

## JOURNAL OF THE SENATE

## Fifty-ninth Legislative Assembly

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Bismarck, January 27, 2005

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

The prayer was offered by Bishop Duane C. Danielson, Western North Dakota Synod, Evangelical Lutheran Church in America, Bismarck.

The roll was called and all members were present except Senators Nething and Taylor.

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**SB 2077: SEN. SEYMOUR (Education Committee) MOVED** that the amendments on SJ page 176 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2130: SEN. HACKER (Political Subdivisions Committee) MOVED** that the amendments on SJ page 176 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2157: SEN. WARDNER (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 176-177 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2086: SEN. KLEIN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 176 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2297 be returned to the Senate floor from the **Appropriations Committee**, and be placed on the Eleventh order on the calendar, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 7:00 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Pro Tem Grindberg presiding over Citizens' Night at the Legislature.

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church, Bismarck.

## SECOND READING OF SENATE BILL

**SB 2061:** A BILL for an Act to amend and reenact section 35-20-17 of the North Dakota Century Code, relating to a landlord's mobile home lien; and to provide a penalty.

## 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Tallackson; Taylor

Engrossed SB 2061 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2041:** A BILL for an Act to create and enact a new subsection to section 20.1-01-02 and a new section to chapter 20.1-03 of the North Dakota Century Code, relating to hunting on Indian land; and to amend and reenact sections 20.1-04-06 and 20.1-05-03 of the North Dakota Century Code, relating to transportation of game and fish taken on Indian lands.

**MOTION**

**SEN. BERCIER MOVED** that Engrossed SB 2041 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 10, after the first "Indian" insert ", land held in trust by the federal government for the benefit of the Turtle Mountain Band of Chippewa."

Renumber accordingly

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 11 YEAS, 32 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Every; Krauter; Lindaas; Mathern; Nelson; O'Connell; Seymour; Traynor; Triplett; Warner

**NAYS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Robinson; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Tallackson; Taylor

Reengrossed SB 2041 lost.

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**SECOND READING OF SENATE BILL**

**SB 2036:** A BILL for an Act to amend and reenact section 54-44.1-11 of the North Dakota Century Code, relating to the cancellation of unexpended appropriations for the North Dakota university system; 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Tallackson; Taylor

SB 2036 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2226:** A BILL for an Act to amend and reenact section 15.1-09-33 of the North Dakota Century Code, relating to the power of school boards to lease property and dismiss certain personnel.

**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, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; O'Connell; Robinson; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Seymour; Triplett; Warner

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Tallackson; Taylor

SB 2226 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2044:** A BILL for an Act to amend and reenact sections 4-09-01, 4-09-02, 4-09-03, 4-09-04, 4-09-05, 4-09-06, 4-09-06.1, 4-09-07, 4-09-08, 4-09-10, 4-09-11, 4-09-11.1, 4-09-11.2, 4-09-12, 4-09-13, 4-09-14, 4-09-14.1, 4-09-14.4, 4-09-15, 4-09-16, 4-09-17.1, 4-09-18, 4-09-20.1, 4-09-20.2, 4-09.1-02, 4-09.1-04, 4-25-01, 4-25-02, 4-25-03, and 4-25-04 of the North Dakota Century Code, relating to the state seed department, seed labeling, and certified seed; and to repeal sections 4-09-03.1, 4-09-10.1, and 4-09-14.3 of the North Dakota Century Code, relating to the state seed arbitration board and labeling requirements for seed labeling permit 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Tallackson; Taylor

Engrossed SB 2044 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2224:** A BILL for an Act to amend and reenact subdivisions c and d of subsection 1 of section 40-63-03 of the North Dakota Century Code, relating to the size of renaissance zones.

#### 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 11 YEAS, 32 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Erbele; Espegard; Fairfield; Klein; Krauter; O'Connell; Thane; Traynor; Trenbeath; Warner

**NAYS:** Bercier; Bowman; Brown; Christmann; Cook; Dever; Every; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tollefson; Triplett; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Tallackson; Taylor

SB 2224 lost.

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#### SECOND READING OF SENATE BILL

**SB 2052:** A BILL for an Act to create and enact a new section to chapter 57-15 of the North Dakota Century Code, relating to levies for full-day kindergarten programs; and to amend and reenact section 15.1-22-01 of the North Dakota Century Code, relating to the establishment of and levies for kindergarten programs.

**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 12 YEAS, 31 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Every; Fairfield; Krauter; Lindaas; Mathern; Nelson; Robinson; Seymour; Traynor; Triplett; Warner

**NAYS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; O'Connell; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Tallackson; Taylor

SB 2052 lost.

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**SECOND READING OF SENATE BILL**

**SB 2308:** A BILL for an Act to create and enact a new section to chapter 14-10 of the North Dakota Century Code, relating to consent for certain health care services provided to minors.

**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, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**NAYS:** Mutch

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Tallackson; Taylor

SB 2308 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2146:** A BILL for an Act to provide adjusted compensation for eligible resident veterans and for the filing and payment of claims, duties of the adjutant general, and exemption from taxation and execution for such payments; to provide a penalty; 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Tallackson; Taylor

SB 2146 passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

**SEN. CHRISTMANN MOVED** that the rules be suspended and that SB 2146 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, the emergency clause carried, and your favorable consideration is requested on: SB 2146.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1055, HB 1066, HB 1099, HB 1156, HB 1158, HB 1161, HB 1162, HB 1166, HB 1218, HB 1253, HB 1264, HB 1267, HB 1289, HB 1299, HB 1300, HB 1326.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1067, HB 1229.

**MOTION**

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

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, January 28, 2005, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2056: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2056 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "designed to"

Page 1, line 8, remove "be worn on or about the human body"

Page 1, after line 11, insert:

"For purposes of this subsection, clothing means all human wearing apparel suitable for general use."

Page 1, line 13, replace "Special clothing or footwear that is primarily designed for athletic" with "Sport or recreational equipment for human wear and worn in conjunction with an athletic or recreational activity not suitable for general use."

Page 1, remove lines 14 and 15

Page 1, after line 15, insert:

"(2) Protective equipment for human wear and designed as protection of the wearer against injury or disease or as protections against damage or injury of other persons or property but not suitable for general use."

Page 1, line 16, replace "(2) Accessories" with "(3) Clothing accessories or equipment that are incidental items worn on the person or in conjunction with clothing. Clothing accessories or equipment may include accessories"

Page 1, line 17, remove "carried on or about the human body, without"

Page 1, remove line 18

Page 1, line 19, remove "of clothing"

Page 1, line 20, replace "(3)" with "(4)"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2149: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2149 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 50-01.2-03 of the North Dakota Century Code, relating to duties of county social service boards; and to"

Page 1, after line 8, insert:

**"SECTION 1.** A new subsection to section 50-01.2-03 of the North Dakota Century Code is created and enacted as follows:

Supervise and administer designated child welfare services under the direction and supervision of the department of human services. Through established procedures:

- a. The department of human services may release the county social service board of this duty; or
- b. The county social service board may request to be released from this duty by the department of human services."

Page 10, line 24, after "6." insert ""Citizen review committee" means a committee appointed by the department to review the department's provision of child welfare services.

7."

Page 10, line 25, replace "7." with "8."

Page 11, line 1, replace "8." with "9."

Page 11, line 7, replace "9." with "10."

Page 11, line 17, replace "10." with "11."

Page 11, line 18, replace "11." with "12."

Page 11, line 24, replace "12." with "13."

Page 11, line 29, replace "13." with "14."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2152: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2152 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2166: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2166 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "a pain state"

Page 1, line 10, after "~~efforts~~" insert "acute pain and chronic pain. Acute pain is the normal, predicted physiological response to a noxious chemical or thermal or mechanical stimulus and typically is associated with invasive procedures, trauma, or disease, and is generally time-limited. Chronic pain is a state"

Page 2, line 15, after "substances" insert "not related to treatment for pain"

Page 2, line 16, overstrike "controlled substances" and remove "for pain"

Page 2, line 17, overstrike "to a person the physician knows is using", remove "those", and overstrike "controlled substances for nontherapeutic" and insert immediately thereafter "any drug legally classified as a controlled substance or as an addictive or dangerous drug for other than medically accepted therapeutic"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2177: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2177 was placed on the Sixth order on the calendar.

Page 1, line 1, after "57-39.2-04.5" insert "and a new section to chapter 57-39.5"

Page 2, after line 22, insert:

**"SECTION 2.** A new section to chapter 57-39.5 of the North Dakota Century Code is created and enacted as follows:

**Gross receipts tax exemption - Farm machinery and equipment for dairy farm.**

1. Gross receipts from the sale of farm machinery and equipment used directly and exclusively in the milking operation of a dairy farm are exempt from taxes under this chapter.
2. For purposes of this section:
  - a. "Equipment" means any tangible personal property, other than machinery, used directly and exclusively in milk collection, handling, and storage; heating or cooling of the structure in which the milking operation is conducted; or tangible personal property, other than machinery, used directly and exclusively for waste handling and disposal directly related to the milking operation, and which tangible personal property is not commonly usable in other agricultural operations.
  - b. "Machinery" means mechanical devices used directly and exclusively in milk collection, handling, and storage; heating or cooling of the structure in which the milking operation is conducted; or mechanical devices used directly and exclusively for waste handling and disposal directly related to the milking operation. The term includes electrical, mechanical, and electronic components that are part of machinery and necessary for a machine to produce its effect or result and environmental control equipment required to maintain certain levels of humidity or temperature. The term includes computer equipment that controls or monitors the functions of machinery used directly in the milking operation.
  - c. "Machinery" and "equipment" do not include handtools or transportation equipment commonly usable in other agricultural operations or machines and equipment used primarily in administrative, accounting, sales, or other segments for the dairy farm operation besides milk production, handling, and storage."

Page 2, line 23, replace "This" with "Section 1 of this"

Page 2, line 24, after "2005" insert ", and section 2 of this Act is effective for taxable events occurring after December 31, 2005"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2219: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2219 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "The confidential information includes the name, address, and" with "However, the information may be disclosed:

- a. To a governmental agency or court for a law enforcement purpose, including the investigation, prosecution, or punishment of a violation of law.

- b. To a court to aid in a decision concerning sentence, probation, or release pending trial or appeal.
- c. Pursuant to a judicial, legislative, or administrative agency subpoena issued in this state."

Page 1, remove line 8

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2222: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2222 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2243: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2243 was placed on the Sixth order on the calendar.

Page 1, line 2, after "decisions" insert "; and to provide an appropriation"

Page 2, line 29, replace "The" with "Within the limits of legislative appropriations, the"

Page 2, line 30, remove "at least five percent of"

Page 2, line 31, replace ". The state supervisor of" with "and"

Page 3, line 1, remove "assessments shall cause an annual random audit of at least five percent"

Page 3, line 3, remove "five percent"

Page 3, after line 11, insert:

**"SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the tax commissioner for the purpose of random property tax audits as directed by the supervisor of assessments under section 57-01-05, for the biennium beginning July 1, 2005, and ending June 30, 2007."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2244: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2244 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2260: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2260 was placed on the Sixth order on the calendar.

Page 1, line 6, after "person" insert "or school district"

Page 1, line 10, replace "presented" with "taught" and after "teach" insert "in early childhood education"

Page 1, after line 13, insert:

"Per student funding will not be provided to individuals or school districts offering a prekindergarten program."

Renumber accordingly



**REPORT OF STANDING COMMITTEE**

**SB 2271: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2271 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2277: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2277 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2291: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2291 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2293: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2293 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2298: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2298 was placed on the Sixth order on the calendar.

Page 1, line 18, after "absence" insert ", not to exceed twenty workdays,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2302: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2302 was placed on the Sixth order on the calendar.

Page 1, line 6, overstrike "recovered" and insert immediately thereafter "entered"

Page 1, line 14, after "rounded" insert "up" and replace "nearest" with "next"

Page 1, line 15, remove "On or before the twentieth day of December each year, the state court"

Page 1, remove lines 16 and 17

Page 1, line 18 remove "through the last day of December in each year.", overstrike "Interest" and insert immediately thereafter "On or before the twentieth day of December each year, the state court administrator shall determine the rate and shall transmit notice of that rate to all clerks of court and to the state bar association of North Dakota. As established, the rate shall be in effect beginning the first day of the following January through the last day of December in each year. Except as otherwise provided in this section, interest", and overstrike "recovered" and insert immediately thereafter "entered"

Page 1, line 21, after the period insert "Interest on unpaid child support obligations must be calculated under section 14-09-25 according to the rate currently in effect under this section regardless of the date the obligations first became due and unpaid."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2316: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2316 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4009: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4009 was placed on the Sixth order on the calendar.

Page 1, line 1, after "district" insert "and library"

Page 1, line 2, after "district" insert "and library"

Page 1, line 4, after "districts" insert "and libraries"

Page 1, line 6, after "districts" insert "and libraries"

Page 1, line 9, after "district" insert "and library"

Page 1, line 10, after "districts" insert "and libraries"

Page 1, line 12, after "districts" insert "and libraries"

Page 1, line 17, after "district" insert "and library"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4010: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4010 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4011: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4011 was placed on the Eleventh order on the calendar.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Stenehjem, Flakoll, O'Connell and Reps. Berg, Boucher, Nicholas introduced:

**SCR 4021:** A concurrent resolution urging Congress to allow for the travel of United States citizens to and from Cuba and to allow direct banking transfers between the United States and Cuba for the purchase of American-made products by Cuba.

Was read the first time and referred to the **Agriculture Committee**.

Sen. Erbele and Rep. Brandenburg introduced:

**SCR 4022:** A concurrent resolution urging the President of the United States to protect, defend, and support federal antitrust and securities fraud laws.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Heitkamp, Fischer, Mathern, Nelson and Reps. Delmore, Monson introduced:

**SCR 4023:** A concurrent resolution expressing the Legislative Assembly's commendation and support for the efforts of the Lake Agassiz Water Authority to deliver water to eastern North Dakota.

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

Sens. Krauter, Bercier, Stenehjem and Reps. Berg, Boucher, Kerzman introduced:

**SCR 4024:** A concurrent resolution urging Congress and the Secretary of the United States Department of the Interior to provide funding for United Tribes Technical College.

Was read the first time and referred to the **Education Committee**.

Sens. Warner, Urlacher and Reps. Aarsvold, Bellew, Gulleon introduced:

**SCR 4025:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of converting public school teachers to state employees, including work time and leave time, retirement and insurance plans, and entry in a classified system.

Was read the first time and referred to the **Education Committee**.

Sens. Warner, Freborg, Lyson and Reps. Charging, Onstad introduced:

**SCR 4026:** A concurrent resolution urging Congress to enact legislation to address the adverse economic impact on businesses and the economic health of North Dakota caused by the low water levels of the federally managed reservoirs on the Missouri River in North Dakota.

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

Sen. Brown and Rep. Kreidt introduced:

**SCR 4027:** A concurrent resolution directing the Legislative Council to study the need for dementia-related services, standards, and practices for caregivers and funding for programs and services for individuals with dementias.

Was read the first time and referred to the **Human Services Committee**.

Sens. Krauter, Erbele and Reps. Kerzman, Nicholas introduced:

**SCR 4028:** A concurrent resolution urging Congress to support mandatory country of origin labeling for all agricultural commodities.

Was read the first time and referred to the **Agriculture Committee**.

Sens. Lyson, Flakoll, Hacker, Krebsbach and Reps. Clark, Iverson introduced:

**SCR 4029:** A concurrent resolution urging Congress and the President to provide at least \$1.8 billion for Amtrak in fiscal year 2006 to sustain and improve the national intercity passenger rail system.

Was read the first time and referred to the **Transportation Committee**.

Sens. Brown, O'Connell and Reps. Devlin, Metcalf introduced:

**SCR 4030:** A concurrent resolution directing the Legislative Council to study the delivery of long-term care services in North Dakota with primary emphasis on the individual's preferred method of care, patient safety, quality of care, potential duplication of service, and the direction of state assistance.

Was read the first time and referred to the **Human Services Committee**.

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

**William R. Horton, Secretary**

