

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

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Bismarck, March 5, 2007

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

The prayer was offered by Pastor Rich Wyatt, Living Hope Church of the Nazarene, Bismarck.

The roll was called and all members were present except Senators Cook, Mathern, and Olafson.

A quorum was declared by the President.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3030: A concurrent resolution congratulating Ms. Ashley Andrews on becoming Miss Rodeo America 2007.

Was read the first time.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended, that HCR 3030 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and be placed on the calendar for immediate second reading and final passage, which motion prevailed.

Reps. Kempenich, Drovdal, S. Meyer and Sens. Bowman, O'Connell, Stenehjem introduced:

HOUSE CONCURRENT RESOLUTION NO. 3030

A concurrent resolution congratulating Ms. Ashley Andrews on becoming Miss Rodeo America 2007.

WHEREAS, Ashley Andrews is a 21-year-old resident of Bowman, North Dakota, and a senior at the University of Mary in Bismarck, North Dakota; and

WHEREAS, Ashley Andrews competed for the coveted title at the 52nd Annual Miss Rodeo America Pageant in Las Vegas, Nevada; and

WHEREAS, having won the national title, Ashley Andrews became the first resident of North Dakota to do so in 24 years; and

WHEREAS, during this coming year, Ashley Andrews will travel over 100,000 miles, appear at over 100 rodeos, and represent the Professional Rodeo Cowboys Association as Miss Rodeo America 2007; and

WHEREAS, Ashley Andrews is a beautiful, talented, and intelligent young woman, a cancer survivor, and a credit to her North Dakota roots;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixtieth Legislative Assembly extends its heartiest congratulations to Ms. Ashley Andrews and wishes her much joy and happiness as she undertakes her new role as Miss Rodeo America 2007; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to Ms. Andrews and her parents, Bob and Rita Andrews.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3030: A concurrent resolution congratulating Ms. Ashley Andrews on becoming Miss Rodeo America 2007.

The question being on the final adoption of the resolution, which has been read.

HCR 3030 was declared adopted and the title was agreed to on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that HCR 3030 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3030.

MOTION

SEN. CHRISTMANN MOVED that a committee of two be appointed to escort Miss Rodeo America, Ashley Andrews, to the rostrum, which motion prevailed. The President appointed Sens. Bowman and Taylor.

ADDRESS OF MISS RODEO AMERICA, ASHLEY ANDREWS

When you think of California, what do you think of? Clear sandy beaches with hot "Bay Watch" babes running around, saving lives in an endless deep, blue ocean? Or how about Wisconsin, providing you with enough cheese to leave you in the bathroom for hours? But how about North Dakota? Did you draw a blank, or did you shiver with cold? Which leaves me with one word, snow.

North Dakota isn't for the faint of heart; its sometimes 50 below winters make its citizens as tough as nails. Some even grow to enjoy shoveling snow, scraping car windows, and occasionally getting snowed in. But you must admit, without snow, we'd be without so many things. Like snowmobiles, snowshoes, snow skies, snowmen, snow angels, and snow bunnies. We would even be without a North Dakotan's favorite piece of advice, "Never eat yellow snow".

Maybe it's because of the snow and cold weather that North Dakota is sparsely populated and made up of many small towns which make it normal to see your best friend driving a tractor down main street, or to make your idea of going out to lunch driving to the auction barn on sale day. And there is no doubt that North Dakota's harsh weather played a part in creating some of the toughest rodeo cowboys of our time, like world champion bareback rider Wayne Herman, or world champion saddle bronc riders Brad Gjermundson and Alvin Nelson. They say that North Dakota can grow tough bareback and saddle bronc riders because no one wants to get bucked off here and have to walk home in this weather!

Now don't let the cold scare you, there is much more to North Dakota than cold and snow, because North Dakotans are some of the most kind, outgoing, hardworking, and honest people you will ever meet. I guess I'll let you in on a little secret. We actually use the cold weather and snow as a scare tactic, because if everyone knew just how great North Dakota really was they would all want to pack up and move here tomorrow.

So to you, North Dakota might just mean snow; but to me, North Dakota is the place where the grass grows lush, green and stirrup high, and the water runs cool, clear and deep. And I know when I make my last inevitable ride, when my last judge tells me my entry fees have been paid; I'll be in my new home, just like my home here in North Dakota.

MOTION

SEN. CHRISTMANN MOVED that the address of Miss Ashley Andrews, Miss Rodeo America, be printed in the Journal, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1372, as engrossed: SEN. BAKKE (Education Committee) MOVED that the amendments on SJ page 690 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1195, as reengrossed: SEN. TOLLEFSON (Natural Resources Committee) MOVED that the amendments on SJ page 688 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1217: SEN. NETHING (Judiciary Committee) MOVED that the amendments on SJ page 689 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1293, as engrossed: SEN. HECKAMAN (Human Services Committee) MOVED that the amendments on SJ pages 689-690 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1469, as engrossed: SEN. FREBORG (Natural Resources Committee) MOVED that the amendments on SJ page 690 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3003: SEN. HORNE (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 691 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SCR 4026: SEN. NELSON (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 687 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1146, as engrossed: SEN. TRIPLETT (Natural Resources Committee) MOVED that the amendments on SJ page 688 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1035: A BILL for an Act to create and enact a new chapter 41-01 of the North Dakota Century Code, relating to Uniform Commercial Code Article 1 - General Provisions; to amend and reenact subdivision b of subsection 2 of section 9-16-02, subsection 4 of section 9-16-15, subsection 51 of section 10-19.1-01, subsection 56 of section 10-32-02, subsection 34 of section 10-33-01, subdivision b of subsection 1 of section 41-02-03, subsection 1 of section 41-02-09, subsection 3 of section 41-02.1-03, subsection 4 of section 41-02.1-49, subsection 2 of section 41-02.1-66, subsection 1 of section 41-02.1-67, subsection 2 of section 41-02.1-75, subsection 1 of section 41-02.1-76, subdivisions d and j of subsection 1 of section 41-03-03, subsection 3 of section 41-04-04, subsection 1 of section 41-04.1-05, subsection 1 of section 41-04.1-06, subsection 2 of section 41-04.1-12, subdivision g of subsection 1 of section 41-05-02, subsection 3 of section 41-05-03, subdivision k of subsection 1 of section 41-08-02, subdivision ss of subsection 1 of section 41-09-02, subsection 40 of section 45-10.2-02, subsection 26 of section 45-13-01, subsection 24 of section 45-22-01, subsection 24 of section 45-23-01, and section 47-15.1-02 of the North Dakota Century Code, relating to chapter 41-01 and references to chapter 41-01; and to repeal chapter 41-01 and sections 41-02-15 and 41-02.1-16 of the North Dakota Century Code, relating to Uniform Commercial Code general provisions, contracts, and leases.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Cook; Mathern; Olafson

Engrossed HB 1035 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1046: A BILL for an Act to amend and reenact section 15.1-29-04 and subsection 5 of section 15.1-29-14 of the North Dakota Century Code, relating to the required payment of tuition, transportation, and tutoring charges.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson;

Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Cook; Mathern; Olafson

Engrossed HB 1046 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1065: A BILL for an Act to amend and reenact section 54-53-02 of the North Dakota Century Code, relating to the membership of the advisory transportation council of the upper great plains transportation institute.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Cook; Mathern; Olafson

Engrossed HB 1065, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1310: A BILL for an Act to amend and reenact section 39-10-03 of the North Dakota Century Code, relating to class A authorized emergency vehicle lights.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Cook; Mathern; Olafson

HB 1310 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1087: A BILL for an Act to amend and reenact subsection 2 of section 39-01-01 of the North Dakota Century Code, relating to inclusion of vehicles of the state forester as authorized emergency vehicles.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Cook; Mathern; Olafson

HB 1087 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1234: A BILL for an Act to create and enact a new section to chapter 39-10 of the North Dakota Century Code, relating to the use of flashing green lights.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Cook; Mathern; Olafson

HB 1234 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1100: A BILL for an Act to amend and reenact subsection 1 of section 6-09.9-02, subsection 1 of section 6-09.11-06, and subsection 1 of section 6-09.13-02 of the North Dakota Century Code, relating to definitions for the family farm survival act, loan restrictions for financial assistance for family farmers, and interest rates of loans for the agriculture partnership in assisting community expansion program.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Cook; Mathern; Olafson

HB 1100 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1116: A BILL for an Act to amend and reenact sections 12-44.1-02, 12-44.1-06, 12-44.1-13, 12-44.1-21, and 12-44.1-25 of the North Dakota Century Code, relating to correctional facilities; to repeal section 12-44.1-27 of the North Dakota Century Code, relating to corrective action and enforcement for correctional facilities; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Cook; Mathern; Olafson

Engrossed HB 1116 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1139: A BILL for an Act to amend and reenact subsection 4 of section 57-15-06.3 of the North Dakota Century Code, relating to county farm-to-market road tax levies; and to provide for retroactive application.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Cook; Mathern; Olafson

HB 1139 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1155: A BILL for an Act to amend and reenact sections 26.1-08-01 and 26.1-08-02.1, subdivisions h and j of subsection 2 of section 26.1-08-02.2, sections 26.1-08-06, 26.1-08-07, and 26.1-08-09, subsection 6 of section 26.1-08-10, subsections 3 and 4 of section 26.1-08-11, sections 26.1-08-12 and 26.1-08-13, and subsection 28 of section 26.1-36.3-01 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota and to a definition applicable to small employer employee health insurance.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Cook; Mathern; Olafson

HB 1155, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1205: A BILL for an Act to amend and reenact sections 39-27-17 and 39-27-17.1 of the North Dakota Century Code, relating to motorcycle lights.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Cook; Mathern; Olafson

Engrossed HB 1205 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1291: A BILL for an Act to amend and reenact section 37-28-04 of the North Dakota Century Code, relating to the death benefit for veterans; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Cook; Mathern; Olafson

HB 1291 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3020: A concurrent resolution declaring the renewable energy policy of the Legislative Assembly.

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

Engrossed HCR 3020 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3023: A concurrent resolution urging the President of the United States and Congress to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration and development.

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

HCR 3023 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3033: A concurrent resolution urging Congress not to allow the importation of Canadian cattle over 30 months of age.

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

Engrossed HCR 3033 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE BILL

HB 1033: A BILL for an Act to create and enact chapter 48-01.2 of the North Dakota Century Code, relating to public improvements, bidding, construction management, and public improvement contracts; to amend and reenact section 11-11-26, subdivision f of subsection 1 of section 15.1-09-34, sections 23-11-11, 25-01.1-33, 40-22-19, 40-28-07, 40-29-07, 40-31-04, and 40-33.2-09, subsection 7 of section 40-33.3-06, section 40-49-14, subsection 12 of section 40-57-03, sections 43-07-23, 48-05-12, and 57-40.2-14, subsection 2 of section 61-02-04.1, subsection 2 of section 61-02-23.2, sections 61-07-09, 61-12-25, 61-16.1-14, 61-21-25, 61-21-45, 61-24.3-03.1, 61-35-13, and 61-35-88, and subsection 2 of section 61-35-94 of the North Dakota Century Code, relating to public improvements, bidding, and public improvement contracts; and to repeal chapters 48-01.1 and 48-02 of the North Dakota Century Code, relating to public improvements, bidding, and public improvement contracts.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Cook; Mathern; Olafson

Engrossed HB 1033 passed and the title was agreed to.

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 4008, SCR 4029, SCR 4030.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1069, HB 1109, HB 1172, HB 1213, HB 1232, HB 1235, HB 1238, HB 1268, HB 1281, HB 1313, HB 1338, HB 1342, HB 1408, HB 1413, HB 1500, HB 1514, HCR 3044.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1470.

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

MR. SPEAKER: The Senate has passed, the emergency clause failed, unchanged: HB 1305.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1088, HB 1198, HCR 3021.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1029.

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

MR. SPEAKER: The Senate has failed to pass: HB 1226, HB 1277.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3016, HCR 3045.

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

MR. PRESIDENT: The House has passed unchanged: SB 2031, SB 2216, SB 2359, SB 2380, SB 2381.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2074, SB 2076, SB 2136, SB 2146.

HOUSE AMENDMENTS TO SENATE BILL NO. 2074

Page 1, replace lines 11 through 16 with:

- "2. For the purpose of thoroughly investigating a complaint, the department may require the attendance of a witness and the production of a book, record, document, data, or other object at any hearing or with reference to any matter the department has the authority to investigate. If under this subsection a witness fails or refuses to appear or to produce, the department may issue a subpoena to compel the witness to appear or a subpoena duces tecum to compel the witness to appear and produce a relevant book, record, document, data, or other object."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2076

Page 1, replace lines 9 through 14 with:

"2. For the purpose of thoroughly investigating a complaint, the department may require the attendance of a witness and the production of a book, record, document, data, or other object at any hearing or with reference to any matter the department has the authority to investigate. If under this subsection a witness fails or refuses to appear or to produce, the department may issue a subpoena to compel the witness to appear or a subpoena duces tecum to compel the witness to appear and produce a relevant book, record, document, data, or other object."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2136

Page 1, line 10, replace "is responsible for" with "shall train, consult, and assist the department of human services with"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2146

Page 1, line 16, remove the overstrike over "~~twenty~~" and remove "seven"

Page 1, line 17, after "request" insert "; however, during the investigation of an accident, the person may be charged with a violation of this section if that person fails to provide the satisfactory evidence within three days from the date of the request"

Renumber accordingly

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 2025.

HOUSE AMENDMENTS TO SENATE BILL NO. 2025

Page 1, line 2, remove the first "and"

Page 1, line 4, after "Act" insert "; and to declare an emergency"

Page 3, after line 11, insert:

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

Renumber accordingly

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

MR. PRESIDENT: The House has failed to pass: SB 2041, SB 2257, SB 2335.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2042, SB 2064, SB 2065, SB 2075, SB 2078, SB 2079, SB 2084, SB 2092, SB 2114, SB 2131, SB 2138, SB 2185, SB 2213, SB 2233.

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

MR. PRESIDENT: The Speaker has signed: SB 2028, SB 2042, SB 2064, SB 2065, SB 2075, SB 2078, SB 2079, SB 2084, SB 2092, SB 2114, SB 2131, SB 2138, SB 2185, SB 2213, SB 2233.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1008, HB 1070, HB 1075, HB 1076, HB 1077, HB 1083, HB 1095, HB 1108, HB 1117, HB 1123, HB 1142, HB 1177, HB 1186, HB 1211, HB 1253, HB 1265, HB 1266, HB 1289, HB 1301, HB 1302.

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

MR. PRESIDENT: The Speaker has signed: HB 1052, HB 1064, HB 1085, HB 1114, HB 1185, HB 1236, HB 1318, HB 1374, HB 1376, HB 1377.

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

MR. PRESIDENT: The Speaker has signed: HCR 3001.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, March 6, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1034, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1034 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1056: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1056 was placed on the Sixth order on the calendar.

Page 2, line 6, remove "and administration of"

Page 2, line 16, remove "and"

Page 2, line 17, remove "administration of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1092, 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 1092 was placed on the Sixth order on the calendar.

Page 1, line 11, remove the second "and"

Page 1, line 13, after "proceedings" insert "; and to provide for a legislative council study"

Page 19, line 23, remove "regarding Indian child"

Page 19, replace lines 24 through 29 with "When an agency is seeking to effect a foster care placement of, or termination of parental rights to an Indian child, the court shall require active efforts as set forth in 25 U.S.C. section 1912(d)."

Page 20, remove lines 1 through 31

Page 21, remove lines 1 through 31

Page 22, remove lines 1 through 10

Page 30, after line 31, insert:

"SECTION 37. LEGISLATIVE COUNCIL STUDY - INDIAN CHILD WELFARE.

During the 2007-08 interim, the legislative council shall consider studying the application of and the desirability of changing the law relating to the welfare of Indian children when placed in the care of individuals other than parents and the effect of the Indian Child Welfare Act on state law. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1102: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1102 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1137, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1137 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1412, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1412 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3059: A concurrent resolution directing the Legislative Council to study the exercise of extraterritorial zoning authority by cities.

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

HCR 3061: A concurrent resolution directing the Legislative Council to study the financial and environmental impact of confined animal feeding operations on individual property owners and local communities and develop clear, concise, and consistent laws governing the siting and regulation of confined animal feeding operations.

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

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

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

HCR 3063: A concurrent resolution directing the Legislative Council to study the delivery and funding of veterans' services by the state and counties.

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

HCR 3064: A concurrent resolution directing the Legislative Council to study the Human Resource Management Services' personnel classification system.

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

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

William R. Horton, Secretary

