

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

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Bismarck, March 22, 2007

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

The prayer was offered by Reverend Joel Winckler, Calvary United Methodist Church, Bismarck.

The roll was called and all members were present except Senators Heckaman and Marcellais.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Andrist, Chairman)** has carefully examined the Journal of the Fifth-second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 898, line 33, after "**CONCURRENT**" insert "**RESOLUTION NO. 4030**"

SEN. ANDRIST MOVED that the report be adopted, which motion prevailed.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Cook, Chairman)** has cast a vote of 4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING in favor of accepting the introduction of a bill for an Act to create and enact chapter 57-51.2 of the North Dakota Century Code, relating to agreements with Indian tribes to share revenue from state taxes on mineral production from Indian reservations; to amend and reenact subsection 8 of section 57-51.1-03 of the North Dakota Century Code, relating to an oil extraction tax exemption on production from wells on Indian reservations, Indian trust land, and land owned by an Indian tribe; to provide a continuing appropriation; and to provide an effective date.

The bill will be SB 2419.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Cook, Chairman)** has cast a vote of 4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING in favor of accepting the introduction of a concurrent resolution declaring North Dakota the snow angel capital of the world.

The resolution will be SCR 4035.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Cook, Chairman)** has cast a vote of 3 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING in favor of rejecting the introduction of a concurrent resolution honoring the North Dakota Knights of Columbus on the occasion of the 100th anniversary of the founding of the state organization.

CONSIDERATION OF AMENDMENTS

HB 1228: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ page 899 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1260: SEN. FLAKOLL (Education Committee) MOVED that the amendments on SJ pages 910-911 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1351, as engrossed: SEN. WARNER (Human Services Committee) MOVED that the amendments on SJ page 899 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1359: SEN. G. LEE (Transportation Committee) MOVED that the amendments on SJ page 911 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1417, as engrossed: SEN. ANDRIST (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 899-900 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1491, as engrossed: SEN. BAKKE (Education Committee) MOVED that the amendments on SJ page 900 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that Engrossed HB 1243, which is on the Fourteenth order, be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed HB 1243 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that Engrossed HB 1340 and Engrossed HB 1394, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that after action taken on the Sixth order, Engrossed HCR 3045 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3045, as engrossed: SEN. TOLLEFSON (Finance and Taxation Committee) MOVED that the amendments on SJ page 911 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3045: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to establishment and use of a permanent oil tax trust fund; and to provide an effective date.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of **DO PASS**, the roll was called and there were 24 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Hacker; Holmberg; Kilzer; Klein; Lee, G.; Lyson; Oehlke; Olafson; Stenehjerm; Tollefson; Triplett; Urlacher; Wanzek; Wardner

NAYS: Bakke; Behm; Fiebigger; Grindberg; Heitkamp; Horne; Krauter; Krebsbach; Lee, J.; Lindaas; Mathern; Nelson; Nething; O'Connell; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Warner

ABSENT AND NOT VOTING: Heckaman; Marcellais

Engrossed HCR 3045, as amended, was declared adopted, and the title was agreed to on a roll call vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

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

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

SCR 4034 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE BILL

HB 1073: A BILL for an Act to amend and reenact section 57-06-17.2 of the North Dakota Century Code, relating to the exclusion of carbon dioxide pipeline property subject to payments in lieu of taxes from the valuation of property in taxing districts.

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; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Heckaman; Marcellais

HB 1073 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1138: A BILL for an Act to create and enact a new section to chapter 57-43.1, a new section to chapter 57-43.2, and a new section to chapter 57-43.3 of the North Dakota Century Code, relating to motor vehicle excise tax, special fuels tax, and aviation fuel tax refunds for fuels purchased by emergency medical services operations; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Hacker

ABSENT AND NOT VOTING: Heckaman; Marcellais

HB 1138, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1219: A BILL for an Act to create and enact a new section to chapter 12.1-34 of the North Dakota Century Code, relating to establishment and administration of a statewide automated victim information and notification system; and to provide for a legislative council study.

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; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Heckaman; Marcellais

Engrossed HB 1219, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1227: A BILL for an Act to amend and reenact section 39-06-03.1 of the North Dakota Century Code, relating to verification of the information for an identification card.

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; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nothing; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Heckaman; Marcellais

Engrossed HB 1227, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1348: A BILL for an Act to amend and reenact subsection 1 of section 57-43.2-03 of the North Dakota Century Code, relating to the special fuels special excise tax; 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 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nothing; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Dever

ABSENT AND NOT VOTING: Heckaman; Marcellais

Engrossed HB 1348, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1365: A BILL for an Act to amend and reenact sections 57-39.2-04.2 and 57-40.2-04.2, subsections 3 and 11 of section 57-60-01, subsections 2, 3, and 5 of section 57-60-02, sections 57-60-06 and 57-60-07, and subsection 1 of section 57-60-14 of the North Dakota Century Code, relating to the definition of power plant, repowering, and coal conversion facility for sales, use, and privilege tax purposes, the imposition of taxes on coal conversion facilities, the powers of the tax commissioner, and allocation of revenue from coal conversion facilities; 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 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; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nothing; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Heckaman; Marcellais

HB 1365 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1384: A BILL for an Act to amend and reenact section 36-09-02.1 of the North Dakota Century Code, relating to the brands placed on horses.

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 21 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Fiebiger; Hacker; Heitkamp; Horne; Krauter; Lindaas; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Warner

NAYS: Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Nething; Oehlke; Olafson; Stenehjem; Tollefson; Urlacher; Wanzek; Wardner

ABSENT AND NOT VOTING: Heckaman; Marcellais

Engrossed HB 1384 lost.

SECOND READING OF HOUSE BILL

HB 1420: A BILL for an Act to create and enact section 11-33-02.1, a new section to chapter 11-33, section 58-03-11.1, and a new section to chapter 58-03 of the North Dakota Century Code, relating to regulations by a board of county commissioners and by a board of township supervisors; and to amend and reenact section 11-33-02, subdivision c of subsection 2 of section 23-25-11, and section 58-03-11 of the North Dakota Century Code, relating to the designation of districts by a board of county commissioners and to the establishment of districts by a board of township supervisors.

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 34 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Anderson; Bakke; Fiebiger; Fischer; Horne; Lindaas; Mathern; Nelson; Potter; Seymour; Triplett

ABSENT AND NOT VOTING: Heckaman; Marcellais

Engrossed HB 1420, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1445: A BILL for an Act to create and enact a new section to chapter 39-29 of the North Dakota Century Code, relating to equipment of registered off-highway vehicles; and to amend and reenact subsection 1 of section 39-29-09 of the North Dakota Century Code, relating to the operation of off-highway vehicles.

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; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nething; O'Connell; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Nelson; Oehlke

ABSENT AND NOT VOTING: Heckaman; Marcellais

Engrossed HB 1445, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1477: A BILL for an Act to create and enact a new section to chapter 43-04 of the North Dakota Century Code, relating to prohibited acts regarding the practice of barbering.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Freborg; Grindberg; Heitkamp; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Urlacher; Wanzek; Wardner; Warner

NAYS: Flakoll; Hacker; Holmberg; Oehlke; Triplett

ABSENT AND NOT VOTING: Heckaman; Marcellais

HB 1477 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1499: A BILL for an Act to create and enact a new section to chapter 16.1-08.1 of the North Dakota Century Code, relating to campaign finance reporting; and to amend and reenact subsections 8 and 10 of section 16.1-08.1-01 and subdivision a of subsection 2 of section 16.1-10-02 of the North Dakota Century Code, relating to the definition of a political committee and a political purpose.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 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; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Potter

ABSENT AND NOT VOTING: Heckaman; Marcellais

Engrossed HB 1499, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3004: A concurrent resolution directing the Legislative Council to study issues relating to child custody, visitation, and child support in this state, including issues of fairness and equity as they relate to the issuance and enforcement of child custody, visitation, and child support orders and whether the state should pursue nonadversarial alternatives for the resolution of family law disputes.

The question being on the final adoption of the resolution, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

HCR 3004 was declared lost on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3010: A concurrent resolution urging Congress to implement country of origin labeling for all meat and poultry products.

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

HCR 3010, as amended, was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3036: A concurrent resolution urging Congress and the President of the United States to enact federal legislation to deny unintended tax benefits to foreign subsidiaries of United States companies which are set up in tax haven countries.

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

HCR 3036 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3038: A concurrent resolution supporting the efforts of the President of the United States, the North Dakota Congressional Delegation, North Dakota Insurance Commissioner Jim Poolman, North Dakota Attorney General Wayne Stenehjem, and United States Attorney Drew Wrigley to make prescription drugs safer and more affordable and urging Congress to take the necessary actions to study the lifesaving value, affordability, accessibility, and efficacy of prescription drugs for all Americans.

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS.

Engrossed HCR 3038 was declared lost on a verification vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3041: A concurrent resolution directing the Legislative Council to study the trends and correlations of property tax revenue in relation to funding human service delivery in individual counties.

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

HCR 3041 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3062: A concurrent resolution directing the Legislative Council to study solutions to the problem of underage drinking.

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

HCR 3062 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3043: A concurrent resolution proclaiming January 29, 2007, as American Cancer Society Awareness Day.

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

HCR 3043 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3022: A concurrent resolution directing the Legislative Council to study the availability and future need for dementia-related services, as well as funding for programs for individuals with dementias.

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

HCR 3022 was declared adopted, and the title was agreed to on a voice vote.

MOTION

SEN. STENEHJEM MOVED that the vote by which Engrossed HCR 3045, as amended, passed be reconsidered and the motion to reconsider be laid on the table.

REQUEST

SEN. NELSON REQUESTED a verification vote on the motion that the vote by which Engrossed HCR 3045, as amended, passed be reconsidered and the motion to reconsider be laid on the table, which request was granted.

REQUEST

SEN. STENEHJEM REQUESTED a recorded roll call vote on the motion that the vote by which Engrossed HCR 3045, as amended, passed be reconsidered and the motion to reconsider be laid on the table, which request was granted.

ROLL CALL

The question being on the motion that the vote by which Engrossed HCR 3045, as amended, passed be reconsidered and the motion to reconsider be laid on the table, the roll was called and there were 25 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Oehlke; Olafson; Stenehjem; Tollefson; Triplett; Urlacher; Wanzek; Wardner

NAYS: Anderson; Bakke; Behm; Fiebigler; Grindberg; Heitkamp; Horne; Krauter; Lindaas; Mathern; Nelson; Nething; O'Connell; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Warner

ABSENT AND NOT VOTING: Heckaman; Marcellais

So the motion that the vote by which Engrossed HCR 3045, as amended, passed be reconsidered and the motion to reconsider be laid on the table passed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4034.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1073, HB 1477, HCR 3022, HCR 3036, HCR 3041, HCR 3043, HCR 3062.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1365.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1138, HB 1219, HB 1227, HB 1348, HB 1420, HB 1445, HB 1499, HCR 3010, HCR 3045.

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

MR. SPEAKER: The Senate has failed to pass: HB 1384, HCR 3004, HCR 3038.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4005, SCR 4006, SCR 4008, SCR 4017, SCR 4018, SCR 4019, SCR 4025, SCR 4028, SCR 4029.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2172, SB 2194, SB 2232.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2172

Page 1, line 2, after the semicolon insert "and"

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

Page 1, line 13, after "deceased" insert ", for the first one hundred thousand dollars of true and full valuation of the fixtures, buildings, and improvements"

Page 1, line 18, remove the overstrike over "~~, if the income of the veteran and the spouse, or if the veteran is~~"

Page 1, remove the overstrike over line 19

Page 1, line 20, remove the overstrike over "~~year prior to the year for which the exemption is claimed did not exceed~~"

Page 1, line 22, after "or" insert "fifty thousand dollars, including all compensation, retirement pay, and"

Page 1, line 23, remove the overstrike over "~~pension for service-connected disability from the United States government~~" and insert immediately thereafter "for a percentage, equal to the percentage of the disabled veteran's certified rated service-connected disability, applied against the first one hundred thousand dollars of true and full valuation of the fixtures, buildings, and improvements"

Page 2, line 20, after "subsection" insert ", and except as otherwise provided in this subsection"

Page 2, after line 25, insert:

"This subsection does not apply within a county in which a resolution approved by the board of county commissioners is in effect disallowing the exemption under this subsection for the taxable year."

Page 2, line 26, remove "- EXPIRATION DATE" and remove "the"

Page 2, line 27, remove "first two" and remove ", and is thereafter ineffective"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2194

Page 1, line 13, remove "An official of a political"

Page 1, remove lines 14 and 15

Page 1, line 16, remove "electors equal in number to forty percent of the voters who voted in that election."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2232

Page 3, line 4, after "birth" insert "date and"

Renumber accordingly

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

MR. PRESIDENT: The House has amended and subsequently failed: SB 2347.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2160, SB 2201, SB 2305.

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, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:00 p.m., Friday, February 23, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1005, 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 HB 1005 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "134,537" with "169,243"

Page 1, line 18, replace "156,537" with "191,243"

Page 1, line 20, replace "171,537" with "206,243"

Page 2, line 3, replace "477,939" with "512,645"

Page 2, line 5, replace "563,834" with "598,540"

Page 2, line 7, replace "558,834" with "593,540"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1005 - Indian Affairs Commission - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$485,859	\$477,939	\$34,706	\$512,645
Operating expenses	<u>85,895</u>	<u>85,895</u>		<u>85,895</u>
Total all funds	\$571,754	\$563,834	\$34,706	\$598,540
Less estimated income	<u>5,000</u>	<u>5,000</u>		<u>5,000</u>
General fund	\$566,754	\$558,834	\$34,706	\$593,540
FTE	4.00	4.00	0.00	4.00

Dept. 316 - Indian Affairs Commission - Detail of Senate Changes

	PROVIDES ADDITIONAL FUNDING FOR EDUCATION COORDINATOR ¹	TOTAL SENATE CHANGES
Salaries and wages	\$34,706	\$34,706
Operating expenses	<u> </u>	<u> </u>
Total all funds	\$34,706	\$34,706
Less estimated income	<u> </u>	<u> </u>
General fund	\$34,706	\$34,706
FTE	0.00	0.00

¹ This amendment provides an additional \$28,000 in salary and \$6,706 in benefits for the education coordinator position.

REPORT OF STANDING COMMITTEE

HB 1011, as engrossed: 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). Engrossed HB 1011 was placed on the Sixth order on the calendar.

Page 1, line 1, after "patrol" insert "; and to authorize line item transfers"

Page 1, line 17, replace "4,011,065" with "4,728,001"

Page 1, line 19, replace "4,159,584" with "4,876,520"

Page 1, line 21, replace "7,677,910" with "8,394,846"

Page 2, line 4, replace "35,009,887" with "35,726,823"

Page 2, line 6, replace "38,979,192" with "39,696,128"

Page 2, line 8, replace "27,758,772" with "28,475,708"

Page 2, after line 28, insert:

"SECTION 7. LINE ITEM TRANSFER - EXCEPTION - AUTHORIZATION.
 Notwithstanding section 54-16-04, the highway patrol may transfer up to \$100,000 from the field operations line item in section 3 of this Act to the law enforcement training academy line item in section 3 of this Act for the biennium beginning July 1, 2007, and ending June 30, 2009. The highway patrol shall notify the office of management and budget of any transfers made pursuant to this section."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1011 - Highway Patrol - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Administration	\$2,568,016	\$2,568,016		\$2,568,016
Field operations	35,376,823	35,009,887	\$716,936	35,726,823
Law Enforcement Training Academy	1,551,289	1,401,289		1,401,289
Total all funds	\$39,496,128	\$38,979,192	\$716,936	\$39,696,128
Less estimated income	<u>15,665,015</u>	<u>11,220,420</u>		<u>11,220,420</u>
General fund	\$23,831,113	\$27,758,772	\$716,936	\$28,475,708
FTE	197.00	193.00	4.00	197.00

Dept. 504 - Highway Patrol - Detail of Senate Changes

	RESTORES FUNDING FOR NEW TROOPERS ¹	TOTAL SENATE CHANGES
Administration		
Field operations	\$716,936	\$716,936
Law Enforcement Training Academy		
Total all funds	\$716,936	\$716,936
Less estimated income		
General fund	\$716,936	\$716,936
FTE	4.00	4.00

¹ This amendment:

- Restores the 4 FTE trooper positions added in the executive budget but removed by the House.
- Provides that 1 of the 2 new FTE trooper positions added by the House may be used for providing Capitol security services.

A section is added allowing the Highway Patrol to transfer up to \$100,000 of the \$150,000 provided for purchasing automatic external defibrillators from the field operations line item to the Law Enforcement Training Academy line item to provide additional training for law enforcement officers and other emergency services providers.

REPORT OF STANDING COMMITTEE

HB 1049, 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 HB 1049 was placed on the Sixth order on the calendar.

Page 1, line 3, after the comma insert "section 57-39.2-03.6,"

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

Page 1, line 6, after "tax" insert "rate reduction and" and after the first "for" insert "sales of natural gas and for"

Page 3, after line 16, insert:

"SECTION 2. AMENDMENT. Section 57-39.2-03.6 of the North Dakota Century Code is amended and reenacted as follows:

57-39.2-03.6. Sales tax rate on natural gas and coal sales. Notwithstanding any other provisions of this chapter, the rate of the tax imposed under this chapter upon the gross receipts of retailers from all sales at retail of natural gas to retail consumers or users is ~~four one percent from January 1, 1993, through December 31, 1993; three percent from January 1, 1994, through December 31, 1994; and two percent after December 31, 1994.~~ Notwithstanding any other provisions of this chapter, the rate of the tax imposed under this chapter upon the gross receipts of retailers from all sales at retail of coal that is exempt from the coal severance tax is two percent."

Page 4, line 3, after "is" insert "exempt from the special fuel tax imposed by section 57-43.2-02 and subject to a tax at a rate of one percent under section 57-43.2-03 from July 1, 2008, through June 30, 2009, and after that date is"

Page 4, line 10, after "is" insert "exempt from the special fuel tax imposed by section 57-43.2-02 and subject to a tax at a rate of one percent under section 57-43.2-03 from July 1, 2008, through June 30, 2009, and thereafter is"

Page 4, line 20, replace "This" with "Sections 2 and 5 of this" and replace "is" with "are"

Page 4, line 21, replace "2007" with "2008" and after the period insert "Sections 1, 3, 4, and 6 of this Act are effective for taxable events occurring after June 30, 2009."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1086, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1086 was placed on the Sixth order on the calendar.

Page 3, line 21, replace "A majority" with "Sixty percent"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1091: Appropriations Committee (Sen. Holmberg, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1091 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1126, as engrossed and amended: 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). Engrossed HB 1126, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 798-800 of the Senate Journal, Engrossed House Bill No. 1126 is amended as follows:

Page 1, line 1, replace "two" with "three"

Page 1, line 4, replace "section" with "subsection 4 of section 53-06.2-05, subsection 1 of section 53-06.2-07, subsection 4 of section 53-06.2-08, sections 53-06.2-10.1 and", after "53-06.2-11" insert ", and subsection 2 of section 53-06.2-13", and remove "taxes on"

Page 1, line 13, replace "Two" with "Three"

Page 1, after line 19, insert:

"Complete, distribute, and post on the commission's web site the minutes of each commission meeting within thirty days of that meeting or before the next meeting of the commission, whichever occurs first.

SECTION 3. AMENDMENT. Subsection 4 of section 53-06.2-05 of the North Dakota Century Code is amended and reenacted as follows:

4. License all participants in the racing and simulcast parimutuel wagering industry and require and obtain information the commission deems necessary from license applicants. Licensure of service providers, totalizator companies, site operators, and organizations applying to conduct or conducting parimutuel wagering must be approved by the attorney general. The attorney general may not grant a license denied by the commission. The commission may obtain from the bureau of criminal investigation, without charge, criminal history record information as required in the licensing process.

SECTION 4. AMENDMENT. Subsection 1 of section 53-06.2-07 of the North Dakota Century Code is amended and reenacted as follows:

1. On compliance by an applicant with this chapter and the approval of the attorney general, the commission may issue a license to conduct races. The attorney general may not grant a license denied by the commission.

SECTION 5. AMENDMENT. Subsection 4 of section 53-06.2-08 of the North Dakota Century Code is amended and reenacted as follows:

4. The commission may grant licenses to horse owners, jockeys, riders, agents, trainers, grooms, stable foremen, exercise workers, veterinarians, valets, concessionaires, service providers, employees of racing associations, and such other persons as determined by the commission. Licensure of service providers, totalizator companies, site operators, and organizations applying to conduct or conducting parimutuel wagering must be approved by the attorney general. The attorney general may not grant a license denied by the commission. License fees are as established by the commission.

SECTION 6. AMENDMENT. Section 53-06.2-10.1 of the North Dakota Century Code is amended and reenacted as follows:

53-06.2-10.1. Simulcast wagering. In addition to racing under the certificate system, as authorized by this chapter, and conducted upon the premises of a racetrack, simulcast parimutuel wagering may be conducted in accordance with this chapter ~~and interim standards that need not comply with chapter 28-32,~~ or rules adopted by the commission under this chapter in accordance with chapter 28-32. Any organization qualified under section 53-06.2-06 to conduct racing may make written application to the commission for the conduct of simulcast parimutuel wagering on races held at licensed racetracks inside the state or racetracks outside the state, or both. Licensure of service providers, totalizator companies, site operators, or organizations applying to conduct or conducting simulcast or account wagering must be approved by the attorney general. The attorney general may not grant a license denied by the commission. Notwithstanding any other provision of this chapter, the commission may authorize any licensee to participate in interstate or international combined wagering pools with one or more other racing jurisdictions. Anytime that a licensee participates in an interstate or international combined pool, the licensee, as prescribed by the commission, may adopt the take-out of the host jurisdiction or facility. The commission may permit a licensee to use one or more of its races or simulcast programs for an interstate or international combined wagering pool at locations outside its jurisdiction and may allow parimutuel pools in other states to be combined with parimutuel pools in its jurisdiction for the purpose of establishing an interstate or international combined wagering pool. The participation by a licensee in a combined interstate or international wagering pool does not cause that licensee to be considered to be doing business in any jurisdiction other than the jurisdiction in which the licensee is physically located. Parimutuel taxes or commissions may not be imposed on any amounts wagered in an interstate or international combined wagering pool other than amounts wagered within this jurisdiction. The certificate system also permits parimutuel wagering to be conducted through account wagering. As used in this section, "account wagering" means a form of parimutuel wagering in which an individual deposits money in an account and uses the account balance to pay for parimutuel wagers. An account wager made on an account established in this state may only be made through the licensed simulcast service

provider approved by the attorney general and authorized by the commission to operate the simulcast parimutuel wagering system under the certificate system. The attorney general may not grant a license denied by the commission. An account wager may be made in person, by direct telephone communication, or through other electronic communication in accordance with rules adopted by the commission. Breakage for interstate or international combined wagering pools must be calculated in accordance with the statutes or rules of the host jurisdiction and must be distributed among the participating jurisdictions in a manner agreed to among the jurisdictions."

Page 8, after line 20, insert:

"**SECTION 8. AMENDMENT.** Subsection 2 of section 53-06.2-13 of the North Dakota Century Code is amended and reenacted as follows:

2. a. ~~The attorney general may audit and investigate licensed service providers and affiliated companies authorized by the commission to operate the simulcast parimutuel wagering system, totalizator companies, site operators, or organizations applying to conduct or conducting parimutuel wagering.~~ The attorney general may:
 - (1) Inspect all sites in which parimutuel wagering is conducted.
 - (2) Inspect all parimutuel wagering equipment and supplies.
 - (3) Seize, remove, or impound any parimutuel equipment, supplies, or books and records for the purpose of examination and inspection.
 - (4) Inspect, examine, photocopy, and audit all books and records.
- b. ~~The commission shall reimburse the attorney general for all services rendered to the racing commission auditing and investigation.~~ Payment for the services auditing and investigation must be deposited in the attorney general's operating fund."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1128, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1128 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1197, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed HB 1197, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1215, as engrossed and amended: 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). Engrossed HB 1215, as amended, was placed on the Sixth order on the calendar.

That the amendments to Engrossed House Bill No. 1215, as adopted by the Senate, as printed on page 641 of the Senate Journal be amended as follows:

Page 641 of the Senate Journal, remove lines 41 and 42

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1246, as amended, Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1246, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1256, as engrossed: 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). Engrossed HB 1256 was placed on the Sixth order on the calendar.

Page 4, line 20, replace "board of pharmacy" with "department of health" and after the third "of" insert "providing a grant to the state board of pharmacy for"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 301 - State Department of Health

SENATE - This amendment changes the appropriation from the Board of Pharmacy to the State Department of Health and provides that the State Department of Health provide the funds appropriated to the Board of Pharmacy as a grant.

REPORT OF STANDING COMMITTEE

HB 1273, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1273, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1279: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1279 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1311, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1311 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1319, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1319 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "three" with "two"

Page 1, replace lines 13 through 24 with:

"b. When used in lawful self-defense, or in lawful defense of others, if such force is necessary to protect the actor or anyone else against death, serious bodily injury, or the commission of a felony involving violence. The use of deadly force is not justified if it can be avoided, with safety to the actor and others, by retreat or other conduct involving minimal interference with the freedom of the ~~person~~ individual menaced. ~~A person~~ An individual seeking to protect ~~someone else~~ another individual must, before using deadly force, try to cause ~~that person~~ the other individual to retreat, or otherwise comply with the requirements of this provision, if safety can be obtained thereby. ~~But, (1) a~~ However, the duty to retreat or avoid force does not apply under the following circumstances:

- (1) A public servant justified in using force in the performance of ~~his~~ the public servant's duties or ~~a person~~ an individual justified in using force in ~~his assistance~~ assisting the public servant need not desist from ~~his~~ the public servant's or individual's efforts because of resistance or threatened resistance by or on behalf of the ~~person~~ other individual against whom ~~his~~ the public servant's or individual's action is directed; and ~~(2) no person~~
- (2) An individual is not required to retreat within or from ~~his~~ that individual's dwelling or place of work or from an occupied motor home or travel trailer as defined in section 39-01-01, unless ~~he~~ the individual was the original aggressor or is assailed by a ~~person~~ another individual who ~~he~~ the individual knows also dwells or works there or who is lawfully in the motor home or travel trailer."

Page 2, remove lines 1 through 3

Page 2, line 5, overstrike "a" and replace "vehicle" with "an occupied motor home or travel trailer as defined in section 39-01-01"

Page 2, line 8, replace "vehicle" with "occupied motor home or travel trailer"

Page 3, line 12, replace "defensive" with "deadly"

Page 3, line 13, after "entered" insert "and remains within"

Page 3, line 14, replace "vehicle" with "motor home or travel trailer as defined in section 39-01-01"

Page 3, line 16, replace "vehicle" with "motor home or travel trailer as defined in section 39-01-01"

Page 3, line 17, replace "defensive" with "deadly"

Page 3, after line 19, insert:

"2. The presumption in subsection 1 may be rebutted by proof beyond a reasonable doubt that the individual who used the deadly force did not have a reasonable fear of imminent peril of death or serious bodily injury to that individual or another."

Page 3, line 20, replace "2." with "3.", after "presumption" insert "in subsection 1", and after "if" insert "the court finds that any of the following have occurred"

Page 3, line 21, replace "defensive" with "deadly"

Page 3, line 22, replace "vehicle" with "occupied motor home or travel trailer as defined in section 39-01-01"

Page 3, line 23, replace "an injunction for protection from" with "a temporary or permanent"

Page 3, line 24, replace "or a written pretrial supervision" with "protection" and after "order" insert "or any other order"

Page 3, line 26, after "individual" insert "removed or"

Page 3, line 28, replace "defensive" with "deadly"

Page 3, line 29, replace "defensive" with "deadly" and replace "an unlawful activity" with "the commission of a crime"

Page 3, line 30, replace "vehicle" with "motor home or travel trailer as defined in section 39-01-01" and replace "an unlawful" with "the commission of a crime"

Page 3, line 31, remove "activity"

Page 4, line 1, replace "defensive" with "deadly"

Page 4, line 2, replace "vehicle" with "occupied motor home or travel trailer as defined in section 39-01-01"

Page 4, line 3, after "identification" insert ", if required,"

Page 4, line 4, after "law" insert "or warrant from a court," and after the first "or" insert "if"

Page 4, line 11, replace "unless" with "to" and after "used" insert "or to that individual's estate unless that individual"

Page 4, line 13, after "identification" insert ", if required,", after "law" insert "or warrant from a court,", and after "or" insert "if"

Page 4, line 16, replace the first underscored comma with "and" and replace ", compensation for" with "and disbursements"

Page 4, line 17, remove "loss of income, and all expenses"

Page 4, remove lines 20 through 25

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1320, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1320, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1330: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1330 was placed on the Sixth order on the calendar.

Page 2, line 18, after the underscored boldfaced period insert:

"1."

Page 2, line 25, replace "1." with "a."

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

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

Page 3, after line 3, insert:

"2. If the attorney general receives federal funds in excess of the year 2006 level of Byrne grant funding that may be used to defray the expenses and operating costs incurred by a multijurisdictional task force during the 2007-09 biennium, the attorney general may seek emergency commission approval to receive and spend the additional federal funds but may not spend moneys from the funds appropriated by the legislative assembly to the extent of the additional federal funds received for this purpose for the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1344, as engrossed: 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). Engrossed HB 1344 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "to standards" with an underscored period

Page 1, remove line 15

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1360: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1360 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1372, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1372, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1375: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1375 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1392: 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). HB 1392 was placed on the Sixth order on the calendar.

Page 1, line 11, after "dollars" insert "annually"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1403, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1403, as amended, was placed on the Sixth order on the calendar.

In addition to the amendments adopted by the Senate as printed on page 733 of the Senate Journal, Engrossed House Bill No. 1403 is further amended as follows:

Page 4, line 5, after "entity" insert "entitled"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1429, 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 HB 1429 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "section" with "the provisions of sections 54-27.2-01 and"

Page 1, line 8, replace "The provisions of section" with "This transfer will provide for a total of \$200,000,000 in the budget stabilization fund for the biennium beginning July 1, 2007, and ending June 30, 2009."

Page 1, remove line 9

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1433, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1433, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1465: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1465 was placed on the Sixth order on the calendar.

Page 1, line 3, after "sections" insert "39-22-05.1,"

Page 1, line 5, after "to" insert "deposit of dealer enforcement funds and"

Page 1, after line 10, insert:

"SECTION 2. AMENDMENT. Section 39-22-05.1 of the North Dakota Century Code is amended and reenacted as follows:

39-22-05.1. Disposition of fees. Fees from registration of dealers and fees collected from dealers found in violation of this chapter must be deposited with the state treasurer, credited to the ~~motor vehicle registration~~ dealer enforcement fund, and used exclusively for enforcement of this chapter."

Page 4, line 6, replace "the registration" with "dealer enforcement"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1472, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1472 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "A" with "Except for purposes of voting in a school building used as a public polling place or attending an open meeting under chapter 44-04 in a school building, a"

Page 1, line 14, replace "private" with "nonpublic", after "elementary" insert ", middle," and replace "except as" with "unless allowed on school property through compliance with a written policy adopted by the school board of a public school or governing body of a nonpublic school."

Page 1, remove line 15

Page 1, line 16, remove "This"

Page 1, remove lines 17 through 23

Page 2, remove lines 1 through 14

Page 2, line 18, replace "private" with "nonpublic" and after "elementary" insert ", middle."

Page 2, line 20, replace "private" with "nonpublic"

Page 2, line 21, after "elementary" insert ", middle."

Page 2, line 25, replace "private" with "nonpublic" and after "elementary" insert ", middle."

Page 2, line 27, replace "private" with "nonpublic"

Page 2, line 28, after "elementary" insert ", middle."

Page 3, line 1, after the first "or" insert "public" and after "district" insert "or governing body of a nonpublic school"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1488: 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). HB 1488 was placed on the Sixth order on the calendar.

Page 1, line 2, after "facilities" insert "; and to provide for a report to the legislative council"

Page 1, line 7, after "the" insert:

"1."

Page 1, line 10, after the period insert:

"2."

Page 1, line 14, after the underscored period insert "As part of the survey process, the department shall develop and implement, in consultation with basic care facilities, a two-tiered system of identifying and correcting deficiencies issued as part of the survey process. The deficiencies system must provide that the department issue:

- a. A written plan of correction for a deficiency that has a direct negative impact on a resident; and
- b. A written recommendation for a deficiency that does not have a direct negative impact on a resident.

"3."

Page 1, after line 14, insert:

"SECTION 2. STATE DEPARTMENT OF HEALTH - REPORT TO LEGISLATIVE COUNCIL. Before May 1, 2008, the state department of health shall provide a report to the legislative council regarding the impact of implementation of this Act, including whether the department will be recommending any legislative changes to the basic care survey process."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1504, as engrossed: 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). Engrossed HB 1504 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "becomes licensed through" with "is a graduate of" and after "enforcement" insert "training"

Page 1, line 16, after "chapter" insert "and licensure under this chapter. If the tribal peace officer is a graduate of a non-North Dakota law enforcement training center, the officer must show proficiency with North Dakota criminal and traffic law to be licensed"

Page 1, line 17, replace "act off reservation in a law enforcement" with "enforce state law within the exterior boundaries of a reservation or off reservation"

Page 1, line 18, remove "capacity" and after the first "enforcement" insert "training"

Page 1, line 19, after "academy" insert "and is licensed as provided in this chapter" and remove "If the tribal peace officer is a graduate of a non-North Dakota law"

Page 1, line 20, remove "enforcement center, the officer must show proficiency with North Dakota law to be licensed."

Page 1, line 21, after "act" insert "in the capacity of a state peace officer" and after "reservation" insert "or within the exterior boundaries of a reservation"

Page 1, line 22, replace "of which the tribal peace officer is a member governing the" with ". The state or political subdivision is not liable for any act or omission of a tribal peace officer for enforcement of state law within the exterior boundaries of a reservation. Nothing in this section diminishes or expands the jurisdiction of any tribe or the state."

Page 1, remove line 23

Page 2, remove lines 1 and 2

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3016, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3016 was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE BILL

Sen. Stenehjem and Rep. Berg introduced:

(Approved by the Delayed Bills Committee)

SB 2419: A BILL for an Act to create and enact chapter 57-51.2 of the North Dakota Century Code, relating to agreements with Indian tribes to share revenue from state taxes on mineral production from Indian reservations; to amend and reenact subsection 8 of section 57-51.1-03 of the North Dakota Century Code, relating to an oil extraction tax exemption on production from wells on Indian reservations, Indian trust land, and land owned by an Indian tribe; to provide a continuing appropriation; and to provide an effective date.

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

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

William R. Horton, Secretary