

JOURNAL OF THE HOUSE

Sixtieth Legislative Assembly

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Bismarck, March 15, 2007

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

The prayer was offered by Pastor Jerry Drebelbis with Grace Evangelical Free Church, Beulah.

The roll was called and all members were present.

A quorum was declared by the Speaker.

POINT OF PERSONAL PRIVILEGE

REP. BRANDENBURG: Mr. Speaker: I rise on a point of personal privilege.

Rep. Kretschmar and I would like to praise the efforts of several state champion athletic teams. Generally we do this immediately after the championship event. However, we are almost a month behind in presenting to you our congratulations for a truly remarkable championship team. We delayed this announcement until today so that the team could be with us in the chamber.

The junior and senior classes from Napoleon High School are visiting the Capitol today, and among their members is the 2007 Napoleon Imperial State Championship Wrestling Team.

State Championship wrestling squads are nothing new for the Imperials and Coach Barry McCleary. In fact, this most recent 2007 championship makes it six state championships in a row. Six consecutive dual titles - now that is something that has never been done before by any Class B school. What makes it even more unique is that in this age of sport team consolidations, the Napoleon Imperial wrestlers are still a stand-alone team with about 75 students in the high school.

The Imperials posted an impressive 219 points for the first place victory. From 160 lbs. to 215 lbs. the Imperials swept the board, bringing home a record 6 individual state titles to match their 6th consecutive sweep of the tournament. The individual state title winners are, at 160 lbs. Jordan Dewald with 180 career wins and a Class B Mr. Wrestler candidate, who picked up his third straight state championship. Shannon Fettig finished the season with a 41-0 record as he picked up his second state championship. Taylor Grunfelder picked up the state title at 189 lbs. with a 42-1 season record. Kriss McCleary at 215 lbs. picked up his third straight state title with a 42-0 record. Other state title winners were Kevin Blitz at 125 lbs. and sophomore Evan Gross at 135 lbs.

Coach McCleary and his assistants, Norman Kleppe and Jeff Schneider are to be commended for their dedication to the students of Napoleon. They have helped build pride, strength, courage, and a sense of community and citizenship into their charges. They have created championships both on and off the mat.

Also, the community of Napoleon has another state championship to be proud of. These same players have won the 9-man football championship last fall, winning 12-0 under the guidance of Coach Dave Labor.

Finally, the school has excelled in academics as well. The Napoleon State Parliamentary Procedure Team, guided by Coach Brian Schneider, has won the state championship and finished 5th in the nation in Indianapolis, Indiana.

Congratulations to the wrestlers, football team, coaches, parents and fans of the 6-time Napoleon Imperial Wrestling Team, the football team, and the State Parliamentary Procedure Team. May you continue to do your best. Best wishes to you from the North Dakota House.

MOTION

REP. MONSON MOVED that the remarks of Rep. Brandenburg be printed in the Journal, which motion prevailed.

MOTION

REP. MONSON MOVED that SB 2276, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

MOTION

REP. MONSON MOVED that SB 2404 be moved to the bottom of the calendar, which motion prevailed.

SIXTH ORDER OF BUSINESS

SPEAKER DELZER DEEMED approval of the amendments to Engrossed SB 2037, Reengrossed SB 2070, Engrossed SB 2129, Engrossed SB 2152, Engrossed SB 2154, Reengrossed SB 2205, Engrossed SB 2222, Engrossed SB 2224, Engrossed SB 2313, SB 2319, Reengrossed SB 2363, and Engrossed SB 2401.

Reengrossed SB 2070, Engrossed SB 2129, Engrossed SB 2152, Reengrossed SB 2205, Engrossed SB 2313, and Engrossed SB 2401, as amended, were rereferred to the **Appropriations Committee**.

Engrossed SB 2037, Engrossed SB 2154, Engrossed SB 2222, Engrossed SB 2224, SB 2319, and Reengrossed SB 2363, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PRICE MOVED that the House do concur in the Senate amendments to Engrossed HB 1118 as printed on HJ page 800, which motion prevailed on a voice vote.

Engrossed HB 1118, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1118: A BILL for an Act to amend and reenact sections 43-12.1-08, 43-12.1-09, and 43-12.1-10 of the North Dakota Century Code, relating to the issuance of limited licenses and registrations by the board of nursing and the requirements of nurse applicants for license by endorsement; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; 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; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Wald

Reengrossed HB 1118 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PRICE MOVED that the House do concur in the Senate amendments to HB 1179 as printed on HJ page 800, which motion prevailed on a voice vote.

HB 1179, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1179: A BILL for an Act to amend and reenact subsection 1 of section 23-35-04 and section 54-52.1-03.1 of the North Dakota Century Code, relating to the formation of health districts and to participation in the uniform group insurance program.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; 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; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Wald

Engrossed HB 1179 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2314: A BILL for an Act to amend and reenact sections 39-04.2-03 and 39-04.2-04 of the North Dakota Century Code, relating to motor vehicle registration fees and funding of public transportation; and to provide notice of fee increases.

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 35 YEAS, 58 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Gruchalla; Gulleson; Hanson; Hawken; Hunsakor; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Myxter; Nelson; Onstad; Owens; Pinkerton; Potter; Schmidt; Schneider; Solberg; Williams; Wolf; Zaiser

NAYS: Bellew; Belter; Berg; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Dahl; Damschen; DeKrey; Dietrich; Dosch; Drovdal; Froseth; Grande; Griffin; Haas; Hatlestad; Headland; Heller; Herbel; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Monson; Nottestad; Pietsch; Pollert; Porter; Price; Ruby; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Wald

SB 2314 lost.

SECOND READING OF SENATE BILL

SB 2358: A BILL for an Act to amend and reenact section 23-07.7-01 of the North Dakota Century Code, relating to court-ordered testing of a sexual offender for human immunodeficiency virus; 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 92 YEAS, 1 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; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

NAYS: Monson

ABSENT AND NOT VOTING: Wald

Engrossed SB 2358 passed, the title was agreed to, and the emergency clause was declared carried.

REQUEST

REP. MONSON REQUESTED that the record show he intended to vote YEA on SB 2358, which request was granted.

SECOND READING OF SENATE BILL

SB 2049: A BILL for an Act to amend and reenact section 21-10-05 of the North Dakota Century Code, relating to the power of the investment director to sign and execute contracts and agreements relating to funds under the management of the state investment board.

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, 0 NAYS, 0 EXCUSED, 3 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; Kingsbury; 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; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Skarphol; Wald; Wrangham

SB 2049 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2137: A BILL for an Act to amend and reenact sections 37-17.1-02, 37-17.1-02.1, and 37-17.1-04, subsections 3 and 6 of section 37-17.1-06, subsections 3 and 4 of section 37-17.1-07, subsections 1 and 2 of section 37-17.1-07.1, subsection 3 of section 37-17.1-11, subsection 1 of section 37-17.1-12, section 37-17.1-13, subsections 2 and 4 of section 37-17.1-14.2, sections 37-17.1-19, 37-17.1-20, 37-17.1-21, and 37-17.1-24, subsections 1 and 3 of section 37-17.1-25, and section 57-15-28 of the North Dakota Century Code, relating to the department of emergency services and the North Dakota Disaster Act of 1985.

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 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; Kingsbury; 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; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Wald

Engrossed SB 2137, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2273: A BILL for an Act to amend and reenact sections 23-11-11, 23-11-20, and 23-11-21 and subsection 3 of section 23-11-24 of the North Dakota Century Code, relating to housing authorities.

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 78 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Carlisle; Dosch; Heller; Kasper; Kreidt; Owens; Porter; Ruby; Skarphol; Thoreson; Vigesaa; Weiler; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Wald

Engrossed SB 2273 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2333: A BILL for an Act to create and enact a new subsection to section 54-17-07.3 of the North Dakota Century Code, relating to a housing finance agency program to bridge the financing gap of new residential construction in rural communities; to provide for a report to the legislative council; to provide an appropriation; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 35 YEAS, 58 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Gulleson; Hanson; Hunskor; Johnson, N.; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Onstad; Pinkerton; Potter; Schmidt; Schneider; Solberg; Thorpe; Vig; Williams; Wolf; Zaiser

NAYS: Bellew; Belter; Berg; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Dahl; Damschen; DeKrey; Dietrich; Dosch; Drovdal; Froseth; Grande; Haas; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Nelson; Nottestad; Owens; Pietsch; Pollert; Porter; Price; Ruby; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Wald

Reengrossed SB 2333, as amended, lost.

SECOND READING OF SENATE BILL

SB 2029: A BILL for an Act to create and enact a new chapter to title 12 of the North Dakota Century Code, relating to electronic home detention and global positioning system monitoring for certain offenders; and to amend and reenact subdivision b of subsection 3 of section 12.1-08-06 of the North Dakota Century Code, relating to the definition of official detention.

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 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; Kingsbury; 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; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Wald

Engrossed SB 2029, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2350: A BILL for an Act to create and enact a new chapter to title 41 of the North Dakota Century Code, relating to filing fraudulent and harassing financing statement records; 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 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; 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; Kingsbury; 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; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Ekstrom; Froelich; Wald

Engrossed SB 2350 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2357: A BILL for an Act to amend and reenact section 12-44.1-09 of the North Dakota Century Code, relating to the housing of inmates.

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; Kingsbury; 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; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham;
Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Wald

Engrossed SB 2357 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2262: A BILL for an Act to amend and reenact section 12.1-06-05 of the North Dakota Century Code, relating to the renunciation of criminal intent; 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; 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; Kingsbury; 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; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Boucher; Wald

Engrossed SB 2262, as further amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2255: A BILL for an Act to create and enact chapter 51-34 of the North Dakota Century Code, relating to the unauthorized or fraudulent procurement, sale, or receipt of telephone records; to provide a penalty; to provide an effective date; 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; 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; Kingsbury; 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; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Carlson; Wald

Engrossed SB 2255, as further amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2392: A BILL for an Act to amend and reenact subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to the imposition of fees by cities for certain vehicle and traffic violations; 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 64 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boehning; Boucher; Carlisle; Dahl; Damschen; DeKrey; Dosch; Drovdal; Froelich; Froseth; Griffin; Gulleason; Haas; Hanson; Hatlestad; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Ruby; Schmidt; Skarphol; Solberg; Sukut; Thorpe; Uglem; Vig; Vigesaa; Weiler; Weisz; Wrangham; Zaiser

NAYS: Bellew; Belter; Berg; Brandenburg; Carlson; Charging; Clark; Conrad; Delmore; Dietrich; Ekstrom; Glassheim; Grande; Gruchalla; Hawken; Keiser; Kelsh, S.; Kempenich; Myxter; Nottestad; Pinkerton; Schneider; Svedjan; Thoreson; Wall; Wieland; Williams; Wolf; Speaker Delzer

ABSENT AND NOT VOTING: Wald

Engrossed SB 2392, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. MONSON MOVED that SB 2186, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2212: A BILL for an Act to amend and reenact sections 23-06.5-10 and 23-06.5-17 of the North Dakota Century Code, relating to health care directives.

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, 3 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; Gulleason; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; 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; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

NAYS: Kasper; Koppelman; Ruby

ABSENT AND NOT VOTING: Wald

SB 2212 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2221: A BILL for an Act to create and enact a new section to chapter 28-20 of the North Dakota Century Code, relating to the effect of bankruptcy on a judgment lien; to amend and reenact section 47-18-18 of the North Dakota Century Code, relating to declaration of a homestead; and to repeal sections 28-20-30, 28-20-31, and 28-20-32 of the North Dakota Century Code, relating to cancellation of judgment against bankrupts, service in bankruptcy proceedings, and affidavits in bankruptcy proceedings.

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; 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; Kingsbury; 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; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Griffin; Wald

Engrossed SB 2221 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2303: A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to creation of a health information technology steering committee.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 88 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Delmore; Glassheim; Potter; Zaiser

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; 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; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Mueller; Wald

Engrossed SB 2303, as amended, lost.

SECOND READING OF SENATE BILL

SB 2307: A BILL for an Act to create and enact sections 28-21-03.1 and 28-21-04.2 of the North Dakota Century Code, relating to general and summary execution of judgment; and to amend and reenact sections 28-21-01, 28-21-03, 28-21-04, 28-21-04.1, 28-21-05, 28-21-05.1, 28-21-06, 28-21-07, 28-21-08, 28-21-09, 28-21-10, 28-21-13, 28-21-17, 28-21-18, and 28-23-11 of the North Dakota Century Code, relating to execution of judgment.

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 18 YEAS, 75 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berg; Clark; Dahl; DeKrey; Hatlestad; Heller; Herbel; Keiser; Kingsbury; Klein; Klemin; Kretschmar; Myxter; Pietsch; Price; Skarphol; Sukut; Wall

NAYS: Aarsvold; Amerman; Bellew; Belter; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Conrad; Damschen; Delmore; Dietrich; Dosch; Drovdal; Ekstrom;

Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Guleson; Haas; Hanson; Hawken; Headland; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Koppelman; Kreidt; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Nelson; Nottestad; Onstad; Owens; Pinkerton; Pollert; Porter; Potter; Ruby; Schmidt; Schneider; Solberg; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Mueller

Engrossed SB 2307 lost.

SECOND READING OF SENATE BILL

SB 2308: A BILL for an Act to amend and reenact sections 23-06.5-03 and 23-06.5-05.1 of the North Dakota Century Code, relating to provisions of a health care directive.

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 88 YEAS, 4 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; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Zaiser; Speaker Delzer

NAYS: Karls; Kasper; Wald; Wrangham

ABSENT AND NOT VOTING: Drovdal; Mueller

Engrossed SB 2308 passed and the title was agreed to.

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

MR. SPEAKER: The President has signed: SB 2153.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1055, HB 1059, HB 1063, HB 1082, HB 1181, HB 1231, HB 1355, HB 1369, HB 1386, HB 1393, HB 1414, HB 1506.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2056, SB 2113, SB 2118, SB 2123, SB 2139, SB 2228, SB 2259, SB 2287, SB 2296, SB 2364, SB 2388.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2300.

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

MR. PRESIDENT: The House has passed unchanged: SB 2285, SB 2312.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2036, SB 2053, SB 2096, SB 2128, SB 2247, SB 2251, SB 2277, SB 2329.

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 2248.

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

MR. SPEAKER: The Senate has amended and subsequently failed: HB 1371.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has failed to pass: HB 1431, HB 1458, HB 1486.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HB 1072, HB 1081, HB 1101, HB 1158, HB 1324, HB 1346, HB 1357, HB 1358, HB 1378, HB 1396.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1270, HB 1282, HB 1303, HB 1456.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1270

Page 1, line 16, remove "full six-hour"

Page 2, after line 3, insert:

"c. For purposes of this section, a "day for professional development activities" means:

(1) Eight hours of professional development activities, exclusive of meals and other breaks, conducted within a single day; or

(2) Two four-hour periods of professional development activities, exclusive of meals and other breaks, conducted over two days.

3. If a school district offers a four-hour period of professional development activities, as permitted in subdivision c of subsection 2, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. The provisions of this subsection do not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section."

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

Page 2, line 9, overstrike "4." and insert immediately thereafter "5."

Page 2, line 15, overstrike "5." and insert immediately thereafter "6."

Page 2, line 22, overstrike "6." and insert immediately thereafter "7." and overstrike "3" and insert immediately thereafter "6"

Page 2, line 25, overstrike "7." and insert immediately thereafter "8."

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1282

Page 1, line 14, overstrike "one dollar and fifty cents" and insert immediately thereafter "two dollars"

Page 1, line 15, overstrike "one dollar and fifty cents" and insert immediately thereafter "two dollars"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1303

Page 1, line 1, after "Act" insert "to create and enact subsections 9 and 10 to section 57-02-27.2 of the North Dakota Century Code, relating to use of modifiers and soil surveys in agricultural property assessment;," replace "subsection" with "subsections", and after "7" insert "and 8"

Page 1, line 2, after "to" insert "use of soil surveys, modifiers, and" and remove "as a basis for determination of the"

Page 1, line 3, remove "status of property as cropland or noncropland"

Page 1, line 6, replace "Subsection" with "Subsections" and after "7" insert "and 8"

Page 1, line 7, replace "is" with "are"

Page 1, line 15, overstrike ", whenever possible,"

Page 1, line 16, remove "However, actual use of the property must"

Page 1, remove lines 17 through 19

Page 1, line 20, remove "actual use of the property occurs for purposes of this subsection.", overstrike "When", and remove "soil"

Page 1, line 21, remove "type and classification" and overstrike "data cannot be used, the county director of tax equalization"

Page 1, overstrike line 22

Page 1, after line 22, insert:

"8. Each local assessor shall determine the relative value of each assessment parcel within the assessor's jurisdiction and shall determine the agricultural value of each assessment parcel by adjusting the agricultural value estimate for the assessment district by the relative value of the parcel. Each parcel must then be assessed according to section 57-02-27. If either a local assessor or a township board of equalization develops an agricultural value for the lands in its assessment district differing substantially from the estimate provided by the county director of tax equalization, written evidence to support the change must be provided to the county director of tax equalization. In determining the relative value of each assessment parcel, the local assessor shall apply the following considerations, which are listed in descending order of significance to the assessment determination:

- a. Soil type and soil classification data from detailed and general soil surveys.
- b. The schedule of modifiers that must be used to adjust agricultural property assessments within the county as approved by the state supervisor of assessments under subsection 9.
- c. Actual use of the property for cropland or noncropland purposes by the owner of the parcel.

SECTION 2. Subsections 9 and 10 to section 57-02-27.2 of the North Dakota Century Code are created and enacted as follows:

9. Before February first of each year, the county director of tax equalization in each county shall provide to all assessors of agricultural property within the county a schedule of modifiers that must be used to adjust agricultural property assessments within the county and directions regarding how those modifiers must be applied by assessors. Before the schedule of modifiers is provided to assessors within the county, the county director of tax equalization shall obtain the approval of the state supervisor of assessments for use of the schedule within the county.
10. For any county that has not fully implemented use of soil type and soil classification data from detailed and general soil surveys for any taxable year after 2009, the tax commissioner shall appoint a qualified individual as a special assessor who shall make a reassessment of all of the agricultural property in the county using soil type and soil classification data from detailed and general soil surveys. The board of county commissioners shall pay any costs of the reassessment under this subsection. If the board of county commissioners has not paid the cost of the reassessment within thirty days after completion of the reassessment, the state tax commissioner shall certify to the state treasurer the cost of the reassessment and that amount must be withheld by the state treasurer from the county general fund allocation from the state aid distribution fund to that county under subsection 1 of section 57-39.2-26.1 in the next ensuing allocation and each ensuing allocation until the cost of the reassessment is fully paid. The state treasurer shall pay the withheld amount to the special assessor."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1456

Page 1, line 9, after "siting" insert "and reclamation of wind farm sites"

Renumber accordingly

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 12:00 p.m., Friday, March 16, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2117: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2117 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2155, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2155 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2200, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2200 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a new section to chapter 15.1-22, seven" with "nine"

Page 1, line 4, after "15.1-02-09" insert ", subsection 4 of section 15.1-06-04"

Page 1, line 11, remove "and" and after "15.1-27-32" insert ", 15.1-27-36, 15.1-27-37, and 15.1-27-38"

Page 1, line 13, remove "and"

Page 1, line 14, after "valuations" insert ", and teacher compensation payments"

Page 1, line 17, replace "appropriations" with "an appropriation"

Page 2, after line 14, insert:

"SECTION 2. AMENDMENT. Subsection 4 of section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

4. a. A During the 2007-08 school year, a full day of instruction consists of:
 - a- (1) At least five and one-half hours for elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
 - b- (2) At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.
- b. Beginning with the 2008-09 school year, a full day of instruction consists of:
 - (1) At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
 - (2) At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction."

Page 2, remove lines 24 through 31

Page 3, remove lines 1 through 5

Page 4, line 22, remove "and"

Page 4, line 23, remove the overstrike over "~~The September tenth fall enrollment report~~" and after the overstruck period insert "; and"

Page 4, line 24, remove the overstrike over "~~d.~~"

Page 5, remove lines 11 and 12

Page 5, line 13, replace "f." with "e."

Page 5, line 14, replace "g." with "f."

Page 5, line 15, replace "h." with "g."

Page 5, remove lines 16 through 19

Page 5, line 20, replace "k." with "h."

Page 5, line 22, replace "l." with "i."

Page 5, line 23, replace "and" with:

j. 0.14 the number of students enrolled in a new immigrant English language learner program;"

Page 5, line 24, replace "m." with "k." and replace "0.063" with "0.067"

Page 5, line 25, replace the underscored period with "; and

l. 0.02 the number of students, other than those provided for in subdivision j, who are enrolled in an English language learner program."

Page 8, after line 20, insert:

"SECTION 10. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Kindergarten payments - Determination. Notwithstanding the provisions of section 15.1-27-35, the superintendent of public instruction shall determine the payments to which a school district is entitled for providing full-time kindergarten during the 2008-09 school year by using the district's 2008 kindergarten fall enrollment count."

Page 14, line 29, remove "fifty percent of"

Page 22, line 27, replace "A" with "During the 2007-08 school year, a"

Page 22, line 28, after the underscored period insert "Beginning with the 2008-09 school year, a student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 1.00."

Page 23, line 1, after "time" insert ", as defined by the superintendent of public instruction,"

Page 23, after line 3, insert:

"SECTION 25. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Average daily membership - Reduction in grade levels. If a school district offers fewer grade levels than the district offered the previous school year, the superintendent of public instruction shall determine the district's average daily membership using only those grade levels that the district offers during the current school year."

Page 32, line 17, overstrike "per student payments" and insert immediately thereafter "students - Contracts for placement"

Page 36, line 7, replace "For the 2007-09 biennium, "excess costs"" with ""Excess costs"" and replace "three" with "four"

Page 36, line 9, remove "For the"

Page 36, remove lines 10 through 15

Page 36, line 16, replace "Except as provided in subsection 5, all" with "All"

Page 36, remove lines 20 through 24

Page 40, replace lines 28 and 29 with:

"New immigrant English language learner - Definition. A new immigrant English language learner is an English language learner who was not born in the United States and has not attended school in the United States for more than three school years or the monthly equivalent of three school years."

Page 41, remove lines 1 through 8

Page 42, line 29, after "COUNCIL" insert "- REIMBURSEMENT FOR EXPENSES"

Page 43, after line 30, insert:

- "3. The members of the commission are entitled to reimbursement for actual and necessary expenses incurred in the same manner as state officials. The superintendent of public instruction shall use up to \$40,000 from moneys appropriated in the grants - state school aid line item in section 3 of Senate Bill No. 2013, as approved by the sixtieth legislative assembly, to provide the reimbursements."

Page 44, line 1, replace "3." with "4."

Page 44, line 7, replace "4." with "5."

Page 45, after line 19, insert:

"SECTION 51. REPEAL. Section 15.1-09-46 of the North Dakota Century Code is repealed."

Page 45, line 20, remove "15.1-09-46,"

Page 45, line 21, remove "and" and after "15.1-27-32" insert ", 15.1-27-36, 15.1-27-37, and 15.1-27-38"

Page 46, replace lines 6 through 30 with:

"SECTION 54. AREA CAREER AND TECHNOLOGY CENTERS - ESTABLISHMENT GRANTS - COST-SHARE INCENTIVES.

1. The state board for career and technical education shall use \$1,200,000 from the grants line item in section 3 of House Bill No. 1019, as approved by the sixtieth legislative assembly, to award grants for the purpose of assisting with the establishment of at least two new area career and technology centers in areas of the state that, as of July 1, 2007, are not served by an existing center. The board shall award the grants on a competitive basis and shall require a twenty-five percent match by a number of students who will be served and to alignment of the proposed area career and technology center with existing educational associations governed by joint powers agreements.
2. The state board for career and technical education shall use \$800,000 from the grants line item in section 3 of House Bill No. 1019, as approved by the sixtieth legislative assembly, to increase cost-share incentives for area career and technology centers."

Page 47, remove lines 1 through 30

Page 48, line 12, remove the second "and"

Page 48, line 13, replace "The superintendent of public instruction shall use" with "Use the next \$450,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school districts serving English language learners and new immigrant English language learners, in accordance with chapter 15.1-38; and

4. Use"

Page 48, line 27, replace "Section 46" with "Sections 48 and 51" and replace "is" with "are"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2237, as engrossed: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2237 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2239, as engrossed: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2239 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2278: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2278 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2309, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2309 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new section to chapter 15.1-21 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to high school coursework requirements; and to"

Page 1, remove lines 15 through 24

Page 2, remove lines 1 through 14

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2321: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (11 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2321 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2344, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2344 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 amend and reenact sections 15-10-17.4 and 15.1-35-08 of the North Dakota Century Code, relating to the provision of food and catering services by institutions of higher education and school districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-17.4 of the North Dakota Century Code is amended and reenacted as follows:

15-10-17.4. Contract - Preparation and provision of meals - Policy.

1. An institution under the control of the state board of higher education may enter a contract to prepare and provide meals, snacks, or other food

services for persons or programs not affiliated with the institution and may provide catering services for an event if the event is organized predominantly for persons affiliated with the institution, the event is held predominantly for persons enrolled in the institution, or the event is held under the auspices of the institution, provided the institution first establishes a policy regarding such ~~contracts~~ services and specifically ~~addressing~~ addresses issues related to competition with private sector entities.

2. The limitations provided under subsection 1 do not apply to an institution under the control of the state board of higher education if no private sector entity located in the same city as the institution is capable and willing to meet the facility or personnel requirements necessary to:
 - a. Prepare and provide the meals, snacks, or other food services for a specific event; or
 - b. Provide the catering services for a specific event.
3. An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide ~~meals, snacks, or other food services for persons or programs not affiliated with the institution~~ the services permitted under this section.

SECTION 2. AMENDMENT. Section 15.1-35-08 of the North Dakota Century Code is amended and reenacted as follows:

15.1-35-08. Contract - Preparation and provision of meals.

1. The board of a school district may prepare and provide meals, snacks, or other food services for any events or programs occurring on or off school property, provided the events or programs:
 - a. Are hosted by or under the auspices of the school district; or
 - b. Involve child care centers participating in the Child and Adult Care Food Program [Pub. L. 108-265; 118 Stat. 729; 42 U.S.C. 1766 et seq.].
2. a. The board of a school district may enter into a contract to prepare and provide meals, snacks, or other food services for persons or programs ~~not affiliated with the school district other than those in subsection 1,~~ provided any person that wishes to enter a contract with the board under this ~~section~~ subdivision first demonstrates to the satisfaction of the board that there are no private entities able and willing to enter into such a contract.
2. b. The board of a school district may not advertise to the general public its willingness to provide meals, snacks, or other food services ~~for persons or programs not affiliated with the district~~ under this section.
3. An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide meals, snacks, or other food services for persons or programs not affiliated with the institution."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2347, as reengrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2347 was placed on the Sixth order on the calendar.

Page 1, line 4, after "transfer" insert "; to provide for the preparation of legislation"

Page 1, replace lines 15 and 16 with:

- "2. On or after May 1, 2012:

- a. Graduated from a public or nonpublic high school in this state;
- b. Graduated from a high school in another state under the provisions of chapter 15.1-29; or
- c. Met the requirements for a high school diploma through home education, in accordance with section 15.1-23-17;"

Page 2, line 16, after "at" insert "four-year"

Page 2, line 28, after "at" insert "four-year"

Page 3, line 9, after "at" insert "four-year"

Page 3, line 21, after "at" insert "four-year"

Page 4, line 2, after "at" insert "four-year"

Page 4, line 14, after "at" insert "four-year"

Page 6, after line 7, insert:

"SECTION 10. PROMISSORY NOTE REQUIREMENTS - CONDITIONS - PREPARATION AND PRESENTATION OF LEGISLATION.

1. During the 2007-08 interim, the state board of higher education shall collaborate with the Bank of North Dakota to determine the statutory provisions that need to be enacted in order to:
 - a. Require that before any payment may be made on behalf of a student under the provisions of this Act, the student must execute a promissory note; and
 - b. Establish the conditions upon which a promissory note executed by a student under the provisions of this Act must be based.
2. The state board of higher education and the Bank of North Dakota shall consider all issues pertinent to the terms and conditions of repayment, including relocation to accept employment, relocation for graduate school attendance, full-time volunteer service, missionary or other religious commitments, military commitments, marital and family commitments, health concerns, and the priority of other debts.
3. The state board of higher education and the Bank of North Dakota shall prepare the proposed legislation required by this section and present the legislation to the sixty-first legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2365, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2365 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."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4015: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4015 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4020: Political Subdivisions Committee (Rep. Herbel, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4020 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4030, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4030 was placed on the Sixth order on the calendar.

Page 1, line 19, after "outcome" insert ", including the role of county superintendents and county committees"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4032: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4032 was placed on the Sixth order on the calendar.

Page 1, line 18, replace the first "and" with a comma and after "counselors" insert ", and all other school staff"

Renumber accordingly

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

Buell J. Reich, Chief Clerk