

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

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Bismarck, March 8, 2007

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

The prayer was offered by Pastor Greg Runyon, Church of Acts, Mandan.

The roll was called and all members were present.

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Klein, Chairman)**, appointed to consider the nomination for the Commissioner to the North Dakota Department of Financial Institutions, do advise and consent to the nomination of Timothy Karsky.

MOTION

SEN. KLEIN MOVED that the report be adopted.

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Timothy Karsky for the Commissioner to the North Dakota Department of Financial Institutions", 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; Fiebigger; 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; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

The Senate advises and consents to the nomination of Timothy Karsky for the Commissioner to the North Dakota Department of Financial Institutions.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Klein, Chairman)**, appointed to consider the nomination for the Commissioner to the North Dakota Office of Securities, do advise and consent to the nomination of Karen Tyler to be reappointed.

MOTION

SEN. KLEIN MOVED that the report be adopted.

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Karen Tyler to be reappointed as the Commissioner to the North Dakota Office of Securities", 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; Fiebigger; 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; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

The Senate advises and consents to the nomination of Karen Tyler for reappointment as the Commissioner to the North Dakota Office of Securities.

MOTION

SEN. CHRISTMANN MOVED that the Confirmation Session be dissolved, which motion prevailed.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Cook, Chairman)** has unanimously approved the introduction of a concurrent resolution proclaiming Monday, November 12, 2007, Smith-Lemli-Opitz Syndrome Awareness Day.

The resolution will be SCR 4034.

CONSIDERATION OF AMENDMENTS

HB 1273, as engrossed: SEN. WARNER (Human Services Committee) MOVED that the amendments on SJ page 732 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1403, as engrossed: SEN. TRIPLETT (Finance and Taxation Committee) MOVED that the amendments on SJ page 733 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1157, as engrossed: SEN. WARNER (Political Subdivisions Committee) MOVED that the amendments on SJ page 731 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1304: SEN. HACKER (Political Subdivisions Committee) MOVED that the amendments on SJ page 732 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1312, as engrossed: SEN. HORNE (Finance and Taxation Committee) MOVED that the amendments on SJ page 733 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1010, as engrossed: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ page 731 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1060: A BILL for an Act to create and enact chapter 38-21 and a new section to chapter 54-17.4 of the North Dakota Century Code, relating to creation of the geophysical, geothermal, subsurface minerals, and coal exploration and geologic data preservation funds; to amend and reenact sections 38-08-04.4, 38-08-04.5, and 38-19-04 and subsection 5 of section 54-44.4-02 of the North Dakota Century Code, relating to oil well plugging contracts, the oil and gas well plugging and site reclamation fund, geothermal energy extraction permits, and exemptions from procurement practices; to provide a continuing appropriation; to provide for a report to the budget section; 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; Nothing; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Reengrossed HB 1060, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1094: A BILL for an Act to amend and reenact section 23-20.3-04.1 of the North Dakota Century Code, relating to underground storage tank 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 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

HB 1094 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1134: A BILL for an Act to amend and reenact section 44-04-18.14 and subsection 3 of section 52-01-03 of the North Dakota Century Code, relating to release and use of information provided to the followup information on North Dakota education and training system.

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 HB 1134, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1140: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to a workers' compensation inflationary adjustment for injured employees with long-term temporary partial disabilities; and to provide for application.

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

Engrossed HB 1140 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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.

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

HB 1156 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1199: A BILL for an Act to amend and reenact sections 15.1-31-01 and 15.1-31-07 of the North Dakota Century Code, relating to the open enrollment of students; to repeal section 15.1-31-02 of the North Dakota Century Code, relating to grounds for denial of an open enrollment application; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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

HB 1199 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1245: A BILL for an Act to amend and reenact subsection 5 of section 57-40.3-01 of the North Dakota Century Code, relating to exclusion of motor vehicle manufacturers' incentives or discounts under the motor vehicle excise tax; 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 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; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Engrossed HB 1245 lost.

SECOND READING OF HOUSE BILL

HB 1421: A BILL for an Act to amend and reenact sections 36-21.1-01 and 36-21.1-02 of the North Dakota Century Code, relating to the humane treatment of animals.

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 HB 1421, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1503: A BILL for an Act to amend and reenact section 54-17-37 of the North Dakota Century Code, relating to extending the tribal-state guaranty program; 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; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

HB 1503, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1451: A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to the sale of beverages on school property.

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 14 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Fiebiger; Horne; Lindaas; Mathern; Nelson; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Warner

NAYS: Andrist; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lyson; Marcellais; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Stenehjem; Tollefson; Urlacher; Wanzek; Wardner

Reengrossed HB 1451 lost.

SECOND READING OF HOUSE BILL

HB 1517: A BILL for an Act to amend and reenact section 65-05-32 of the North Dakota Century Code, relating to release of information by workforce safety and insurance; 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 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 HB 1517 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1513: A BILL for an Act to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to an emergency municipal, tribal, and rural water system drinking water grant program.

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; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Engrossed HB 1513, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1061: A BILL for an Act to amend and reenact section 6-09.7-09 of the North Dakota Century Code, relating to the maximum amount of Bank of North Dakota agricultural real estate loans; 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 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; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

HB 1061 passed and the title was agreed to.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 7, 2007, I have signed the following: SB 2028, SB 2064, SB 2065, SB 2075, SB 2078, SB 2079, SB 2084, SB 2087, SB 2092, SB 2112, SB 2114, SB 2131, SB 2159, SB 2185, SB 2213, SB 2231, SB 2233, SB 2235, and SB 2242.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1023, HB 1062, HB 1071, HB 1130, HB 1221, HB 1439.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1056, HB 1092.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed unchanged: SB 2294.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2168.

HOUSE AMENDMENTS TO SENATE BILL NO. 2168

Page 1, line 8, overstrike "to insure all licensees who choose to participate in the group program"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2299.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2299

Page 1, line 15, replace "adopt a standard of valuation" with "establish valuations" and replace "recognizes" with "recognize"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2406.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2406

Page 1, line 7, replace "three" with "six"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has failed to pass: SB 2289.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2149, SB 2250, SB 2263, SB 2271, SB 2360, SB 2369.

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

MR. SPEAKER: The President has signed: SB 2031, SB 2216, SB 2359, SB 2380, SB 2381.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: SB 2149, SB 2250, SB 2263, SB 2271, SB 2360, SB 2369.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: Your signature is respectfully requested on: HB 1034, HB 1102, HB 1137, HB 1412.

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

MR. SPEAKER: The President has signed: HB 1034, HB 1102, HB 1412.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: HB 1033, HB 1035, HB 1046, HB 1069, HB 1087, HB 1100, HB 1109, HB 1116, HB 1139, HB 1172, HB 1205, HB 1213, HB 1232, HB 1234, HB 1235, HB 1238, HB 1268, HB 1281, HB 1291, HB 1305, HB 1310, HB 1313, HB 1338, HB 1342, HB 1408, HB 1413, HB 1470, HB 1500, HB 1514.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: HCR 3020, HCR 3023, HCR 3033, HCR 3044.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: HCR 3030.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 8, 2007: SB 2031, SB 2216, SB 2359, SB 2380, SB 2381.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, March 9, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1125, as reengrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1125 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "veterinarian" with "board of animal health"

Page 2, line 13, remove "include consideration of"

Page 2, line 14, replace "The" with "Consider the"

Page 2, line 17, replace "The" with "Consider the"

Page 2, line 19, replace "The" with "Consider the"

Page 2, line 20, replace "The" with "Consider the"

Page 2, line 22, replace "The" with "Consider the"

Page 2, after line 22, insert:

- "f. Give priority to a veterinarian on whose behalf state-funded student support fees have not been paid."

Page 2, line 24, replace "during the" with "for more than one year before submitting an application for the loan repayment program;"

Page 2, remove line 25

Page 2, remove line 27

Page 2, line 28, remove "the date of the application"

Page 4, line 4, replace "one" with "six months of the first"

Page 4, line 5, replace "equaling twenty" with "up to fifteen thousand dollars"

Page 4, line 6, remove "percent of the applicant's original student loan"

Page 4, line 8, replace "equaling twenty percent of the applicant's original student loan" with "up to fifteen thousand dollars"

Page 4, line 10, replace "equaling thirty percent of the applicant's original student loan" with "up to twenty-five thousand dollars"

Page 4, line 12, replace "equaling thirty percent of the applicant's original student loan" with "up to twenty-five thousand dollars"

Page 4, line 24, after the underscored period insert "During the 2007-09 biennium, the state health department may receive no more than seven percent of the appropriated moneys and the state veterinarian may receive no more than three percent of the appropriated moneys for administration of the loan repayment program."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1129, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1129 was placed on the Sixth order on the calendar.

Page 3, line 9, after "current" insert "or surviving"

Page 17, line 6, after "board" insert ", or a funeral director reporting the facts of death"

Page 17, line 8, after the underscored period insert "A certified copy of a death record that includes the facts of death and the social security number may be issued to any person that may obtain a certified copy of a death record or to any licensed attorney who requires the copy for a bona fide legal determination."

Page 23, line 5, overstrike "The sexton is not"

Page 23, line 6, overstrike "required to record the cause of death or the color of the deceased."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1175: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1175 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1296, as reengrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1296 was placed on the Sixth order on the calendar.

Page 2, after line 2, insert:

"23-40-03. Strategic plan. The state department of health shall establish and update regularly a strategic plan for an integrated emergency medical services program in this state which includes a comprehensive statewide emergency medical services system. The strategic plan may include consideration of transportation distances to hospitals, the size of service areas, the distance between emergency medical services operations, the age of emergency medical services personnel, the use of and the willingness to use first responders, the feasibility of consolidation of emergency medical services operations, the types of calls received, and call volume."

Page 2, line 3, replace "**23-40-03**" with "**23-40-04**"

Page 2, line 4, after the first "determinations" insert ", level of local matching funds determinations,"

Page 2, line 6, replace "and continually update this strategic plan for an" with "a sliding percent formula for determining the percentage of an applicant's local matching fund obligation. The sliding percent formula must be based on the department's strategic plan and must include consideration of how the applicant fits into the strategic plan and consideration of the needs of emergency medical services operations in the applicant's neighboring service areas."

Page 2, remove line 7

Page 2, line 8, remove "emergency medical services system."

Page 2, line 10, replace "equal to seventy-five" with "at the level determined by the state health officer, but which must be at least ten percent but not more than ninety"

Page 2, line 12, replace "**23-40-04**" with "**23-40-05**"

Page 2, line 16, replace "**23-40-05**" with "**23-40-06**"

Page 3, line 6, replace "23-40-04" with "23-40-05"

Page 3, line 22, replace "\$1,000,000" with "\$2,000,000"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1320, as reengrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1320 was placed on the Sixth order on the calendar.

Page 2, line 2, after the first "program" insert "or a head start program"

Page 3, line 8, replace "\$200,000" with "up to \$100,000 during each year of the biennium"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1411: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1411 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1482, as engrossed: 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). Engrossed HB 1482 was placed on the Sixth order on the calendar.

Page 1, line 20, remove "at least fifteen days before the offender's admission as"

Page 1, line 21, remove "a resident of a health care facility" and after "provide" insert "prior"

Page 2, remove lines 10 through 12

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1505, as engrossed: 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). Engrossed HB 1505 was placed on the Sixth order on the calendar.

Page 1, after line 24, insert:

"3. The fees established by the department must be based on the cost of conducting routine and complaint inspections and enforcement actions and preparing and sending license renewals. Fees collected under this section must be deposited in the department's operating fund in the state treasury and any expenditure from the fund is subject to appropriation by the legislative assembly. The department shall waive all or a portion of the fee for any facility that is subject to local jurisdiction."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3032: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3032 was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Nelson, Fiebiger, Flakoll, Mathern, Pomeroy introduced:
(Approved by the Delayed Bills Committee)

SCR 4034: A concurrent resolution proclaiming Monday, November 12, 2007, Smith-Lemli-Opitz Syndrome Awareness Day.

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

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

William R. Horton, Secretary