

## JOURNAL OF THE SENATE

## Sixty-first Legislative Assembly

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Bismarck, January 22, 2009

The Senate convened at 1:00 p.m., with President Pro Tem Fischer presiding.

The prayer was offered by Pastor Chuck Olmstead, Hope Lutheran Church, Fargo.

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

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**SB 2029: SEN. SCHNEIDER (Judiciary Committee) MOVED** that the amendments on SJ pages 134-135 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2071: SEN. ANDRIST (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 135-136 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2277 be returned to the Senate floor from the **Industry, Business and Labor Committee** and be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2266 be returned to the Senate floor from the **Education Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2255 be returned to the Senate floor from the **Judiciary Committee** and be rereferred to the **Agriculture Committee**, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2087, which is on the Eleventh order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2087 was rereferred.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2110, which is on the Eleventh order, be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2110 was rereferred.

## MOTION

**SEN. CHRISTMANN MOVED** that SCR 4003 be moved to the top of the Eleventh order, which motion prevailed.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4003:** A concurrent resolution expressing support for the development of a balanced national immigration policy and urging Congress to work to develop an immigration policy that protects and preserves the safety and interests of the United States and its citizens while also recognizing the needs of businesses to have a stable and legal supply of workers.

## MOTION

**SEN. POTTER MOVED** that SCR 4003 be amended as follows, which motion failed on a verification vote.

Page 1, line 2, after "that" insert "humanely"

Page 1, line 3, replace "while also" with ", protects workers and employers, respects families, and recognizes"

Page 1, line 4, remove "recognizing"

Page 2, line 2, after the semicolon insert "and"

**WHEREAS**, a comprehensive immigration policy should humanely secure the nation's borders, protect workers and employers, and respect families;"

Page 2, line 7, after "that" insert "humanely"

Page 2, line 8, replace "while also recognizing" with ", protects workers and employers, respects families, and recognizes"

Renumber accordingly

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

SCR 4003 was declared adopted and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2036:** A BILL for an Act to amend and reenact subsection 11 of section 57-60-01 and subsection 2 of section 57-60-02 of the North Dakota Century Code, relating to the definition of repowering and exemptions from taxes on coal conversion facilities; 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; Dotzenrod; Erbele; Fiebiger; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Fischer; Taylor

SB 2036 passed and the title was agreed to.

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#### REQUEST

**SEN. FISCHER REQUESTED** that the record show that he intended to vote "AYE" on SB 2036, which request was granted.

#### SECOND READING OF SENATE BILL

**SB 2055:** A BILL for an Act to amend and reenact subsection 1 of section 65-01-15.1 of the North Dakota Century Code, relating to the burden of proof under the workers' compensation firefighter's and law enforcement officer's presumption.

#### ROLL CALL

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

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Taylor

SB 2055 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2058:** A BILL for an Act to amend and reenact section 65-02-21.1 and subsection 3 of section 65-05-28 of the North Dakota Century Code, relating to a distinction between workers' compensation independent medical examinations and independent medical reviews.

**ROLL CALL**

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

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Taylor

SB 2058 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2169:** A BILL for an Act to amend and reenact section 27-20-52 of the North Dakota Century Code, relating to the law enforcement or correctional facility records of a child.

**ROLL CALL**

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

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Taylor

SB 2169 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2172:** A BILL for an Act to amend and reenact section 44-04-18.3 of the North Dakota Century Code, relating to exempting law enforcement work schedules from open records requirements.

**ROLL CALL**

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

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Taylor

SB 2172 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2181:** A BILL for an Act to amend and reenact subsection 1 of section 26.1-06.1-31 of the North Dakota Century Code, relating to contracts of reinsurance.

**ROLL CALL**

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

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Taylor

SB 2181 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2190:** A BILL for an Act to amend and reenact section 53-06.1-12 of the North Dakota Century Code, relating to exemption for schools and churches from bingo excise taxes; 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 6 YEAS, 40 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Dotzenrod; Krauter; Mathern; O'Connell; Potter; Schneider

**NAYS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nelson; Nething; Nodland; Oehlke; Olafson; Pomeroy; Robinson; Seymour; Stenehjem; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Taylor

SB 2190 lost.

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**SECOND READING OF SENATE BILL**

**SB 2213:** A BILL for an Act to amend and reenact section 15.1-27-03.1 of the North Dakota Century Code, relating to factors for determining weighted average daily membership.

**ROLL CALL**

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

**NAYS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Taylor

SB 2213 lost.

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**SECOND READING OF SENATE BILL**

**SB 2215:** A BILL for an Act to amend and reenact section 53-06.1-01, subsection 2 of section 53-06.1-12, and section 53-06.1-12.3 of the North Dakota Century Code, relating to the definition of games of chance, excise tax on licensed organizations, and interest penalty and estimated taxes on licensed organizations.

**ROLL CALL**

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

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Taylor

SB 2215 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2220:** A BILL for an Act to amend and reenact section 6-03-64 of the North Dakota Century Code, relating to payment orders against minors' bank accounts.

**ROLL CALL**

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

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Taylor

SB 2220 passed and the title was agreed to.

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**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. Nething, Chairman)** appointed to consider the nominations to the North Dakota State Board of Higher Education do advise and consent to the nomination of Michael J. Haugen.

**SEN. NETHING MOVED** that the report be adopted.

**ROLL CALL**

The question being "will the Senate advise and consent to the nomination of Michael J. Haugen to the North Dakota State Board of Higher Education", the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Taylor

The Senate advises and consents to the nomination of Michael J. Haugen to the North Dakota State Board of Higher Education.

**MOTION**

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

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2134, SB 2135.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2114.

**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 1025, HB 1069, HB 1093, HB 1126, HB 1134, HB 1147, HB 1148, HB 1153, HB 1195.

**MOTION**

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

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:00 p.m., Friday, January 23, 2009, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2060: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2060 was placed on the Sixth order on the calendar.

Page 1, line 3, after "of" insert "public"

Page 1, line 10, after "or" insert "public"

Page 1, line 11, after "or" insert "public"

Page 2, line 6, overstrike "or", after "rehabilitates" insert ", or makes leasehold improvements to", and after the underscored comma insert "public"

Page 2, line 26, replace "An income tax credit" with "The credit must be approved by the local renaissance zone authority. The credit must be claimed in the taxable year in which the related project was completed. The credit may not exceed the taxpayer's tax liability, and an unused credit may be carried forward up to five taxable years."

Page 2, remove line 27

Page 3, line 9, remove "utility infrastructure."

Page 3, line 10, after the period insert "The state board of equalization may grant a partial or complete exemption from ad valorem taxation on public utility infrastructure rehabilitated as a zone project."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2076: 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 2076 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "seven" with "five"

Page 1, line 15, replace "seven" with "five"

Page 1, line 16, remove the overstrike over "~~six~~" and remove "three"

Page 1, line 22, replace "seven" with "five"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2098: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2098 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "25-03.1-26,"

Page 2, line 8, replace "possible" with "reasonably practicable"

Page 3, line 8, remove "licensed" and after "counselor" insert "who is practicing within the professional scope of practice and"

Page 3, line 28, remove "licensed"

Page 5, line 22, remove the overstrike over "immediately"

Page 8, remove lines 5 through 27

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2099: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2099 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2118: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2118 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2129: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2129 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "through a contract or other instrument executed"

Page 1, line 9, after "commission" insert "for energy-related programs"

Page 4, line 27, overstrike "efficiencies such as" and insert immediately thereafter "research and utilization of renewable energy" and after "utilization" insert "for livestock feed, human food products, and industrial use"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2130: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2130 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2153: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2153 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2162: 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). SB 2162 was placed on the Sixth order on the calendar.

Page 5, line 15, remove the overstrike over "~~six or~~"

Page 5, line 16, remove "up to"

Page 5, line 17, replace "four" with "three"

Page 10, line 28, after "year" insert ", provided, however, that if a provisional self-declaration document is issued to allow an applicant to certify in cardiopulmonary resuscitation and first aid, the provisional document may not be in effect longer than six months. The

effective date of a provisional document is the effective date of a full self-declaration document upon the applicant meeting the conditions of the provisional document"

Page 10, line 29, after "times" insert "provided, however, that a self-declaration holder who is also an approved relative provider for purposes of child care assistance is exempt from the three times limitation if the self-declaration holder does not provide early childhood services to nonapproved relatives"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2166: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (3 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2166 was placed on the Sixth order on the calendar.

Page 1, line 1, after "15-62.2-00.1" insert "and subsection 2 of section 15-62.2-01"

Page 1, after line 9, insert:

**"SECTION 2. AMENDMENT.** Subsection 2 of section 15-62.2-01 of the North Dakota Century Code is amended and reenacted as follows:

2. A student must be in substantial need of financial assistance to receive grants under the student financial assistance program. A grant must be paid directly to an eligible institution on behalf of a student."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2179: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2179 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2180: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2180 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2183: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2183 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "dismissal" with "nonrenewal"

Page 1, line 6, replace "dismissal" with "nonrenewal"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2191: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2191 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2200: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2200 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2202: 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). SB 2202 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "15.1-06-01," remove the second "and", and after "15.1-22-01" insert ", and 15.1-22-02"



Page 1, line 3, after "attendance" insert "and the age of admission to schools"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 15.1-06-01 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-06-01. Schools free and accessible - School ages.**

1. Each public school must be free, open, and accessible at all times to any child provided:
  - a. The child may not enroll in grade one unless the child reaches the age of six before ~~September~~ July first of the year of enrollment;
  - b. The child may not enroll in kindergarten unless the child reaches the age of five before ~~September~~ July first of the year of enrollment; and
  - c. The child has not reached the age of twenty-one before ~~September~~ July first of the year of enrollment.
2. Notwithstanding ~~the provisions of~~ subsection 1, a school district may not enroll in grade one a child who is not six years old before ~~September~~ July first, unless the child will be six years old before ~~January~~ November first and:
  - a. The child, by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the school district, can demonstrate special talents or abilities; or
  - b. The child has completed an approved kindergarten program.
3. Notwithstanding subsection 1, a school district may not enroll in kindergarten a child who is not five years old before ~~September~~ July first unless the child will be five years old before ~~January~~ November first and the child, by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the school district, can demonstrate special talents or abilities."

Page 3, after line 13, insert:

**"SECTION 5. AMENDMENT.** Section 15.1-22-02 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-22-02. Public kindergarten - Requirements.** A school district operating a kindergarten:

1. May not employ an individual as a kindergarten teacher unless the individual is licensed to teach by the education standards and practices board or approved by the education standards and practices board.
2. Shall submit to the superintendent of public instruction and follow a developmentally appropriate curriculum.
3. Shall provide at least the equivalent of thirty full days of instruction, on a half-day or full-day basis, as determined by the school board.
4. Shall apply all municipal and state health, fire, and safety requirements to the kindergarten.
5. May not enroll a child who is not five years old ~~by midnight August thirty-first~~ before July first of the year of enrollment, unless the child will be five years old ~~on or before December thirty-first~~ November first and:
  - a. The child, by means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the kindergarten operator, can demonstrate special talents or abilities; or

- b. The child has been enrolled in another approved kindergarten."

Page 5, line 1, replace "1" with "2" and replace "3" with "4"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2204: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2204 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2212: 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). SB 2212 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "maximum", replace "caseloads" with "caseload criteria", and after "teachers" insert ", deviation from which may not affect the accreditation or funding level of a school district"

Page 1, line 24, replace "a grant in an amount not exceeding \$25,000. An" with "grants"

Page 2, line 1, remove "association may use the grant"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2216: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2216 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2235: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2235 was placed on the Sixth order on the calendar.

Page 1, line 8, after the underscored comma insert "after being given a thirty-day written notice beginning with the date of mailing."

Renumber accordingly

#### FIRST READING OF SENATE BILLS

Sens. Hogue, Nodland and Rep. L. Meier introduced:

**SB 2363:** A BILL for an Act to amend and reenact subsection 3 of section 50-22-02, subsection 1 of section 50-22-02.1, and sections 50-22-04 and 50-22-05 of the North Dakota Century Code, relating to registration of charitable organizations and professional fundraisers and to annual reports by charitable organizations; and to provide a penalty.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sen. Oehlke and Reps. Hofstad, Martinson, Wrangham introduced:

**SB 2365:** A BILL for an Act to amend and reenact subsections 17, 18, and 19 of section 57-39.2-01 and subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code, relating to eliminating sales taxes for coin-operated amusement or entertainment machines; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Oehlke, Horne and Reps. Pinkerton, Weiler introduced:

**SB 2366:** A BILL for an Act to amend and reenact section 23-15-01 of the North Dakota Century Code, relating to the sale of fireworks.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Oehlke, Cook, Erbele and Rep. D. Johnson introduced:

**SB 2367:** A BILL for an Act to create and enact a new section to chapter 39-24 of the North Dakota Century Code, relating to safety fees for snowmobiles; and to amend and reenact section 39-22.3-04 of the North Dakota Century Code, relating to motor-powered recreational vehicle dealer licenses.

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

Sens. Olafson, Lindaas and Reps. Conklin, DeKrey, Kingsbury, Onstad introduced:

**SB 2368:** A BILL for an Act to amend and reenact subdivision a of subsection 17 of section 4-22-26 of the North Dakota Century Code, relating to the mill levy limit for soil conservation districts; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

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

**Fran A. Gronberg, Secretary**

