

JOURNAL OF THE HOUSE

Sixtieth Legislative Assembly

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Bismarck, March 14, 2007

The House convened at 1:00 p.m., with Speaker Delzer presiding.

The prayer was offered by Pastor Walter Clark with Bismarck Church of Christ.

The roll was called and all members were present except Representatives DeKrey, Owens, and Zaiser.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 13, 2007, I have signed the following: HB 1023, HB 1034, HB 1062, HB 1071, HB 1102, HB 1130, HB 1221, and HB 1439.

POINT OF PERSONAL PRIVILEGE

REP. KALDOR: Mr. Speaker: I rise on a point of personal privilege.

What an exciting week for North Dakota, the community of Mayville and the students of Mayville State.

Mayville State alumni, Reps. Aarsvold, Boucher, Nottestad, Herbel, and I wish to congratulate the Mayville State Comet Men's Basketball Team, their Coach Craig Smith and his staff for their accomplishments this week in the National NAIA Men's Basketball tournament in Lake of the Ozarks, Missouri.

The Comet Men's Basketball Team takes home the 2nd place trophy for the National NAIA Division II Basketball Tournament. This is a major achievement. There are 155 teams in NAIA Division II Men's Basketball, from this 32 teams compete to earn a place in the national tournament, of that only two teams play for the championship game. Mayville State made it to the championship and it is a remarkable achievement.

The Mayville State Comet Men's Basketball Team is the first North Dakota University System men's basketball team to earn a championship berth in the NAIA National tournament.

In addition to this accomplishment, Head Coach Craig Smith received the NAIA Division II Men's Basketball Coach of the Year Award.

Three Mayville State players were named to the ten member NAIA Division II 2007 All Tournament Team. They are Monty Rogers, Ron Howard, and Matt Stenehjem. Monty Rogers was named a NAIA Division II Basketball First Team All American.

Last, but certainly not least, Mayville State University won the Dr. James Naismith-Emil Liston Sportsmanship Award for 2007. This award is presented to recognize team conduct during the tournament as well as fan support and conduct.

To all of these players, coaches, and fans, we extend our heartfelt congratulations and thank you for honoring this state and community in this way.

MOTION

REP. MONSON MOVED that the remarks of Rep. Kaldor be printed in the Journal, which motion prevailed.

MOTION

REP. MONSON MOVED that SB 2023, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

MOTION

REP. MONSON MOVED that SB 2392 be moved to the bottom of the calendar, which motion prevailed.

MOTION

REP. MONSON MOVED that Engrossed SB 2256 be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, Engrossed SB 2256 was rereferred.

SIXTH ORDER OF BUSINESS

SPEAKER DELZER DEEMED approval of the amendments to Engrossed SB 2178, SB 2202, Reengrossed SB 2225, Engrossed SB 2255, as amended, SB 2260, Engrossed SB 2262, as amended, and Engrossed SB 2375.

Engrossed SB 2178, SB 2202, Reengrossed SB 2225, SB 2260, and Engrossed SB 2375, as amended, were rereferred to the **Appropriations Committee**.

Engrossed SB 2255 and Engrossed SB 2262, as further amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. BOE MOVED that the House reconsider its action whereby SB 2246 failed to pass, which motion prevailed.

REQUEST

REP. BOE REQUESTED a recorded roll call vote on the motion to reconsider the action whereby SB 2246 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby SB 2246 failed to pass, the roll was called and there were 77 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Ekstrom; Froseth; Glassheim; Griffin; Gruchalla; Gulleon; Hanson; Hatlestad; Hawken; Headland; Heller; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wolf; Wrangham

NAYS: Bellew; Berg; Drovda; Froelich; Grande; Haas; Herbel; Hofstad; Kempenich; Klemin; Monson; Pollert; Uglem; Weisz; Speaker Delzer

ABSENT AND NOT VOTING: Owens; Zaiser

So the motion to reconsider the action whereby SB 2246 failed to pass, prevailed.

SECOND READING OF SENATE BILL

SB 2036: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the licensing of professional employer organizations; to provide a penalty; 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 NOT PASS, the roll was called and there were 49 YEAS, 42 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boehning; Brandenburg; Carlisle; Carlson; Clark; Conrad; Damschen; DeKrey; Dosch; Glassheim; Grande; Griffin; Hatlestad; Hawken; Heller; Hunskor; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Myxter; Onstad; Pietsch; Potter; Schmidt; Schneider; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Vig; Vigesaa; Wall; Weiler; Wieland; Williams; Wolf; Wrangham

NAYS: Amerman; Bellew; Belter; Berg; Boe; Boucher; Dahl; Delmore; Dietrich; Drovda; Ekstrom; Froelich; Froseth; Gruchalla; Gulleon; Haas; Hanson; Headland; Herbel; Hofstad; Johnson, D.; Keiser; Kerzman; Kingsbury; Klein; Klemin; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nottestad; Pinkerton; Pollert; Porter; Price; Ruby; Skarphol; Uglem; Wald; Weisz; Speaker Delzer

ABSENT AND NOT VOTING: Charging; Owens; Zaiser

Engrossed SB 2036, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2053: A BILL for an Act to amend and reenact section 54-10-29 of the North Dakota Century Code, relating to audits of computer systems performed by the state auditor.

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Owens; Zaiser

Engrossed SB 2053, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2096: A BILL for an Act to create and enact a new section to chapter 61-33 of the North Dakota Century Code, relating to sovereign land management regulation violations; to amend and reenact subsection 1 of section 20.1-02-15.1 and sections 61-03-21.3 and 61-33-05 of the North Dakota Century Code, relating to powers of the game and fish department, dangers in navigable waters, and powers of the state engineer; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 57 YEAS, 35 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Boucher; Brandenburg; Carlisle; Carlson; Clark; Conrad; Dahl; Damschen; DeKrey; Dietrich; Dosch; Ekstrom; Glassheim; Grande; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Herbel; Hofstad; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klein; Klemin; Kretschmar; Kroeber; Martinson; Metcalf; Monson; Mueller; Nelson; Onstad; Pietsch; Pinkerton; Porter; Potter; Price; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Wald; Wall; Weiler; Wolf

NAYS: Amerman; Bellew; Boe; Boehning; Charging; Delmore; Drovda; Froelich; Froseth; Griffin; Headland; Heller; Hunskor; Kasper; Kempenich; Kerzman; Koppelman; Kreidt; Meier, L.; Meyer, S.; Myxter; Nottestad; Pollert; Ruby; Schmidt; Schneider; Solberg; Thoreson; Vig; Vigesaa; Weisz; Wieland; Williams; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Owens; Zaiser

Engrossed SB 2096, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2246: A BILL for an Act to amend and reenact subsection 2 of section 44-08-04 of the North Dakota Century Code, relating to reimbursement of lodging expenses and allowances for meals for state and political subdivision officers and employees.

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 61 YEAS, 31 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Boe; Boehning; Boucher; Carlisle; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Dosch; Ekstrom; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Hanson; Hatlestad; Hawken; Heller; Hofstad; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsh, S.; Kerzman; Klein; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Myxter; Nottestad; Onstad; Pietsch; Pinkerton; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Thoreson; Thorpe; Vig; Wald; Wall; Weiler; Wieland; Williams; Wolf; Wrangham

NAYS: Amerman; Belter; Berg; Brandenburg; Dahl; Damschen; Dietrich; Drovdal; Froelich; Froseth; Haas; Headland; Herbel; Hunskor; Karls; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Monson; Mueller; Nelson; Pollert; Porter; Svedjan; Uglem; Vigesaa; Weisz; Speaker Delzer

ABSENT AND NOT VOTING: Owens; Zaiser

SB 2246 passed and the title was agreed to.

MOTION

Pursuant to House Rule 329(3) SB 2246 was rereferred to the **Appropriations Committee**,

SECOND READING OF SENATE BILL

SB 2128: A BILL for an Act to amend and reenact subsection 3 of section 4-09-06 and sections 4-09-14, 4-09-15, 4-09-16, 4-09-17.1, 4-42-02, and 4-42-07 of the North Dakota Century Code, relating to examination of seed, prohibitions, exemptions, plant variety protection, genetic identity, and identity preservation; and to repeal section 4-11-10 of the North Dakota Century Code, relating to potato dealer agent identification cards.

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 85 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; DeKrey; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

NAYS: Damschen; Delmore; Glassheim; Pinkerton; Vig; Weisz

ABSENT AND NOT VOTING: Froelich; Owens; Zaiser

Engrossed SB 2128, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2247: A BILL for an Act to create and enact a new section to chapter 60-02.1 and a new section to chapter 60-10 of the North Dakota Century Code, relating to licensure and bonding exemptions for roving grain buyers; 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 82 YEAS, 8 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Berg; Boehning; Boucher; Brandenburg; Carlisle; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham

NAYS: Aarsvold; Belter; Boe; Carlson; Kaldor; Mueller; Pollert; Speaker Delzer

ABSENT AND NOT VOTING: Johnson, N.; Kelsh, S.; Owens; Zaiser

Engrossed SB 2247, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2248: A BILL for an Act to amend and reenact sections 12.1-20-05.1, 29-03-01.1, and 29-03-09 of the North Dakota Century Code, relating to the luring of a minor by electronic means, persons liable for prosecution in this state, and the venue of certain offenses; to provide a penalty; and to declare an emergency.

ROLL CALL

The question being on the final passage of the further amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Owens; Zaiser

Engrossed SB 2248, as further amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2251: A BILL for an Act to amend and reenact section 20.1-04-07 of the North Dakota Century Code, relating to a wild turkey hunting license raffle and auction.

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 90 YEAS, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

NAYS: Drovdal

ABSENT AND NOT VOTING: Headland; Owens; Zaiser

SB 2251, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2277: A BILL for an Act to amend and reenact sections 28-23-01, 28-23-02, 28-23-04, 28-23-05, 28-23-06, 28-23-07, 28-23-09, 28-23-11, 28-23-12, 28-23-13, and 28-23-14 of the North Dakota Century Code, relating to sales under execution.

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froseth; Glassheim; Griffin; Gruchalla; Gullerson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

NAYS: Froelich; Meyer, S.

ABSENT AND NOT VOTING: Grande; Zaiser

Engrossed SB 2277, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 79 YEAS, 12 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Berg; Boe; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froseth; Glassheim; Grande; Gruchalla; Gullerson; Haas; Hanson; Hatlestad; Hawken; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Potter; Price; Ruby; Schmidt; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham

NAYS: Belter; Boehning; Dahl; Froelich; Griffin; Headland; Kelsch, R.; Nelson; Pollert; Porter; Wall; Speaker Delzer

ABSENT AND NOT VOTING: Kaldor; Schneider; Zaiser

SB 2329, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2285: A BILL for an Act to amend and reenact section 35-30-02 of the North Dakota Century Code, relating to notification of debtor of agricultural processor's lien.

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 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

NAYS: DeKrey; Haas; Pollert; Weisz

ABSENT AND NOT VOTING: Damschen; Zaiser

Engrossed SB 2285 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2300: A BILL for an Act to amend and reenact sections 6-08.4-01 and 6-08.4-06 of the North Dakota Century Code, relating to interstate branching by banks; 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 87 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Conrad; Dahl; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

NAYS: Clark; Dietrich; Headland; Owens; Ruby

ABSENT AND NOT VOTING: Damschen; Zaiser

Engrossed SB 2300 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2312: A BILL for an Act to amend and reenact section 50-06-26 of the North Dakota Century Code, relating to the alternatives-to-abortion services program; to provide for reports to the legislative council; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Froelich; Froseth; Glassheim; Grande; Griffin; Gulleson; Haas; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf;

Meyer, S.; Monson; Mueller; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Delzer

NAYS: Conrad; Ekstrom; Gruchalla; Hanson; Myxter; Wolf

ABSENT AND NOT VOTING: Zaiser

SB 2312 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that Engrossed SB 2023, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, Engrossed SB 2023 was rereferred.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1013, HB 1024, HB 1067, HB 1078, HB 1090, HB 1121, HB 1161, HB 1162, HB 1183, HB 1225, HB 1381, HB 1398, HB 1425, HCR 3007, HCR 3035, HCR 3042.

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

MR. PRESIDENT: The Speaker has signed: HB 1061, HB 1094, HB 1137, HB 1140, HB 1156, HB 1199, HB 1517.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2067, SB 2101, SB 2105, SB 2153, SB 2171, SB 2182, SB 2188, SB 2192, SB 2219, SB 2265, SB 2295, SB 2318, SB 2343.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 14, 2007: HB 1061, HB 1094, HB 1137, HB 1140, HB 1156, HB 1199, HB 1517.

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

MR. PRESIDENT: The Speaker has signed: SB 2067, SB 2101, SB 2105, SB 2153, SB 2171, SB 2182, SB 2188, SB 2192, SB 2219, SB 2265, SB 2295, SB 2318, SB 2343.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2113, SB 2228, SB 2388.

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

MR. PRESIDENT: The House has passed unchanged: SB 2056, SB 2118, SB 2123, SB 2139, SB 2259, SB 2287, SB 2296, SB 2364.

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

MR. PRESIDENT: The House has failed to pass: SB 2110, SB 2261, SB 2286, SB 2342, SB 2348.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2109, SB 2266.

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

MR. PRESIDENT: The House has amended and subsequently failed: SB 2264.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2047, SB 2062, SB 2072, SB 2125, SB 2241, SB 2274, SB 2284, SB 2402.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2195.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1369.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has failed to pass: HB 1110, HB 1200.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1089, HB 1166, HB 1278, HB 1315, HB 1334.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1089

Page 1, line 7, overstrike "- **When tax is suspended**"

Page 1, line 8, overstrike "two dollars" and insert immediately thereafter "one dollar and fifty cents"

Page 1, line 13, remove the overstrike over "~~July~~" and remove "June"

Page 1, line 15, overstrike "tax must be suspended", remove "on the first day of July in the same year", and overstrike "and the"

Page 1, line 16, overstrike "If the tax has been"

Page 1, overstrike lines 17 through 19

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1166

Page 1, line 8, replace "If environmental clearance is obtained, the department shall select" with "It is recommended that the four-lane alternative be selected as the preferred alternate and be constructed if environmental clearance is obtained."

Page 1, remove line 9

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1278

Page 2, line 20, after "multiply" insert "fifty percent of" and remove the first underscored comma

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1315

Page 1, line 8, remove "If a utility is found to be in violation"

Page 1, remove lines 9 and 10

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1334

Page 2, line 12, remove the overstrike over "~~This section does not~~" and remove "The requirements of this section"

Page 2, line 13, remove the overstrike over "~~or~~", remove the first underscored comma, after "administrators" insert "who are", remove the overstrike over "~~employed by~~", and remove ", contractors, and other employees of"

Page 2, line 14, after "~~from~~" insert "and who are", remove the overstrike over "~~operating vehicles~~" and insert immediately thereafter "other than schoolbuses", remove the overstrike over "~~for the purpose of transporting~~", and remove "who transport"

Page 2, remove the overstrike over line 15

Page 2, line 16, remove the overstrike over "~~enrolled~~" and remove "or from any school-sponsored event or activity"

Re-number accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HB 1055, HB 1059, HB 1063, HB 1082, HB 1181, HB 1231, HB 1355, HB 1386, HB 1393, HB 1414, HB 1506.

MOTION

REP. MONSON MOVED that the absent members be excused, which motion prevailed.

MOTION

REP. MONSON MOVED that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, March 15, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2037, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2037 was placed on the Sixth order on the calendar.

Page 2, line 12, remove ", legislative,"

Page 3, line 7, remove ", legislative,"

Page 5, line 1, remove the second underscored comma

Page 5, line 2, remove "legislative,"

Page 5, line 7, remove ", legislative,"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2070, as reengrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (9 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2070 was placed on the Sixth order on the calendar.

Page 1, line 10, after "options" insert ", including both institutional and home and community-based care,"

Page 2, line 4, after the period insert "The department may use the funds appropriated from the general fund only if the department receives federal funds for an aging and disability resource center as described in section 1 of this Act."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2129, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2129 was placed on the Sixth order on the calendar.

Page 1, line 2, after the first comma insert "a new subdivision to subsection 1 of section 14-09-09.7"

Page 3, after line 25, insert:

"SECTION 7. A new subdivision to subsection 1 of section 14-09-09.7 of the North Dakota Century Code is created and enacted as follows:

Authorize a rebuttal of the presumption provided in subsection 3 based on the proportionate net income of the obligor and the obligee when the net income of the obligee is at least three times higher than the net income of the obligor."

Page 8, line 26, replace "16" with "17"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2152, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2152 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 43-28.1-03 and a new section to chapter 43-28.1 of the North Dakota Century Code, relating to selection and eligibility for loan repayment under the dentists' loan repayment program; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 43-28.1-03 of the North Dakota Century Code is created and enacted as follows:

For the purposes of a dentist selected for loan payment who practices within fifteen miles [24.14 kilometers] of the city limits of Bismarck, Fargo, or Grand Forks, to qualify to receive a yearly disbursement under this chapter during that year of obligated service, the dentist must have received dental medical payments of at least twenty thousand dollars in the form of medical assistance reimbursement.

SECTION 2. A new section to chapter 43-28.1 of the North Dakota Century Code is created and enacted as follows:

New practices - Grants.

1. A dentist who graduated from an accredited graduate specialty training program in dentistry within the previous five years may submit an application to the state health council for a grant for the purpose of establishing a dental practice in a city in the state which has a population that does not exceed seven thousand five hundred.
2. The state health council shall establish the criteria for the grant program under subsection 1 which must include:
 - a. A maximum grant award of fifty thousand dollars per applicant;
 - b. A requirement that the community must provide a fifty percent match for a grant;
 - c. A requirement that a dentist who receives a grant under this section must use the funds for buildings, equipment, and operating expenses;
 - d. A provision that the grant must be distributed in equal amounts over a five-year period; and
 - e. A requirement that a dentist selected for a grant under this section must commit to practice in the community for a minimum of five years.

SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the state department of health for the purpose of providing grants under section 2 of this Act, for the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2154, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2154 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "seventy" with "sixty-five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2186, as reengrossed: Human Services Committee (Rep. Price, Chairman) recommends DO NOT PASS (7 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2186 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2187: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (9 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2187 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2205, as reengrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2205 was placed on the Sixth order on the calendar.

Page 1, line 1, after "50-09" insert "and a new subdivision to subsection 3 of section 57-15-01.1"

Page 1, line 2, after "general" insert "and to property tax reductions"

Page 1, line 3, after the first "sections" insert "11-23-01," and after "14-09-09.10" insert a comma

Page 1, line 10, after the first semicolon insert "to provide for a legislative council study;", remove "and", and after the second "appropriation" insert "; and to provide an expiration date"

Page 1, after line 11, insert:

"SECTION 1. AMENDMENT. Section 11-23-01 of the North Dakota Century Code is amended and reenacted as follows:

11-23-01. Officers required to furnish commissioners with departmental budget.

1. Every officer in charge of any institution, office, or undertaking supported wholly or in part by the county shall file with the board of county commissioners a departmental budget that is prescribed by the state auditor. The departmental budget must include an itemized statement of the estimated amount of money that will be required for the maintenance, operation, or improvement of the institution, office, or undertaking for the ensuing year. The board of county commissioners may require additional information to clarify the departmental budget.
2. The departmental budget submitted by the county social service board in 2007 must identify the reduction in county funding derived from transfer of administration of the child support enforcement program from the county social service board to the department of human services on July 1, 2007. The amount reported must equal the full amount budgeted for administration of the child support enforcement program in the budget submitted by the county social service board and approved by the board of county commissioners in 2006. The budget must include a recommendation of how that reduction in county funding responsibility will be passed on to the property taxpayers of the county.

Page 10, after line 17, insert:

"SECTION 14. A new subsection to section 57-15-01.1 of the North Dakota Century Code is created and enacted as follows:

Reduced by the amount in dollars levied by a county in the base year for administration of the child support enforcement program by the county social service board."

Page 11, line 2, replace "16" with "19"

Page 11, line 21, replace "16" with "19"

Page 11, after line 22, insert:

"SECTION 18. LEGISLATIVE COUNCIL STUDY - LOCALLY ADMINISTERED ECONOMIC ASSISTANCE PROGRAMS. The legislative council shall consider studying, during the 2007-08 interim, the success and effects of the laws enacted by the

fifty-fifth legislative assembly in House Bill No. 1041 and Senate Bill No. 2052, referred to in testimony as the "swap proposal", which required counties to pay the entire cost of the local administration of medicaid, energy assistance, basic care assistance, child care assistance, and temporary assistance for needy families in exchange for the state's assumption of the full responsibility for paying the grant costs associated with those programs. If conducted, the study should include a review of sections 50-01.2-00.1, 50-01.2-03.1, 50-01.2-03.2, 50-01.2-06, 50-03-00.1, 50-03-08, 50-03-09, and 50-03-10, subsection 28 of section 50-06-05.1, and sections 50-06-20, 50-24.1-14, and 50-24.5-08 to determine if those provisions have created a more understandable and sustainable division of responsibility between the state and counties in the delivery and financing of these economic assistance programs. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Page 12, line 4, replace "permanent oil tax trust" with "general"

Page 12, after line 10, insert:

"SECTION 22. EXPIRATION DATE. Section 1 of this Act is effective through December 31, 2007, and after that date is ineffective and section 14 of this Act is effective through December 31, 2009, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2212: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2212 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2221, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2221 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2222, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2222 was placed on the Sixth order on the calendar.

Page 2, line 9, replace "after recording the notice of levy" with "from the date of the sheriff's sale"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2224, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2224 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 57-38.5-03 of the North Dakota Century Code, relating to the eligibility for the seed capital investment tax credit for investments made by an angel fund; to amend and reenact subsection 6 of section 57-38.5-01 of the North Dakota Century Code, relating to the definition of taxpayer for purposes of the seed capital investment tax credit; and to provide an effective date."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 6 of section 57-38.5-01 of the North Dakota Century Code is amended and reenacted as follows:

6. "Taxpayer" means an individual, estate, or trust or a corporation or a passthrough entity, or an angel fund. The term does not include a real estate investment trust.

SECTION 2. A new subsection to section 57-38.5-03 of the North Dakota Century Code is created and enacted as follows:

An angel fund that invests in a qualified business must be considered to be the taxpayer for purposes of the investment limitations in this section. The amount of the credit allowed with respect to an angel fund's investment in a qualified business must be determined at the angel fund level. The amount of the total credit determined at the angel fund level must be allowed to the investors in the angel fund in proportion to the investor's respective interests in the fund. An angel fund that is subject to the tax imposed under chapter 57-38 is not eligible for the investment tax credit under this chapter.

SECTION 3. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 2006."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2276, as reengrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (9 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2276 was placed on the Sixth order on the calendar.

Page 1, line 1, after "council" insert "; to amend and reenact section 54-27-25 of the North Dakota Century Code, relating to the tobacco settlement trust fund"

Page 1, line 6, replace the first underscored comma with "and" and remove the second underscored comma

Page 1, line 7, remove "suicide, and pregnancy"

Page 1, after line 10, insert:

"SECTION 2. AMENDMENT. Section 54-27-25 of the North Dakota Century Code is amended and reenacted as follows:

54-27-25. Tobacco settlement trust fund - Interest on fund - Uses.

1. There is created in the state treasury a tobacco settlement trust fund. The fund consists of the tobacco settlement dollars obtained by the state under sections IX (payments) and XI (calculation and disbursement of payments) of the master settlement agreement and consent agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778]. All moneys received by the state pursuant to the judgment and all moneys received by the state for enforcement of the judgment must be deposited in the fund. Interest earned on the fund must be credited to the fund and deposited in the fund. The principal and interest of the fund must be allocated as follows:
 - 4- a. Transfers to a community health trust fund to be administered by the state department of health. The state department of health may use funds as appropriated for community-based public health programs and other public health programs, including programs with emphasis on preventing or reducing tobacco usage in this state. Transfers under this ~~subsection~~ subdivision must equal ~~ten sixteen~~ percent of total annual transfers from the tobacco settlement trust fund.
 - 2- b. Transfers to the common schools trust fund to become a part of the principal of that fund. Transfers under this ~~subsection~~ subdivision must equal ~~forty five~~ forty-two percent of total annual transfers from the tobacco settlement trust fund.
 - 3- c. Transfers to the water development trust fund to be used to address the long-term water development and management needs of the state. Transfers under this ~~subsection~~ subdivision must equal ~~forty five~~ forty-two percent of the total annual transfers from the tobacco settlement trust fund.

2. Transfers to the funds under this section must be made within thirty days of receipt by the tobacco settlement trust fund."

Page 1, line 13, replace "\$440,000" with "\$100,000"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2302: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2302 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2303, as engrossed and amended: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2303, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2307, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2307 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2308, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2308 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2313, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2313 was placed on the Sixth order on the calendar.

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. The superintendent of public instruction shall use the first \$450,000, or so much of that amount as may be necessary, to provide additional payments to school districts serving English language learners in accordance with section 15.1-27-12.
2. The superintendent of public instruction shall use the next \$1,000,000, or so much of that amount as may be necessary, for the purpose of providing additional per student payments to school districts participating in eligible educational associations in accordance with section 32 of this Act.
3. The superintendent of public instruction shall use the next \$400,000, or so much of that amount as may be necessary, to purchase automated external defibrillators and place one in each public school in the state.

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

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2317, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2317 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2319: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2319 was placed on the Sixth order on the calendar.

Page 1, line 2, after "products" insert "; and to declare an emergency"

Page 5, line 25, after "drug" insert "unless prescribed by a licensed physician"

Page 11, after line 19, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2320, as engrossed and amended: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2320, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2363, as reengrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2363 was placed on the Sixth order on the calendar.

Page 2, line 23, after "qualified" insert "nonprofit organization or qualified"

Page 4, line 2, after "501(c)" insert "to which contributions qualify for federal charitable income tax deductions"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2366, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2366 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2368, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2368 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2378, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2378 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2390, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2390 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2401, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2401 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "Sixty" with "Fifty-one and one-half"

Page 1, line 10, replace "Eighty" with "Sixty-eight and one-half"

Page 1, after line 20, insert:

"3. If any moneys provided for transportation payments in the grants - transportation line item in Senate Bill No. 2013, as approved by the sixtieth legislative assembly, remain after application of the formula provided for in this section, the superintendent of public instruction shall prorate the remaining amounts according to the percentage of the total transportation formula amount to which each school district is entitled."

Page 1, line 21, replace "3." with "4."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2415: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). SB 2415 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4004: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4004 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4011: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4011 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4013: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4013 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4031: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4031 was placed on the Tenth order on the calendar.

The House stood adjourned pursuant to Representative Monson's motion.

Buell J. Reich, Chief Clerk

