

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

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Bismarck, February 7, 2007

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

The prayer was offered by Reverend David L. Vaughn, Chaplain of the North Dakota State Penitentiary, Bismarck.

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

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that SB 2208, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2225: SEN. TOLLEFSON (Finance and Taxation Committee) MOVED that the amendments on SJ page 328 be adopted with **DO PASS**, which motion prevailed.

ANNOUNCEMENT

PRESIDENT DALRYMPLE ANNOUNCED that Engrossed SB 2225 will be rereferred to the Appropriations Committee,.

CONSIDERATION OF AMENDMENTS

SB 2273: SEN. WANZEK (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 328 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2352: SEN. WARNER (Human Services Committee) MOVED that the amendments on SJ page 329 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2372: SEN. ANDERSON (Finance and Taxation Committee) MOVED that the amendments on SJ page 329 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2375: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ pages 329-331 be adopted and then be placed on the Eleventh order **WITHOUT RECOMMENDATION**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2378: SEN. LYSON (Judiciary Committee) MOVED that the amendments on SJ page 331 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SCR 4009: SEN. OLAFSON (Judiciary Committee) MOVED that the amendments on SJ pages 332-333 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2390: SEN. HEITKAMP (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 331 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that SB 2390 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2390: A BILL for an Act to amend and reenact subsection 1 of section 6-02-01 and section 6-05-02 of the North Dakota Century Code, relating to the use of terms for bank, annuity, safe deposit, surety, and trust company regulation purposes; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 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; 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

NAYS: Klein

Engrossed SB 2390 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2046: A BILL for an Act to create and enact two new subsections to section 15-39.1-04 of the North Dakota Century Code, relating to definitions under the teachers' fund for retirement; to amend and reenact subsection 9 of section 15-39.1-04, subsection 1 of section 15-39.1-09, section 15-39.1-10, subdivision c of subsection 1 of section 15-39.1-10.3, sections 15-39.1-10.6, 15-39.1-11, 15-39.1-12, and 15-39.1-15, subsection 1 of section 15-39.1-19.1, sections 15-39.1-19.2 and 15-39.1-20, and subsection 2 of section 15-39.1-33 of the North Dakota Century Code, relating to the incorporation of federal law changes, employer contributions and service credit purchases, eligibility for and determination of benefits, vesting, early retirement, returning to teaching, and accepting a refund from the fund under the teachers' fund for retirement; to provide for application; and to provide an appropriation.

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 36 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Bowman; Christmann; Erbele; Fischer; Freborg; Heckaman; Lee, G.; Stenehjerm; Tollefson; Urlacher

SB 2046 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2060: A BILL for an Act to amend and reenact sections 43-18-05 and 43-18-24 of the North Dakota Century Code, relating to plumbing board member compensation and plumbing code violations; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Wanzek; Wardner; Warner

Reengrossed SB 2060 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2169: A BILL for an Act to amend and reenact sections 57-40.6-01, 57-40.6-02, 57-40.6-03, 57-40.6-04, 57-40.6-05, 57-40.6-06, 57-40.6-08, 57-40.6-10, and 57-40.6-12 of the North Dakota Century Code, relating to the application, collection, and use of emergency services communication fees; and to repeal section 57-40.6-11 of the North Dakota Century Code, relating to a report on all standards and guidelines.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Wanzek; Wardner; Warner

Engrossed SB 2169 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2232: A BILL for an Act to amend and reenact sections 16.1-07-03 and 16.1-07-04, subsection 3 of section 16.1-07-05, subsections 1 and 2 of section 16.1-07-06, subsections 4 and 5 of section 16.1-07-08.1, section 16.1-07-09, and subdivision c of subsection 2 of section 16.1-07-15 of the North Dakota Century Code, relating to absentee voting.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Wanzek; Wardner; Warner

Engrossed SB 2232 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2237: A BILL for an Act to amend and reenact sections 16.1-02-07, 16.1-02-09, 16.1-02-13, and 16.1-02-15 of the North Dakota Century Code, relating to the central voter file.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Wanzek; Wardner; Warner

Engrossed SB 2237 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2255: A BILL for an Act to create and enact chapter 51-34 of the North Dakota Century Code, relating to the unauthorized or fraudulent procurement, sale, or receipt of telephone records; to provide a penalty; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Wanzek; Wardner; Warner

Engrossed SB 2255 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2263: A BILL for an Act to amend and reenact section 39-04-10.10 of the North Dakota Century Code, relating to veterans' number plates.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Wanzek; Wardner; Warner

SB 2263 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2269: A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to drink discounting.

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 13 YEAS, 34 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Erbele; Fiebiger; Flakoll; Freborg; Grindberg; Horne; Lee, J.; Lyson; Mathern; Pomeroy; Robinson; Tallackson

NAYS: Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Fischer; Hacker; Heckaman; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lindaas; Marcellais; Nelson; Nething; O'Connell; Oehlke; Olafson; Potter; Seymour; Stenehjerm; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

SB 2269 lost.

SECOND READING OF SENATE BILL

SB 2328: A BILL for an Act to amend and reenact subsection 2 of section 40-05.1-06 of the North Dakota Century Code, relating to home rule city authority to impose income taxes.

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

YEAS: Behm; Fiebiger; Mathern; Nelson; Pomeroy; Potter; Tallackson

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

SB 2328 lost.

SECOND READING OF SENATE BILL

SB 2329: A BILL for an Act to amend and reenact subsection 3 of section 5-01-08 of the North Dakota Century Code, relating to the sentence for the person under twenty-one years of age using alcoholic beverages.

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, 4 NAYS, 0 EXCUSED, 0 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; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Seymour; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Andrist; Lyson; Potter; Stenehjerm

SB 2329 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2336: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 14-09-09.7 and a new subsection to section 14-09-09.7 of the North Dakota Century Code, relating to liability for children's health insurance coverage or other medical support; to amend and reenact section 14-09-08.10, subsection 3 of section 14-09-08.11, section 14-09-08.15, and subsection 3 of section 14-09-09.10 of the North Dakota Century Code, relating to liability for children's health insurance coverage or other medical support; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Wanzek; Wardner; Warner

Engrossed SB 2336 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2343: A BILL for an Act to create and enact a new subsection to section 43-23.1-05 of the North Dakota Century Code, relating to exemptions for registration provisions of the Subdivided Lands Disposition Act.

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 44 YEAS, 3 NAYS, 0 EXCUSED, 0 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; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Urlacher; Wanzek; Wardner; Warner

NAYS: Krauter; Oehlke; Triplett

SB 2343 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2351: A BILL for an Act to amend and reenact section 39-08-03.1 of the North Dakota Century Code, relating to exhibition driving.

ROLL CALL

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

YEAS: Andrist; Mathern

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

SB 2351 lost.

SECOND READING OF SENATE BILL

SB 2355: A BILL for an Act to amend and reenact section 51-29-02 of the North Dakota Century Code, relating to the redemption of gift certificates.

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 21 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Fiebiger; Heckaman; Heitkamp; Horne; Krauter; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Robinson; Seymour; Tallackson; Taylor; Tollefson; 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; Potter; Stenehjem; Urlacher; Wanzek; Wardner

SB 2355 lost.

SECOND READING OF SENATE BILL

SB 2357: A BILL for an Act to amend and reenact section 12-44.1-09 of the North Dakota Century Code, relating to the housing of inmates.

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 37 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Horne; Klein; Krebsbach; Lee, G.;

Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Stenehjelm; Tallackson; Tollefson; Urlacher; Wanzek; Wardner

NAYS: Behm; Fiebiger; Heitkamp; Kilzer; Krauter; Mathern; Seymour; Taylor; Triplett; Warner

Engrossed SB 2357 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2364: A BILL for an Act to create and enact a new section to chapter 47-04 and a new section to chapter 47-04.1 of the North Dakota Century Code, relating to prohibited provisions in restrictive covenants and condominium project bylaws and regulations.

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 39 YEAS, 8 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heckaman; Holmberg; Horne; Kilzer; Klein; Lee, G.; Lindaas; Lyson; Marcellais; Mathern; Nething; Oehlke; Olafson; Potter; Robinson; Seymour; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Freborg; Heitkamp; Krauter; Krebsbach; Lee, J.; Nelson; O'Connell; Pomeroy

SB 2364 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2373: A BILL for an Act to create and enact a new section to chapter 51-12 of the North Dakota Century Code, relating to motor vehicle fuel and special fuel prices rounded to the nearest cent in advertising.

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

YEAS: Behm; Mathern; O'Connell; Tallackson

NAYS: Anderson; Andrist; Bakke; 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; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjelm; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

SB 2373 lost.

SECOND READING OF SENATE BILL

SB 2396: A BILL for an Act to amend and reenact section 15.1-30-08 of the North Dakota Century Code, relating to schoolbus transportation contract provisions regarding federal fuel tax refunds for fuel used in schoolbuses.

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

YEAS: Anderson; Heitkamp; Horne; Krauter; Lindaas; Mathern; O'Connell; Robinson; Warner

NAYS: Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Marcellais; Nelson; Nething; Oehlke; Olafson; Pomeroy; Potter;

Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner

SB 2396 lost.

SECOND READING OF SENATE BILL

SB 2398: A BILL for an Act to amend and reenact section 15-10-14.2 of the North Dakota Century Code, relating to a performance and accountability report by the board of higher education; and to provide for legislative intent.

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

NAYS: 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; Wanzek; Wardner; Warner

SB 2398 lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4011: A concurrent resolution directing the Legislative Council to study the formation of a North Dakota gaming commission to regulate and control all forms of gaming in North Dakota.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4011 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF SENATE BILL

SB 2121: A BILL for an Act to amend and reenact subsection 4 of section 14-02.4-02, subsection 5 of section 14-02.5-01, subsection 4 of section 34-01-20, sections 34-05-01.1 and 34-05-01.2, subsection 8 of section 34-05-01.3, and sections 34-07-05, 34-14-11, 34-14-12, and 34-14-13 of the North Dakota Century Code, relating to a name change from the department of labor to the department of labor and human rights.

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 29 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Fiebiger; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Warner

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Kilzer; Klein; Lee, G.; Oehlke; Olafson; Stenehjem; Tollefson; Urlacher; Wanzek; Wardner

Engrossed SB 2121 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2196: A BILL for an Act to create and enact section 44-06-13.2 of the North Dakota Century Code, relating to disciplinary proceedings for a notary public; and to amend and reenact sections 44-06-02, 44-06-12, and 44-06-13.1 of the North Dakota Century Code, relating to notary commissions and to prohibited acts by a notary public.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Wanzek; Wardner; Warner

Engrossed SB 2196 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2213: A BILL for an Act to amend and reenact section 62.1-02-01 of the North Dakota Century Code, relating to possession of firearms by offenders.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Wanzek; Wardner; Warner

Engrossed SB 2213 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2212: A BILL for an Act to amend and reenact sections 23-06.5-10 and 23-06.5-17 of the North Dakota Century Code, relating to health care directives.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Wanzek; Wardner; Warner

SB 2212 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2309: A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to high school coursework requirements; and to amend and reenact section 15.1-21-02.1 of the North Dakota Century Code, relating to high school graduation requirements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bakke; 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; Wanzek; Wardner; Warner

NAYS: Anderson; Behm; Erbele

Engrossed SB 2309 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2241: A BILL for an Act to amend and reenact subsection 3 of section 12.1-32-07 of the North Dakota Century Code, relating to the conditions of probation.

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, 1 NAYS, 0 EXCUSED, 0 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.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Lee, J.

Engrossed SB 2241 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2254: A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to hunting on big game and farmed elk facilities; to amend and reenact sections 36-25-05 and 36-25-08 of the North Dakota Century Code, relating to escape and identification of farmed elk; 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 NOT PASS, the roll was called and there were 3 YEAS, 44 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Mathern; Robinson

NAYS: 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; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Engrossed SB 2254 lost.

SECOND READING OF SENATE BILL

SB 2287: A BILL for an Act to amend and reenact section 15.1-13-25 of the North Dakota Century Code, relating to cause for the suspension or revocation of teaching licenses.

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

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; 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

NAYS: Cook

Engrossed SB 2287 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2315: A BILL for an Act to amend and reenact section 49-11-30 of the North Dakota Century Code, relating to damages for a railroad's failure to fence.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Wanzek; Wardner; Warner

Engrossed SB 2315 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2317: A BILL for an Act to create and enact a new subdivision to subsection 5 of section 19-03.1-05 of the North Dakota Century Code, relating to including salvia divinorum as a schedule I controlled substance.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Wanzek; Wardner; Warner

Engrossed SB 2317 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that SCR 4018 be moved to the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4018: A concurrent resolution expressing support for long-term care choices, including home and community-based services, for North Dakotans with disabilities and older adults.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4018 was declared adopted, and the title was agreed to on a voice vote.

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 2319, SB 2320, SB 2369, SB 2380, SB 2381.

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 1034, HB 1069, HB 1181, HB 1222, HB 1263, HB 1295, HB 1324, HB 1341, HB 1342, HB 1371, HB 1372, HB 1379, HB 1380, HB 1382, HB 1383, HB 1386, HB 1387, HB 1392, HB 1403, HB 1429, HB 1446, HCR 3008, HCR 3012, HCR 3013, HCR 3021, HCR 3031.

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 1330, HB 1369, HB 1470, HB 1490.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on February 7, 2007, I have signed the following: SB 2189.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Foruth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Thursday, February 8, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2164: Judiciary Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2164 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2172: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2172 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 3, after "date" insert "; and to provide an expiration date"

Page 1, line 7, remove the overstrike over "and", remove ", and land", and remove the overstrike over "~~the amount of valuation~~"

Page 1, line 8, remove the overstrike over "specified" and remove "a true and full value of two hundred thousand dollars"

Page 2, line 5, remove the overstrike over "~~assessed valuation~~" and remove "true and full value"

Page 2, line 22, remove "the value limitation in section 47-18-01 does not apply"

Page 2, line 23, remove "and"

Page 2, line 27, after "DATE" insert "- EXPIRATION DATE" and after "for" insert "the first two"

Page 2, line 28, after "2006" insert ", and is thereafter ineffective"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2174: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2174 was placed on the Sixth order on the calendar.

Page 1, line 23, replace "sixty" with "fifty-five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2245: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2245 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "combined amount of the" and remove "and lifetime learning credit"

Page 1, line 10, after "year" insert "if the taxpayer or the dependent of the taxpayer from whom the credit is derived is attending a college or university in this state"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2267: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2267 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2268: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2268 was placed on the Sixth order on the calendar.

Page 1, line 20, remove "purchase or"

Page 2, line 2, remove "or other agreement"

Page 2, line 28, remove the third "viatical"

Page 2, line 29, remove "settlement investment agent,"

Page 3, line 9, remove ", or as a result of a viatical"

Page 3, line 10, remove "settlement purchase agreement"

Page 3, line 12, remove the underscored comma

Page 3, line 13, remove "viatical settlement purchase agreement"

Page 3, line 16, replace the first underscored comma with "or" and remove ", or viatical settlement purchase"

Page 3, line 17, remove "agreement"

Page 3, line 18, remove the underscored comma

Page 3, line 19, remove "viatical settlement purchase agreement"

Page 7, replace lines 1 through 5 with:

"(2) A loan made by a bank or other licensed financial institution in which the lender takes an interest in a life insurance policy solely to secure repayment of the loan or, if there is a default on the loan and the policy is transferred, the further assignment of the policy by the lender, provided that the default itself is not pursuant to an agreement or understanding with any other person for the purpose of evading regulation under this chapter."

Page 8, line 8, after the underscored period insert "A viatical settlement investment agent is an agent as defined in section 10-04-02."

Page 8, line 19, after the third comma insert "or" and replace ", other" with ":

(2) A"

Page 8, line 20, remove the underscored comma

Page 8, line 24, replace "(2)" with "(3)"

Page 8, line 25, replace "(3)" with "(4)"

Page 8, line 28, replace "(4)" with "(5)"

Page 8, line 31, replace "(5)" with "(6)"

Page 9, line 1, replace "(6)" with "(7)"

Page 9, line 2, replace "(7)" with "(8)"

Page 9, line 3, replace "(8)" with "(9)"

Page 9, line 4, replace "(9)" with "(10)"

Page 9, line 10, after the underscored period insert "A viatical settlement purchase agreement is a viatical settlement contract as defined in section 10-04-02."

Page 10, remove lines 20 through 27

Page 10, line 28, replace "c." with "b."

Page 11, line 3, replace "d." with "c."

Page 11, line 24, replaced the underscored comma with "or"

Page 11, line 25, remove "or viatical settlement investment agents,"

Page 14, line 2, remove "or a viatical settlement purchase"

Page 14, line 3, remove "agreement"

Page 15, line 9, remove "viatical settlement investment agent,"

Page 15, remove lines 17 through 19

Page 15, line 20, replace "c." with "b."

Page 15, line 23, after "desirability" insert an underscored comma and replace "d." with "c."

Page 15, line 25, replace "e." with "d."

Page 15, line 29, replace "f." with "e."

Page 16, line 1, replace "g." with "f."

Page 32, remove lines 22 through 24

Page 32, line 25, replace "5." with "4."

Page 33, line 10, replace "6." with "5."

Page 33, line 18, replace "7." with "6."

Page 34, line 5, after "provider" insert "or it is otherwise conclusively shown by the viatical settlement provider"

Page 34, line 19, after the underscored semicolon insert "or"

Page 34, line 22, remove "or"

Page 34, line 23, replace "(6)" with "c."

Page 34, line 25, after "viator" insert "in default," and after "bankrupt" insert an underscored comma

Page 34, line 28, replace "c." with "d."

Page 36, line 12, remove "viatical settlement investment agent,"

Page 36, line 20, remove "viatical settlement investment agent,"

Page 37, line 1, after the second underscored comma insert "or" and remove "or"

Page 37, line 2, remove "viatical settlement investment agent"

Page 37, line 6, remove "**and viatical settlement purchase**"

Page 37, line 7, remove "**agreements**" and remove "and viatical"

Page 37, line 8, remove "settlement purchasers"

Page 37, line 10, remove "or viatical settlement purchase"

Page 37, line 11, remove "agreement bought or sold"

Page 37, line 17, remove ", viatical"

Page 37, line 18, remove "purchase agreements,"

Page 38, line 4, remove "or viatical"

Page 38, line 5, remove "settlement purchase agreement, product, or service"

Page 39, line 8, remove ", purchasers, or"

Page 39, line 9, remove "prospective purchasers"

Page 39, line 11, remove "or viatical settlement purchase agreement"

Page 39, line 14, remove "or viatical settlement purchase agreement"

Page 40, line 3, remove "or viatical settlement purchase agreement"

Page 40, line 5, remove the second "or"

Page 40, line 6, remove "purchasers"

Page 40, line 18, remove "or viatical settlement purchase agreement"

Page 40, line 28, remove "or viatical settlement purchase agreement"

Page 41, line 8, remove "or viatical"

Page 41, line 9, remove "settlement purchase agreements"

Page 41, line 10, remove "or viatical settlement purchase agreement"

Page 41, line 11, remove "or viatical settlement purchase agreement"

Page 41, line 22, remove "or viatical settlement"

Page 41, line 23, remove "purchase agreement"

Page 41, line 28, remove "or purchasers"

Page 42, line 4, replace the third underscored comma with "or" and remove "or"

Page 42, line 5, remove "viatical settlement investment agent"

Page 42, line 8, remove "or viatical settlement"

Page 42, line 9, remove "purchase agreement forms"

Page 42, line 23, after "desirability" insert an underscored comma and replace the second "or" with an underscored semicolon

Page 42, remove line 24

Page 42, line 25, remove "or viatical settlement purchase agreement"

Page 43, line 15, remove "and purchase agreement forms"

Page 43, line 19, remove "or a viatical settlement"

Page 43, line 20, remove "purchase agreement"

Page 47, remove lines 16 through 21

Page 47, line 22, replace "4." with "3."

Page 47, line 26, replace "5." with "4."

Page 48, line 4, replace "6." with "5."

Page 48, line 10, replace "7." with "6."

Page 48, line 15, replace "8." with "7."

Page 48, line 17, replace "9." with "8."

Page 49, line 25, after "fees" insert an underscored comma

Page 49, line 26, replace the underscored comma with "and" and replace "and viatical settlement" with an underscored semicolon

Page 49, remove line 27

Page 50, line 2, replace the underscored comma with "and" and remove "and viatical settlement"

Page 50, line 3, remove "investment agents"

Page 50, line 5, replace the first underscored comma with "or" and remove ", or viatical settlement investment agent"

Page 50, line 7, replace the first underscored comma with "or" and remove ", or investment agent's"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2294: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, ABSENT AND NOT VOTING). SB 2294 was placed on the Sixth order on the calendar.

Page 1, line 12, remove the overstrike over "~~the~~", after "~~sole~~" insert "primary", remove the overstrike over "~~cause of~~", and remove "related to"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2297: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2297 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2305: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2305 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2359: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2359 was placed on the Sixth order on the calendar.

Page 1, line 1, after the fourth comma insert "50-19-04,"

Page 1, line 2, remove "50-19-08, 50-19-09,"

Page 1, line 3, after "homes" insert "; and to repeal sections 50-19-08 and 50-19-09 of the North Dakota Century Code, relating to births at maternity homes"

Page 1, line 10, overstrike "hospital," and overstrike the second comma

Page 1, line 12, remove "married or" and overstrike "unmarried" and insert immediately thereafter "pregnant or recently delivered"

Page 1, line 14, overstrike the first comma and insert immediately thereafter "or", overstrike ", or treatment", overstrike ", or delivery", and overstrike "sixty" and insert immediately thereafter "one hundred twenty"

Page 1, line 15, overstrike "hospital," and overstrike the second comma

Page 1, line 21, overstrike "annually" and after "license" insert "at least once every two years"

Page 2, line 11, overstrike "born therein and the health, morality,"

Page 2, line 12, overstrike "well-being" and overstrike "treated therein" and insert immediately thereafter "who receive services"

Page 2, after line 19, insert:

"SECTION 5. AMENDMENT. Section 50-19-04 of the North Dakota Century Code is amended and reenacted as follows:

50-19-04. Inspection and report by state department of health and state fire marshal. The department shall give notice to the state department of health and state fire marshal of ~~all applications~~ each application for a license to operate a maternity home ~~for unmarried mothers~~. Upon receipt of ~~such~~ the notice, the state department of health and the fire marshal shall inspect the facilities and premises of the applicant to determine ~~sanitary conditions and the adequacy of medical and and the fire marshal nursing services~~ compliance with health and fire safety standards and shall report ~~its~~ their findings to the department."

Page 2, line 31, overstrike "persons cared for" and insert immediately thereafter "any individual who receives services"

Page 3, line 10, overstrike "the patients therein" and insert immediately thereafter "any individual who receives services from the maternity home"

Page 3, remove lines 11 through 21

Page 3, line 25, after "health" insert ", the state fire marshal,"

Page 4, line 3, overstrike "**dispose of infants**" and insert immediately thereafter "place a child for adoption"

Page 4, line 5, overstrike "dispose of any" and insert immediately thereafter "place a"

Page 4, line 6, overstrike "dispose of" and insert immediately thereafter "place" and after "children" insert "for adoption"

Page 4, line 31, overstrike ", the physician, or other responsible person in"

Page 5, line 1, overstrike "attendance at birth" and after the second comma insert "the state fire marshal and the fire marshal's designees,"

Page 5, line 3, overstrike "maternity patients" and insert immediately thereafter "mothers" and overstrike "cared for" and insert immediately thereafter "who receive services"

Page 5, after line 4, insert:

"SECTION 14. REPEAL. Sections 50-19-08 and 50-19-09 of the North Dakota Century Code are repealed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4017: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4017 was placed on the Sixth order on the calendar.

Page 1, line 16, remove ", including being involved in fights, carrying weapons, engaging"

Page 1, line 17, remove "in high-risk sexual behavior, and using alcohol and other drugs"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4020: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4020 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4021: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4021 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

HB 1156: A BILL for an Act to amend and reenact section 54-35-22 of the North Dakota Century Code, relating to the expiration of the workers' compensation review committee.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1179: A BILL for an Act to amend and reenact section 54-52.1-03.1 of the North Dakota Century Code, relating to participation in the uniform group insurance program.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1206: A BILL for an Act to amend and reenact subsection 7 of section 19-03.1-23 of the North Dakota Century Code, relating to drug addiction evaluations.

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

HB 1216: A BILL for an Act to amend and reenact sections 12.1-20-03, 12.1-32-06.1, and 12.1-32-07.1 of the North Dakota Century Code, relating to sentencing and probation supervision of sexual offenders; and to provide a penalty.

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

HB 1217: A BILL for an Act to amend and reenact section 25-03.3-13 of the North Dakota Century Code, relating to the proof required for sexually dangerous individual civil commitment.

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

HB 1224: A BILL for an Act to amend and reenact subsection 8 of section 19-03.1-23, subsection 3 of section 29-10.2-05, and section 31-13-07 of the North Dakota Century Code, relating to changing expunged records to sealed records.

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

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.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1257: A BILL for an Act to amend and reenact section 47-16-39.1 of the North Dakota Century Code, relating to the payment of oil and gas royalties when title to the property producing the oil and gas is in dispute.

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

HB 1274: A BILL for an Act to amend and reenact subsection 3 of section 26.1-17-33.1 of the North Dakota Century Code, relating to the payment of dividends by a nonprofit mutual insurance company.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

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.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1333: A BILL for an Act to provide that expressions of empathy by health care providers are inadmissible in civil actions; and to provide for application.

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

HB 1346: A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to the sale of wine with a meal.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1367: A BILL for an Act to amend and reenact subdivision a of subsection 3 of section 53-06.1-03 of the North Dakota Century Code, relating to the games of chance that may be conducted by licensed organizations at a single site.

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

HB 1378: A BILL for an Act to create and enact a new subsection to section 16.1-04-02 of the North Dakota Century Code, relating to polling places; and to provide a penalty.

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

HB 1466: A BILL for an Act to create and enact chapter 14-02.7 of the North Dakota Century Code, relating to the prohibition of the performance of abortions, except to save the life of the mother; to provide a penalty; and to provide an effective date.

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

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

William R. Horton, Secretary

