

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

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Bismarck, February 5, 2007

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

The prayer was offered by Senator Robinson.

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 Twenty-third Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 287, line 18, after "2060" insert ", as engrossed"

Page 287, line 20, after the period, insert "Engrossed"

Page 287, line 32, replace "detail" with "retail"

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

CONSIDERATION OF AMENDMENTS

SB 2032: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ pages 285-287 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2200: SEN. FLAKOLL (Education Committee) MOVED that the amendments on SJ pages 288-289 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2282: SEN. POTTER (Transportation Committee) MOVED that the amendments on SJ pages 291-292 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2324: SEN. TRIPLETT (Finance and Taxation Committee) MOVED that the amendments on SJ pages 294-295 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2333: SEN. HACKER (Political Subdivisions Committee) MOVED that the amendments on SJ page 295 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2335: SEN. HECKAMAN (Agriculture Committee) MOVED that the amendments on SJ page 296 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2349: SEN. HORNE (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 297 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2360: SEN. BAKKE (Transportation Committee) MOVED that the amendments on SJ page 297 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2362: SEN. ANDERSON (Finance and Taxation Committee) MOVED that the amendments on SJ page 297 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2385: SEN. HECKAMAN (Human Services Committee) MOVED that the amendments on SJ page 298 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2401: SEN. TAYLOR (Education Committee) MOVED that the amendments on SJ page 299 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2404: SEN. BAKKE (Education Committee) MOVED that the amendments on SJ page 299 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2406: SEN. G. LEE (Transportation Committee) MOVED that the amendments on SJ pages 299-300 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2408: SEN. TAYLOR (Agriculture Committee) MOVED that the amendments on SJ page 300 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2191: SEN. MARCELLAIS (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 287-288 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2288: SEN. KLEIN (Agriculture Committee) MOVED that the amendments on SJ pages 292-294 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**.

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2288, which request was granted.

ROLL CALL

The question being the motion to adopt the amendments to SB 2288, the roll was called and there were 26 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Nothing; Oehlke; Olafson; Stenehjem; Taylor; Tollefson; Urlacher; Wanzek; Wardner

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

ABSENT AND NOT VOTING: Andrist

The motion to adopt the amendments to SB 2288 passed.

Engrossed SB 2288 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

SB 2060, as engrossed: SEN. J. LEE (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 287 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2169: SEN. HACKER (Political Subdivisions Committee) MOVED that the amendments on SJ page 287 and as corrected on SJ page 305 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2232: SEN. NELSON (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 289-290 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2237: SEN. OEHLKE (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 290-291 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2255: SEN. OLAFSON (Judiciary Committee) MOVED that the amendments on SJ pages 291-292 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2336: SEN. WARNER (Human Services Committee) MOVED that the amendments on SJ pages 296-297 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2357: SEN. NELSON (Judiciary Committee) MOVED that the amendments on SJ page 297 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2412: A BILL for an Act to provide for health care insurance for children; to amend and reenact section 57-51.1-07.2 of the North Dakota Century Code, relating to taxes imposed on oil and gas; and to provide for a continuing appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 37 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Behm; Heitkamp; Holmberg; Krauter; Mathern; O'Connell; Pomeroy; Potter; Taylor

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

ABSENT AND NOT VOTING: Andrist

SB 2412 lost.

SECOND READING OF SENATE BILL

SB 2132: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to responsibilities of third parties liable for payments on behalf of medical assistance recipients.

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

Reengrossed SB 2132 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2143: A BILL for an Act to create and enact chapter 16.1-08.2 of the North Dakota Century Code, relating to public financing of clean election campaigns; to provide a penalty; and to provide a continuing appropriation.

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 13 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bakke; Fiebiger; Heckaman; Horne; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Seymour; Tallackson; Taylor

NAYS: Anderson; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lyson; Nething; Oehlke; Olafson; Potter; Robinson; Stenehjem; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

Engrossed SB 2143 lost.

REQUEST

SEN. BEHM REQUESTED that the record show he intended to vote "YEA" on Engrossed SB 2143, which request was granted.

SECOND READING OF SENATE BILL

SB 2154: A BILL for an Act to amend and reenact section 26.1-36-37.2 of the North Dakota Century Code, relating to loss ratios.

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 30 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bakke; Behm; Bowman; Christmann; Cook; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lyson; Marcellais; O'Connell; Olafson; Pomeroy; Stenehjem; Tallackson; Taylor; Tollefson; Urlacher; Wanzek; Wardner

NAYS: Anderson; Dever; Fiebiger; Horne; Krauter; Lee, J.; Lindaas; Mathern; Nelson; Nething; Oehlke; Potter; Robinson; Seymour; Triplett; Warner

ABSENT AND NOT VOTING: Andrist

Engrossed SB 2154 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2410: A BILL for an Act to require the state department of health to conduct a system survey of employee and volunteer training in the areas of public health and safety and to report to the legislative council.

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

ABSENT AND NOT VOTING: Andrist

Engrossed SB 2410 lost.

SECOND READING OF SENATE BILL

SB 2194: A BILL for an Act to amend and reenact section 44-08-21 of the North Dakota Century Code, relating to recalls of elected officials of political subdivisions.

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 2194 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2244: A BILL for an Act to amend and reenact subdivision i of subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to exemption from vehicle registration fees for military personnel.

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, 46 NAYS, 0 EXCUSED, 1 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; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

SB 2244 lost.

SECOND READING OF SENATE BILL

SB 2272: A BILL for an Act to provide an appropriation for a Nokota horse living history museum and sanctuary.

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 5 YEAS, 41 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Erbele; Freborg; Mathern; Potter; Triplett

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

ABSENT AND NOT VOTING: Andrist

SB 2272 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 2010, SB 2192, SB 2252, SB 2312, SB 2344.

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 2266.

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 1290, HB 1334, HB 1338, HB 1346, HB 1367, HB 1374, HB 1376, HB 1412, HB 1461, HB 1514.

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 1060, HB 1305.

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., Tuesday, February 6, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2046: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2046 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2121: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2121 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "division of human rights within the"

Page 2, line 4, replace "The" with "As of August 1, 2007, the", after "labor" insert "becomes the department of labor", remove "is created", and overstrike "All records, materials,"

Page 2, overstrike lines 5 and 6

Page 2, line 7, overstrike "be transferred to the department of labor", remove "and human rights", and overstrike the period

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2166: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2166 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "subsection" with "subsections 2 and"

Page 1, line 2, after the first comma insert "section 54-52-06,"

Page 1, line 5, remove "and" and after "appropriation" insert "; and to provide an effective date"

Page 2, after line 28, insert:

"SECTION 3. AMENDMENT. Section 54-52-06 of the North Dakota Century Code is amended and reenacted as follows:

54-52-06. Employer's contribution to retirement plan. ~~Each~~ Except for the North Dakota mill and elevator association, which shall contribute an amount equal to seven and eighteen-hundredths percent of the monthly salary or wage of a participating member, ~~each~~ governmental unit shall contribute an amount equal to four and twelve-hundredths percent of the monthly salary or wage of a participating member. For those members who elect to exercise their rights under section 54-52-17.14, the employing governmental unit, or in the case of a member not presently under covered employment the most recent employing governmental unit, shall pay the associated employer contribution. If the employee's contribution is paid by the governmental unit under subsection 3 of section 54-52-05, the employer unit shall contribute, in addition, an amount equal to the required employee's contribution. Each governmental unit shall pay the contribution monthly, or in the case of an election made pursuant to section 54-52-17.14 a lump sum, into the retirement fund from its funds appropriated for payroll and salary or any other funds available for these purposes. Any governmental unit failing to pay the contributions monthly, or in the case of an election made pursuant to section 54-52-17.14 a lump sum, is subject to a civil penalty of fifty dollars and, as interest, one percent of the amount due for each month of delay or fraction thereof after the payment became due. In lieu of assessing a civil penalty or one percent per month, or both, interest at the actuarial rate of return may be assessed for each month the contributions are delinquent. If contributions are paid within ninety days of the date they became due, penalty and interest to be paid on delinquent contributions may be waived. An employer is required to submit contributions for any past eligible employee who was employed after July 1, 1977, for which contributions were not made if the employee would have been eligible to become vested had the employee participated and if the employee elects to join the public employees retirement system. Employer contributions may not be assessed for eligible service that an employee has waived pursuant to subsection 1 of section 54-52-05. The board shall report to each session of the legislative assembly the contributions necessary, as determined by the actuarial study, to maintain the fund's actuarial soundness."

Page 3, line 15, replace "Subsection" with "Subsections 2 and"

Page 3, line 16, replace "is" with "are"

Page 3, after line 16, insert:

"2. ~~The~~ Except for the North Dakota mill and elevator association, which shall ~~contribute an amount equal to seven and eighteen-hundredths of the monthly salary or wage of a participating member, each~~ employer shall contribute an amount equal to four and twelve-hundredths percent of the monthly salary or wage of a participating member. If the employee's contribution is paid by the employer under subsection 3, the employer shall contribute, in addition, an amount equal to the required employee's contribution. The employer shall pay monthly such contribution into the participating member's account from its funds appropriated for payroll and salary or any other funds available for such purposes. If the employer fails to pay the contributions monthly, it is subject to a civil penalty of fifty dollars and, as interest, one percent of the amount due for each month of delay or fraction thereof after the payment became due."

Page 4, line 11, replace "\$8,000" with "\$38,000"

Page 4, after line 18, insert:

"**SECTION 7. EFFECTIVE DATE.** This Act becomes effective on January 1, 2008."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2196: 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 2196 was placed on the Sixth order on the calendar.

Page 4, line 3, replace "that" with "related to the honesty, integrity, or trustworthiness of the notary which"

Page 4, line 4, replace "to be of such a nature as to" with "would"

Page 4, line 11, replace "Any just and sufficient cause that renders a notary or notary applicant unfit to" with "Engaging"

Page 4, line 12, remove "serve the public as a notary, including engaging"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2213: 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 2213 was placed on the Sixth order on the calendar.

Page 1, line 7, after "felony" insert "offense" and remove the overstrike over "~~involving violence or~~"

Page 1, line 8, remove the overstrike over "~~intimidation~~", remove the overstrike over "~~in~~" and insert immediately thereafter "violation of", remove the overstrike over "~~chapters 12.1-16 through 12.1-25~~", after the second overstruck comma insert "or an equivalent felony", and remove "this or"

Page 1, line 9, remove "and the offense was committed while"

Page 1, remove line 10

Page 1, line 11, remove "subsections 7 and 8 of section 12.1-01-04, a destructive device or an explosive."

Page 1, line 18, remove the overstrike over "~~class A~~", after "misdemeanor" insert "offense", and remove the overstrike over "~~involving violence or intimidation~~" and insert immediately thereafter "in violation of chapters 12.1-16 through 12.1-25 or an equivalent"

Page 1, line 19, remove "this or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2241: 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 2241 was placed on the Sixth order on the calendar.

Page 1, line 12, after the underscored period insert "The court may not waive this condition of probation if the court places the defendant under the supervision and management of the department of corrections and rehabilitation."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2254: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2254 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "nontraditional livestock" with "big game"

Page 1, line 8, replace "**Nontraditional livestock**" with "**Big game**"

Page 1, line 9, replace "nontraditional livestock" with "big game, as defined in section 20.1-01-02."

Page 1, line 10, replace "nontraditional livestock" with "big game"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2263: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2263 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2269: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2269 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2287: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2287 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "; and to declare an" with a period

Page 1, remove line 3

Page 2, line 1, after "individual" insert "knowingly"

Page 2, line 2, after "and" insert "knowingly"

Page 2, remove line 7

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2315: Transportation Committee (Sen. G. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2315 was placed on the Sixth order on the calendar.

Page 1, line 10, after "owner" insert "and to any person suffering bodily injury or property damage by the stock that has escaped by reason of the want of the fence" and after "injury" insert "or damage"

Page 1, line 12, after "stock" insert "or other person"

Page 1, line 13, overstrike "owner's", after "property" insert "or bodily injury", overstrike "or" and insert immediately thereafter an underscored comma, and after "injury" insert ", or damage"

Page 1, line 14, replace "or" with an underscored comma and after "injury" insert ", or damage"

Page 1, line 16, overstrike "or" and insert immediately thereafter an underscored comma and after "injury" insert ", or damage"

Page 2, line 2, replace "is" with "may notify the commission"

Page 2, remove line 3

Page 2, line 4, remove "injured due to the unmaintained fence regardless of any fault of the owner"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2317: 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 2317 was placed on the Sixth order on the calendar.

Page 1, line 7, after "divinorum" insert ", salvinorin A, or any of the active ingredients of salvia divinorum"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2328: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2328 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2329: Transportation Committee (Sen. G. Lee, Chairman) recommends **DO PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2329 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2343: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2343 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2346: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2346 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2350: 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 2350 was placed on the Sixth order on the calendar.

Page 2, line 9, replace "C felony" with "A misdemeanor"

Page 2, line 11, replace "B" with "C"

Page 2, line 12, after the underscored boldfaced period insert:

"1."

Page 2, line 15, replace "1." with "a."

Page 2, line 18, replace "2." with "b."

Page 2, line 19, replace "a." with "(1)"

Page 2, line 22, replace "b." with "(2)"

Page 2, line 23, replace "3." with "2." and replace "subdivision a" with "subsection 1"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2351: Transportation Committee (Sen. G. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2351 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2355: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2355 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2358: 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 2358 was placed on the Sixth order on the calendar.

Page 2, line 5, after "the" insert "alleged"

Page 2, line 7, after the second "the" insert "alleged" and after the third "the" insert "alleged"

Page 2, line 10, after the first "the" insert "alleged"

Page 2, line 12, after "filed" insert "or after the defendant's initial appearance"

Page 2, line 14, after "requesting" insert "alleged"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2364: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2364 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2366: 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 2366 was placed on the Sixth order on the calendar.

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

Page 1, line 16, replace "immediate relative" with "IR-3"

Page 1, line 17, remove "immigrant"

Page 1, line 18, after "individual's" insert "foreign" and replace "registration" with "decree"

Page 2, after line 25, insert:

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

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2373: Transportation Committee (Sen. G. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2373 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2381: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2381 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2396: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2396 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2398: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2398 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2407: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2407 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4011: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4011 was placed on the Eleventh order on the calendar.

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

William R. Horton, Secretary

