

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

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Bismarck, January 30, 2007

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

The prayer was offered by Reverend LaRue Goetz, Revival Prayer Fellowship, New Bethel Church, Bismarck.

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

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Andrist, Chairman)** has carefully examined the Journal of the Eighteenth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 199, line 28, replace "**SB 2223**" with "**SB 2226**"

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

COMMUNICATION FROM GOVERNOR JOHN HOEVEN**January 2, 2007**

Pursuant to Article VIII, Section 6 of the North Dakota Constitution, I am hereby nominating Ms. Susan Andrews to the North Dakota State Board of Higher Education. Her term is until June 30, 2010.

Ms. Andrew's name is submitted in accordance with NDCC 15-10-02. She meets the requirements of Article VIII, Section 6 of the North Dakota Constitution and NDCC 15-10. Therefore, I ask the Senate to confirm Susan Andrews for this position within the first thirty days of the 2007 Legislative Session.

Thank you for your consideration.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN**January 2, 2007**

Pursuant to Article VIII, Section 6 of the North Dakota Constitution, I am hereby nominating Mr. Grant Shaft to the North Dakota State Board of Higher Education. His term is until June 30, 2011.

Mr. Shaft's name is submitted in accordance with NDCC 15-10-02. He meets the requirements of Article VIII, Section 6 of the North Dakota Constitution and NDCC 15-10. Therefore, I ask the Senate to confirm Grant Shaft for this position within the first thirty days of the 2007 Legislative Session.

Thank you for your consideration.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN**January 2, 2007**

Pursuant to Article VIII, Section 6 of the North Dakota Constitution, I am hereby nominating Mr. Jon Backes to the North Dakota State Board of Higher Education. His term is until June 30, 2011.

Mr. Backes's name is submitted in accordance with NDCC 15-10-02. He meets the requirements of Article VIII, Section 6 of the North Dakota Constitution and NDCC 15-10. Therefore, I ask the Senate to confirm Jon Backes for this position within the first thirty days of the 2007 Legislative Session.

Thank you for your consideration.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN**January 2, 2007**

Pursuant to North Dakota Century Code § 53-06.1-01.1, I am hereby nominating Sandi Frenzel of Dickinson for reappointment to the North Dakota Gaming Commission. Her term would be from July 1, 2006 to June 30, 2009.

Pursuant to Article V, Section 8 of the North Dakota Constitution, I ask the Senate to confirm Sandi Frenzel for this position on the North Dakota Gaming Commission during the 2007 Legislative Session.

Thank you for your consideration.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN**January 2, 2007**

Pursuant to North Dakota Century Code § 53-06.1-01.1, I am hereby nominating Mr. Charles Axtman of Jamestown for reappointment to the North Dakota Gaming Commission. His term would be from July 1, 2006 to June 30, 2009.

Pursuant to Article V, Section 8 of the North Dakota Constitution, I ask the Senate to confirm Charles Axtman for this position on the North Dakota Gaming Commission during the 2007 Legislative Session.

Thank you for your consideration.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN**January 2, 2007**

Pursuant to North Dakota Century Code § 6-01-08, I am hereby nominating Timothy Karsky as Commissioner to the North Dakota Department of Financial Institutions. His term ends June 30, 2009.

Pursuant to Article V, Section 8 of the North Dakota Constitution, I ask the Senate to confirm Timothy Karsky for this position during the 2007 Legislative Session.

Thank you for your consideration.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN**January 2, 2007**

Pursuant to North Dakota Century Code § 10-04-03, I am hereby nominating Karen Tyler of Bismarck to be reappointed as Commissioner to the North Dakota Office of Securities. Her term ends June 30, 2009.

Pursuant to Article V, Section 8 of the North Dakota Constitution, I ask the Senate to confirm Karen Tyler for this position during the 2007 Legislative Session.

Thank you for your consideration.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Stenehjem, Chairman)** respectfully submits the following names for your **Select Committee** to approve the nominees to the North Dakota State Board of Higher Education: Sens. Nething, Christmann, G. Lee, Triplett, and Seymour.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Stenehjem, Chairman)** respectfully submits the following names for your **Select Committee** to approve the nominees to the North Dakota Gaming Commission: Sens. Lyson, Freborg, Urlacher, Mathern and Marcellais.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Stenehjem, Chairman)** respectfully submits the following names for your **Select Committee** to approve the nominee for the Commissioner to the North Dakota Department of Financial Institutions: Sens. Klein, Wanzek, Hacker, Robinson, and Horne.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Stenehjem, Chairman)** respectfully submits the following names for your **Select Committee** to approve the nominee for the Commissioner to the North Dakota Office of Securities: Sens. Klein, Wanzek, Hacker, Robinson, and Horne.

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

CONSIDERATION OF AMENDMENTS

SB 2023: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments on SJ pages 226-227 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2137: SEN. WARNER (Political Subdivisions Committee) MOVED that the amendments on SJ page 227 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2146: SEN. NETHING (Transportation Committee) MOVED that the amendments on SJ page 227 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2248: SEN. NELSON (Judiciary Committee) MOVED that the amendments on SJ pages 228-229 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2201: SEN. FREBORG (Natural Resources Committee) MOVED that the amendments on SJ page 228 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2234: SEN. HORNE (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 228 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2259: SEN. NELSON (Judiciary Committee) MOVED that the amendments on SJ pages 230-231 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2264: SEN. OLAFSON (Political Subdivisions Committee) MOVED that the amendments on SJ page 231 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2300: SEN. KLEIN (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 232 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that after action taken on the Sixth order, SB 2185 and SB 2257 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2185: SEN. NELSON (Judiciary Committee) MOVED that the amendments on SJ pages 225-226 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2185: A BILL for an Act to amend and reenact subsection 29 of section 12.1-01-04 of the North Dakota Century Code, relating to the definition of serious bodily injury.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Andrist

Engrossed SB 2185 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2257: SEN. HACKER (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 229-230 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2257, which request was granted.

ROLL CALL

The question being the motion to adopt the amendments to SB 2257, the roll was called and there were 24 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Andrist

The motion to adopt the amendments to SB 2257 passed.

Engrossed SB 2257 was placed on the Eleventh order for immediate second reading and final passage.

SECOND READING OF SENATE BILL

SB 2257: A BILL for an Act to amend and reenact section 65-02-03.1 of the North Dakota Century Code, relating to membership of the workforce safety and insurance board; and to provide for application.

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 25 YEAS, 21 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Andrist

Engrossed SB 2257 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2014: A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Andrist

SB 2014 passed and the title was agreed to.

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

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

ABSENT AND NOT VOTING: Andrist

Engrossed SB 2029 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2051: A BILL for an Act to amend and reenact sections 39-03.1-10, 39-03.1-11.3, 54-52-06, and 24-52-17.5 and subsection 2 of section 54-52.6-09 of the North Dakota Century Code, relating to employer contributions and increases to certain retirees' retirement payments under the public employees retirement system; and to provide an effective date.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Andrist

SB 2051 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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

ROLL CALL

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

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

ABSENT AND NOT VOTING: Andrist

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

SECOND READING OF SENATE BILL

SB 2265: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to records of victims of domestic violence; and to amend and reenact subsection 4 of section 28-32-08, subsection 2 of section 28-32-10, subsection 5 of section 28-32-19, section 28-32-33, subsections 2, 6, and 8 of section 44-04-18, subsections 1 and 6 of section 44-04-18.7, subsection 4 of section 44-04-18.10, section 44-04-18.13, subsection 2 of section 44-04-28, and section 57-40.6-07 of the North Dakota Century Code, relating to fees and discovery in adjudicative proceedings, fees for copies, providing copies of records, personal records in criminal files, release of confidential records, lists of minors, release of social security numbers, and release of 911 records.

ROLL CALL

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

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

NAYS: Potter

ABSENT AND NOT VOTING: Andrist

SB 2265 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2327: A BILL for an Act to create and enact a new section to chapter 39-20 of the North Dakota Century Code, relating to drivers' records for driving while under the influence.

ROLL CALL

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

YEAS: O'Connell

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; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

SB 2327 lost.

SECOND READING OF SENATE BILL

SB 2038: A BILL for an Act to create and enact a new subsection to section 54-35-15.2 of the North Dakota Century Code, relating to powers and duties of the information technology committee; and to amend and reenact sections 54-59-02.1, 54-59-07, and 54-59-09 of the North Dakota Century Code, relating to major information technology projects, the state information technology advisory committee, and information technology standards.

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

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

NAYS: Marcellais

ABSENT AND NOT VOTING: Andrist

Engrossed SB 2038 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that SCR 4012 be returned to the Senate floor from the **Human Services Committee**, which motion prevailed.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. J. Lee, Krebsbach, Nelson and Reps. Delmore, Gulleason, L. Meier introduced:

SCR 4012: A concurrent resolution declaring Friday, February 2, 2007, "Go Red Day" in North Dakota and encouraging all citizens to wear red to raise awareness of cardiovascular disease.

Was read the first time.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended, that SCR 4012 not be printed, not be referred to committee, be read in title only, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. J. Lee, Krebsbach, Nelson and Reps. Delmore, Gulleason, L. Meier introduced:

SENATE CONCURRENT RESOLUTION NO. 4012

A concurrent resolution declaring Friday, February 2, 2007, "Go Red Day" in North Dakota and encouraging all citizens to wear red to raise awareness of cardiovascular disease.

WHEREAS, heart disease and stroke are the number one and number four killers of women over the age of 25; and

WHEREAS, 53 percent of all cardiovascular disease deaths occur in females, and each year approximately 32,800 more females than males die from stroke; and

WHEREAS, in 2004 heart disease and stroke accounted for 39.1 percent of all deaths in females in North Dakota; and

WHEREAS, in 2004 heart disease and stroke killed more females in North Dakota than the next five causes of death combined; and

WHEREAS, in 2007 the anticipated direct and indirect cost of cardiovascular diseases and stroke in the United States is estimated to be \$431.8 billion; and

WHEREAS, heart disease and stroke are largely preventable with early detection and prevention; and

WHEREAS, Go Red For Women is the American Heart Association's national call to increase awareness of heart disease and to inspire women to take charge of their heart health; and

WHEREAS, all women should learn their own personal risk for heart disease, using tools such as the American Heart Association's Go Red For Women Heart CheckUp and by talking to their health care providers; and

WHEREAS, the American Heart Association and the Dakota Medical Association are committed to public education and professional education about the risk factors for heart disease and stroke and to take action to reduce, control, or prevent as many risk factors as possible; and

WHEREAS, Go Red North Dakota, a three-year, \$1.2 million initiative of the American Heart Association and Dakota Medical Foundation, launches in 2007 to improve the cardiovascular health of women and their families;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Sixtieth Legislative Assembly expresses support for the Go Red North Dakota Initiative and commends the broad range of private and public sector partners from the state and local levels for their hard work to improve the heart health of women and their families; and

BE IT FURTHER RESOLVED, that the Sixtieth Legislative Assembly declares Friday, February 2, 2007, "Go Red Day" and encourages all citizens to wear red to raise awareness of cardiovascular disease; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Governor, statewide Go Red spokesperson First Lady Mikey Hoeven, the Dakota Medical Foundation, the American Heart Association, and each member of the North Dakota Congressional Delegation.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4012: A concurrent resolution declaring Friday, February 2, 2007, "Go Red Day" in North Dakota and encouraging all citizens to wear red to raise awareness of cardiovascular disease.

The question being on the final adoption of the resolution, which has been read.

SCR 4012 was declared adopted on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended and SCR 4012 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4012.

SECOND READING OF SENATE BILL

SB 2047: A BILL for an Act to amend and reenact sections 54-52.2-01, 54-52.2-02, and 54-52.2-05 of the North Dakota Century Code, relating to automatic enrollment of employees in the deferred compensation program under the public employees retirement system.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Andrist

Engrossed SB 2047 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2064: A BILL for an Act to create and enact a new subsection to section 14-09-06.6 of the North Dakota Century Code, relating to the modification of custody of a child with a service member parent.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Andrist

Engrossed SB 2064 passed and the title was agreed to.

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 2002, SB 2004, SB 2005, SB 2006, SB 2007, SB 2072, SB 2133, SB 2158.

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 2131.

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 1046, HB 1158, HB 1225, HB 1259, HB 1268, HB 1270, HB 1326, HB 1333.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, January 31, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2041, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2041 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2104: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2104 was placed on the Sixth order on the calendar.

Page 1, line 13, overstrike "feedlot that backgrounds or feeds cattle to"

Page 1, line 14, overstrike "harvest-ready weight" and insert immediately thereafter "livestock feeding operation" and replace "diary" with "dairy"

Page 1, line 19, overstrike "The rules must include an"

Page 1, overstrike lines 20 and 21

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2180: 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 2180 was placed on the Sixth order on the calendar.

Page 1, line 12, after "and" insert ":

- a. At least ten percent of the facility must be owned by agriculture producers; or
- b. At least fifty percent of the facility must be owned by residents of this state."

Page 1, remove lines 13 and 14

Page 1, line 17, after "facilities" insert ", to grain handling facilities."

Page 2, line 5, replace "must be owned by at least ten percent agriculture" with ":

- a. At least ten percent of the facility must be owned by agriculture producers; or
- b. At least fifty percent of the facility must be owned by residents of this state."
4. "Grain handling facility" means a structure designed for storage of grain that is principally intended for use in the production of biofuels."

Page 2, remove line 6

Page 2, line 7, replace "4." with "5."

Page 2, line 20, replace the first "funds" with "moneys"

Page 3, line 2, after "~~approved~~" insert "The total amount from the fund used for interest rate buydowns for grain handling facilities may not exceed five hundred thousand dollars" and remove the overstrike over the overstruck period

Page 3, line 7, after "facility" insert ", to a grain handling facility."

Page 3, line 15, after "facility" insert ", the grain handling facility."

Page 4, line 7, after the underscored period insert "The maximum amount from the fund in the interest rate buydown for a grain handling facility may not exceed ten thousand dollars to any single producer."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2193: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2193 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2219: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2219 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2283: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2283 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2295: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2295 was placed on the Sixth order on the calendar.

Page 5, line 23, after the first "law" insert "and mutual savings banks law" and replace "this law relates" with "these laws relate"

Page 5, line 24, after "associations" insert "or mutual savings banks"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2313: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2313 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2330: Judiciary Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2330 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2388: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2388 was rereferred to the **Appropriations Committee**.

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

William R. Horton, Secretary

