

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

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Bismarck, February 9, 2007

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

The prayer was offered by Pastor Ross Reinhiller, Shiloh Christian School, Bismarck.

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

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that SCR 4023, which is on the Eleventh order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SCR 4023 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that SB 2138 be moved to the bottom of the Sixth order, and that after action taken on the Sixth order, SB 2138 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2153: SEN. NELSON (Judiciary Committee) MOVED that the amendments on SJ page 368 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2178: SEN. OEHLKE (Finance and Taxation Committee) MOVED that the amendments on SJ pages 368-370 be adopted with **DO PASS**, which motion prevailed.

ANNOUNCEMENT

PRESIDENT DALRYMPLE ANNOUNCED that Engrossed SB 2178 will be rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

SB 2206: SEN. OLAFSON (Judiciary Committee) MOVED that the amendments on SJ page 370 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2239: SEN. NETHING (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 370 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2261: SEN. OLAFSON (Judiciary Committee) MOVED that the amendments on SJ page 371 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2337: SEN. BAKKE (Transportation Committee) MOVED that the amendments on SJ page 372 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2308: SEN. OLAFSON (Judiciary Committee) MOVED that the amendments on SJ page 372 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2397: SEN. OEHLKE (Finance and Taxation Committee) MOVED that the amendments on SJ pages 372-377 be adopted with **DO PASS**, which motion prevailed.

ANNOUNCEMENT

PRESIDENT DALRYMPLE ANNOUNCED that Engrossed SB 2397 will be rereferred to the Appropriations Committee.

CONSIDERATION OF AMENDMENTS

SB 2138: SEN. NETHING (Judiciary Committee) MOVED that the amendments on SJ page 367 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2138: A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to false representation of marital status; to amend and reenact subsection 1 of section 23-07-07.5 and section 23-07.7-01 of the North Dakota Century Code, relating to sexual offense medical testing; to repeal section 12.1-20-10 of the North Dakota Century Code, relating to an individual's living arrangements; 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 35 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Dever; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Taylor; Tollefson; Urlacher; Wanzek; Warner

NAYS: Behm; Bowman; Christmann; Cook; Freborg; Kilzer; Klein; Lee, G.; Stenehjem; Wardner

ABSENT AND NOT VOTING: Tallackson; Triplett

Engrossed SB 2138 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2141: A BILL for an Act to amend and reenact sections 57-39.2-04.2 and 57-40.2-04.2 of the North Dakota Century Code, relating to a sales and use tax exemption for materials used to construct a waste heat electric generation facility; 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, 0 NAYS, 0 EXCUSED, 2 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; Taylor; Tollefson; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson; Triplett

SB 2141 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2172: A BILL for an Act to amend and reenact subsection 20 of section 57-02-08 of the North Dakota Century Code, relating to the homestead property tax exemption for disabled veterans; to provide an effective date; and to provide an expiration 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Taylor; Tollefson; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson; Triplett

Engrossed SB 2172 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2174: A BILL for an Act to amend and reenact section 26.1-36-37.2 of the North Dakota Century Code, relating to insurance policy loss ratios.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 20 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

Engrossed SB 2174 lost.

SECOND READING OF SENATE BILL

SB 2238: A BILL for an Act to amend and reenact section 16.1-05-01, subsection 5 of section 16.1-05-02, subsections 3, 4, and 5 of section 16.1-05-04, and subsections 4 and 5 of section 16.1-05-06 of the North Dakota Century Code, relating to election officers.

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 37 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; Oehlke; Olafson; Pomeroy; Potter; Robinson; Taylor; Tollefson; Urlacher; Wanzek; Wardner

NAYS: Christmann; Heitkamp; Krauter; Mathern; O'Connell; Seymour; Stenehjem; Warner

ABSENT AND NOT VOTING: Tallackson; Triplett

SB 2238 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2258: A BILL for an Act to amend and reenact sections 57-39.7-01, 57-39.7-02, and 57-39.7-03 of the North Dakota Century Code, relating to making permanent the lodging gross receipts tax; to provide an appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 27 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Fiebigier; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Horne; Krauter; Lee, J.; Lindaas; Marcellais; Mathern; Nelson; Nething; Oehlke; Pomeroy; Potter; Robinson; Seymour; Taylor; Urlacher; Wanzek; Wardner; Warner

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lyson; O'Connell; Olafson; Stenehjerm; Tollefson

ABSENT AND NOT VOTING: Tallackson; Triplett

SB 2258 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2268: A BILL for an Act to create and enact chapter 26.1-33.3 of the North Dakota Century Code, relating to viatical settlement contracts; to amend and reenact subdivision a of subsection 21 of section 10-04-02 of the North Dakota Century Code, relating to the definition of viatical settlement contract; to repeal chapter 26.1-33.2 of the North Dakota Century Code, relating to viatical settlement contracts; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebigier; 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; Taylor; Tollefson; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson; Triplett

Engrossed SB 2268 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2286: A BILL for an Act to amend and reenact sections 40-18-15 and 40-18-15.1 of the North Dakota Century Code, relating to prosecutions in municipal court for violations of city ordinances in home rule cities.

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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebigier; 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; Taylor; Tollefson; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson; Triplett

SB 2286 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2294: A BILL for an Act to amend and reenact section 65-05-35 of the North Dakota Century Code, relating to reopening of workforce safety and insurance claims that are presumed closed.

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, 0 NAYS, 0 EXCUSED, 2 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; Taylor; Tollefson; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson; Triplett

Engrossed SB 2294 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2298: A BILL for an Act to create and enact a new subsection to section 57-38-01.8 and a new subsection to section 57-40.2-03.3 of the North Dakota Century Code, relating to the income tax credit for installation of geothermal, solar, or wind energy devices, a use tax exemption for purchases of power plant production equipment and related tangible personal property, and machinery or equipment and related tangible personal property used to construct an agricultural commodity processing facility; and to amend and reenact sections 57-39.2-04.2, 57-39.2-04.4, and 57-40.2-04.2 of the North Dakota Century Code, relating to the definition of power plants, removal of obsolete language, and applications for exemption from sales tax for tangible personal property used to construct agricultural commodity processing facilities.

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, 3 NAYS, 0 EXCUSED, 2 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; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Taylor; Tollefson; Urlacher; Wanzek; Wardner; Warner

NAYS: Cook; Nelson; Stenehjem

ABSENT AND NOT VOTING: Tallackson; Triplett

SB 2298 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2359: A BILL for an Act to amend and reenact sections 50-19-01, 50-19-02, 50-19-03, 50-19-03.1, 50-19-04, 50-19-05, 50-19-06, 50-19-07, 50-19-10, 50-19-11, 50-19-12, 50-19-13, and 50-19-14 of the North Dakota Century Code, relating to maternity homes; and to repeal sections 50-19-08 and 50-19-09 of the North Dakota Century Code, relating to births at maternity homes.

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, 0 NAYS, 0 EXCUSED, 2 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; Taylor; Tollefson; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson; Triplett

Engrossed SB 2359 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2405: A BILL for an Act to amend and reenact sections 39-06.1-10.1 and 39-06.1-13 of the North Dakota Century Code, relating to point reduction for a driver training course; and to provide a penalty.

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, 41 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Heitkamp; Horne; O'Connell

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

ABSENT AND NOT VOTING: Tallackson; Triplett

SB 2405 lost.

SECOND READING OF SENATE BILL

SB 2303: A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to creation of a health information technology steering committee; and to provide an appropriation.

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, 2 NAYS, 0 EXCUSED, 2 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; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Urlacher; Wanzek; Wardner; Warner

NAYS: Krebsbach; O'Connell

ABSENT AND NOT VOTING: Tallackson; Triplett

Engrossed SB 2303 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2415: A BILL for an Act to create and enact a new section to chapter 12.1-15 of the North Dakota Century Code, relating to implanted microchips in individuals; and to provide a penalty.

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, 1 NAYS, 0 EXCUSED, 2 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; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Urlacher; Wanzek; Wardner; Warner

NAYS: Oehlke

ABSENT AND NOT VOTING: Tallackson; Triplett

SB 2415 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4017: A concurrent resolution expressing support for the continued statewide efforts to prevent the initiation of smoking among minors and to promote quitting among minors and adults and expressing concern about employers that allow their teenage employees to take smoking breaks, a practice that encourages the initiation of tobacco use, does not encourage or create incentives for minors to quit smoking, reduces productivity and the amount of time spent on assigned work-related duties, and creates hostility between smoking and nonsmoking employees.

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

Engrossed SCR 4017 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4016: A concurrent resolution urging Congress to direct the United States Army Corps of Engineers to address and rectify the problems caused by the accumulation of sediment in the Missouri River main stem reservoirs.

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

SCR 4016 was declared adopted, and the title was agreed to on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that the Senate reconsider its action whereby SB 2141 passed, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that SB 2141 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2141 was rereferred.

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 2358, SB 2366.

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 2273, SB 2305, SB 2350, SB 2352, SB 2375, SB 2378, SCR 4019, SCR 4020, SCR 4021.

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 1454.

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 1198, HB 1219, HB 1227, HB 1238, HB 1245, HB 1261, HB 1277, HB 1366, HB 1408.

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

MR. SPEAKER: The President has signed: SB 2024.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on February 9, 2007: SB 2024.

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., Monday, February 12, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2013: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2013 was placed on the Sixth order on the calendar.

Page 1, line 3, replace the second "and" with "to provide for transfers;"

Page 1, line 4, after "15.1-02-02" insert "and subsection 5 of section 15.1-27-07"

Page 1, line 5, after "instruction" insert "and per student payments for kindergarten students; and to declare an emergency"

Page 3, line 10, replace "1,754,242" with "1,350,102"

Page 3, line 11, replace "6,195,986" with "6,075,986"

Page 3, line 12, replace "240,112,120" with "242,112,120"

Page 3, line 18, replace "19,531,723" with "19,702,723"

Page 3, line 20, replace "1,000,000" with "(1,000,000)"

Page 3, line 21, replace "105,322,951" with "104,969,811"

Page 3, line 22, replace "30,180,812" with "29,776,672"

Page 3, line 23, replace "75,142,139" with "75,193,139"

Page 4, line 11, replace "177,735" with "281,139"

Page 4, line 12, replace "13,452" with "33,492"

Page 4, line 14, replace "265,817" with "389,261"

Page 4, line 16, replace "268,147" with "391,591"

Page 4, line 17, replace "76,359,321" with "76,533,765"

Page 4, line 18, replace "30,037,707" with "29,633,567"

Page 4, line 19, replace "106,397,028" with "106,167,332"

Page 4, line 29, replace "11,811,194" with "11,407,054"

Page 4, line 30, replace "21,088,294" with "20,968,294"

Page 4, line 31, replace "724,165,879" with "726,165,879"

Page 5, line 3, replace "227,530,806" with "227,701,806"

Page 5, remove line 4

Page 5, line 7, replace "1,037,666,173" with "1,037,313,033"

Page 5, line 8, replace "326,080,447" with "325,676,307"

Page 5, line 9, replace "711,585,726" with "711,636,726"

Page 5, line 28, replace "2,874,015" with "2,977,419"

Page 5, line 29, replace "620,758" with "640,798"

Page 5, line 31, replace "3,636,873" with "3,760,317"

Page 6, line 2, replace "2,792,756" with "2,916,200"

Page 6, line 3, replace "724,199,696" with "724,374,140"

Page 6, line 4, replace "329,770,326" with "329,366,186"

Page 6, line 5, replace "1,053,970,022" with "1,053,740,326"

Page 6, after line 5, insert:

"SECTION 4. APPROPRIATION. There is appropriated from special funds derived from federal funds and other income the sum of \$22,000,000, or so much of the sum as may be necessary, to the superintendent of public instruction for operating expenses and for providing grants for the period beginning with the effective date of this Act and ending June 30, 2007."

Page 7, after line 10, insert:

"SECTION 11. LINE ITEM TRANSFER AUTHORITY. Notwithstanding section 54-16-04, the director of the office of management and budget may make transfers of funds up to \$240,000 from the salaries and wages line item to the operating expenses and capital assets line items in subdivision 3 of section 3 of this Act for the school for the deaf as may be requested by the superintendent of public instruction for increased instructional costs and extraordinary repair needs."

Page 7, after line 21, insert:

"SECTION 14. AMENDMENT. Subsection 5 of section 15.1-27-07 of the North Dakota Century Code is amended and reenacted as follows:

5. a. Each school district operating a half-day kindergarten ~~as provided for in section 15.1-22-02~~ is entitled to receive the amount of money that results from multiplying the factor representing the five-year average cost of education per student for this category half-day kindergartens, as determined by the superintendent of public instruction, by the number of half-day kindergarten students in average daily membership in the district, times the per student payment provided for in section 15.1-27-04. The payment provided for in this subsection is applicable only to the first twenty-five students in average daily membership per classroom or per teacher.
- b. In order to receive the ~~full~~ per student payment available under ~~this section subdivision a~~, a district must operate a kindergarten program that provides the equivalent of ninety full days of classroom instruction during a twelve-month period. A district is entitled to a prorated payment ~~under this section~~ if it operates a kindergarten program of shorter duration.
- c. Each school district operating a full-day kindergarten is entitled to receive the amount of money that results from multiplying the factor representing the five-year average cost of education per student for full-day kindergartens, as determined by the superintendent of public instruction, by the number of full-day kindergarten students in average daily membership in the district, times the per student payment provided for in section 15.1-27-04. The payment provided for in this subsection is applicable only to the first twenty-five students in average daily membership per classroom or per teacher.
- d. In order to receive the per student payment available under subdivision c, a district must operate a kindergarten program in accordance with the school calendar requirements provided in section 15.1-06-04.

SECTION 15. EMERGENCY. Section 4 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2013 - Summary of Senate Action

Department of Public Instruction			
Total all funds	\$1,037,666,173	(\$353,140)	\$1,037,313,033
Less estimated income	<u>326,080,447</u>	<u>(404,140)</u>	<u>325,676,307</u>
General fund	\$711,585,726	\$51,000	\$711,636,726
State Library			
Total all funds	\$5,861,312	\$0	\$5,861,312
Less estimated income	<u>1,881,600</u>		<u>1,881,600</u>
General fund	\$3,979,712	\$0	\$3,979,712
School for the Deaf			
Total all funds	\$6,805,664	\$0	\$6,805,664
Less estimated income	<u>964,162</u>		<u>964,162</u>
General fund	\$5,841,502	\$0	\$5,841,502
Vision Services - School for the Blind			
Total all funds	\$3,636,873	\$123,444	\$3,760,317
Less estimated income	<u>844,117</u>		<u>844,117</u>
General fund	\$2,792,756	\$123,444	\$2,916,200
Bill Total			
Total all funds	\$1,053,970,022	(\$229,696)	\$1,053,740,326
Less estimated income	<u>329,770,326</u>	<u>(404,140)</u>	<u>329,366,186</u>
General fund	\$724,199,696	\$174,444	\$724,374,140

Senate Bill No. 2013 - Department of Public Instruction - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$11,811,194	(\$404,140)	\$11,407,054
Operating expenses	21,088,294	(120,000)	20,968,294
Grants - State school aid	724,165,879	2,000,000	726,165,879
Grants - Special education contracts	17,500,000		17,500,000
Grants - Transportation	33,500,000		33,500,000
Grants - Other grants	227,530,806	171,000	227,701,806
JPA incentives	2,000,000	(2,000,000)	
Transportation efficiency	30,000		30,000
National board certification	<u>40,000</u>		<u>40,000</u>
Total all funds	\$1,037,666,173	(\$353,140)	\$1,037,313,033
Less estimated income	<u>326,080,447</u>	<u>(404,140)</u>	<u>325,676,307</u>
General fund	\$711,585,726	\$51,000	\$711,636,726
FTE	98.25	(3.50)	94.75

Dept. 201 - Department of Public Instruction - Detail of Senate Changes

	REMOVES 3.5 FTE POSITIONS AND RELATED SALARIES AND WAGES FUNDING 1	INCREASES FUNDING FOR THE STATE SCHOOL AID COMPUTER SYSTEM REWRITE 2	INCREASES FUNDING FOR THE TEACHER LICENSURE APPLICATION REWRITE 3	DECREASES FUNDING FOR THE STATE ASSESSMENT PROGRAM 4	INCREASES FUNDING FOR OTHER GRANTS 5	REMOVES FUNDING FOR JPA INCENTIVES 6
Salaries and wages	(\$404,140)					
Operating expenses		\$100,000	\$230,000	(\$450,000)		
Grants - State school aid						
Grants - Special education contracts						
Grants - Transportation						
Grants - Other grants					\$171,000	
JPA incentives						(\$2,000,000)
Transportation efficiency						
National board certification						
Total all funds	(\$404,140)	\$100,000	\$230,000	(\$450,000)	\$171,000	(\$2,000,000)
Less estimated income	<u>(404,140)</u>					
General fund	\$0	\$100,000	\$230,000	(\$450,000)	\$171,000	(\$2,000,000)
FTE	(3.50)	0.00	0.00	0.00	0.00	0.00
	PROVIDES FUNDING FOR FULL-DAY KINDERGARTEN 7	TOTAL SENATE CHANGES				
Salaries and wages		(\$404,140)				
Operating expenses		(120,000)				
Grants - State school aid	\$2,000,000	2,000,000				
Grants - Special education contracts						
Grants - Transportation						
Grants - Other grants		171,000				
JPA incentives		(2,000,000)				
Transportation efficiency						
National board certification						
Total all funds	\$2,000,000	(\$353,140)				
Less estimated income		<u>(404,140)</u>				

General fund	\$2,000,000	\$51,000
FTE	0.00	(3.50)

¹ This amendment removes 3.5 FTE positions and related salaries and wages funding from special funds sources.

² This amendment increases funding from the general fund for the rewrite of the state school aid computer system by \$100,000, from \$400,000 to \$500,000.

³ This amendment increases funding from the general fund for the rewrite of the teacher licensure application used by the Department of Public Instruction and the Education Standards and Practices Board by \$230,000, from \$500,000 to \$730,000. The increase in funding will fund the estimated cost of the project, including the Education Standards and Practices Board portion of the project.

⁴ This amendment decreases funding for the state assessment program by \$450,000, from \$1,667,928 as recommended in the executive budget to \$1,217,928, the same level of funding appropriated for the 2005-07 biennium.

⁵ This amendment increases funding for the grants - other grants line item by \$171,000 from the general fund to reflect increases in the following grants:

	2005-07 APPROPRIATION	2007-09 EXECUTIVE BUDGET	2007-09 SENATE VERSION	INCREASE FROM EXECUTIVE BUDGET
North Dakota Governor's School	\$270,000	\$270,000	\$320,000	\$50,000
Teacher center network	\$230,000	\$230,000	\$276,000	\$46,000
LEAD Center	\$235,000	\$235,000	\$245,000	\$10,000
Northern Plains writing project	\$48,000	\$48,000	\$58,000	\$10,000
Red River Valley writing project	\$40,000	\$40,000	\$50,000	\$10,000
North Dakota Museum of Art - Rural art outreach project	\$250,000	\$250,000	\$295,000	\$45,000

⁶ This amendment removes funding of \$2 million from the general fund provided for joint powers agreement incentives. This funding is included in Senate Bill No. 2200.

⁷ This amendment provides funding of \$2 million from the general fund and amends North Dakota Century Code Section 15.1-27-07(5) relating to full-day kindergarten.

This amendment also adds a section appropriating \$22 million of special funds to the department for operating expenses (\$2 million) and providing grants to school districts (\$20 million) during the 2005-07 biennium.

Senate Bill No. 2013 - School for the Deaf - Senate Action

This amendment adds a section to the bill allowing the School for the Deaf to transfer up to \$240,000 from the salaries and wages line item to the operating expenses and capital assets line items for increased instructional costs and extraordinary repair needs.

Senate Bill No. 2013 - Vision Services - School for the Blind - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$2,874,015	\$103,404	\$2,977,419
Operating expenses	620,758	20,040	640,798
Capital assets	<u>142,100</u>		<u>142,100</u>
Total all funds	\$3,636,873	\$123,444	\$3,760,317
Less estimated income	<u>844,117</u>		<u>844,117</u>
General fund	\$2,792,756	\$123,444	\$2,916,200
FTE	27.00	1.00	28.00

Dept. 253 - Vision Services - School for the Blind - Detail of Senate Changes

	PROVIDES FUNDING FOR ADDITIONAL ADULT SERVICES ¹	TOTAL SENATE CHANGES
Salaries and wages	\$103,404	\$103,404
Operating expenses	20,040	20,040
Capital assets		
Total all funds	\$123,444	\$123,444

Less estimated income

General fund	\$123,444	\$123,444
FTE	1.00	1.00

¹ This amendment provides funding of \$123,444 from the general fund for providing additional adult services, including \$103,404 for salaries and wages, of which \$94,938 is for 1 new FTE position and \$8,466 is for additional teacher and houseparent salaries and wages and \$20,040 for related operating expenses.

REPORT OF STANDING COMMITTEE

SB 2018: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2018 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2032, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2032 was placed on the Sixth order on the calendar.

Page 8, line 2, replace "sixty-five" with "fifty-seven"

Page 8, line 26, replace "sixty-five" with "fifty-seven"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2057, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2057 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2103, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2103 was placed on the Sixth order on the calendar.

Page 1, line 21, replace "general" with "insurance regulatory trust"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 125 - Attorney General

SENATE - This amendment changes the source of the \$500,000 appropriation from the general fund to the insurance regulatory trust fund for reimbursing health care providers for the cost of performing forensic medical examinations on alleged victims of criminal sexual conduct.

REPORT OF STANDING COMMITTEE

SB 2129, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2129 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2141: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2141 was placed on the Sixth order on the calendar.

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

Page 8, line 7, after "**DATE**" insert "**- EXPIRATION DATE**"

Page 8, line 8, after "2007" insert ", and before July 1, 2011, and is thereafter ineffective"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2149: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2149 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "11-11.1-03" insert "and 40-57.4-03"

Page 1, line 2, after "positions" insert "; and to provide for a legislative council study"

Page 2, after line 13, insert:

"SECTION 2. AMENDMENT. Section 40-57.4-03 of the North Dakota Century Code is amended and reenacted as follows:

40-57.4-03. Powers and duties of city job development authorities. The city job development authority shall use its financial and other resources to encourage and assist in the development of employment within the city. In fulfilling this objective, the job development authority may exercise the following powers:

1. To sue and be sued.
2. To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority.
3. To hire professional personnel skilled in seeking and promoting new or expanded opportunities within the city.
4. To make, amend, and repeal resolutions consistent with the provisions of this chapter as necessary to carry into effect the powers and purposes of the authority.
5. To acquire by gift, trade, or purchase, and to hold, improve, and dispose of real or personal property.
6. To certify a tax levy as provided in section 40-57.4-04 and to expend moneys raised by the tax for the purposes provided in this chapter.
7. To insure or provide for insurance of any real or personal property in which the authority has an insurable interest.
8. To invest any funds held by the authority.
9. To cooperate with political subdivisions in exercising any of the powers granted by this section.
10. To loan, grant, or convey any funds or other real or personal property held by the authority for any purpose necessary or convenient to carry into effect the objective of the authority established by this chapter.
11. To use existing, uncommitted funds held by the authority to guarantee loans or make other financial commitments to enhance economic development.
12. To take an equity position in, provide a loan to, or use any other innovative financing mechanism to provide capital for a new or expanding business in this state or for a business relocating to this state.
13. To exercise any other powers necessary to carry out the purposes and provisions of this chapter.

SECTION 3. LEGISLATIVE COUNCIL STUDY - JOB DEVELOPMENT AUTHORITIES. The legislative council shall study during the 2007-08 interim job development authorities across the state to determine the economic impact created by the authorities, to examine funding mechanisms used by the authorities when expending resources for economic development purposes, and to determine whether the authorities serve a viable purpose. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2166, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2166 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2183, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2183 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2187: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2187 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2188: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2188 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "four" with "a" and replace "sections" with "section"

Page 1, line 2, replace "safety and risk assessments" with "accident reports; and to provide for a legislative council study of risk assessments and railroad safety"

Page 1, line 4, replace "Four" with "A" and replace "sections" with "section"

Page 1, line 5, replace "are" with "is"

Page 1, remove lines 6 through 23

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 24

Page 3, line 26, remove "or a derailment involving"

Page 3, replace lines 28 through 31 with:

"SECTION 2. LEGISLATIVE COUNCIL STUDY - RISK ASSESSMENTS AND RAILROAD SAFETY. During the 2007-08 interim, the legislative council shall study risk assessments for railroad facilities, the handling of hazardous cargo by railroads, and the ability of railroads to respond to potential accidents and emergencies, including sabotage, terrorism, and other crimes. This study must include an evaluation of whether whistleblower protection would provide a desirable response in employees to report dangerous conditions or violations of law relating to hazards, emergencies, and accidents. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2198: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2198 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2202: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2202 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2203: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2203 was placed on the Sixth order on the calendar.

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

Page 2, line 31, after the underscored period insert "The district shall follow the procedures contained in chapter 48-01.2 to the extent those procedures are not inconsistent with this Act."

Page 3, after line 5, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 2015, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2217: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2217 was placed on the Sixth order on the calendar.

Page 1, line 2, after "fees" insert "; and to provide for a legislative council study"

Page 2, after line 3, insert:

"SECTION 2. LEGISLATIVE COUNCIL STUDY - ABSTRACTERS, TITLE OPINIONS, AND TITLE INSURANCE. The legislative council shall consider studying, during the 2007-08 interim, abstracters, title opinions, and title insurance, including a review of the orderly and efficient transfer of real property which provides adequate assurances of title. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2218: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2218 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2220: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2220 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2221: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2221 was placed on the Sixth order on the calendar.

Page 1, line 23, after the underscored period insert "This section does not apply to debts automatically excepted from discharge under section 523 of the United States Bankruptcy Code [11 U.S.C. 523]."

Page 2, line 15, remove the overstrike over "~~certified~~" and after "copy" insert "with the legal description"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2222: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2222 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "on" with "by"

Page 1, line 19, remove the overstrike over the first "~~the~~", remove the overstrike over "~~of the~~", and after "bid" insert "and any additional lien claimed under section 28-24-07"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2224: 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 2224 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "at least fifty-one" with "one hundred"

Page 1, line 10, after "57-38.5" insert "and is in compliance with the requirements for filings with the securities laws of this state"

Page 1, after line 10, insert:

"2. "Director" means the director of the department of commerce division of economic development and finance."

Page 1, line 11, replace "2." with "3."

Page 1, line 15, replace "3." with "4."

Page 1, line 17, remove "**- Investment reporting**" and remove "The tax commissioner shall certify"

Page 1, replace lines 18 through 20 with:

"1. The director shall certify whether a business that has requested certification as an angel fund meets the requirements of subsection 1 of section 57-38.7-01. The director shall establish the necessary forms and procedures for certifying qualifying angel funds.

2. The director shall issue a certification letter to a qualified angel fund. The certification letter must include:

a. The certification effective date.

b. The certification expiration date, which may not be more than four years from the certification effective date.

3. An angel fund seeking recertification shall apply to the director. The application for recertification must be filed with the director within ninety days before the original certification expiration date. The recertification issued by the director must comply with the provisions of subsection 2."

Page 2, line 12, after "A" insert "partnership, subchapter S corporation, or limited liability company that for tax purposes is treated like a partnership or any other"

Page 2, line 18, after "be" insert "made on or after the certification date and must be" and after "fund" insert "to be eligible for the tax credit under this section"

Page 2, after line 28, insert:

"7. An investment made in a qualified angel fund from the assets of a retirement plan participant's investment for the purposes of this chapter is a separate account, is maintained for the plan participant, and the participant directly controls where the account assets are invested."

Page 3, line 23, after the underscored period insert "The director is charged with administration of this chapter as it relates to certification of qualified angel funds and the commissioner of commerce may adopt rules for that purpose."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2228: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2228 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to

notification of alleged pesticide damage; to repeal sections 4-35-21, 4-35-21.1, and 4-35-21.2 of the North Dakota Century Code, relating to reports of loss resulting from pesticide application; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 4-35 of the North Dakota Century Code is created and enacted as follows:

Pesticide application - Alleged property damage - Notification of applicator.

1. a. Before a person may file a civil action seeking reimbursement for property damage allegedly stemming from the application of a pesticide, the person shall notify by certified mail the pesticide applicator of the alleged damage within the earlier of:
 - (1) Twenty-eight days from the date the person first knew or should have known of the alleged damage; or
 - (2) Before twenty percent of the crop or field allegedly damaged is harvested or destroyed.
- b. Subdivision a does not apply if the person seeking reimbursement for property damage was the applicator of the pesticide.
2. Upon notifying the applicator as required under subsection 1, the person seeking reimbursement for the alleged property damage shall permit the applicator and up to four representatives of the applicator to enter the person's property for the purpose of observing and examining the alleged damage. If the person fails to allow entry, the person is barred from asserting a claim against the applicator.

SECTION 2. REPEAL. Sections 4-35-21, 4-35-21.1, and 4-35-21.2 of the North Dakota Century Code are repealed.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2229: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2229 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2243: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (9 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING). SB 2243 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2250: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2250 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "seventeen" with "fifteen"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2251: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2251 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2353: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2353 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 37-01-40, 37-19.1-01, and 37-19.1-02 and subsection 1 of section 37-19.1-04 of the North Dakota Century Code, relating to veterans and veterans' preferences.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA

SECTION 1. AMENDMENT. Section 37-01-40 of the North Dakota Century Code is amended and reenacted as follows:

37-01-40. Veteran and wartime veteran defined - Uniform service dates for wartime veterans.

1. A "veteran" is ~~a person~~ an individual who has served on continuous federalized active military duty ~~for twenty-four months or~~, the full period for which the ~~person~~ individual was called or ordered to active military duty; ~~whichever is shorter~~ for reasons other than training, and who was discharged or released ~~therefrom~~ under other than dishonorable conditions. A discharge reflecting "expiration of term of service" or "completion of required service" or words to that effect qualifies the shorter term of service as making the ~~person~~ individual a veteran.
2. A "wartime veteran" is ~~a person~~ an individual who served in the active military forces, during a period of ~~war~~ armed conflict or who received the armed forces expeditionary or other campaign service medal during an emergency condition and who was discharged or released ~~therefrom~~ under other than dishonorable conditions. "Wartime veteran" also includes ~~a person~~ an individual who died in the line of duty in the active military forces, as determined by the armed forces.
3. Period of service dates for a wartime veteran begins with the date of any declaration of war by the Congress of the United States or presidential proclamation beginning hostilities or the beginning of an emergency condition recognized by the issuance of a presidential proclamation or a presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to presidential executive order and ending on a date prescribed by presidential proclamation or concurrent resolution of the Congress of the United States and dates determined by the United States department of defense.
4. Current uniform period of service dates for periods of armed conflict include:
 - a. The period beginning December 7, 1941, through December 31, 1946, known as world war II;
 - b. The period beginning June 27, 1950, through January 31, 1955, known as the Korean war;
 - c. The period beginning August 5, 1964, through May 7, 1975, known as the Vietnam war;
 - d. The period beginning August 2, 1990, through January 2, 1992, known as the gulf war; and
 - e. The period beginning September 11, 2001, and ending on a date prescribed by presidential proclamation or by Congress as the last day of operation Iraqi freedom or operation enduring freedom, whichever occurs later.
5. The department of veterans affairs shall maintain a list of all period of service dates for emergency conditions in which the armed forces expeditionary medal has been awarded.

SECTION 2. AMENDMENT. Section 37-19.1-01 of the North Dakota Century Code is amended and reenacted as follows:

37-19.1-01. Definitions. As used in this chapter:

1. "Agency" or "governmental agency" means all political subdivisions and any state agency, board, bureau, commission, department, officer, and any state institution or enterprise authorized to employ ~~persons~~ individuals either temporarily or permanently.
2. "Chief deputy" means the ~~person~~ individual who is appointed by an elected or appointed official under express statutory authority to hire a chief deputy and who is authorized to act on behalf of that official. The term does not include ~~a person~~ an individual appointed to a position that must be filled under an established personnel system.
3. "Disabled veteran" means a veteran who is found to be entitled to a service-connected disability rating as determined by the United States veterans' administration.
4. "Justifiable cause" means grounds for action that are in accord with sufficient reason that can be justified or defended as correct. Justifiable cause not to hire a veteran must be something specific to that individual which renders the individual unsuitable for the position.
5. "Personnel system" means a ~~personnel system based on merit principles~~ system that rates applicants for a position using an objective set of skills, knowledge, abilities, behaviors, or other characteristics required for the position.
5. 6. "Political subdivision" means counties, cities, townships, and any other governmental entity created by state law which employs ~~persons~~ individuals either temporarily or permanently.
6. 7. "Private secretary" means the ~~person~~ individual who is appointed by an elected or appointed official under express legal authority to hire a private secretary or administrative assistant and who is authorized to handle correspondence, keep files, schedule appointments, and do other clerical work of a more personal and confidential nature for that official, but does not include ~~a person~~ an individual appointed to a position that must be filled under ~~an established~~ a personnel system.
7. 8. "Veteran" means a North Dakota resident who is a wartime veteran as defined in subsection 2 of section 37-01-40.

SECTION 3. AMENDMENT. Section 37-19.1-02 of the North Dakota Century Code is amended and reenacted as follows:

37-19.1-02. Public employment preference to veterans - Residency requirements.

1. Veterans are entitled to preference, over all other applicants, in appointment or employment by governmental agencies, provided that such veteran is a United States citizen at the time of application for employment. Veterans qualified for preference may not be disqualified from holding any position with an agency because of physical or mental disability, unless the disability renders them unable to properly perform the duties of the position applied for.
2. When a veteran applies for appointment or employment under subsection 1, the officer, board, or person whose duty it is to appoint or employ ~~a person~~ an individual to fill the available position shall, except where the veteran has been qualified for the position applied for under a personnel system, investigate the qualifications of the veteran. If the veteran is found to possess the qualifications required for the position applied for, whether educational or by way of prior experience, and is physically and mentally able to perform the duties of the position applied for, the officer, board, or person shall appoint or employ the veteran.

3. A disabled veteran is entitled to a preference superior to that given other veterans under this section, which preference must be accorded in the manner provided in this section.
4. Notwithstanding the preference provisions in subsections 1, 2, and 3, public employment preference for veterans by agencies ~~or governmental agencies, as defined herein, which now have, or which may hereafter have, an established~~ filling positions through a personnel system are governed by the following:
 - a. No distinction or discrimination may be made in the administration of the examination because the applicant may be a veteran.
 - b. Upon completion of the examination with a passing grade, the applicant must be informed of a veteran's rights to employment preference as hereinafter provided.
 - c. The applicant must be required to furnish proof of the applicant's status as a veteran and, if disabled, proof of the applicant's disability, as defined herein.
 - d. Upon receipt of proof required in subdivision c, on a one hundred point scale, the examiner shall add five points for a nondisabled veteran and ten points for a disabled veteran to the examination grade of the applicant, ~~and the~~ The total is the veteran's examination grade score.
 - e. Upon request for the prescribed number of eligible ~~persons~~ individuals from the eligibility registry, ~~such the~~ the number of eligible ~~persons~~ individuals must be certified from the top number of eligible ~~persons~~ individuals and with ~~such the~~ the certified list of eligible ~~persons~~ individuals there must also be submitted a statement as to which of those so certified are veterans, disabled veterans, or nonveterans.
 - f. ~~In the event~~ If the certified list of eligible ~~persons~~ individuals includes either veterans or disabled veterans, the appointing or employing authority of that particular agency or governmental agency shall make a selection for the available position as follows:
 - (1) A disabled veteran, without regard to the disabled veteran's examination grade, is first entitled to the position and, in the absence of justifiable cause, documented in writing, for not making ~~such that~~ that selection, must be so appointed or employed. If ~~such the~~ the list includes two or more disabled veterans, then the one with the highest examination grade is first entitled to the position and, in the absence of justifiable cause, documented in writing, for not making ~~such that~~ that selection, must be so appointed or employed.
 - (2) ~~When such~~ If the certified list of eligible ~~persons~~ individuals does not include one or more disabled veterans and consists only of veterans, then the one with the highest examination grade is first entitled to the position and, in the absence of justifiable cause, documented in writing, must be ~~so~~ appointed or employed.
 - (3) ~~When such~~ If the certified list of eligible ~~persons~~ individuals includes nonveterans and veterans, but not disabled veterans, then the one with the highest examination grade, whether a nonveteran or a veteran, is first entitled to the position and, in the absence of justifiable cause, must be so appointed or employed; and if the one with the highest examination grade is a veteran and is not appointed or employed, there must be justifiable cause documented in writing for not making ~~such that~~ that appointment or employment.
5. ~~The provisions of this~~ This section ~~do~~ does not apply when the position to be filled is that of a superintendent of schools, teacher, or the chief deputy or private secretary of an elected or appointed official, the chancellor and vice chancellors of the board of higher education, presidents or executive

deans, vice presidents, assistant to the president, provosts, and instructors of board institutions. Temporary committees and individual or group appointments made by the governor or legislative assembly are also excepted from the provisions of this section.

SECTION 4. AMENDMENT. Subsection 1 of section 37-19.1-04 of the North Dakota Century Code is amended and reenacted as follows:

1. If a veteran, or a qualified veteran's spouse, hereafter known as the applicant, is not given the preference provided in section 37-19.1-02 or 37-19.1-03, the applicant, within fifteen days after notification by certified mail that employment has been refused, may request a hearing ~~before a hearing officer~~ as provided in subsection 3. The applicant's request must be in writing, must include the employer's notification that employment has been refused, and must be delivered to the commissioner of veterans' affairs by certified mail. A copy of the written request must be mailed to the employer or employing agency. The applicant is entitled to immediate employment in the position for which application was originally made, or an equivalent position, together with backpay and benefits from the date the appointment should have been made, if the hearing officer finds in favor of the applicant."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2256: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2256 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to amend and reenact subsection 14 of section 12.1-32-15 of the North Dakota Century Code, relating to sex offenders on school property;"

Page 1, line 6, after "A" insert "high-risk"

Page 1, line 8, after "elementary" insert ", middle,"

Page 1, line 9, after "elementary" insert ", middle,"

Page 1, line 10, after "elementary" insert ", middle," and replace "The school board or" with "Any other registered sexual offender who is a parent or guardian of a student attending the school may enter designated areas of the school allowed for activities involving the sexual offender's own child with advance notice and approval of the school board of a public school or governing entity of a private school or if the sexual offender is present for purposes of voting in a school building used as a public polling place"

Page 1, remove lines 11 and 12

Page 1, line 13, remove "of the private school" and replace "C felony" with "A misdemeanor"

Page 1, after line 13, insert:

"SECTION 2. AMENDMENT. Subsection 14 of section 12.1-32-15 of the North Dakota Century Code is amended and reenacted as follows:

14. A state officer, law enforcement agency, or school district or any appointee, officer, or employee of those entities is not subject to civil or criminal liability for making risk determinations, adopting policies governing or permitting the presence of sexual offenders on school property as provided for in chapter 12.1-20, or for disclosing or for failing to disclose information as permitted by this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2260: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2260 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2270: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2270 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2271: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2271 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "any" with "the"

Page 1, line 13, replace the first "a" with "any" and after "is" insert "approved or"

Page 1, line 14, replace "disapproval" with "decision"

Page 2, line 8, replace "any" with "the", replace "a" with "any", and after "is" insert "approved or"

Page 2, line 9, replace "disapproval" with "decision"

Page 3, line 8, replace "any" with "the" and replace the first "a" with "any"

Page 3, line 9, after the first "is" insert "approved or" and replace "disapproval" with "decision"

Page 3, line 19, replace "any" with "the" and after "is" insert "approved or"

Page 3, line 20, replace "any disapproval" with "the decision"

Page 4, line 28, replace "any" with "the" and replace the first "a" with "any"

Page 4, line 29, after the first "is" insert "approved or" and replace "disapproval" with "decision"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2278: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2278 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2285: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2285 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 35-17-04," with "section" and remove ", and 35-31-02"

Page 1, line 2, remove "agister's lien,"

Page 1, line 3, remove ", and agricultural supplier's lien"

Page 1, remove lines 5 through 23

Page 2, remove lines 1 through 6

Page 2, line 29, remove "the statement is accompanied by"

Page 2, line 31, after "requested" insert "is filed with the statement"

Page 3, remove lines 6 through 31

Page 4, remove lines 1 through 7

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2290: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS**

(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2290 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "from" with "on, over, or across"

Page 1, line 6, replace "**from**" with "**on, over, or across**"

Page 1, line 7, remove "or an arrow from"

Page 1, line 8, remove "a bow", replace "an established road or trail" with "a paved, gravel, dirt, or loose surface highway, paved or gravel county road, or gravel or raised township road", and remove "An individual may"

Page 1, remove lines 9 and 10

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2292: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2292 was placed on the Sixth order on the calendar.

Page 1, line 10, overstrike "The office of independent review"

Page 1, line 12, remove "must be collocated with the office of"

Page 1, line 13, remove "the labor commissioner."

Renumber accordingly

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 2299: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2299 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "of less than true and" with "that recognizes the supply of"

Page 1, line 3, remove "full value for property tax purposes for certain"

Page 1, line 15, replace "of less than true and" with "that recognizes the supply of vacant lots available for sale."

Page 1, remove lines 16 and 17

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2310: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2310 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2313: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2313 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "general" with "community health trust"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2321: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2321 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2326, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2326 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2338: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2338 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2341: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2341 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide a statement of legislative intent."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE INTENT - FUTURE FUNDING FOR HERITAGE CENTER EXPANSION. It is the intent of the legislative assembly that the office of management and budget favorably consider providing funding to the state historical society for the heritage center expansion project in the 2009-11 executive budget recommendation if the state historical society is able to demonstrate progress toward fundraising goals and federal funding is secured for the project. The sixty-first legislative assembly shall favorably consider appropriating funding to the state historical society for the heritage center expansion project if the state historical society is able to demonstrate progress toward fundraising goals and federal funding is secured for the project."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2342: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2342 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2345: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2345 was placed on the Sixth order on the calendar.

Page 2, remove lines 20 through 26

Page 2, line 27, replace "3." with "2."

Page 3, line 1, replace "4." with "3."

Page 3, after line 9, insert:

"SECTION 5. State funding plan.

1. The remaining sixty million dollars to comprise a total of one hundred million dollars to meet the one hundred million dollar state share of phase one of the Red River valley water supply project is to be funded over three bienniums. The sixty million dollars is to be derived from thirty million dollars from the general fund and thirty million dollars from the resources trust fund.

2. The state shall provide an additional one hundred million dollars of municipal, rural, and industrial water supply funds for phase two of the Red River valley water supply project, to meet the two hundred million dollar state share of the project."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2354: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2354 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2361: 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 2361 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new subsection to section 57-39.2-04 and"

Page 1, line 2, remove "a sales and"

Page 1, line 3, remove "use tax exemption for pipe for gas gathering systems and pipelines and"

Page 1, line 4, after "exemption" insert "or rate reduction"

Page 1, line 5, after "tax" insert "rate"

Page 1, line 6, remove "and" and after "date" insert "; and to provide an expiration date"

Page 1, remove lines 8 through 11

Page 2, line 12, after "exempt" insert "or subject to a reduced rate"

Page 2, line 27, replace "exempt from any taxes imposed under" with "subject to a tax of two percent of the gross value at the well of the oil extracted"

Page 2, line 28, remove "this chapter"

Page 3, line 3, after "**DATE**" insert "**- EXPIRATION DATE**" and replace "taxable events occurring" with "oil extracted from wells drilled and completed"

Page 3, line 4, after "2007" insert ", and before July 1, 2011, and is thereafter ineffective"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2365: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2365 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to a legislative council study of grain inspection and grading procedures."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY - GRAIN INSPECTION PROCEDURES. The legislative council shall consider studying, during the 2007-08 interim, grain inspection and grading procedures, including the methodology, accuracy, uniformity, and cost-effectiveness of testing and sampling procedures and training and education standards that would be desirable in improving current procedures. The study should include the participation of agencies of the United States department of agriculture, industry groups, and North Dakota state university. The council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2368: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2368 was placed on the Sixth order on the calendar.

Page 1, line 2, after "in" insert "an indemnification provision of"

Page 1, line 6, replace "A" with "To the extent a" and replace "for" with "relating to"

Page 1, line 7, remove "is void to the extent the"

Page 1, line 8, remove the first "provision", replace "that any provision" with "the indemnification provisions", replace "does" with "do", and remove ", that the laws of"

Page 1, line 9, remove "another state are to apply", remove "that", remove "law, rule, or", and replace "is to apply. With respect to a" with "applies, the provision is void"

Page 1, remove line 10

Page 1, line 11, remove "apply"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2371: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2371 was placed on the Sixth order on the calendar.

Page 1, line 11, after the underscored semicolon insert "or"

Page 1, line 12, replace "; or" with an underscored period

Page 1, remove lines 13 and 14

Page 3, line 11, after "obtains" insert "either a below grade level proficiency score in any subject tested on the state achievement assessment or"

Page 3, line 12, replace "on the basic battery of a" with "in any subject tested on an alternative assessment specified in section 15.1-23-09"

Page 3, line 13, remove "standardized achievement test"

Page 3, line 14, after "percentile" insert "on an alternative assessment specified in section 15.1-23-09"

Page 4, line 14, overstrike "While in grades four,"

Page 4, line 15, overstrike "six, eight, and ten, each" and insert immediately thereafter "Each" and overstrike "a" and insert immediately thereafter "the"

Page 4, line 16, overstrike "used by the school district in which the child resides or, if requested by the"

Page 4, line 17, remove "individual supervising the child's home education", overstrike ", shall take a", and overstrike "standardized"

Page 4, line 18, overstrike "achievement test" and replace "selected by the individual supervising the child's home education" with "in the subjects and grades specified in section 15.1-21-08 or, if requested by the individual supervising the child's home education, shall take in grades three, four, six, eight, and eleven either the state achievement assessment specified in section 15.1-21-08 or a nationally normed standardized achievement test in the subjects specified in section 15.1-21-08"

Page 5, line 26, overstrike "the child's", overstrike "composite score on", remove "the basic battery of", and overstrike "a standardized"

Page 5, line 27, overstrike "achievement test is less than the thirtieth percentile" and after "~~nationally~~" insert "a child receiving home education obtains either a score in the lowest achievement level of the state achievement assessment or a score below the thirtieth percentile on an alternative assessment specified in section 15.1-23-09"

Page 6, line 17, remove "a", overstrike "composite" and insert immediately thereafter "a", and after "score" insert "above the lowest achievement level on every subject tested on the state achievement assessment or"

Page 6, line 18, replace "the basic battery of a standardized achievement test" with "every subject tested on an alternative assessment specified in section 15.1-23-09,"

Page 7, line 23, overstrike "upon scoring below the thirtieth"

Page 7, line 24, overstrike "percentile on a subsequent standardized achievement test"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2384, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2384 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2387: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2387 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2388: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2388 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 28 of chapter 167 of the 2005 Session Laws, relating to the contingent distribution of state school aid payments; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 28 of chapter 167 of the 2005 Session Laws is amended and reenacted as follows:

SECTION 28. CONTINGENCY. If any moneys appropriated for per student payments and transportation payments in the grants - state school aid line item in House Bill No. 1013, as approved by the fifty-ninth legislative assembly, remain after payment of all statutory obligations for per student and transportation payments during the biennium beginning July 1, 2005, and ending June 30, 2007, and after the superintendent of public instruction has fulfilled any directives contained in section 27 of this Act, the superintendent shall distribute the remaining moneys as follows:

1. The superintendent of public instruction shall use the first \$25,748, or so much of that amount as may be necessary, for the purpose of reimbursing eligible school districts that received reduced amounts of state aid. For the purposes of this subsection, an eligible school district is one that received a reduction in state aid during the 2005-07 biennium because the district's general fund levy fell below one hundred forty mills as the result of an accounting oversight.
2. The superintendent of public instruction shall use the ~~first~~ next \$450,000, or so much of that amount as may be necessary, to provide additional payments to school districts serving English language learners in accordance with section 15.1-27-12.
2. 3. The superintendent of public instruction shall use the next \$1,000,000, or so much of that amount as may be necessary, for the purpose of providing additional per student payments to school districts participating in eligible educational associations in accordance with section 32 of this Act.

3. 4. The superintendent of public instruction shall use the remainder of the moneys to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2389: 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 2389 was placed on the Sixth order on the calendar.

Page 4, line 7, replace "\$1,830" with "\$1,890"

Page 4, line 8, replace "\$1,830" with "\$1,890"

Page 4, line 9, replace "\$2,745" with "\$2,835"

Page 4, line 10, replace "\$2,745" with "\$2,835"

Page 4, line 11, replace "\$3,660" with "\$3,780"

Page 4, line 12, replace "\$3,660" with "\$3,780"

Page 4, line 13, replace "\$4,575" with "\$4,725"

Page 4, line 14, replace "\$4,575" with "\$4,725"

Page 4, line 15, replace "\$5,490" with "\$5,670"

Page 4, line 16, replace "\$5,490" with "\$5,670"

Page 4, line 17, replace "\$6,405" with "\$6,615"

Page 4, line 18, replace "\$6,405" with "\$6,615"

Page 4, line 19, replace "\$7,320" with "\$7,560"

Page 4, line 20, replace "\$8,235" with "\$8,505"

Page 4, line 21, replace "\$9,150" with "\$9,450"

Page 4, line 22, replace "\$10,980" with "\$11,340"

Page 4, line 23, replace "\$12,810" with "\$13,230"

Page 4, line 24, replace "\$14,640" with "\$15,120"

Page 4, line 25, replace "\$16,470" with "\$17,010"

Page 4, line 26, replace "\$18,300" with "\$18,900"

Page 4, line 27, replace "\$20,130" with "\$20,790"

Page 4, line 28, replace "\$21,960" with "\$22,680"

Page 4, line 29, replace "\$23,790" with "\$24,570"

Page 4, line 30, replace "\$25,620" with "\$26,460"

Page 4, line 31, replace "\$27,450" with "\$28,350"

Page 5, line 1, replace "\$29,280" with "\$30,240"

Page 5, line 2, replace "\$31,110" with "\$32,130"

Page 5, line 3, replace "\$32,940" with "\$34,020"

Page 5, line 4, replace "\$34,770" with "\$35,910"

Page 5, line 5, replace "\$36,600" with "\$37,800"

Page 5, line 6, replace "\$38,430" with "\$39,690"

Page 5, line 7, replace "\$40,260" with "\$41,580"

Page 5, line 8, replace "\$42,090" with "\$43,470"

Page 5, line 9, replace "\$43,920" with "\$45,360"

Page 5, line 10, replace "\$47,580" with "\$49,140"

Page 5, line 11, replace "\$51,240" with "\$52,920"

Page 5, line 12, replace "\$54,900" with "\$56,700"

Page 5, line 13, replace "\$58,560" with "\$60,480"

Page 5, line 14, replace "\$62,220" with "\$64,260"

Page 5, line 15, replace "\$65,880" with "\$68,040"

Page 5, line 16, replace "\$69,540" with "\$71,820"

Page 5, line 17, replace "\$73,200" with "\$75,600"

Page 5, line 18, replace "\$76,860" with "\$79,380"

Page 5, line 19, replace "\$80,520" with "\$83,160"

Page 5, line 20, replace "\$85,095" with "\$87,885"

Page 5, line 21, replace "\$89,670" with "\$92,610"

Page 5, line 22, replace "\$94,245" with "\$97,335"

Page 5, line 23, replace "\$98,820" with "\$102,060"

Page 5, line 24, replace "\$103,389" with "\$106,785"

Page 5, line 25, replace "\$107,970" with "\$111,510"

Page 5, line 26, replace "\$112,545" with "\$116,235"

Page 5, line 27, replace "\$117,120" with "\$120,960"

Page 5, line 28, replace "\$121,695" with "\$125,685"

Page 5, line 29, replace "\$126,270" with "\$130,410"

Page 5, line 30, replace "\$130,845" with "\$135,135"

Page 5, line 31, replace "\$135,420" with "\$139,860"

Page 6, line 1, replace "\$139,995" with "\$144,585"

Page 6, line 2, replace "\$144,570" with "\$149,310"

Page 6, line 3, replace "\$149,145" with "\$154,035"

Page 6, line 4, replace "\$153,720" with "\$158,760"

Page 6, line 5, replace "\$158,295" with "\$163,485"

Page 6, line 6, replace "\$162,870" with "\$168,210"

Page 6, line 7, replace "\$167,445" with "\$172,935"

Page 6, line 8, replace "\$172,020" with "\$177,660"

Page 6, line 9, replace "\$176,595" with "\$182,385"

Page 6, line 10, replace "\$181,170" with "\$187,110"

Page 6, line 11, replace "\$185,745" with "\$191,835"

Page 6, line 12, replace "\$190,320" with "\$196,560"

Page 6, line 13, replace "\$194,895" with "\$201,285"

Page 6, line 14, replace "\$199,470" with "\$206,010"

Page 6, line 15, replace "\$204,045" with "\$210,735"

Page 6, line 16, replace "\$208,620" with "\$215,460"

Page 6, line 17, replace "\$213,195" with "\$220,185"

Page 6, line 18, replace "\$217,970" with "\$224,910"

Page 6, line 19, replace "\$222,345" with "\$229,635"

Page 6, line 20, replace "\$226,920" with "\$234,360"

Page 6, line 21, replace "\$231,495" with "\$239,085"

Page 6, line 22, replace "\$236,070" with "\$243,810"

Page 6, line 23, replace "\$241,560" with "\$249,480"

Page 6, line 24, replace "\$247,050" with "\$255,150"

Page 6, line 25, replace "\$252,540" with "\$260,820"

Page 6, line 26, replace "\$258,030" with "\$266,490"

Page 6, line 27, replace "\$263,520" with "\$272,160"

Page 6, line 28, replace "\$269,010" with "\$277,830"

Page 6, line 29, replace "\$274,500" with "\$283,500"

Page 7, line 7, replace "\$11,895" with "\$12,285"

Page 7, line 8, replace "\$5,124" with "\$5,292"

Page 7, line 9, replace "\$7,320" with "\$7,560"

Page 7, line 10, replace "\$5,124" with "\$5,292"

Page 7, line 11, replace "\$4,026" with "\$4,159"

Page 7, line 12, replace "\$5,490" with "\$5,670"

Page 7, line 13, replace "\$4,026" with "\$4,159"

Page 7, line 15, replace "\$2,562" with "\$2,646"

Page 7, line 16, replace "\$3,660" with "\$3,780"

Page 7, line 17, replace "\$2,928" with "\$3,024"

Page 7, line 18, replace "\$2,928" with "\$3,024"

Page 7, line 19, replace "\$2,196" with "\$2,268"

Page 7, line 21, replace "\$42,822" with "\$44,226"

Page 7, line 22, replace "\$35,685" with "\$36,855"

Page 7, line 23, replace "\$27,450" with "\$28,350"

Page 7, line 24, replace "\$5,490" with "\$5,670"

Page 7, line 25, replace "\$3,294" with "\$3,402"

Page 7, line 26, replace "\$2,196" with "\$2,268"

Page 7, line 27, replace "27,450" with "\$28,350"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2392: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2392 was placed on the Sixth order on the calendar.

Page 1, line 17, after the underscored period insert "If a home rule city imposes a fee that exceeds two hundred percent of the limits in section 39-06.1-06, the amount that exceeds two hundred percent of that limit must be paid into the treasury of the proper county to be added to the state school fund."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2394: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2394 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2395: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2395 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2402: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2402 was placed on the Sixth order on the calendar.

Page 2, line 11, after "6." insert "a."

Page 2, line 13, overstrike "a." and insert immediately thereafter "(1)"

Page 2, line 15, overstrike "b." and insert immediately thereafter "(2)"

Page 2, line 16, overstrike "c." and insert immediately thereafter "(3)"

Page 2, line 17, overstrike "d." and insert immediately thereafter "(4)"

Page 2, line 18, overstrike "e." and insert immediately thereafter "(5)"

Page 2, line 20, overstrike "f." and insert immediately thereafter "(6)"

Page 2, after line 21, insert:

"b. If the executive director of the Indian affairs commission or any of the tribal chairmen appoint a designee to serve on the task force, only one individual may serve as that designee during the biennium."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4015: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4015 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILL

HB 1454: A BILL for an Act to create and enact a new section to chapter 34-06 of the North Dakota Century Code, relating to an increase in the state's minimum wage and collective bargaining agreement use of the state minimum wage; to provide a contingent effective date; and to declare an emergency.

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

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

William R. Horton, Secretary