

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

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Bismarck, February 1, 2007

The Senate convened at 1:00 p.m., with President Dalrymple presiding.

The prayer was offered by Reverend Dale Nabben, Missouri Slope Care Center, Bismarck.

The roll was called and all members were present except Senators Andrist and Robinson.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2303: SEN. POMEROY (Human Services Committee) MOVED that the amendments on SJ pages 260-261 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2309: SEN. G. LEE (Education Committee) MOVED that the amendments on SJ pages 261-262 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2010: SEN. TALLACKSON (Appropriations Committee) MOVED that the amendments on SJ pages 257-259 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2266: SEN. WANZEK (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 259-260 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2301: SEN. HEITKAMP (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 260 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that SB 2027 be moved to the bottom of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2022: A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist; Robinson

SB 2022 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2104: A BILL for an Act to amend and reenact section 6-09-41 of the North Dakota Century Code, relating to loan guarantees for livestock and dairy farming and related equipment and facilities.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist; Robinson

Engrossed SB 2104 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2165: A BILL for an Act to amend and reenact section 39-20-01.1 of the North Dakota Century Code, relating to the chemical test of a driver in an accident.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist; Robinson

SB 2165 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2223: A BILL for an Act to create and enact a new section to chapter 35-03 of the North Dakota Century Code, relating to the satisfaction of a mortgage by an assignee; and to provide for application.

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 0 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist; Robinson

SB 2223 lost.

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 amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Oehlke

ABSENT AND NOT VOTING: Andrist; Robinson

Engrossed SB 2295 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2311: A BILL for an Act to amend and reenact section 57-39.5-02 of the North Dakota Century Code, relating to the length of time farm machinery must be under lease or rental to be considered used machinery for farm machinery gross receipts tax purposes; 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 NOT PASS, the roll was called and there were 15 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Fiebiger; Heckaman; Heitkamp; Horne; Krauter; Lindaas; Mathern; Nelson; O'Connell; Potter; Tallackson; Taylor; Triplett; Urlacher

NAYS: Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Marcellais; Nething; Oehlke; Olafson; Pomeroy; Seymour; Stenehjem; Tollefson; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist; Robinson

SB 2311 lost.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist; Robinson

SB 2318 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2334: A BILL for an Act to amend and reenact subsection 1 of section 53-12.1-02, subsection 2 of section 53-12.1-03, and sections 53-12.1-07, 53-12.1-10, and 53-12.1-13 of the North Dakota Century Code, relating to the advertising and promotion of the lottery.

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 19 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Behm; Bowman; Cook; Erbele; Freborg; Horne; Lee, G.; Lindaas; Mathern; Nething; O'Connell; Pomeroy; Potter; Taylor; Tollefson; Triplett; Wanzek; Wardner

NAYS: Bakke; Christmann; Dever; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lyson; Marcellais; Nelson; Oehlke; Olafson; Seymour; Stenehjem; Tallackson; Urlacher; Warner

ABSENT AND NOT VOTING: Andrist; Robinson

SB 2334 lost.

SECOND READING OF SENATE BILL

SB 2411: A BILL for an Act to amend and reenact sections 26.1-22.1-09 and 26.1-22.1-14 of the North Dakota Century Code, relating to hobby boiler operator licensing and fees.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Oehlke; Stenehjem

ABSENT AND NOT VOTING: Andrist; Robinson

SB 2411 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2414: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for taxpayers who provide home education for their children; 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 NOT PASS, the roll was called and there were 2 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: O'Connell; Urlacher

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

ABSENT AND NOT VOTING: Andrist; Robinson

SB 2414 lost.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2041, SB 2137, SB 2146, SB 2177, SB 2193, SB 2201, SB 2210, SB 2214, SB 2219, SB 2230, SB 2233, SB 2234, SB 2236, SB 2248, SB 2259, SB 2262, SB 2264, SB 2296.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2023, SB 2101, SB 2300.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1048, HB 1086, HB 1119, HB 1135, HB 1154, HB 1156, HB 1174, HB 1177.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1099.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SCR 4012.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SCR 4012.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: SCR 4012.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on February 1, 2007: SCR 4012.

MOTION

SEN. CHRISTMANN MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:15 p.m., Friday, February 2, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2132, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2132 was placed on the Sixth order on the calendar.

Page 1, line 13, after "party" insert "up" and replace "limit" with "full amount"

Page 1, remove line 14

Page 1, line 15, remove "the amount"

Page 2, line 2, after "benefits" insert "received by the recipient or the department for medical expenses"

Page 2, line 12, replace "filing" with "commencing"

Page 2, line 17, after "settlement" insert "of a claim"

Page 2, line 19, after "satisfied" insert "or released"

Page 2, line 25, remove "is a fraudulent conveyance and the transfer or"

Page 2, line 26, remove "encumbrance" and remove "unless"

Page 2, remove lines 27 and 28

Page 2, line 29, remove "provided"

Page 3, line 3, after "place" insert "a sum equal to" and replace "third-party" with "total medical assistance provided"

Page 3, line 4, remove "benefits" and remove "for the benefit of the department"

Page 3, line 7, after "from" insert ", or may reduce or compromise a claim against,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2143: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2143 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "five" with "ten"

Page 2, line 3, replace "one hundred" with "ten"

Page 3, line 8, replace "A" with "After December 31, 2009, a" and replace "shall" with "may"

Page 3, line 21, remove "at least"

Page 4, remove lines 27 through 31

Page 5, line 1, replace "4." with "3."

Page 6, line 2, remove ", up to the limits provided in subsections 2 and 3 of section 16.1-08.2-04"

Page 6, line 24, remove "The secretary of state may assess a fee of up to"

Page 6, remove lines 25 and 26

Page 6, line 27, remove "resulted in the late payment of matching funds."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2150: Judiciary Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2150 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2154: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2154 was placed on the Sixth order on the calendar.

Page 1, line 11, remove the overstrike over "not less than", after "sixty-five" insert "fifty-five", remove the overstrike over "percent of premium received", and remove "an"

Page 1, remove lines 12 and 13

Page 1, line 14, remove "commissioners Model Act No. 134, adopted July 2000"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2179: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2179 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "general" with "environment and rangeland protection"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2186: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2186 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "**Quality improvement and rating system - Technical**"

Page 1, line 9, remove "**assistance**"

Page 1, line 10, after "department" insert ", in consultation with higher education officials."

Page 1, remove lines 20 through 23

Page 2, remove lines 1 through 4

Page 2, line 5, remove "a."

Page 2, line 7, remove "and implement"

Page 2, line 10, remove "The system may include:"

Page 2, remove lines 11 through 25

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2192: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2192 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2240: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2240 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2252: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2252 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 section 26.1-36-09.12 of the North Dakota Century Code, relating to health insurance coverage for suicide-related medical services.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 26.1-36-09.12 of the North Dakota Century Code is created and enacted as follows:

26.1-36-09.12. Medical services related to suicide. An insurance company, nonprofit health service corporation, or health maintenance organization may not deliver, issue, execute, or renew any health insurance policy, health service contract, or evidence of coverage on an individual, group, blanket franchise, or association basis unless the policy, contract, or evidence of coverage provides benefits, of the same type offered under the policy or contract for illnesses, for health services to any individual covered under the policy or contract for injury or illness resulting from suicide, attempted suicide, or self-inflicted injury. The medical benefits provided for in this section are exempt from section 54-03-28."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2276: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2276 was placed on the Sixth order on the calendar.

Page 1, line 1, after "the" insert "governor's"

Page 1, line 4, replace "**Prevention**" with "**Governor's prevention**"

Page 1, line 5, replace "North Dakota" with "governor's"

Page 1, line 12, replace "\$440,000" with "\$35,000"

Page 1, line 13, replace "North Dakota prevention advisory council" with "governor"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2279: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2279 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2291: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2291 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2312: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2312 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2316: Transportation Committee (Sen. G. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2316 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2320: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2320 was placed on the Sixth order on the calendar.

Page 5, line 1, replace "If" with "Unless within ninety days of the original sentence," and replace "defendent" with "defendant"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2325: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2325 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2326: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2326 was placed on the Sixth order on the calendar.

Page 1, line 11, after "disabilities" insert "and whose net income does not exceed two hundred percent of the federal poverty line"

Page 1, line 13, replace "\$929,594" with "\$1,059,932"

Page 1, line 14, replace "\$1,507,317" with "\$1,673,835"

Page 1, line 18, after "disabilities" insert "and for implementing the waiver described in North Dakota Century Code section 50-24.1-26 to provide in-home services to children with extraordinary medical needs who would otherwise require hospitalization or nursing facility care" and after the period insert "The department of human services is authorized one full-time equivalent position for implementing the programs described in this Act."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2338: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2338 was referred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2344: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). 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 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. 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 that is not held on property owned by the institution 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. 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 enter into a contract to prepare and provide meals, snacks, or other food services for persons or programs not affiliated with the school district and may provide catering services for an event not held on property of the school district, ~~provided any person that wishes to enter a contract with the board under this section first demonstrates to the satisfaction of the board that there are no~~ if the event is organized predominantly for persons affiliated with the school district, the event is held predominantly for persons enrolled in or employed by the school district, or the event is held under the auspices of the district, provided the board of the district first establishes a policy regarding such services and specifically addresses issues related to competition with private sector entities able and willing to enter into such a contract.
2. 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~~ the services permitted 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: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE**

REFERRED to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2347 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "2008" with "2012"

Page 1, line 14, after "mathematics" insert "at the level of algebra I and higher"

Page 1, line 16, replace "Maintained a 2.5 cumulative grade point average in high school, provided that" with "Has a 23 cumulative composite score or a 23 mathematics scale score on the test of academic achievement administered by ACT, inc."

Page 1, remove line 17

Page 1, line 18, remove "cumulative grade point average in high school"

Page 1, line 22, remove "as a full-time student" and replace "2008" with "2012"

Page 2, line 1, after "b." insert "Is continuously enrolled and carries a course of study that is defined as "full time" by the institution;

c. replace "a two-year, three-year, or four-year" with "an associate or baccalaureate", and remove "that will lead to a"

Page 2, line 2, remove "certificate, diploma, or degree"

Page 2, line 3, replace "c." with "d." and after "cumulative" insert "college"

Page 4, line 22, remove "consecutively" and replace "for a certificate," with "of the associate or baccalaureate program"

Page 4, line 23, remove "diploma, or degree"

Page 4, line 25, replace "and" with an underscored comma and replace "that reduce the amount of" with ", third-party funds, waivers, and other gift aid"

Page 4, line 26, remove "tuition owed by the student"

Page 4, line 28, replace "2024-25" with "2028-29"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2379: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2379 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and" and after "appropriation" insert "; and to provide a continuing appropriation"

Page 1, line 5, after "**consortium**" insert "**- Continuing appropriation**"

Page 1, line 11, remove the second "the"

Page 1, line 12, remove "state board of higher education," and after the underscored period insert "In addition, each nursing program in this state which is approved by the board of nursing and each nursing program with approval pending which is located in this state must be invited to have representation in the consortium."

Page 1, line 15, remove "state, tribal, and"

Page 1, line 16, remove "private-supported nursing education programs;"

Page 1, line 18, after the first underscored comma insert "rural leadership of North Dakota,"

Page 1, line 21, after "consortium" insert "from 2007 to 2009, during which the dean shall report to the legislative council. After 2009, the chairman must be chosen by the members."

Page 2, line 16, after the underscored period insert "Any money received by the consortium as gifts, grants, or donations is appropriated as a continuing appropriation for the purpose of funding the consortium."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2384: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2384 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "safety" with "care access" and after "units" insert "and community-based nonprofit organizations"

Page 1, line 7, replace "safety" with "care access" and after "units" insert "and community-based nonprofit organizations"

Page 1, line 9, after "units" insert "and community-based nonprofit organizations"

Page 1, line 13, after "develop" insert "community-based"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2393: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2393 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2410: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2410 was placed on the Sixth order on the calendar.

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

Page 1, remove lines 18 through 24

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2412: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2412 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2416: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2416 was placed on the Eleventh order on the calendar.

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

William R. Horton, Secretary

