

1. If a child receiving home education takes the ~~standardized achievement test used by the school district in which the child resides~~ state assessment, the child's school district of residence is responsible for the cost of the ~~test assessment~~ and for the cost of administering the ~~test assessment~~. The school district shall ensure that the test assessment is administered by an individual who is employed by the district and who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board.
2.
  - a. If the child takes a nationally normed standardized achievement test ~~not used by the school district in which the child resides~~, the child's parent is responsible for the cost of the test:
  - b. ~~The and the cost of administering a the test under this subsection is the responsibility of the child's parent if the test is administered by an individual who is selected by the parent. An individual selected by the child's parent to administer a test under this subsection. The test administrator selected by the child's parent must be licensed to teach~~

by the education standards and practices board or approved to teach by the education standards and practices board.

- e. ~~b.~~ ~~The cost of administering a test under this subsection is the responsibility of the school district if, at the request of the child's parent, the school district administers the test. The school district shall ensure that the test is administered by an individual who is employed by the district and who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board.~~ child's parent is also responsible for the cost of having the test graded by the testing company.

**SECTION 6. AMENDMENT.** Section 15.1-23-11 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-11. Home education - State assessment - Standardized achievement test - Results.**

1. A parent supervising the child's home education shall file the results of the child's state assessment or standardized achievement test with the superintendent of the district in which the child resides or with the county superintendent if the district does not employ a superintendent.
2. ~~If the child's basic composite score on a standardized achievement test is less than the thirtieth percentile nationally~~ a child receiving home education obtains either a score in the lowest achievement level of the state assessment or a score below the thirtieth percentile on a nationally normed standardized achievement test, as specified in section 15.1-23-09, a multidisciplinary assessment team shall assess the child for a potential learning problem under rules adopted by the superintendent of public instruction.
3. If the multidisciplinary assessment team determines that the child is not disabled and the child's parent wishes to continue home education, the parent, with the advice and consent of an individual who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board, shall prepare a remediation plan to address the child's academic deficiencies and file the plan with the superintendent of the school district or with the county superintendent if the district does not employ a superintendent. The parent is responsible for any costs associated with the development of the remediation plan. If the parent fails to file a remediation plan, the parent is deemed to be in violation of compulsory school attendance provisions and may no longer supervise the home education of the child.

**SECTION 7. AMENDMENT.** Section 15.1-23-12 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-12. Home education - Remediation plan.** The superintendent of the school district shall use the remediation plan required by section 15.1-23-11 as the basis for determining reasonable academic progress. The remediation plan must remain in effect until such time as the child achieves ~~on a standardized achievement test a basic composite~~ a score above the lowest achievement level on every subject tested on the state assessment, a score at or above the thirtieth percentile on every subject tested on a nationally normed standardized achievement test, as specified in section 15.1-23-09, or a score, which when compared to the previous year's test score, demonstrates one year of academic progress. At the option of the parent, the test may be one required by section 15.1-23-09 or one administered in a higher grade level. The child's parent, with the advice and consent of an individual who is licensed to teach by the education standards and practices board or who is approved to teach by the education standards and practices board, may amend the remediation plan from time to time in order to accommodate the child's academic needs. If after a remediation plan is no longer in effect the child fails to demonstrate reasonable academic progress on a subsequent test required by this section, a remediation plan must again be developed and implemented.

**SECTION 8. AMENDMENT.** Section 15.1-23-13 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-13. Home education - Disabilities - Services plan.**

1. a. If a multidisciplinary assessment team, using eligibility criteria established by the superintendent of public instruction, determines that the child is disabled, that the child requires specially designed instruction due to the disability, and that this instruction cannot be provided without special education and related services, the parent may continue to supervise the child's home education, provided that:
  - (1) The parent files with the school district superintendent a services plan that was developed privately or through the school district; and
  - (2) The services plan demonstrates that the child's special needs are being addressed by persons qualified to provide special education or related services.
- b. If the multidisciplinary team determines that the child has a developmental disability, the parent may continue to supervise home education under the provisions of sections 15.1-23-14 and 15.1-23-15.
2. Annually, the superintendent of the child's school district of residence shall determine reasonable academic progress based on the child's services plan.
3. If a parent fails to file a services plan as required by this section, the parent is deemed to be in violation of the compulsory school attendance provisions and may no longer supervise the home education of the child.
4. A child who was once evaluated by a multidisciplinary assessment team need not be reevaluated for a potential learning problem ~~upon scoring below the thirtieth percentile on a subsequent standardized achievement test~~ unless the reevaluation is performed pursuant to the child's services plan.

**SECTION 9.** A new section to chapter 15.1-23 of the North Dakota Century Code is created and enacted as follows:

**Violation of chapter - Penalty.** If the superintendent of public instruction determines, after a hearing as provided for in chapter 28-32, that a child's parent has violated a provision of this chapter, unless otherwise provided, the superintendent shall direct the child's school district of residence to monitor the parent for a period of one year. If the parent is already being monitored under section 15.1-23-06, the superintendent shall direct the child's school district of residence to extend the monitoring of the parent for a period of one additional year. The child's parent is responsible for the cost of any monitoring required by this section."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2404, as reengrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2404 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4001: Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4001 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "nation's outer" with "entire nation"

Page 1, line 2, remove "continental shelf" and remove "in an environmentally responsible manner"

Page 1, after line 2, insert:

**"WHEREAS**, the oil and gas industry has demonstrated that onshore and offshore oil and natural gas resources can be developed in an environmentally responsible manner; and"



Page 2, after line 30, insert:

"**WHEREAS**, the Arctic National Wildlife Refuge has shown great potential for oil and natural gas production; and"

Page 3, line 2, after "coasts" insert "and in the Arctic National Wildlife Refuge"

Page 3, line 8, replace "nation's outer continental shelf" with "entire nation" and remove "in"

Page 3, line 9, remove "an environmentally responsible manner"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4016: Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4016 was placed on the Sixth order on the calendar.

Page 1, after line 15, insert:

"**WHEREAS**, the accumulation of sediment in the reservoirs has contributed to the occurrence and spread of noxious weeds; and"

Renumber accordingly

The House stood adjourned pursuant to Representative Monson's motion.

**Buell J. Reich, Chief Clerk**

