

## JOURNAL OF THE SENATE

## Sixtieth Legislative Assembly

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Bismarck, March 1, 2007

The Senate convened at 12:30 p.m., with President Dalrymple presiding.

The prayer was offered by Senator Dever.

The roll was called and all members were present except Senators Tallackson and Wanzek.

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 Thirty-seventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 639, after line 1, insert:

**"MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SCR 4010."

Page 639, line 10, replace "1:00" with "12:30"

Page 639, after line 35, insert:

**"REPORT OF STANDING COMMITTEE**

**SCR 4028: Judiciary Committee (Sen. Nething, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4028 was placed on the Eleventh order on the calendar."

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

**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1296 be returned to the Senate floor from the **Industry, Business and Labor Committee** and be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1296 was rereferred.

**MOTION**

**SEN. CHRISTMANN MOVED** that after action taken on the Sixth order, SCR 4022 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1154, as engrossed: SEN. DEVER (Human Services Committee) MOVED** that the amendments on SJ page 650 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1330: SEN. LYSON (Judiciary Committee) MOVED** that the amendments on SJ page 642 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1029, as engrossed: SEN. COOK (Finance and Taxation Committee) MOVED** that the amendments on SJ page 649 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1088, as engrossed: SEN. HACKER (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 640-641 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1198: SEN. TAYLOR (Education Committee) MOVED** that the amendments on SJ page 641 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1215, as engrossed: SEN. KLEIN (Agriculture Committee) MOVED** that the amendments on SJ page 641 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senator Gene Hilken.

**CONSIDERATION OF AMENDMENTS**

**HCR 3021: SEN. ERBELE (Agriculture Committee) MOVED** that the amendments on SJ pages 642-643 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SCR 4008: SEN. POMEROY (Human Services Committee) MOVED** that the amendments on SJ page 639 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SCR 4029: SEN. MATHERN (Appropriations Committee) MOVED** that the amendments on SJ pages 639-640 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SCR 4030: SEN. BAKKE (Education Committee) MOVED** that the amendments on SJ page 640 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SCR 4022: SEN. HACKER (Political Subdivisions Committee) MOVED** that the amendments on SJ page 610 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4022:** A concurrent resolution urging Congress and the President to continue to pursue peace in Iraq and Afghanistan.

**REQUEST**

**SEN. WARNER REQUESTED** a recorded roll call vote on the final adoption of Engrossed SCR 4022, which request was granted.

**ROLL CALL**

The question being on the final adoption of the amended resolution, 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; Andrist; 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; Wardner; Warner

**ABSENT AND NOT VOTING:** Wanzek

Engrossed SCR 4022 was declared adopted, and the title was agreed to on a roll call vote.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4023:** A concurrent resolution for the amendment of section 8 of article VII of the Constitution of North Dakota, relating to the beginning of a term of office for a sheriff.

**ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 27 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Wanzek

Engrossed SCR 4023 was declared adopted, and the title was agreed to on a roll call vote.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4028:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a paternity registry.

The question being on the final adoption of the resolution, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SCR 4028 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4024:** A concurrent resolution directing the Legislative Council to study universal health care for North Dakotans, including consideration of how other states have addressed access to health care, the costs and benefits associated with universal health care, and the impact of universal health care on children, adults, and families.

**REQUEST**

**SEN. POTTER REQUESTED** a recorded roll call vote on the final adoption of SCR 4024, which request was granted.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 21 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Wanzek

SCR 4024 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1117:** A BILL for an Act to create and enact three new sections to chapter 13-03.1 and sections 13-04.1-01.1, 13-04.1-02.1, 13-05-01.1, and 13-05-02.3 of the North Dakota Century Code, relating to fraudulent financial practices, prohibition of advance fees, orders and injunctions of the department of financial institutions, definitions, and exemptions; and to amend and reenact sections 13-04.1-02 and 13-05-02 and subsection 1 of section 13-05-02.2 of the North Dakota Century Code, relating to money broker and collection agency licenses.

**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; Andrist; 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; Wardner; Warner

**ABSENT AND NOT VOTING:** Wanzek

HB 1117 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1142:** A BILL for an Act to amend and reenact section 49-02-01.1 of the North Dakota Century Code, relating to the jurisdiction of the public service commission over telecommunications companies.

**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; Andrist; 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; Wardner; Warner

**ABSENT AND NOT VOTING:** Wanzek

HB 1142 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1149:** A BILL for an Act to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to the governor's proclamation concerning the youth deer hunting season; and to amend and reenact subsection 1 of section 20.1-03-11 and subsection 3 of section 20.1-03-12 of the North Dakota Century Code, relating to deer hunting age requirements and license fees.

**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; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; 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; Wardner; Warner

**NAYS:** Erbele

**ABSENT AND NOT VOTING:** Wanzek

HB 1149, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1253:** A BILL for an Act to amend and reenact section 6-03-76 of the North Dakota Century Code, relating to payments for financial institutions records search services.

**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 40 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman; Erbele; Nelson; O'Connell; Triplett; Warner

**ABSENT AND NOT VOTING:** Wanzek

HB 1253 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1265:** A BILL for an Act to create and enact a new section to chapter 61-21 of the North Dakota Century Code, relating to culverts for assessment drains.

**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; Andrist; 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; Wardner; Warner

**ABSENT AND NOT VOTING:** Wanzek

Engrossed HB 1265 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1266:** A BILL for an Act to amend and reenact sections 61-16.1-45 and 61-21-46 of the North Dakota Century Code, relating to maintenance of assessment drains.

**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; Andrist; 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; Wardner; Warner

**NAYS:** O'Connell

**ABSENT AND NOT VOTING:** Wanzek

HB 1266 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1289:** A BILL for an Act to amend and reenact section 20.1-08-04.1 of the North Dakota Century Code, relating to a bighorn sheep license raffle or auction.

**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; Andrist; 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; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wardner; Warner

**NAYS:** Nothing

**ABSENT AND NOT VOTING:** Wanzek

HB 1289 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1295:** A BILL for an Act to amend and reenact section 39-12-02 of the North Dakota Century Code, relating to permits for vehicles of excessive size and weight; and to declare an emergency.

**ROLL CALL**

The question being on the final adoption 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; Andrist; 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; Wardner; Warner

**ABSENT AND NOT VOTING:** Wanzek

HB 1295, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1301:** A BILL for an Act to amend and reenact subsection 7 of section 6-03-02 of the North Dakota Century Code, relating to the power of a bank to serve as a custodian for health savings accounts and health care cost funding accounts; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Anderson; Andrist; 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; Wardner; Warner

**ABSENT AND NOT VOTING:** Wanzek

HB 1301 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1302:** A BILL for an Act to amend and reenact subsection 1 of section 47-16-07.1 of the North Dakota Century Code, relating to security deposits.

**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 40 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Horne; Marcellais; Mathern; Nelson; O'Connell; Warner

**ABSENT AND NOT VOTING:** Wanzek

Engrossed HB 1302 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1316:** A BILL for an Act to provide for a legislative council study of the protection of consumer telephone records.

**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 7 YEAS, 39 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Potter

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

**ABSENT AND NOT VOTING:** Wanzek

Engrossed HB 1316 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1362:** A BILL for an Act to amend and reenact subsection 3 of section 39-24-04 of the North Dakota Century Code, relating to out-of-state snowmobile registration fees.

**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; Andrist; 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; Wardner; Warner

**ABSENT AND NOT VOTING:** Wanzek

HB 1362, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1379:** A BILL for an Act to amend and reenact subdivisions d and e of subsection 1 of section 16.1-12-02.2 of the North Dakota Century Code, relating to canvassing of write-in vote thresholds.

**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 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Heitkamp; Krauter; Pomeroy; Potter

**ABSENT AND NOT VOTING:** Wanzek

Engrossed HB 1379, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1402:** A BILL for an Act to create and enact a new subsection to section 20.1-02-05 and a new section to chapter 20.1-08 of the North Dakota Century Code, relating to authority of the game and fish director to issue hunting licenses to a nonprofit organization and to establish once-in-a-lifetime hunting opportunities for terminally ill children.

**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; Andrist; 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; Wardner; Warner

**ABSENT AND NOT VOTING:** Wanzek

Engrossed HB 1402, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1008:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of financial institutions.

**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; Andrist; 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; Wardner; Warner

**ABSENT AND NOT VOTING:** Wanzek

HB 1008 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1070:** A BILL for an Act to amend and reenact section 34-07-15 of the North Dakota Century Code, relating to the maximum hours of labor of minors fourteen or fifteen years of age.



**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; Andrist; 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; Wardner; Warner

**ABSENT AND NOT VOTING:** Wanzek

HB 1070 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1075:** A BILL for an Act to amend and reenact subsection 2 of section 12.1-32-02 of the North Dakota Century Code, relating to sentencing and credit for time spent in custody.

**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; Andrist; 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; Wardner; Warner

**ABSENT AND NOT VOTING:** Wanzek

HB 1075 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1076:** A BILL for an Act to amend and reenact section 15.1-21-02 of the North Dakota Century Code, relating to exemption from high school curriculum requirements for the high school education program at the North Dakota youth correctional center; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Flakoll; Lee, G.; Nelson; Oehlke

**ABSENT AND NOT VOTING:** Wanzek

Engrossed HB 1076 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1077:** A BILL for an Act to amend and reenact sections 12-48-15 and 12-48-22 of the North Dakota Century Code, relating to inmate funds and accounts and fines and restitution for the misconduct of offenders.

**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; Andrist; 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; Wardner; Warner

**ABSENT AND NOT VOTING:** Wanzek

Engrossed HB 1077 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1083:** A BILL for an Act to amend and reenact section 27-03-05 of the North Dakota Century Code, relating to fees charged and collected by the clerk of the supreme court.

**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; Andrist; 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; Wardner; Warner

**ABSENT AND NOT VOTING:** Wanzek

HB 1083 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1095:** A BILL for an Act to amend and reenact subsection 2 of section 54-60.1-01 and subsection 3 of section 54-60.1-02 of the North Dakota Century Code, relating to business incentives, agreements, and reports.

**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; Andrist; 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; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wardner; Warner

**NAYS:** Mathern

**ABSENT AND NOT VOTING:** Wanzek

HB 1095 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1108:** A BILL for an Act to amend and reenact subsection 3 of section 32-03.1-02.3 of the North Dakota Century Code, relating to immunity from civil liability for persons using automated external defibrillators.

**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; Andrist; 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; Wardner; Warner

**ABSENT AND NOT VOTING:** Wanzek

HB 1108 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1123:** A BILL for an Act to amend and reenact subsections 2 and 3 of section 43-13-02, sections 43-13-05, 43-13-06, and 43-13-11, subsection 3 of section 43-13-13.2, section 43-13-20, subsection 7 of section 43-13-22, and section 43-13-28 of the North Dakota Century Code, relating to regulation and licensing of optometrists.

**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; Andrist; 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; Wardner; Warner

**ABSENT AND NOT VOTING:** Wanzek

Engrossed HB 1123 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1177:** A BILL for an Act to create and enact a new section to chapter 15.1-16 of the North Dakota Century Code, relating to salary increases for unfillable positions.

**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 27 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Nething; O'Connell; Oehlke; Olafson; Stenehjem; Tallackson; Taylor; Tollefson; Urlacher; Wardner

**NAYS:** Anderson; Bakke; Behm; Fiebiger; Heckaman; Heitkamp; Holmberg; Horne; Krauter; Lindaas; Marcellais; Mathern; Nelson; Pomeroy; Potter; Robinson; Seymour; Triplett; Warner

**ABSENT AND NOT VOTING:** Wanzek

Engrossed HB 1177 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1186:** A BILL for an Act to amend and reenact sections 57-20-20, 57-20-21, and 57-23-06 of the North Dakota Century Code, relating to property taxes paid under protest and hearings on applications for abatement; 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 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; 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; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wardner; Warner

**NAYS:** Olafson

**ABSENT AND NOT VOTING:** Wanzek

HB 1186 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1211:** A BILL for an Act to amend and reenact sections 32-09.1-03, 32-09.1-04, 32-09.1-07, and 32-09.1-09 of the North Dakota Century Code, relating to the garnishment of wages.

**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; Andrist; 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; Wardner; Warner

**ABSENT AND NOT VOTING:** Wanzek

Engrossed HB 1211 passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1331 be returned to the Senate floor from the **Transportation Committee** and be rereferred to the **Political Subdivisions Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1331 was rereferred.

**POINT OF PERSONAL PRIVILEGE**

**SEN. TALLACKSON REQUESTED** that his remarks be printed in the Journal, which request was granted.

**REMARKS OF SENATOR TALLACKSON**

Recently Minnkota Power Co-Op of Grand Forks and Center, North Dakota announced they had entered into a contract with Florida Power and Light to build a wind farm six miles south of Langdon, North Dakota. The field would consist of 66 towers that would produce 100 megawatts of electrical power and the power would be purchased from Florida Power and Light. The 66 towers will be 250 feet high. The three blades will be 120 feet long each. The wind generators will cut in at 8 mph wind speed. They will cut out at 56 mph wind speed. The power will be sent to the Langdon substation. Transmission outlet will be the 35 miles of 115 kilowatt line from Langdon to Hensel, north Dakota. It is estimated that the wind farm will be on line 42% of the time. The energy will be used by the Class A customers of the Minnkota Power System. The term of contract is 25 years. The project reduces load control by 200 hours per year for Minnkota customers. Thank you, Mr. President.

**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 4013, SCR 4031, SCR 4032.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1022, HB 1028, HB 1054, HB 1058, HB 1066, HB 1074, HB 1096, HB 1097, HB 1143.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1030, HB 1031, HB 1032, HB 1103.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1380.

**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: HCR 3059, HCR 3061, HCR 3062, HCR 3063, HCR 3064.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed unchanged: SB 2028.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2066, SB 2111, SB 2234, SB 2236.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2066**

Page 1, line 14, after "new" insert "psychiatric"

Page 1, line 15, replace "center" with "facility"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2111**

Page 1, line 8, overstrike "twenty-five" and insert immediately thereafter "twenty"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2234**

Page 1, line 2, after the first comma insert "subsection 1 of section 16.1-11-11,"

Page 1, line 11, after the second comma insert "and"

Page 1, line 15, after the second comma insert "and telephone number,"

Page 3, after line 3, insert:

**"SECTION 3. AMENDMENT.** Subsection 1 of section 16.1-11-11 of the North Dakota Century Code is amended and reenacted as follows:

1. A certificate of endorsement signed by the district chairman of any legally recognized political party containing the candidate's name, post-office address, and telephone number, the title of the office to which the candidate aspires, and the party that the candidate represents; or"

Page 3, line 6, remove "telephone number," and after "and" insert "telephone number,"

Page 3, line 12, after the second comma insert "and" and remove the underscored comma

Page 4, line 5, remove "state" and overstrike "representatives" and insert immediately thereafter "state representative"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2236**

Page 1, line 11, after "both" insert "in the same election"

Page 2, line 8, remove the overstrike over "~~thirty-three~~" and remove "sixty"

Page 2, line 9, remove the overstrike over "~~thirty-third~~" and remove "sixtieth"

Page 2, line 15, after "both" insert "in the same election"

Page 2, line 17, after "both" insert "in the same election"

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2087, SB 2112, SB 2159, SB 2231, SB 2235, SB 2242.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HB 1037, HB 1053, HB 1057, HB 1068, HB 1098, HB 1104, HB 1122, HB 1131, HB 1178, HB 1184, HCR 3014.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2087, SB 2112, SB 2159, SB 2231, SB 2235, SB 2242.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1052, HB 1064, HB 1085, HB 1114, HB 1185, HB 1236, HB 1318, HB 1374, HB 1376, HB 1377, HB 1382, HB 1383, HB 1468, HCR 3001, HCR 3005.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2085, SB 2088, SB 2097, SB 2120, SB 2130, SB 2132, SB 2133, SB 2170, SB 2175.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 1, 2007: SB 2085, SB 2088, SB 2097, SB 2120, SB 2130, SB 2132, SB 2133, SB 2170, SB 2175.

#### **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 12:30 p.m., Friday, March 2, 2007, which motion prevailed.

#### **REPORT OF STANDING COMMITTEE**

**HB 1033, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1033 was placed on the Fourteenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HB 1065, as engrossed: Transportation Committee (Sen. G. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1065 was placed on the Sixth order on the calendar.

Page 1, line 12, overstrike "greater" and overstrike "association" and insert immediately thereafter "chamber of commerce"

Page 2, after line 5, insert:

"19. The Dakota transit association."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HB 1069: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1069 was placed on the Fourteenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HB 1109, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1109 was placed on the Fourteenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HB 1155: 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). HB 1155 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subdivision" with "subdivisions h and"

Page 1, line 3, remove the second "and"

Page 1, line 4, after "26.1-08-13" insert ", and subsection 28 of section 26.1-36.3-01"

Page 1, line 5, after "Dakota" insert "and to a definition applicable to small employer employee health insurance"

Page 1, line 20, overstrike "means, with respect to an individual, coverage of the"

Page 1, overstrike lines 21 through 23

Page 2, overstrike lines 1 through 11

Page 2, line 12, overstrike "h. A public health plan as defined in federal regulations" and remove "including a plan"

Page 2, remove line 13

Page 2, line 14, remove "government" and overstrike the semicolon

Page 2, overstrike lines 15 through 17

Page 2, line 18, overstrike "87-293; 75 Stat. 613; 22 U.S.C. 2504(e)]" and insert immediately thereafter "has the same meaning as "qualifying previous coverage" as defined under section 26.1-36.3-01"

Page 4, line 12, overstrike "or" and insert immediately thereafter "and"

Page 5, line 21, after the period insert "The board may waive the residency requirement upon a showing of good cause."

Page 6, line 19, replace "Subdivision" with "Subdivisions h and"

Page 6, line 20, replace "is" with "are"

Page 6, after line 20, insert:

"h. Develop and implement a program to publicize the existence of the association, the eligibility ~~requirement~~ requirements, and procedures for enrollment and to maintain public awareness of the association;"

Page 11, line 17, remove "or c"

Page 11, line 18, after "5" insert "or under subparagraph a of paragraph 1 of subdivision c of subsection 5"

Page 13, line 7, after "under" insert "medicare or"

Page 13, line 8, overstrike ", medicare, or"

Page 13, line 9, overstrike "medicaid"

Page 18, after line 17, insert:

**"SECTION 11. AMENDMENT.** Subsection 28 of section 26.1-36.3-01 of the North Dakota Century Code is amended and reenacted as follows:

28. "Qualifying previous coverage" and "qualifying existing coverage" mean, with respect to an individual, health benefits or coverage provided under any of the following:

- a. A group health benefit plan;
- b. A health benefit plan;
- c. Medicare;
- d. Medicaid;

- e. Civilian health and medical program for uniformed services;
- f. A medical care program of the Indian health service or of a tribal organization;
- g. A state health benefit risk pool, including coverage issued under chapter 26.1-08;
- h. A health plan offered under 5 U.S.C. 89;
- i. A public health plan as defined in federal regulations, including a plan maintained by a state government, the United States government, or a foreign government; and
- j. A health benefit plan under section 5(e) of the Peace Corps Act [Pub. L. 87-293; 75 Stat. 612; 22 U.S.C. 2504(e)]; and
- k. A state's children's health insurance program funded through title XXI of the federal Social Security Act [42 U.S.C. 1397aa et seq.].

The term "qualifying previous coverage" does not include coverage of benefits excepted from the definition of a "health benefit plan" under subsection 17."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1172, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1172 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1226, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1226 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1268: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1268 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1338, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1338 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1390, as engrossed: 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). Engrossed HB 1390 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "the intentional and unintentional"

Page 1, line 11, remove "the" and remove "of a foster family"

Page 1, line 12, replace "the family's" with "a"

Page 1, line 14, remove "the foster family may have for claimed"

Page 1, line 15, remove "losses"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1395, as reengrossed: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1395 was rereferred to the **Appropriations Committee**.



**REPORT OF STANDING COMMITTEE**

**HB 1470, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1470 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3044: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3044 was placed on the Fourteenth order on the calendar.

**FIRST READING OF HOUSE BILL**

**HB 1319:** A BILL for an Act to create and enact three new sections to chapter 12.1-05 of the North Dakota Century Code, relating to the use of and liability for deadly force; and to amend and reenact section 12.1-05-07 of the North Dakota Century Code, relating to the use of deadly force.

Was read the first time and referred to the **Natural Resources Committee**.

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

**William R. Horton, Secretary**

