

## JOURNAL OF THE HOUSE

## Sixtieth Legislative Assembly

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Bismarck, April 20, 2007

The House convened at 8:00 a.m., with Speaker Delzer presiding.

The prayer was offered by Father Paul Eberle with Cathedral of the Holy Spirit, Bismarck.

The roll was called and all members were present except Representatives Kerzman and Kingsbury.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

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

Page 1610, line 25, after "1410" insert "and place HB 1463 on the Seventh order."

**REP. KRETSCHMAR MOVED** that the report be adopted, which motion prevailed.

## CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. HAAS MOVED** that the House do concur in the Senate amendments to Engrossed HB 1127 as printed on HJ page 1339, which motion prevailed on a voice vote.

Engrossed HB 1127, as amended, was placed on the Eleventh order of business.

## SECOND READING OF HOUSE BILL

**HB 1127:** A BILL for an Act to create and enact a new section to chapter 49-24 of the North Dakota Century Code, relating to confidentiality of transmission authority information; and to amend and reenact subsection 12 of section 49-24-05, section 49-24-13, subsection 3 of section 54-17.5-04, section 54-17.5-06, and subsection 5 of section 54-44.4-02 of the North Dakota Century Code, relating to powers of the transmission authority, procurement and borrowing by the industrial commission, reporting requirements, and confidential records.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 0 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; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Kerzman; Kingsbury; Potter

Reengrossed HB 1127 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. PORTER MOVED** that the House do concur in the Senate amendments to Engrossed HB 1462 as printed on HJ page 1048, which motion prevailed on a verification vote.

Engrossed HB 1462, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1462:** A BILL for an Act to provide a sales and use tax exemption for materials used in the compression, processing, gathering, and refining of gas and materials used in the construction or expansion of a refinery; to create and enact section 17-01-01 of the North Dakota Century Code, relating to a comprehensive energy policy for the state and the 25x25 initiative; to amend and reenact section 54-35-18 of the North Dakota Century Code, relating to the electric industry competition committee; to authorize the legislative council to make certain statutory revisions; to provide for a department of commerce study; and to provide for a report to the legislative council.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 80 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Grande; Gruchalla; Gulleson; Haas; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Owens; Pietsch; Pollert; Porter; Potter; Price; Ruby; Schmidt; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

**NAYS:** Boe; Glassheim; Griffin; Hanson; Onstad; Pinkerton; Schneider; Solberg; Vig; Williams; Wolf; Zaiser

**ABSENT AND NOT VOTING:** Kerzman; Kingsbury

Reengrossed HB 1462 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to Engrossed HB 1126 as printed on HJ pages 1156-1157, which motion failed on a verification vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. WEISZ MOVED** that the conference committee report on HB 1359 as printed on HJ pages 1643-1644 be adopted, which motion prevailed on a verification vote.

HB 1359, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1359:** A BILL for an Act to create and enact a new section to chapter 39-21 of the North Dakota Century Code, relating to rear-end protection of trucks and trailers; to provide for a legislative council study; and to provide for a contingent effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 8 NAYS, 0 EXCUSED, 2 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; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Price; Ruby; Schmidt; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Delzer

**NAYS:** Conrad; Ekstrom; Gruchalla; Kelsh, S.; Myxter; Potter; Schneider; Wolf

**ABSENT AND NOT VOTING:** Kerzman; Kingsbury

Engrossed HB 1359 passed and the title was agreed to.

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**MOTION**

**REP. BERG MOVED** that Rep. Schneider replace Rep. Kaldor on the House Conference Committee on SB 2379, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. BERG MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed HB 1126, which motion prevailed.

**THE SPEAKER APPOINTED** as a Conference Committee on:

**Engrossed HB 1126:** Reps. Klemin, Boehning, S. Meyer

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

**MR. PRESIDENT:** The Speaker has signed: SB 2094, SB 2109, SB 2225, SB 2284, SB 2313, SB 2323, SB 2344, SCR 4040.

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

**MR. SPEAKER:** The President has signed: SB 2205, SB 2312, SB 2366.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2186.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2152.

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1127 and HB 1462.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1359.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Schneider to replace Rep. Kaldor on the Conference Committee on SB 2379.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1126 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1126:** Reps. Klemin; Boehning; S. Meyer

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

**MR. SPEAKER:** The President has signed: SB 2313.

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

**MR. SPEAKER:** The President has signed: SCR 4040.

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

**MR. SPEAKER:** The President has signed: HB 1197.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1107, HB 1154, HB 1290, HB 1303, HB 1488.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 20, 2007: HB 1107, HB 1154, HB 1290, HB 1303, HB 1488.

**ANNOUNCEMENT**

**SPEAKER DELZER ANNOUNCED** that the House stand in recess until 1:00 p.m..

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Delzer presiding.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. HAAS MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1106 as printed on HJ pages 1474-1475 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1106: Reps. Haas, Grande, Potter.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BELTER MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1233 as printed on HJ pages 1154-1155 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1233: Reps. Brandenburg, Headland, S. Kelsh.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1433, as engrossed:** Your conference committee (Sens. Dever, J. Lee, Heckaman and Reps. Weisz, Klein, Potter) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1408-1409 and place HB 1433 on the Seventh order.

Engrossed HB 1433 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. WEISZ MOVED** that the conference committee report on Engrossed HB 1433 be adopted, which motion failed on a voice vote.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1011, as engrossed:** Your conference committee (Sens. Wardner, Krebsbach, Tallackson and Reps. Kempenich, Skarphol, Williams) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1153-1154, adopt amendments as follows, and place HB 1011 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1153 and 1154 of the House Journal and pages 924 and 925 of the Senate Journal and that Engrossed House Bill No. 1011 be amended as follows:

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

Page 1, line 17, replace "4,011,065" with "4,190,299"

Page 1, line 19, replace "4,159,584" with "4,338,818"

Page 1, line 21, replace "7,677,910" with "7,857,144"

Page 2, line 4, replace "35,009,887" with "35,189,121"

Page 2, line 6, replace "38,979,192" with "39,158,426"

Page 2, line 8, replace "27,758,772" with "27,938,006"

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.

**SECTION 8. ADDITIONAL TROOPER POSITION - BUDGET SECTION REPORT.** The highway patrol may hire one additional FTE trooper position from funds appropriated to the patrol for the biennium beginning July 1, 2007, and ending June 30, 2009. Prior to filling this position, the highway patrol shall report to the budget section on the budget savings that resulted in funds being available for paying for this position and any additional costs relating to the position that may be necessary for the 2009-11 biennium."

Renumber accordingly

# STATEMENT OF PURPOSE OF AMENDMENT:

## House Bill No. 1011 - Highway Patrol - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Administration	\$2,568,016	\$2,568,016		\$2,568,016	\$2,568,016	
Field operations	35,376,823	35,009,887	\$179,234	35,189,121	35,726,823	(\$537,702)
Law Enforcement Training Academy	1,551,289	1,401,289		1,401,289	1,401,289	
Total all funds	\$39,496,128	\$38,979,192	\$179,234	\$39,158,426	\$39,696,128	(\$537,702)
Less estimated income	15,665,015	11,220,420		11,220,420	11,220,420	
General fund	\$23,831,113	\$27,758,772	\$179,234	\$27,938,006	\$28,475,708	(\$537,702)
FTE	197.00	193.00	2.00	195.00	197.00	(2.00)

## Dept. 504 - Highway Patrol - Detail of Conference Committee Changes

	RESTORES TROOPER POSITIONS <sup>1</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Administration		
Field operations	\$179,234	\$179,234
Law Enforcement Training Academy		
Total all funds	\$179,234	\$179,234
Less estimated income		
General fund	\$179,234	\$179,234
FTE	2.00	2.00

<sup>1</sup> This amendment:

- Restores funding for 1 of the 4 FTE trooper positions added in the executive budget but removed by the House. An additional FTE trooper position is authorized, but in order to fill the position, the Highway Patrol must use savings from within its 2007-09 biennium budget and report to the Budget Section on the source of the savings and any additional costs relating to the position for the 2009-11 biennium. The Senate had restored funding for 4 FTE trooper positions 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, the same as the Senate version.

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. The Senate also added this section.

Engrossed HB 1011 was placed on the Seventh order of business on the calendar.

## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. KEMPENICH MOVED** that the conference committee report on Engrossed HB 1011 be adopted, which motion failed on a voice vote.

## MOTION

**REP. BERG MOVED** that Rep. Porter replace Rep. Keiser on the House Conference Committee on SB 2419, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

**HB 1263, as engrossed:** Your conference committee (Sens. Hacker, Wanzek, Potter and Reps. Klemm, Boehning, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1079, adopt amendments as follows, and place HB 1263 on the Seventh order:

That the Senate recede from its amendments as printed on page 1079 of the House Journal and page 853 of the Senate Journal and that Engrossed House Bill No. 1263 be amended as follows:

Page 1, line 7, overstrike "one" and insert immediately thereafter "four"

Page 1, line 8, overstrike "three" and insert immediately thereafter "four"

Renumber accordingly

Engrossed HB 1263 was placed on the Seventh order of business on the calendar.

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KLEMIN MOVED** that the conference committee report on Engrossed HB 1263 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1263, as amended, was placed on the Eleventh order.

#### **SECOND READING OF HOUSE BILL**

**HB 1263:** A BILL for an Act to amend and reenact section 53-06.1-10.1 of the North Dakota Century Code, relating to raffles.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 67 YEAS, 24 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Belter; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hawken; Headland; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Schmidt; Schneider; Solberg; Thoreson; Vig; Wald; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser

**NAYS:** Aarsvold; Bellew; Charging; Clark; Dietrich; Glassheim; Hatlestad; Heller; Herbel; Karls; Keiser; Klein; Klemin; Koppelman; Owens; Ruby; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vigasaa; Wall; Speaker Delzer

**ABSENT AND NOT VOTING:** Berg; Kerzman; Kingsbury

Reengrossed HB 1263 passed and the title was agreed to.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. POLLERT MOVED** that the conference committee report on Reengrossed HB 1435 as printed on HJ pages 1644-1645 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1435, as amended, was placed on the Eleventh order.

#### **SECOND READING OF HOUSE BILL**

**HB 1435:** A BILL for an Act to provide for an immunization program and immunization task force; to provide for reports to the legislative council; and to provide an appropriation.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 1 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; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**NAYS:** Ruby

**ABSENT AND NOT VOTING:** Kerzman; Kingsbury

Reengrossed HB 1435 passed and the title was agreed to.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1106 and HB 1233 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1106:** Reps. Haas; Grande; Potter

**HB 1233:** Reps. Brandenburg; Headland; S. Kelsh

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Porter to replace Rep. Keiser on the Conference Committee on SB 2419.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: SB 2165.

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

**MR. SPEAKER:** The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2165 and wishes to inform you that the Senate does now concur with the House amendments to SB 2165 and subsequently failed to pass the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2165.

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

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1106:** Sens. Christmann; Holmberg; Seymour

**HB 1126:** Sens. Lyson; Olafson; Fiebiger

**HB 1233:** Sens. Tollefson; Oehlke; Anderson

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: SB 2392.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2309, SB 2352.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1263, HB 1435.

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

**MR. PRESIDENT:** The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

**SB 2293:** Reps. Porter; DeKrey; S. Meyer

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently failed to pass: HB 1469.

**ANNOUNCEMENT**

**SPEAKER DELZER ANNOUNCED** that the House stand in recess until 4:00 p.m..

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Delzer presiding.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KASPER MOVED** that the conference committee report on Engrossed HB 1504 as printed on HJ pages 1645-1646 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1504, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1504:** A BILL for an Act to create and enact a new section to chapter 12-63 of the North Dakota Century Code, relating to tribal police officers.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 2 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Boehning

**ABSENT AND NOT VOTING:** Keiser; Kerzman; Kingsbury; Kretschmar; Nottestad; Price; Thorpe; Zaiser

Reengrossed HB 1504 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. CLARK MOVED** that the conference committee report on Engrossed SB 2180 as printed on HJ pages 1646-1650 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2180, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2180:** A BILL for an Act to amend and reenact sections 6-09.17-01, 6-09.17-02, 6-09.17-03, and 6-09.17-04 of the North Dakota Century Code, relating to the biofuel partnership in assisting community expansion fund; to provide for a legislative council study; to provide a continuing appropriation; 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, the roll was called and there were 79 YEAS, 7 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

**NAYS:** Dosch; Drovdal; Froseth; Meier, L.; Sukut; Weiler; Wrangham

**ABSENT AND NOT VOTING:** Keiser; Kerzman; Kingsbury; Kretschmar; Nottestad; Price; Thorpe; Zaiser

Engrossed SB 2180, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1469, as engrossed:** Your conference committee (Sens. Freborg, Urlacher, Pomeroy and Reps. Charging, Dietrich, S. Meyer) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1284, adopt amendments as follows, and place HB 1469 on the Seventh order:

That the Senate recede from its amendments as printed on page 1284 of the House Journal and page 1017 of the Senate Journal and that Engrossed House Bill No. 1469 be amended as follows:



Page 1, line 16, remove the overstrike over "A person may not use a motor-driven vehicle on any land other than an"

Page 1, line 17, remove the overstrike over "established road or trail to hunt upland game during the deer gun season."

Renumber accordingly

Engrossed HB 1469 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. CHARGING MOVED** that the conference committee report on Engrossed HB 1469 be adopted.

#### REQUEST

**REP. HERBEL REQUESTED** a recorded roll call vote on the motion to adopt the conference committee report on Engrossed HB 1469, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed HB 1469, the roll was called and there were 55 YEAS, 32 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boe; Boucher; Charging; Clark; Conrad; Dahl; Delmore; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Heller; Hunskor; Johnson, N.; Kaldor; Karls; Kasper; Kelsh, S.; Kempenich; Koppelman; Kroeber; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Onstad; Pinkerton; Potter; Schmidt; Schneider; Skarphol; Solberg; Thoreson; Vig; Wall; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**NAYS:** Bellew; Belter; Boehning; Brandenburg; Carlisle; Carlson; Damschen; DeKrey; Dosch; Grande; Headland; Herbel; Hofstad; Johnson, D.; Kelsch, R.; Klein; Klemin; Kreidt; Martinson; Myxter; Owens; Pietsch; Pollert; Porter; Ruby; Sukut; Svedjan; Uglem; Vigasaa; Wald; Weiler; Weisz

**ABSENT AND NOT VOTING:** Keiser; Kerzman; Kingsbury; Kretschmar; Nottestad; Price; Thorpe

The conference committee report on Engrossed HB 1469 was adopted.

#### SECOND READING OF HOUSE BILL

**HB 1469:** A BILL for an Act to amend and reenact section 20.1-01-07 of the North Dakota Century Code, relating to blocking established roads or trails for hunting purposes.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 40 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boucher; Charging; Clark; Conrad; Dahl; Delmore; Dietrich; Drovdal; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Haas; Hanson; Hatlestad; Hawken; Heller; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsh, S.; Kempenich; Koppelman; Kroeber; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Onstad; Pinkerton; Potter; Schmidt; Skarphol; Solberg; Svedjan; Thoreson; Vig; Wieland; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlisle; Carlson; Damschen; DeKrey; Dosch; Froseth; Grande; Gulleon; Headland; Herbel; Hofstad; Kelsch, R.; Klein; Klemin; Kreidt; Martinson; Meier, L.; Myxter; Owens; Pietsch; Pollert; Porter; Ruby; Schneider; Sukut; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Williams; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Keiser; Kerzman; Kingsbury; Kretschmar; Nottestad; Price; Thorpe

Reengrossed HB 1469 lost for want of a Constitutional majority.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2186, as reengrossed:** Your conference committee (Sens. J. Lee, Fischer, Heckaman and Reps. Pollert, Pietsch, Kaldor) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1118-1119, adopt amendments as follows, and place SB 2186 on the Seventh order:

That the House recede from its amendments as printed on pages 1118 and 1119 of the Senate Journal and pages 1193-1195 of the House Journal and that Reengrossed Senate Bill No. 2186 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 50-09 and a new section to chapter 50-11.1 of the North Dakota Century Code, relating to transition assistance for child care and early childhood workforce development; to provide for a report to the legislative council; to provide for legislative council studies; and to provide an appropriation.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 50-09 of the North Dakota Century Code is created and enacted as follows:

**Transition assistance for child care.** The state agency shall establish a program of transition assistance to pay a portion of the cost of child care for families that lose eligibility, and remain ineligible, for benefits under section 50-09-29 due to earnings from employment. This program must:

1. Provide benefits for up to the six months following the loss of benefits under section 50-09-29;
2. Be paid directly to recipients using a debit card; and
3. Meet all requirements to be considered "assistance" for purposes of title 45, Code of Federal Regulations, part 260, section 31, or any substantially similar federal regulation that may replace title 45, Code of Federal Regulations, part 260, section 31.

**SECTION 2.** A new section to chapter 50-11.1 of the North Dakota Century Code is created and enacted as follows:

**Workforce development.** The department may establish a statewide system to build systematic early childhood workforce voluntary training which may include distance learning formats, a professional registry, certificates, and specializations.

**SECTION 3. LEGISLATIVE COUNCIL STUDY - TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.** The legislative council shall consider studying, during the 2007-08 interim, the temporary assistance for needy families program administered by the department of human services. The study may include review of the sustainability of current services and programs being funded by temporary assistance for needy families funds, review of the potential programs and services that could be funded by use of temporary assistance for needy families funds, and review of the need for increased assistance to recipients of temporary assistance for needy families who are attending a postsecondary institution of learning. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 4. LEGISLATIVE COUNCIL STUDY - CHILD CARE RESOURCE AND REFERRAL SYSTEM.** The legislative council shall consider studying, during the 2007-08 interim, the state's child care resource and referral system, including consideration of the purposes and goals of the system and whether the current system is furthering these purposes and goals and consideration of the most appropriate funding source of the system. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 5. REPORT TO LEGISLATIVE COUNCIL - DEPARTMENT OF HUMAN SERVICES.** During the 2007-08 interim, the department of human services shall report to the legislative council regarding the transition assistance for the child care program implemented pursuant to section 1 of this Act.

**SECTION 6. APPROPRIATION.** There is appropriated out of any moneys from special funds derived from federal funds and other income from the temporary assistance for needy families program the sum of \$1,491,210, or so much of the sum as may be necessary, to the department of human services for the purpose of implementing section 1 of this Act, for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 7. APPROPRIATION.** There is appropriated out of any moneys from special funds derived from federal funds and other income transferred from the temporary assistance for needy families program the sum of \$500,000, or so much of the sum as may be necessary, to the department of human services for the purpose of implementing section 2 of this Act, for the biennium beginning July 1, 2007, and ending June 30, 2009. The department may transfer the funds provided for under this section to the child care development block grant.

**SECTION 8. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$166,221, or so much of the sum as may be necessary, to the department of human services for the purpose of replacing the reduction in child care development fund grants, for the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

Reengrossed SB 2186 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1466:** Your conference committee (Sens. Nething, Erbele, Marcellais and Reps. Koppelman, Kretschmar, Onstad) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1466-1467, adopt amendments as follows, and place HB 1466 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1466 and 1467 of the House Journal and page 1288 of the Senate Journal and that House Bill No. 1466 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to the prohibition of the performance of abortions; to provide a penalty; and to provide an effective date.

#### **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 12.1-31 of the North Dakota Century Code is created and enacted as follows:

##### **Abortion - Affirmative defenses.**

##### **1. As used in this section:**

- a. "Abortion" means the use or prescription of any substance, device, instrument, medicine, or drug to intentionally terminate the pregnancy of an individual known to be pregnant. The term does not include an act made with the intent to increase the probability of a live birth; preserve the life or health of a child after live birth; or remove a dead, unborn child who died as a result of a spontaneous miscarriage, an accidental trauma, or a criminal assault upon the pregnant female or her unborn child.
- b. "Physician" means an individual licensed to practice medicine under chapter 43-17.
- c. "Professional judgment" means a medical judgment that would be made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

2. It is a class C felony for a person, other than the pregnant female upon whom the abortion was performed, to perform an abortion.
3. The following are affirmative defenses under this section:
  - a. That the abortion was necessary in professional judgment and was intended to prevent the death of the pregnant female.
  - b. That the abortion was to terminate a pregnancy that resulted from gross sexual imposition, sexual imposition, sexual abuse of a ward, or incest, as those offenses are defined in chapter 12.1-20.
  - c. That the individual was acting within the scope of that individual's regulated profession and under the direction of or at the direction of a physician.

**SECTION 2. EFFECTIVE DATE.** This Act becomes effective on the date the legislative council approves by motion the recommendation of the attorney general to the legislative council that it is reasonably probable that this Act would be upheld as constitutional."

Renumber accordingly

HB 1466 was placed on the Seventh order of business on the calendar.

#### **MOTION**

**REP. MONSON MOVED** that SB 2186, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

#### **MOTION**

**REP. MONSON MOVED** that HB 1466, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1515, as engrossed:** Your conference committee (Sens. Tollefson, Urlacher, Heitkamp and Reps. Porter, Monson, S. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1438-1439, adopt amendments as follows, and place HB 1515 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1438 and 1439 of the House Journal and page 1017 of the Senate Journal and that Engrossed House Bill No. 1515 be amended as follows:

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "54-17" insert "and, if Senate Bill No. 2288 of the sixtieth legislative assembly becomes effective, a new section to chapter 54-17"

Page 1, line 3, replace "and" with a comma

Page 1, line 4, after "program" insert ", and to establish a biomass incentive and research fund; to provide a transfer"

Page 1, line 17, replace "A" with "If Senate Bill No. 2288 of the sixtieth legislative assembly does not become effective, a"

Page 2, replace lines 22 through 27 with:

"10. Work in cooperation with the game and fish department to establish a private land open to sportsmen program biomass demonstration project.

**SECTION 3.** If Senate Bill No. 2288 is approved by the legislative assembly and becomes effective, a new section to chapter 54-17 of the North Dakota Century Code is created and enacted as follows:

**Biomass incentive and research program.** The industrial commission in coordination with the renewable energy council may:

1. Establish an incentive program to assist the agricultural community to demonstrate the production, harvest, storage, and delivery of a biomass feedstock on a commercial scale to a private sector end user.
2. Establish a project on a scale sufficient to enable at least one group of cooperating agricultural producers, and preferably two groups in different regions of the state, to produce, harvest, store, and deliver biomass feedstock to an end user at commercial scale.
3. Give priority on a perennial grass feedstock due to the state's resource potential, although residual feedstocks are eligible for consideration.
4. Establish procedures for competitive applications by cooperating agricultural producers organized through a limited liability corporation, cooperative, or other appropriate ownership structure, that can demonstrate in their application the commitment of a commercial end user to purchase the biomass produced and adequate technical support to accomplish the biomass production, harvest, storage, and delivery to that end user.
5. Provide funds for incentives, including producer payments to provide income support during the critical biomass stand establishment period of two years without harvest, in the case of native grasses, or other perennial biomass crops.
6. Ensure that activities enumerated in this section qualify for the agriculture partnership in assisting community expansion program.
7. Arrange for the provision of technical assistance services determined by participating producers in their application to the industrial commission.
8. Provide incentive support targeted to producer entities that successfully apply to the industrial commission rather than the commercial biomass end user.
9. Provide funds for a front-end engineering and design study for a cellulosic ethanol and nanowhiskers project.
10. Work in cooperation with the game and fish department to establish a private land open to sportsmen program biomass demonstration project.

**SECTION 4.** A new section to chapter 54-17 of the North Dakota Century Code is created and enacted as follows:

**Biomass incentive and research fund.** The biomass incentive and research fund is a special fund in the state treasury. The industrial commission shall establish the guidelines and procedures for use of the fund. All earnings of the fund must be credited to the fund.

**SECTION 5. TRANSFER - APPROPRIATION.** The industrial commission may transfer up to \$1,000,000 from the beginning farmer revolving loan fund located at the Bank of North Dakota and up to \$1,000,000 from the partnership in assisting community expansion fund to the biomass incentive and research fund. The funds are appropriated for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 6. ORGANIC ADVISORY BOARD - GRANT.** The industrial commission may grant up to \$30,000 from the biomass incentive and research fund to the agriculture commissioner to support organic agriculture initiatives and programs during the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

Engrossed HB 1515 was placed on the Seventh order of business on the calendar.

#### MOTION

**REP. BERG MOVED** that HB 1515 be placed at the bottom of the Seventh order, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1321, as engrossed:** Your conference committee (Sens. Cook, Hacker, Warner and Reps. Koppelman, Wrangham, Kaldor) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1340-1341 and place HB 1321 on the Seventh order.

Engrossed HB 1321 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KOPPELMAN MOVED** that the conference committee report on Engrossed HB 1321 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1321, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1321:** A BILL for an Act to amend and reenact sections 40-47-01.1, 40-47-06, and 40-48-03 of the North Dakota Century Code, relating to extraterritorial zoning jurisdiction of cities; to provide for a legislative council study; to provide for application; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 70 YEAS, 16 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Froelich; Froseth; Glasheim; Grande; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsch, R.; Klein; Koppelman; Kreidt; Kroeber; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Schmidt; Skarphol; Solberg; Sukut; Svedjan; Uglem; Vigesaa; Wald; Weiler; Weisz; Wieland; Wolf; Wrangham; Zaiser; Speaker Delzer

**NAYS:** Berg; Clark; Dosch; Drovdal; Ekstrom; Heller; Kasper; Kelsh, S.; Kempenich; Klemin; Meier, L.; Schneider; Thoreson; Vig; Wall; Williams

**ABSENT AND NOT VOTING:** Keiser; Kerzman; Kingsbury; Kretschmar; Nottestad; Price; Ruby; Thorpe

Reengrossed HB 1321 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1126, as engrossed:** Your conference committee (Sens. Lyson, Olafson, Fiebigler and Reps. Klemin, Boehning, S. Meyer) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1156-1157 and place HB 1126 on the Seventh order.

Engrossed HB 1126 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KLEMIN MOVED** that the conference committee report on Engrossed HB 1126 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1126, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1126:** A BILL for an Act to create and enact a new subsection to section 53-06.2-01 and three new subsections to section 53-06.2-04 of the North Dakota Century Code, relating to the definition of the racing promotion fund and to the duties of the racing commission; and to amend and reenact 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 53-06.2-11, and subsection 2 of section 53-06.2-13 of the North Dakota Century Code, relating to parimutuel wagering.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 37 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; DeKrey; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Grande; Gruchalla; Haas; Hatlestad; Hawken; Headland; Heller;

Herbel; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Klein; Klemin; Koppelman; Kreidt; Meier, L.; Monson; Myxter; Owens; Pietsch; Pollert; Porter; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wall; Weiler; Wieland; Zaiser

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Boe; Boucher; Carlisle; Charging; Conrad; Damschen; Delmore; Froelich; Glassheim; Griffin; Gulleson; Hanson; Hunskor; Kaldor; Kroeber; Martinson; Metcalf; Meyer, S.; Mueller; Nelson; Onstad; Pinkerton; Potter; Schmidt; Schneider; Solberg; Vig; Wald; Weisz; Williams; Wolf; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Keiser; Kerzman; Kingsbury; Kretschmar; Nottestad; Price; Ruby; Thorpe

Reengrossed HB 1126 passed and the title was agreed to.

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#### **MOTION**

**REP. BERG MOVED** that Rep. Klemin replace Rep. DeKrey on the House Conference Committee on SB 2260, which motion prevailed.

#### **MOTION**

**REP. BERG MOVED** that Rep. Owens replace Rep. Ruby on the House Conference Committee on HB 1017, which motion prevailed.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Klemin to replace Rep. DeKrey on the Conference Committee on SB 2260.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Owens to replace Rep. Ruby on the Conference Committee on HB 1017.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2180.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and failed to pass: HB 1469.

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

**MR. PRESIDENT:** The House has adopted the conference committee reports and subsequently passed: HB 1321 and HB 1504.

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

**MR. SPEAKER:** The Senate has not adopted the conference committee report on: SB 2293.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: SB 2014.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1463.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2009, SB 2046, SB 2256, SB 2288.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1263, HB 1359, HB 1435.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2152.

#### **ANNOUNCEMENT**

**SPEAKER DELZER ANNOUNCED** that the House stand in recess until 7:00 p.m..

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Delzer presiding.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2352, as engrossed:** Your conference committee (Sens. Dever, Erbele, Heckaman and Reps. Hofstad, Porter, Kaldor) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1043-1044, adopt amendments as follows, and place SB 2352 on the Seventh order:

That the House recede from its amendments as printed on pages 1043 and 1044 of the Senate Journal and on pages 1105 and 1106 of the House Journal and that Engrossed Senate Bill No. 2352 be amended as follows:

Page 1, line 1, replace "provide for" with "create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to", after "tattooing" insert ", branding, subdermal implantation, scarifying,", and after "minors" insert "; to amend and reenact the new section to chapter 23-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1505, as approved by the sixtieth legislative assembly, relating to the regulation of tattooing, body piercing, branding, subdermal implants, and scarification"

Page 1, replace lines 4 through 10 with:

**"SECTION 1.** A new section to chapter 12.1-31 of the North Dakota Century Code is created and enacted as follows:

**Tattooing, branding, subdermal implants, scarifying, and piercing - Minors.**

1. As used in this section:
  - a. "Brand" means the use of heat, cold, or any chemical compound to imprint permanent markings on an individual's skin.
  - b. "Pierce" means the puncture of any part of an individual's body to insert studs, pins, rings, chains, or other jewelry or adornment.
  - c. "Scarify" means to cut, tear, or abrade an individual's skin for the purpose of creating a permanent mark or design on the skin.
  - d. "Subdermal implant" means to insert a foreign object beneath the skin to decorate an individual's body.
  - e. "Tattoo" means to mark the skin of an individual by insertion of permanent colors through puncture of the skin.
2. It is a class B misdemeanor for a person, other than a licensed health care professional acting within that professional's scope of practice, to tattoo, brand, subdermal implant, scarify, or pierce an individual who is"

Page 1, line 11, after "tattooing" insert ", branding, subdermal implanting, scarifying."

Page 1, line 15, after the second underscored comma insert "branding, self-branding, scarifying, self-scarifying, subdermal implanting, self-subdermal implanting."

Page 1, line 17, after "tattooing" insert ", branding, subdermal implanting, scarifying."

Page 1, line 18, after "tattooing" insert ", branding, subdermal implanting, scarifying."

Page 1, after line 19, insert:

**"SECTION 2. AMENDMENT.** The new section to chapter 23-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1505, as approved by the sixtieth legislative assembly, is amended and reenacted as follows:

**Tattooing, body piercing, branding, subdermal implants, and scarification - Permit - Fee - Adoption of rules - Exemptions - Injury reports.**

1. A person may not operate a facility providing tattooing, body piercing, branding, subdermal implant, ~~and~~ or scarification services without a permit issued by the department under this section. The holder of a permit shall display the permit in a conspicuous place at the facility for which the permit is issued. A permit issued under this section expires annually. An



applicant for a permit shall submit an application for a permit to the department, on a form provided by the department, with a permit fee established by the department. The application must include the name and complete mailing address and street address of the facility and any other information reasonably required by the department for the administration of this section.

2. The health council shall adopt rules to regulate any person that receives compensation for engaging in the practice of tattooing, body piercing, branding, subdermal implants, or scarification. The rules must establish health and safety requirements and limitations with respect to the age of an individual who may receive a tattoo, body piercing, or scarification and may prohibit any practice that the health council deems unsafe or a threat to public health.
3. A facility is exempt from subsection 1 if the facility provides body piercing that is limited to the piercing of the noncartilaginous perimeter or lobe of the ear and the facility does not provide tattooing, branding, scarification, or subdermal implants. A person is exempt from regulation under subsection 2 if the person's practice under this section is limited to piercing of the noncartilaginous perimeter or lobe of the ear. A licensed health care professional acting within that professional's scope of practice and the associated medical facility are exempt from this section.
4. If a customer of a facility regulated under this section reports to the facility an injury the customer or operator of the facility believes to have resulted from the tattooing, body piercing, branding, subdermal implanting, or scarification provided at the facility, the operator of the facility shall provide the customer with written information on how to report the alleged injury to the state department of health. If a licensed health care professional treats a patient for an injury the professional determines, in the exercise of professional judgment, occurred as a result of a service regulated under this section, the professional shall report the circumstances to the state department of health. A licensed health care professional is immune from liability for making or not making a report under this subsection.
5. The fees established by the department must be based on the cost of conducting routine and complaint inspections and enforcement actions and preparing and sending license renewals. Fees collected under this section must be deposited in the department's operating fund in the state treasury and any expenditure from the fund is subject to appropriation by the legislative assembly. The department shall waive all or a portion of the fee for any facility that is subject to local jurisdiction."

Renumber accordingly

Engrossed SB 2352 was placed on the Seventh order of business on the calendar.

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. HOFSTAD MOVED** that the conference committee report on Engrossed SB 2352 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2352, as amended, was placed on the Fourteenth order.

#### **SECOND READING OF SENATE BILL**

**SB 2352:** A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to limitations on tattooing, branding, subdermal implantation, scarifying, and body piercing of minors; to amend and reenact the new section to chapter 23-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1505, as approved by the sixtieth legislative assembly, relating to the regulation of tattooing, body piercing, branding, subdermal implants, and scarification; and to provide a penalty.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 83 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla;

Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Klein; Klemin; Koppelman; Kreidt; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Dahl; Keiser; Kerzman; Kingsbury; Kretschmar; Nottestad; Owens; Price; Ruby; Schmidt; Thorpe

Engrossed SB 2352, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**HB 1004, as engrossed:** Your conference committee (Sens. Kilzer, Holmberg, Mathern and Reps. Bellew, Kreidt, Ekstrom) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1370-1372, adopt amendments as follows, and place HB 1004 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1370-1372 of the House Journal and pages 990-992 of the Senate Journal and that Engrossed House Bill No. 1004 be amended as follows:

Page 1, line 4, after "immunizations" insert "; to provide legislative intent; to provide for a demonstration project; to provide for a legislative council study; to provide for a report to the legislative council"

Page 1, line 5, replace "legislative intent" with "an expiration date"

Page 1 line 24, replace "19,982,693" with "20,232,693"

Page 2, line 2, replace "14,625,610" with "14,975,610"

Page 2, line 5, replace "42,349,960" with "42,949,960"

Page 2, line 6, replace "36,941,901" with "37,191,901"

Page 2, line 7, replace "5,408,059" with "5,758,059"

Page 2, line 14, replace "45,596,674" with "45,846,674"

Page 2, line 16, replace "56,457,776" with "56,807,776"

Page 2, line 19, replace "168,089,084" with "168,689,084"

Page 2, line 20, replace "149,212,121" with "149,462,121"

Page 2, line 21, replace "18,876,963" with "19,226,963"

Page 2, after line 21, insert:

**"SECTION 4. APPROPRIATION - MORGUE BRANCH LOCATION.** There is appropriated from special funds the sum of \$1,500,000, or so much of the sum as may be necessary, \$250,000 of which is from the permanent oil tax trust fund, to the state department of health to construct a facility to be used as a branch of the state morgue at the university of North Dakota school of medicine and health sciences, for the biennium beginning July 1, 2007, and ending June 30, 2009. The state department of health may use up to \$75,000 of this amount for its expenses in providing oversight of the project and to provide funding for coroner-requested autopsies at the new morgue during the remainder of the biennium. The project may be augmented with additional federal funding, grants, and other funding sources from the university of North Dakota or the state department of health. The morgue branch facility is to be under the control of the university of North Dakota school of medicine and health sciences. The university of North Dakota and the state department of health shall jointly sign all requests for proposal, construction contracts, and change orders relating to the project. The state department of health shall reimburse the university of North Dakota for the project based on final expenditure reports of actual project costs. To facilitate addressing public health issues related to death investigations, state forensic examiner services must continue to be provided by the state department of health, and the

department must be the central repository for all coroner reports and autopsy reports for the coroner death investigations. In addition to providing autopsies, the facility is to be used by the university of North Dakota school of medicine and health sciences to address issues relating to donation and collection of tissues and organs and providing education to medical students."

Page 4, replace lines 1 through 4 with:

**"SECTION 9. LEGISLATIVE COUNCIL STUDY - EMERGENCY MEDICAL SERVICES.** The legislative council shall consider studying, during the 2007-08 interim, the emergency medical services system within the state, including funding, demographics, and impact on rural areas. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 10. LEGISLATIVE INTENT - CHILDHOOD IMMUNIZATION PROGRAM FUNDING.** It is the intent of the sixtieth legislative assembly that the funding appropriated in House Bill No. 1435 be used only for a childhood immunization program and is limited to the lesser of the total appropriation or the amount necessary for a childhood immunization program."

Page 4, line 6, remove "general fund" and remove "line item"

Page 4, line 7, replace "section" with "sections", after "3" insert "and 4", after "\$2,010,135" insert "from the general fund and \$250,000 from the permanent oil tax trust fund", and replace the second "this" with "these"

Page 4, line 8, replace "section" with "sections"

Page 4, after line 12, insert:

"State morgue - University of North Dakota branch facility	<u>250,000</u>
Total	\$2,260,135

**SECTION 12. DEMONSTRATION PROJECT FOR VOLUNTARY SURVEYS DURING MAJOR CONSTRUCTION OR RENOVATION OF BASIC CARE AND LONG-TERM CARE FACILITIES - CONTINUING APPROPRIATION - REPORT TO LEGISLATIVE COUNCIL.**

1. During the 2007-09 biennium, the state department of health shall design and implement a demonstration project through which the department offers a life safety survey process for basic care facilities and long-term care facilities to access voluntarily during and at the conclusion of a construction project, renovation project, or construction and renovation project that costs more than three million dollars.
2. The department may charge a reasonable fee for a life safety survey performed under this section to cover the food, lodging, and transportation expenses of surveyors performing the surveys. Revenues derived from the fees collected under this subsection must be deposited in the state department of health's operating fund in the state treasury and are appropriated as a continuing appropriation to the state department of health for the purpose of funding the demonstration project under this section.
3. The department shall design and perform the demonstration project in a manner that will provide the surveyor who performs a life safety survey under this section does not violate the federal requirements associated with medicare certified life safety surveys. The department shall perform the demonstration project within the department's 2007-09 appropriation and staffing levels.
4. Before August 1, 2008, the department shall provide a report to the legislative council regarding the status of the demonstration project, including the feasibility and desirability of making the program permanent and whether the department will be recommending any legislation to make the program permanent.

**SECTION 13. EXPIRATION DATE.** Section 12 of this Act is effective through June 30, 2009, and after that date is ineffective."

Renumber accordingly

# STATEMENT OF PURPOSE OF AMENDMENT:

## House Bill No. 1004 - State Department of Health - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$37,715,624	\$37,747,905		\$37,747,905	\$37,747,905	
Operating expenses	33,335,674	45,596,674	\$250,000	45,846,674	46,362,874	(\$516,200)
Capital assets	1,817,383	1,817,383		1,817,383	1,817,383	
Grants	55,102,776	56,457,776	350,000	56,807,776	56,807,776	
Tobacco prevention and control	9,473,554	8,919,346		8,919,346	8,919,346	
WIC food payments	17,550,000	17,550,000		17,550,000	17,550,000	
Morgue branch location			1,500,000	1,500,000	1,500,000	
School nursing services					<u>1,000,000</u>	<u>(1,000,000)</u>
Total all funds	\$154,995,011	\$168,089,084	\$2,100,000	\$170,189,084	\$171,705,284	(\$1,516,200)
Less estimated income	<u>136,940,183</u>	<u>149,212,121</u>	<u>1,750,000</u>	<u>150,962,121</u>	<u>151,712,121</u>	<u>(750,000)</u>
General fund	\$18,054,828	\$18,876,963	\$350,000	\$19,226,963	\$19,993,163	(\$766,200)
FTE	331.50	330.50	1.00	331.50	332.50	(1.00)

## Dept. 301 - State Department of Health - Detail of Conference Committee Changes

	ADDS FOOD AND LODGING POSITION <sup>1</sup>	ADDS FUNDING FOR DOMESTIC VIOLENCE GRANTS <sup>2</sup>	ADDS FUNDING FOR MORGUE BRANCH LOCATION <sup>3</sup>	ADDS FUNDING FOR WOMEN'S WAY PROGRAM <sup>4</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages					
Operating expenses				\$250,000	\$250,000
Capital assets					
Grants		\$350,000			350,000
Tobacco prevention and control					
WIC food payments					
Morgue branch location			\$1,500,000		1,500,000
School nursing services					
Total all funds	\$0	\$350,000	\$1,500,000	\$250,000	\$2,100,000
Less estimated income			<u>1,500,000</u>	<u>250,000</u>	<u>1,750,000</u>
General fund	\$0	\$350,000	\$0	\$0	\$350,000
FTE	1.00	0.00	0.00	0.00	1.00

<sup>1</sup> Adds authority for 1 FTE field environmental health practitioner for food and lodging inspections. The conference committee agreed to the Senate action for this position.

<sup>2</sup> The Senate added funding for domestic violence grants. The conference committee agreed to this action.

<sup>3</sup> The Senate added funding from the permanent oil tax trust fund to the State Department of Health to construct a morgue branch facility at the University of North Dakota School of Medicine and Health Sciences. The conference committee changed the funding source to \$250,000 from the permanent oil tax trust fund and \$1,250,000 from other funds.

<sup>4</sup> The conference committee provided \$250,000 from the permanent oil tax trust fund for the Women's Way program. The Senate provided \$766,200 for the program from the general fund.

The Senate removed the intent section in Engrossed House Bill No. 1004 relating to use of funding from the community health trust fund for media campaigns. The conference committee agreed to this action.

The Senate provided a contingent appropriation from the balance of per student payments and transportation payments available as of June 30, 2007, for providing grants on a matching basis for school nursing services. The conference committee removed this funding.

The conference committee added a section providing for a Legislative Council study of emergency medical services during the 2007-08 interim.

The conference committee added a section providing for a demonstration project to be conducted during the 2007-09 biennium for voluntary surveys during major construction or renovation of basic care and long-term care facilities.

The conference committee added an intent section providing that the appropriation in House Bill No. 1435 be limited to the amount needed for a childhood immunization program.

Engrossed HB 1004 was placed on the Seventh order of business on the calendar.

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. BELLEW MOVED** that the conference committee report on Engrossed HB 1004 be adopted, which motion failed on a voice vote.

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2014:** Your conference committee (Sens. Fischer, Krebsbach, Robinson and Reps. Bellew, Kreidt, Ekstrom) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1193-1194 and place SB 2014 on the Seventh order.

SB 2014 was placed on the Seventh order of business on the calendar.

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. BELLEW MOVED** that the conference committee report on SB 2014 be adopted.

#### **REQUEST**

**REP. CONRAD REQUESTED** a recorded roll call vote on the motion to adopt the conference committee report on SB 2014, which request was granted.

#### **ROLL CALL**

The question being on the motion to adopt the conference committee report on SB 2014, the roll was called and there were 42 YEAS, 42 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Carlisle; Charging; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hawken; Hunsakor; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, S.; Kroeber; Martinson; Metcalf; Meyer, S.; Mueller; Myxter; Nelson; Onstad; Owens; Pinkerton; Potter; Schneider; Solberg; Uglem; Vig; Wall; Williams; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Damschen; DeKrey; Dietrich; Dosch; Drovdal; Froseth; Grande; Hatlestad; Headland; Heller; Herbel; Hofstad; Johnson, D.; Kasper; Kempenich; Klein; Klemin; Koppelman; Kreidt; Meier, L.; Monson; Pietsch; Pollert; Porter; Skarphol; Sukut; Svedjan; Thoreson; Vigesaa; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Dahl; Keiser; Kerzman; Kingsbury; Kretschmar; Nottestad; Price; Ruby; Schmidt; Thorpe

The conference committee report on SB 2014 failed.

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2046:** Your conference committee (Sens. Krebsbach, J. Lee, Nelson and Reps. Klein, Monson, Gulleson) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1197-1198, adopt amendments as follows, and place SB 2046 on the Seventh order:

That the House recede from its amendments as printed on pages 1197 and 1198 of the Senate Journal and pages 1188-1190 of the House Journal and that Senate Bill No. 2046 be amended as follows:

Page 1, line 10, remove "and" and after "appropriation" insert "; to provide an effective date; and to provide an expiration date"

Page 2, line 24, replace "2007" with "2008"

Page 2, line 25, replace "2007" with "2008"

Page 3, line 4, overstrike "seventy-five" and insert immediately thereafter "twenty-five"

Page 6, line 22, replace "2007" with "2008"

Page 7, line 24, replace "to the fund sixteen and five-tenths percent per annum of the salary of the" with "the employer contributions required by section 15-39.1-09 on the salary of the retired member both before and after the retired member reaches the annual hour limit."

Page 7, remove lines 25 through 28

Page 8, line 30, replace "to the fund sixteen and five-tenths percent per annum of" with "the employer contributions required by section 15-39.1-09 on"

Page 10, line 5, replace "This" with "Sections 1, 6, 10, 11, 12, and 15 of this" and replace "applies" with "apply"

Page 10, line 6, after "2007" insert ", and sections 2, 3, 4, 5, 7, 8, 9, and 13 apply to salaries earned on and after July 1, 2008"

Page 10, after line 10, insert:

**"SECTION 16. EFFECTIVE DATE.** Sections 1, 6, 10, 11, 12, 14, and 15 of this Act become effective on July 1, 2007, and sections 2, 3, 4, 5, 7, 8, 9, and 13 of this Act become effective on July 1, 2008.

**SECTION 17. EXPIRATION DATE.** Section 3 of this Act is effective until the ratio of the actuarial value of assets to the actuarial accrued liability of the teachers' fund for retirement increases to ninety percent based upon the actuarial value of assets and expires on the July first that follows the first valuation that shows a ninety percent funded ratio. The board of trustees of the teachers' fund for retirement shall notify the legislative council of the expiration date of section 3 of this Act."

Renumber accordingly

SB 2046 was placed on the Seventh order of business on the calendar.

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KLEIN MOVED** that the conference committee report on SB 2046 be adopted.

#### **REQUEST**

**REP. MUELLER REQUESTED** a recorded roll call vote on the motion to adopt the conference committee report on SB 2046, which request was granted.

#### **ROLL CALL**

The question being on the motion to adopt the conference committee report on SB 2046, the roll was called and there were 48 YEAS, 36 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Boe; Boucher; Conrad; DeKrey; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, S.; Klemin; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Myxter; Onstad; Pinkerton; Porter; Potter; Schneider; Solberg; Sukut; Uglem; Vig; Wall; Williams; Wolf; Zaiser

**NAYS:** Belter; Berg; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Damschen; Dietrich; Dosch; Drovda; Froseth; Grande; Headland; Heller; Kasper; Kempenich; Klein; Koppelman; Kreidt; Monson; Nelson; Owens; Pietsch; Pollert; Skarphol; Svedjan; Thoreson; Vigasaa; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Dahl; Keiser; Kerzman; Kingsbury; Kretschmar; Nottestad; Price; Ruby; Schmidt; Thorpe

The conference committee report on SB 2046 was adopted.

#### **SECOND READING OF SENATE BILL**

**SB 2046:** A BILL for an Act to create and enact two new subsections to section 15-39.1-04 of the North Dakota Century Code, relating to definitions under the teachers' fund for retirement; to amend and reenact subsection 9 of section 15-39.1-04, subsection 1 of section 15-39.1-09, section 15-39.1-10, subdivision c of subsection 1 of section 15-39.1-10.3, sections 15-39.1-10.6, 15-39.1-11, 15-39.1-12, and 15-39.1-15, subsection 1 of section 15-39.1-19.1, sections 15-39.1-19.2 and 15-39.1-20, and subsection 2 of section 15-39.1-33 of the North Dakota Century Code, relating to the incorporation of federal law changes, employer contributions and service credit

purchases, eligibility for and determination of benefits, vesting, early retirement, returning to teaching, and accepting a refund from the fund under the teachers' fund for retirement; to provide for application; to provide an appropriation; 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, the roll was called and there were 57 YEAS, 27 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Boe; Boucher; Carlisle; Charging; Conrad; DeKrey; Delmore; Dosch; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, S.; Klemin; Koppelman; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Myxter; Onstad; Owens; Pinkerton; Porter; Potter; Schneider; Solberg; Sukut; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Williams; Wolf; Zaiser

**NAYS:** Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Damschen; Dietrich; Drovda; Froseth; Grande; Heller; Kasper; Kempenich; Klein; Kreidt; Monson; Nelson; Pietsch; Pollert; Skarphol; Svedjan; Thoreson; Wald; Wieland; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Dahl; Keiser; Kerzman; Kingsbury; Kretschmar; Nottestad; Price; Ruby; Schmidt; Thorpe

SB 2046, as amended, passed and the title was agreed to.

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#### MOTION

**REP. BERG MOVED** that Rep. Pinkerton replace Rep. Schmidt on the House Conference Committee on SB 2172, which motion prevailed.

#### MOTION

**REP. BERG MOVED** that Rep. Damschen replace Rep. DeKrey on the House Conference Committee on SB 2293, which motion prevailed.

#### MOTION

**REP. BERG MOVED** that the rules be suspended and the Majority Leader be authorized to replace members of a conference committee and appoint members to a conference committee that are scheduled to meet on Saturday, April 21, and Sunday, April 22, 2007 for anyone who is not able to attend a meeting.

#### MOTION

**REP. MONSON MOVED** that HB 1002, HB 1006, SB 2002, SB 2004, SB 2010, SB 2011, SB 2016, SB 2019, SB 2022, HB 1044, and SB 2178, which are on the Fifteenth order, be placed on the Seventh order, which motion prevailed.

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

**MR. PRESIDENT:** The House has not adopted the conference committee report on: HB 1004.

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

**MR. PRESIDENT:** The House has not adopted the conference committee report on: SB 2014.

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

**MR. PRESIDENT:** The House has adopted the conference committee reports and subsequently passed: SB 2046 and SB 2352.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Pinkerton to replace Rep. Schmidt on the Conference Committee on SB 2172.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Damschen to replace Rep. DeKrey on the Conference Committee on SB 2293.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently failed to pass: SB 2015.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1321.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1504.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2008, SB 2017.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2180.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1263, HB 1359, HB 1435, HB 1463.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Monday, April 23, 2007, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1007, as engrossed:** Your conference committee (Sens. Kilzer, Bowman, Mathern and Reps. Kreidt, Nelson, Metcalf) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1373-1374, adopt amendments as follows, and place HB 1007 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1373 and 1374 of the House Journal and pages 993-995 of the Senate Journal and that Engrossed House Bill No. 1007 be amended as follows:

Page 2, line 5, replace "960,376" with "1,061,980"

Page 2, line 8, replace "630,000" with "265,700"

Page 2, line 9, replace "1,907,339" with "1,644,643"

Page 2, line 11, replace "\$61,082" with "(\$201,614)"

Page 2, line 14, replace "122,714" with "213,680"

Page 2, line 15, replace "122,714" with "213,680"

Page 2, line 16, replace "183,796" with "12,066"

Page 2, line 18, replace "2,030,053" with "1,858,323"

Page 2, line 27, replace "8,738,917" with "8,840,521"

Page 2, line 30, replace "630,000" with "265,700"

Page 2, line 31, replace "13,211,264" with "12,948,568"

Page 3, line 2, replace "4,390,174" with "4,127,478"

Page 3, line 5, replace "776,382" with "867,348"

Page 3, line 6, replace "776,382" with "867,348"

Page 3, line 7, replace "5,166,556" with "4,994,826"

Page 3, line 9, replace "13,987,646" with "13,815,916"

Page 3, after line 9, insert:



**"SECTION 4. PREPLANNING FUNDS - REIMBURSEMENT TO GENERAL FUND.** The \$100,000 appropriated for preplanning costs for the new veterans' home in section 3 of this Act is to be included as part of the overall cost of the construction project and the veterans' home is to reimburse the general fund the \$100,000 prior to June 30, 2009, from federal matching funds available for this project."

Page 3, line 12, replace "\$630,000" with "\$265,700"

Page 3, line 18, after "improvements" insert "and preplanning" and replace "630,000" with "265,700"

Page 3, line 21, replace "689,606" with "325,306"

Page 3, line 22, replace "\$630,000" with "\$265,700"

Page 3, line 23, after "improvements" insert "and preplanning"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1007 - Summary of Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Veterans' Home						
Total all funds	\$12,871,264	\$13,211,264	(\$262,696)	\$12,948,568	\$12,988,568	(\$40,000)
Less estimated income	<u>8,821,090</u>	<u>8,821,090</u>		<u>8,821,090</u>	<u>8,821,090</u>	
General fund	\$4,050,174	\$4,390,174	(\$262,696)	\$4,127,478	\$4,167,478	(\$40,000)
Department of Veterans' Affairs						
Total all funds	\$776,382	\$776,382	\$90,966	\$867,348	\$867,348	\$0
Less estimated income						
General fund	<u>\$776,382</u>	<u>\$776,382</u>	<u>\$90,966</u>	<u>\$867,348</u>	<u>\$867,348</u>	<u>\$0</u>
Bill Total						
Total all funds	\$13,647,646	\$13,987,646	(\$171,730)	\$13,815,916	\$13,855,916	(\$40,000)
Less estimated income	<u>8,821,090</u>	<u>8,821,090</u>		<u>8,821,090</u>	<u>8,821,090</u>	
General fund	\$4,826,556	\$5,166,556	(\$171,730)	\$4,994,826	\$5,034,826	(\$40,000)

#### House Bill No. 1007 - Veterans' Home - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$8,738,917	\$8,738,917	\$101,604	\$8,840,521	\$8,840,521	
Operating expenses	3,682,000	3,512,000		3,512,000	3,562,000	(\$50,000)
Capital assets	450,347	330,347		330,347	330,347	
Life safety improvements		<u>630,000</u>	<u>(364,300)</u>	<u>265,700</u>	<u>255,700</u>	<u>10,000</u>
Total all funds	\$12,871,264	\$13,211,264	(\$262,696)	\$12,948,568	\$12,988,568	(\$40,000)
Less estimated income	<u>8,821,090</u>	<u>8,821,090</u>		<u>8,821,090</u>	<u>8,821,090</u>	
General fund	\$4,050,174	\$4,390,174	(\$262,696)	\$4,127,478	\$4,167,478	(\$40,000)
FTE	90.97	90.97	1.40	92.37	92.37	0.00

#### Dept. 313 - Veterans' Home - Detail of Conference Committee Changes

	ADDS FUNDING FOR NIGHT WATCHMEN <sup>1</sup>	DECREASES FUNDING FOR LIFE SAFETY IMPROVEMENTS <sup>2</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$101,604		\$101,604
Operating expenses			
Capital assets			
Life safety improvements		(\$364,300)	(364,300)
Total all funds	\$101,604	(\$364,300)	(\$262,696)
Less estimated income			
General fund	\$101,604	(\$364,300)	(\$262,696)
FTE	1.40	0.00	1.40

<sup>1</sup> The Senate added funding for night watchmen. The conference committee agreed with the Senate action.

<sup>2</sup> The Senate decreased the funding to address Life Safety Code deficiencies as identified by the State Department of Health and the Fire Marshal from \$630,000 to \$255,700. The funding includes \$165,700 for repairs necessary for the plan of correction and \$90,000 for a preplanning document for the building. The conference committee increased the amount for preplanning costs to \$100,000.

The conference committee added a section providing that the \$100,000 for preplanning costs be included as part of the overall cost of the new building and this funding be reimbursed to the general fund from federal funding cost-share.

#### House Bill No. 1007 - Department of Veterans' Affairs - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Veterans' Affairs	<u>\$776,382</u>	<u>\$776,382</u>	<u>\$90,966</u>	<u>\$867,348</u>	<u>\$867,348</u>	
Total all funds	\$776,382	\$776,382	\$90,966	\$867,348	\$867,348	\$0
Less estimated income						
General fund	\$776,382	\$776,382	\$90,966	\$867,348	\$867,348	\$0
FTE	6.00	6.00	1.00	7.00	7.00	0.00

#### Dept. 321 - Department of Veterans' Affairs - Detail of Conference Committee Changes

	ADDS FUNDING FOR A WOMEN'S VETERANS COORDINATOR POSITION <sup>1</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Veterans' Affairs	<u>\$90,966</u>	<u>\$90,966</u>
Total all funds	\$90,966	\$90,966
Less estimated income		
General fund	\$90,966	\$90,966
FTE	1.00	1.00

<sup>1</sup> The Senate added funding for a women's veterans coordinator position. The conference committee agreed to this position.

Engrossed HB 1007 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1016, as engrossed:** Your conference committee (Sens. Grindberg, Holmberg, Robinson and Reps. Klein, Wald, Gulleeson) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1391-1393, adopt amendments as follows, and place HB 1016 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1391-1393 of the House Journal and pages 951-953 of the Senate Journal and that Engrossed House Bill No. 1016 be amended as follows:

Page 1, line 2, after "Dakota" insert "; and to amend and reenact section 52-02.1-02 of the North Dakota Century Code, relating to job service North Dakota program services"

Page 1, line 22, replace "173,568" with "(126,432)"

Page 2, line 1, replace "9,651" with "19,769"

Page 2, line 4, replace "3,957,787" with "3,667,905"

Page 2, line 5, replace "3,321,832" with "3,421,832"

Page 2, line 6, replace "635,955" with "246,073"

Page 2, line 13, replace "13,452,481" with "13,152,481"

Page 2, line 16, replace "1,489,882" with "1,500,000"

Page 2, line 18, replace "63,729,058" with "63,439,176"

Page 2, line 19, replace "61,592,091" with "61,692,091"

Page 2, line 20, replace "2,136,967" with "1,747,085"

Page 3, after line 3, insert:

**"SECTION 7. AMENDMENT.** Section 52-02.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**52-02.1-02. Job service North Dakota - Agreements.** Program services developed and coordinated by job service North Dakota must be provided to primary sector businesses found eligible for loans or grants under this chapter. Job service North Dakota may enter into an agreement to establish a project with an employer which meets the following conditions:

1. Sets a date of commencement of the project.
2. Identifies program costs, including deferred costs, which are to be paid from available sources including new jobs credit from withholding to be received or derived from new jobs resulting from the project.
3. Provides for a guarantee by the employer of payment for program costs.
4. Provides that any deferral of program cost payments may not exceed ten years from the date of commencement of the project.
5. Provides that on-the-job training costs for employees may not exceed fifty percent of the annual gross payroll costs of the new jobs in the first full year after the date of commencement of the project. For purposes of this subsection, "gross payroll" is the gross wages and salaries for the new jobs.
6. Provides the maximum amount of new jobs credit from withholding or tuition and fee payments allowed for a project.
7. Provides that every employee participating in the new jobs training program must be paid an income of at least ~~seven ten~~ seven dollars ~~and fifty cents~~ per hour, plus benefits, by the end of the first year of employment under the project and for the remaining life of the loan.

A project requiring a loan from the department or a community may not be approved, and an agreement may not be executed by job service North Dakota, until notification from the department or community that the employer has qualified for a loan. Upon execution of the agreement, job service North Dakota shall notify the state tax commissioner of the agreement and the identity of the employer. Job service North Dakota may adopt rules to implement this chapter. Job service North Dakota shall prepare an annual report for the governor and the legislative assembly with respect to the new jobs training program."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1016 - Job Service North Dakota - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$33,028,475	\$33,028,475		\$33,028,475	\$33,028,475	
Operating expenses	12,852,481	13,452,481	(\$300,000)	13,152,481	12,852,481	\$300,000
Capital assets	20,000	20,000		20,000	20,000	
Grants	8,438,220	8,438,220		8,438,220	8,438,220	
Workforce 20/20	1,489,882	1,489,882	10,118	1,500,000	1,489,882	10,118
Reed Act - Unemployment insurance computer	7,300,000	7,300,000		7,300,000	7,300,000	
Total all funds	\$63,129,058	\$63,729,058	(\$289,882)	\$63,439,176	\$63,129,058	\$310,118
Less estimated income	<u>61,592,091</u>	<u>61,592,091</u>	<u>100,000</u>	<u>61,692,091</u>	<u>61,592,091</u>	<u>100,000</u>
General fund	\$1,536,967	\$2,136,967	(\$389,882)	\$1,747,085	\$1,536,967	\$210,118
FTE	308.00	308.00	0.00	308.00	308.00	0.00

#### Dept. 380 - Job Service North Dakota - Detail of Conference Committee Changes

	REDUCES FUNDING FOR WEB SITE SPIDER PROGRAM 1	INCREASES FUNDING FOR WORKFORCE 20/20 2	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages			
Operating expenses	(\$300,000)		(\$300,000)
Capital assets			
Grants			
Workforce 20/20		\$10,118	10,118
Reed Act - Unemployment insurance computer			
Total all funds	(\$300,000)	\$10,118	(\$289,882)
Less estimated income	<u>100,000</u>		<u>100,000</u>
General fund	(\$400,000)	\$10,118	(\$389,882)
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment reduces funding for the web site spider program from \$600,000 from the general fund, as provided for by the House, to \$300,000, of which \$200,000 is from the general fund and \$100,000 is from special funds. The Senate removed all funding for the web site spider program.

<sup>2</sup> This amendment increases funding for the Workforce 20/20 program by \$10,118 from the general fund, from \$1,489,882 to \$1,500,000.

This amendment also amends North Dakota Century Code Section 52-02.1-02 to increase the wage eligibility rate for the new jobs training program from \$7.50 to \$10 per hour, the same as the Senate version.

Engrossed HB 1016 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1021, as engrossed:** Your conference committee (Sens. Christmann, Fischer, Robinson and Reps. Skarphol, Thoreson, Glassheim) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1401-1403, adopt amendments as follows, and place HB 1021 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1401-1403 of the House Journal and pages 957-960 of the Senate Journal and that Engrossed House Bill No. 1021 be amended as follows:

Page 1, line 2, after "15.1-02" insert ", a new section to chapter 23-01, a new subsection to section 54-35-15.2,"

Page 1, line 4, after "instruction" insert ", creation of a health information technology steering committee, the powers and duties of the information technology committee,"

Page 2, line 3, replace "8,544,259" with "8,396,245"

Page 2, line 6, replace "479,226" with "449,226"

Page 2, line 7, replace "19,977" with "249,977"

Page 2, line 10, replace "11,333" with "111,333"

Page 2, line 13, replace "15,643,098" with "15,795,084"

Page 2, line 14, replace "14,253,781" with "14,105,767"

Page 2, line 15, replace "1,389,317" with "1,689,317"

Page 2, line 22, replace "37,871,433" with "37,723,419"

Page 2, line 25, replace "6,496,005" with "6,466,005"

Page 2, line 26, replace "906,574" with "1,136,574"

Page 2, line 29, replace "698,313" with "798,313"

Page 3, line 1, replace "124,550,325" with "124,702,311"

Page 3, line 2, replace "113,188,171" with "113,040,157"

Page 3, line 3, replace "11,362,154" with "11,662,154"

Page 3, line 5, after "between" insert "the salaries and wages, operating expenses, and capital assets"

Page 3, line 11, replace "\$1,351,490" with "\$1,611,490"

Page 3, after line 16, insert:

"Geographic information system data acquisition	100,000
Kindergarten through grade 12 video grants	190,000"

Page 3, line 17, replace "200,000" with "170,000"

Page 3, line 18, replace "1,351,490" with "1,611,490"

Page 3, line 20, replace "thirty-one" with "twenty-eight"

Page 3, after line 23, insert:

**"SECTION 7. VIDEO SUPPORT SERVICES - NORTH DAKOTA UNIVERSITY SYSTEM ASSISTANCE.** Section 3 of this Act includes the sum of \$300,110 to be provided by the North Dakota university system for the cost of two full-time equivalent positions and related operating expenses to provide support for video services in school districts."

Page 4, after line 22, insert:

**"SECTION 9.** A new section to chapter 23-01 of the North Dakota Century Code is created and enacted as follows:

**North Dakota health information technology steering committee.** The North Dakota health information technology steering committee consists of the state health officer or the state health officer's designee, the governor or the governor's designee, the executive director of the department of human services or the executive director's designee, individuals appointed by the governor to represent state government interests, and individuals appointed by the state health officer to represent health information technology stakeholders.

**SECTION 10.** A new subsection to section 54-35-15.2 of the North Dakota Century Code is created and enacted as follows:

Receive and review information, including a project startup report summarizing the project description, project objectives, business need or problem, cost-benefit analysis, and project risks and a project closeout report summarizing the project objectives achieved, project budget and schedule variances, and lessons learned, from the affected legislative or judicial branch agency regarding any information technology project of the legislative or judicial branch with a total cost of two hundred fifty thousand dollars or more.

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1021 - Information Technology Department - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$38,446,651	\$37,871,433	(\$148,014)	\$37,723,419	\$37,723,419	
Operating expenses	57,149,648	57,062,912		57,062,912	57,062,912	
Capital assets	12,145,250	12,145,250		12,145,250	12,145,250	
Division of Independent Study	6,376,005	6,496,005	(30,000)	6,466,005	6,466,005	
Educational Technology Council	906,574	906,574	230,000	1,136,574	1,136,574	
EduTech	2,722,348	2,722,348		2,722,348	2,722,348	
Wide area network	4,066,926	4,066,926		4,066,926	4,066,926	
Geographic information system	698,313	698,313	100,000	798,313	798,313	
Criminal justice information sharing	2,352,448	2,352,448		2,352,448	2,352,448	
Statewide longitudinal data system		228,116		228,116	228,116	
Total all funds	\$124,864,163	\$124,550,325	\$151,986	\$124,702,311	\$124,702,311	\$0

Less estimated income	<u>113,595,729</u>	<u>113,188,171</u>	<u>(148,014)</u>	<u>113,040,157</u>	<u>113,040,157</u>	_____
General fund	\$11,268,434	\$11,362,154	\$300,000	\$11,662,154	\$11,662,154	\$0
FTE	312.20	309.20	(3.00)	306.20	308.20	(2.00)

**Dept. 112 - Information Technology Department - Detail of Conference Committee Changes**

	REMOVES FUNDING AND FTE POSITION RELATED TO SUPPORT OF THE NORTHERN TIER NETWORK <sup>1</sup>	REDUCES FUNDING FOR ONLINE NORTH DAKOTA STUDIES RESOURCES AND CURRICULUM <sup>2</sup>	PROVIDES FUNDING FOR K-12 VIDEO GRANTS <sup>3</sup>	INCREASES FUNDING FOR K-12 CLASSROOM TRANSFORMATION GRANTS <sup>4</sup>	PROVIDES FUNDING FOR GIS DATA ACQUISITION <sup>5</sup>	REMOVES FTE POSITIONS <sup>6</sup>
Salaries and wages	(\$148,014)					
Operating expenses						
Capital assets						
Division of Independent Study		(\$30,000)				
Educational Technology Council			\$190,000	\$40,000		
EduTech						
Wide area network						
Geographic information system					\$100,000	
Criminal justice information sharing						
Statewide longitudinal data system						
Total all funds	(\$148,014)	(\$30,000)	\$190,000	\$40,000	\$100,000	\$0
Less estimated income	<u>(148,014)</u>					
General fund	\$0	(\$30,000)	\$190,000	\$40,000	\$100,000	\$0
FTE	(1.00)	0.00	0.00	0.00	0.00	(2.00)
	TOTAL CONFERENCE COMMITTEE CHANGES					
Salaries and wages	(\$148,014)					
Operating expenses						
Capital assets						
Division of Independent Study	(30,000)					
Educational Technology Council	230,000					
EduTech						
Wide area network						
Geographic information system	100,000					
Criminal justice information sharing						
Statewide longitudinal data system						
Total all funds	\$151,986					
Less estimated income	<u>(148,014)</u>					
General fund	\$300,000					
FTE	(3.00)					

<sup>1</sup> This amendment removes funding of \$148,014 from special funds and 1 FTE position relating to support of the Northern Tier Network, the same as the Senate version.

<sup>2</sup> This amendment reduces funding for the Division of Independent Study for developing online North Dakota studies resources and curriculum by \$30,000, from \$120,000 to \$90,000, the same as the Senate version.

<sup>3</sup> This amendment provides funding of \$190,000 from the general fund to the Educational Technology Council for providing kindergarten through grade 12 video grants, the same as the Senate version.

<sup>4</sup> This amendment provides funding for the Educational Technology Council for increasing kindergarten through grade 12 classroom transformation grants by \$40,000, from \$349,000 as provided in the executive budget to \$389,000, the same as the Senate version.

<sup>5</sup> This amendment provides funding of \$100,000 from the general fund for geographic information system data acquisition, the same as the Senate version.

<sup>6</sup> This amendment removes 2 FTE positions included in the executive budget for the Criminal Justice Information Sharing Initiative. The department is to use the funding provided for the 2 FTE positions to contract with the Attorney General's office.

This amendment:

- Amends Section 4 of the engrossed bill to limit transfer of funds between the salaries and wages, operating expenses, and capital assets line items, the same as the Senate version.

- Amends Section 5 of the engrossed bill to reflect one-time funding for the 2007-09 biennium, the same as the Senate version.
- Adds a new section providing that the North Dakota University System is to provide funding of \$300,110 for the cost of 2 FTE positions and related operating expenses for support of video services in school districts, the same as the Senate version.
- Adds a new section to create a new section to North Dakota Century Code (NDCC) Chapter 23-01 relating to the creation of a health information technology steering committee, the same as the Senate version.
- Adds a new section to create a new subsection to NDCC Section 54-35-15.2 relating to the powers and duties of the Information Technology Committee.

This amendment also recognizes additional department collections of \$1,204,688 for the 2005-07 biennium due to the receipt of a portion of e-rate reimbursement funding for costs incurred during fiscal year 2002. The Information Technology Department was originally denied e-rate reimbursement funding for fiscal year 2002 due to a technicality in the filing of forms for the e-rate program. Therefore, this amendment results in an increase of \$1,204,688 in the beginning general fund balance for the 2007-09 biennium. This additional revenue was also recognized in the Senate amendment.

Engrossed HB 1021 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1330:** Your conference committee (Sens. Lyson, Olafson, Fiebiger and Reps. Kempenich, Thoreson, Williams) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1404, adopt amendments as follows, and place HB 1330 on the Seventh order:

That the Senate recede from its amendments as printed on page 1404 of the House Journal and pages 642 and 964 of the Senate Journal and that House Bill No. 1330 be amended as follows:

Page 2, line 9, replace "twenty-five" with "five" and after "thousand" insert "six hundred twenty-five"

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

HB 1330 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1395, as reengrossed:** Your conference committee (Sens. Freborg, Flakoll, Taylor and Reps. R. Kelsch, Monson, Hanson) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1407, adopt amendments as follows, and place HB 1395 on the Seventh order:

That the Senate recede from its amendments as printed on page 1407 of the House Journal and pages 964 and 965 of the Senate Journal and that Reengrossed House Bill No. 1395 be amended as follows:

Page 1, line 1, after "colleges" insert "; to create and enact a new section to chapter 57-51.1 of the North Dakota Century Code, relating to the allocation of collections from reservation oil development; and to provide an appropriation"

Page 2, line 7, replace "**GRANT ASSISTANCE - SOURCE.** The state board of higher education" with "**APPROPRIATION.** There is appropriated out of any moneys in the permanent oil tax trust fund in the state treasury, not otherwise appropriated, the sum of"

Page 2, line 8, remove "shall use" and replace "from the student financial" with "to the state board of higher education"

Page 2, remove line 9

Page 2, line 10, remove "legislative assembly,"

Page 2, after line 13, insert:

**"SECTION 7.** A new section to chapter 57-51.1 of the North Dakota Century Code is created and enacted as follows:

**Separate allocation of state share of collections from reservation development.** Notwithstanding any other provision of law, the state treasurer shall transfer to the permanent oil tax trust fund the first seven hundred thousand dollars of the state's share of tax revenues under this chapter from oil produced from wells within the exterior boundaries of the Fort Berthold Reservation drilled and completed after June 30, 2007."

ReNUMBER accordingly

Reengrossed HB 1395 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2005:** Your conference committee (Sens. Grindberg, Krebsbach, Tallackson and Reps. Skarphol, Thoreson, Glassheim) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1123, adopt further amendments as follows, and place SB 2005 on the Seventh order:

That the Senate accede to the House amendments as printed on page 1123 of the Senate Journal and pages 1164 and 1165 of the House Journal and that Senate Bill No. 2005 be further amended as follows:

Page 1, line 1, after "treasurer" insert "; to provide legislative intent"

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

Page 2, after line 10, insert:

**"SECTION 5. LEGISLATIVE INTENT - FUTURE ADDITIONAL EMPLOYEE POSITIONS.** It is the intent of the sixtieth legislative assembly that future legislative assemblies not approve any additional employee positions for the office of the state treasurer and that any future expansion of administrative duties or responsibilities relative to state treasury activities be assigned to the office of management and budget."

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2005 - State Treasurer - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$705,493	\$705,493	\$120,684	\$826,177	\$826,177	
Operating expenses	923,015	923,015	(20,000)	903,015	903,015	



In lieu of tax payments	<u>1,410,000</u>	<u>1,410,000</u>	<u>(45,000)</u>	<u>1,365,000</u>	<u>1,365,000</u>	
Total all funds	\$3,038,508	\$3,038,508	\$55,684	\$3,094,192	\$3,094,192	\$0
Less estimated income						
General fund	\$3,038,508	\$3,038,508	\$55,684	\$3,094,192	\$3,094,192	\$0
FTE	6.00	6.00	1.00	7.00	7.00	0.00

**Dept. 120 - State Treasurer - Detail of Conference Committee Changes**

	ADDS 1 FTE ACCOUNTING POSITION <sup>1</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$120,684	\$120,684
Operating expenses	(20,000)	(20,000)
In lieu of tax payments	<u>(45,000)</u>	<u>(45,000)</u>
Total all funds	\$55,684	\$55,684
Less estimated income		
General fund	\$55,684	\$55,684
FTE	1.00	1.00

<sup>1</sup> This amendment adds funding for 1 FTE accounting position and reduces funding for operating expenses and in lieu of tax payments. The conference committee agreed to this position.

The House added a section identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding. The conference committee agreed to this action.

The conference committee added a section of legislative intent that future legislative assemblies not approve any additional employee positions for the State Treasurer's office and that any future expansion of duties relating to state treasury-related activities be assigned to the Office of Management and Budget.

SB 2005 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2008, as engrossed:** Your conference committee (Sens. Christmann, Kilzer, Krauter and Reps. Kempenich, Thoreson, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1125-1127, adopt amendments as follows, and place SB 2008 on the Seventh order:

That the House recede from its amendments as printed on pages 1125-1127 of the Senate Journal and pages 1167-1169 of the House Journal and that Engrossed Senate Bill No. 2008 be amended as follows:

Page 1, line 2, remove the first "and", replace "section" with "sections", and after "49-01-05" insert ", 64-02-10, 64-02-13, and 64-02-13.1"

Page 1, line 3, after "commissioners" insert "and testing of weighing and measuring devices; to provide for a legislative council study; to provide for a report to the legislative assembly; and to provide for a report to the budget section"

Page 1, line 21, replace "642,032" with "558,150"

Page 1, line 22, replace "220,048" with "227,703"

Page 1, line 23, replace "49,473" with "69,473"

Page 2, line 2, replace "(945,000)" with "(45,000)"

Page 2, remove line 3

Page 2, line 4, replace "1,639,061" with "1,582,834"

Page 2, line 6, replace "570,830" with "514,603"

Page 2, line 12, replace "5,764,864" with "5,680,982"

Page 2, line 13, replace "1,628,201" with "1,635,856"

Page 2, line 14, replace "137,984" with "157,984"

Page 2, line 17, replace "Agriculture rail rate and service fund" with "Rail rate complaint case"

Page 2, line 18, replace "12,939,049" with "12,882,822"

Page 2, line 20, replace "4,933,667" with "4,877,440"

Page 2, line 25, remove "agriculture" and replace "and service fund" with "complaint case"

Page 3, after line 7, insert:

**"SECTION 6. AMENDMENT.** Section 64-02-10 of the North Dakota Century Code is amended and reenacted as follows:

**64-02-10. Fees to test or calibrate weighing and measuring devices.** The commission shall collect the following fees to:

1.	Test railroad track or truck scale	\$171.00
2.	Test livestock and vehicle scale	171.00
3.	Test livestock scale if the sales ring or buying station scale owner transports to the scale and furnishes all test weights and manpower needed to properly test the scale	96.00
4.	Test auxiliary beam on livestock, motor truck, and motor truck dump scale	24.00
5.	Test overhead monorail, track, hopper, dormant, deck, and hanging scale	53.00
6.	Test movable platform scale	11.00
7.	Test counter or computing scale	11.00
8.	Test hanging scale of fifty pound [22.68 kilogram] capacity or less	11.00
9.	Test a retail motor fuel device	11.00
10.	Test or calibrate weighing and measuring standards, per metrologist, per quarter hour or fraction thereof	17.00
11.	Test mobile delivery gasoline and fuel oil meter	24.00
12.	Test gasoline, LPG, or fuel oil meter on common carrier pipelines, or any other meter used in loading railway cars, transports, or other conveyances	53.00
13.	Test propane, ag chemical, or liquid fertilizer meter	39.00
14.	Test crane scale	107.00
15.	Test or calibrate weighing and measuring devices other than the above and those set by rule, per inspector per quarter hour or fraction thereof	11.00
16.	Witnessing any of the above tests	Fifty percent of the applicable fee

When a rejected weighing or measuring device has been reconditioned or replaced by new equipment, it must be retested and certified before being put into use except as otherwise provided by rule. The fee for retest and certification is the same as for the first test and certification.

When a test of a weighing or measuring device is required in addition to the regularly scheduled ~~annual~~ test, the commission shall charge a fee equal to the cost of operating the motor vehicle used in conducting the test. The mileage charges, as determined by the commission, must be in addition to the regular test fee and calculated to cover the costs of the additional travel. Where a test has been requested and the person requesting it fails to appear or to have the weighing or measuring device ready for testing at the arranged time, there is a charge of ten dollars a quarter hour for the time between the arranged time and the time at which the test can begin.

**SECTION 7. AMENDMENT.** Section 64-02-13 of the North Dakota Century Code is amended and reenacted as follows:

**64-02-13. Commission to test weighing or measuring devices ~~annually~~.** The commission may test or calibrate weighing or measuring devices ~~annually~~. The owner of any weighing or measuring device used in this state is responsible for its accuracy and condition, ~~and may have it tested annually, but must have it tested at least every fifteen months.~~ The public service commission shall determine the frequency of required testing for each category of weighing and measuring device, which may not exceed twenty-four months. If upon testing the weighing or measuring device is within the permitted tolerance, it must be sealed. Inspections and testing of farm milk bulk tank equipment may be made only by the state dairy department under section 4-30-18. Inspections and testing of oil and gas production meters and measuring devices may be made only by or under the direction of the industrial commission under section 38-08-04. If upon complaint the commission finds the weighing or measuring device is within the permitted tolerance, the cost of the test, unless waived by the commission, must be paid by the complainant; and in all other cases the cost of testing must be paid by the owner of the equipment.

**SECTION 8. AMENDMENT.** Section 64-02-13.1 of the North Dakota Century Code is amended and reenacted as follows:

**64-02-13.1. Exception from ~~annual~~ regularly scheduled test of weighing or measuring device.** A weighing or measuring device used to conduct sales by a transient vendor is exempt from this chapter.

**SECTION 9. LEGISLATIVE COUNCIL STUDY - REAL ESTATE AUCTIONS.** The legislative council shall consider studying, during the 2007-08 interim, the practices and laws relating to the sale of real estate by auctioneers. The study must include a review of the sale of multiple parcels of property at a single sale. The legislative council shall report its finding and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 10. GEOGRAPHIC INFORMATION SYSTEM INITIATIVE - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The public service commission shall provide a report to the sixty-first legislative assembly regarding the status of the department's geographic information system initiative.

**SECTION 11. METROLOGY PROGRAM - REPORT TO BUDGET SECTION.** The public service commission and facility management division shall develop a schedule for metrology services to be conducted within the current metrology facility and when the facility can be used for other functions during the 2007-09 biennium. The public service commission and facility management division shall provide a report regarding the facility use agreement and the future of the metrology laboratory to the office of management and budget and budget section by July 1, 2008.

**SECTION 12. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in section 3 of this Act includes \$89,484 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The public service commission shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

Weights and measures equipment	\$39,000
Videoconferencing equipment	20,000
Prover	30,484
Total	<u>\$89,484"</u>

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2008 - Public Service Commission - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$5,764,864	\$5,764,864	(\$83,882)	\$5,680,982	\$5,680,982	
Operating expenses	1,628,201	1,628,201	7,655	1,635,856	1,584,065	\$51,791
Capital assets	107,500	137,984	20,000	157,984	118,984	39,000
Grants	8,000	8,000		8,000	8,000	
Abandoned mined lands contractual services	4,500,000	4,500,000		4,500,000	4,500,000	
Agriculture rail rate and service fund	900,000	900,000	(900,000)			
Rail rate complaint case			<u>900,000</u>	<u>900,000</u>	<u>495,000</u>	<u>405,000</u>
Total all funds	\$12,908,565	\$12,939,049	(\$56,227)	\$12,882,822	\$12,387,031	\$495,791
Less estimated income	<u>8,005,382</u>	<u>8,005,382</u>		<u>8,005,382</u>	<u>7,600,382</u>	<u>405,000</u>
General fund	\$4,903,183	\$4,933,667	(\$56,227)	\$4,877,440	\$4,786,649	\$90,791
FTE	42.00	42.00	(1.00)	41.00	41.00	0.00

#### Dept. 408 - Public Service Commission - Detail of Conference Committee Changes

	REMOVES 1 FTE WEIGHTS AND MEASURES INSPECTOR POSITION <sup>1</sup>	ADDS FUNDING FOR METROLOGY PROGRAM <sup>2</sup>	CHANGES FUNDING TO RAIL RATE COMPLAINT CASE <sup>3</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$83,882)			(\$83,882)
Operating expenses	(36,945)	\$44,600		7,655
Capital assets		20,000		20,000
Grants				
Abandoned mined lands contractual services				
Agriculture rail rate and service fund			(\$900,000)	(900,000)
Rail rate complaint case			<u>900,000</u>	<u>900,000</u>
Total all funds	(\$120,827)	\$64,600	\$0	(\$56,227)
Less estimated income				
General fund	(\$120,827)	\$64,600	\$0	(\$56,227)
FTE	(1.00)	0.00	0.00	(1.00)

<sup>1</sup> The House removed 1 FTE weights and measures inspector position and related funding for salaries and wages, travel, and equipment. The conference committee agreed to eliminate the position but restored \$39,000 for equipment and \$18,791 for travel costs.

<sup>2</sup> The House provided \$31,600 of additional funding for costs to continue the state metrology program and provided that the \$30,000 of funding in the budget to have weights and measures equipment calibrated by Minnesota for National Institute of Standards and Technology-recognized services instead be applied to costs necessary to maintain the state program. The conference committee appropriated an additional \$33,000 for operating costs to maintain the weights and measures program.

<sup>3</sup> The conference committee authorized \$800,000 from the beginning farmer revolving loan fund and \$100,000 from other funds for a rail rate complaint case rather than the agriculture rail rate and service fund.

The House added a section identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding. The conference committee agreed with the House action.

The House added a section providing for the Legislative Assembly to provide a report to the 61st Legislative Assembly regarding the department's geographic information system initiative. The conference committee agreed with the House action.

The conference committee added a section providing for the Legislative Council to consider studying the practices and laws relating to the sale of real estate by auctioneers.

The conference committee added a section providing for the Public Service Commission to develop a plan for the use of the metrology laboratory building and to provide a report to the Budget Section and the Office of Management and Budget regarding the future of the metrology program.

The conference committee changed the requirement that weighing and measuring devices be tested every 15 months to a frequency as determined by the Public Service Commission, not to exceed 24 months. The required frequency for testing may vary depending on the type of weights and measures device.

Engrossed SB 2008 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2009, as engrossed:** Your conference committee (Sens. Bowman, Fischer, Krauter and Reps. Klein, Wald, Gulleon) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1063-1067, adopt amendments as follows, and place SB 2009 on the Seventh order:

That the House recede from its amendments as printed on pages 1063-1067 of the Senate Journal and pages 1169-1173 of the House Journal and that Engrossed Senate Bill No. 2009 be amended as follows:

Page 1, line 2, replace "19-18-04" with "4-37-02"

Page 1, line 3, replace "pesticide registration" with "to the agriculture in the classroom council"

Page 1, line 4, remove "fees" and replace "and to provide an effective date" with "to provide for a legislative council study; to provide for a performance audit; to provide for a report to the budget section; and to declare an emergency"

Page 1, line 23, replace "1,196,923" with "1,209,097"

Page 1, line 24, replace "1,442,058" with "458,508"

Page 2, line 1, replace "150,000" with "75,000"

Page 2, line 4, replace "200,000" with "1,050,000"

Page 2, remove line 5

Page 2, line 6, replace "3,147,656" with "2,926,280"

Page 2, line 7, replace "1,604,602" with "1,746,439"

Page 2, line 8, replace "1,543,054" with "1,179,841"

Page 2, line 14, replace "6,980,440" with "6,992,614"

Page 2, line 15, replace "5,697,933" with "4,714,383"

Page 2, line 17, replace "1,924,225" with "1,849,225"

Page 2, line 19, replace "200,000" with "1,050,000"

Page 2, line 20, replace "50,000" with "25,000"

Page 2, line 21, replace "17,157,300" with "16,935,924"

Page 2, line 22, replace "11,091,134" with "11,232,971"

Page 2, line 23, replace "6,066,166" with "5,702,953"

Page 2, line 26, replace "\$3,042,109" with "\$3,142,109"

Page 3, line 4, replace "\$889,684" with "\$1,019,684"

Page 3, line 8, replace "\$318,138" with "\$259,000"

Page 3, after line 10, insert:

**"SECTION 8. TRANSFER - APPROPRIATION.** The office of management and budget shall transfer \$150,000 from the general fund to the environment and rangeland protection fund during the period beginning July 1, 2007, and ending June 30, 2009.

**SECTION 9. TRANSFER - APPROPRIATION.** The North Dakota state university extension service shall provide \$50,000 from the pesticide enforcement fund to the agriculture commissioner for deposit in the environment and rangeland protection fund for the endangered species program during the period beginning July 1, 2007, and ending June 30, 2009.

**SECTION 10. INTENT - EMERGENCY COMMISSION REQUEST.** The agriculture commissioner may request from the emergency commission additional full-time equivalent positions for the state meat inspection program if demand for the program increases sufficient to require the positions during the period beginning July 1, 2007, and ending June 30, 2009."

Page 3, after line 12, insert:

**"SECTION 12. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The general fund appropriation in Senate Bill No. 2338 includes \$90,836 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The agriculture commissioner shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

Animal tracking data base

\$90,836

**SECTION 13. SPECIAL REVENUE - REPORT TO BUDGET SECTION.** All revenues from inspection and grading services provided by state meat inspectors and graders must be allocated to the state meat inspection program. The agriculture commissioner shall report annually to the budget section regarding the revenues and expenditures for the state meat inspection program.

**SECTION 14. ENDANGERED SPECIES PROGRAM - REPORT TO BUDGET SECTION.** The agriculture commissioner shall report annually to the budget section regarding the status of the endangered species program.

**SECTION 15. LEGISLATIVE COUNCIL STUDY - TRANSFER OF PROGRAM.** The legislative council shall consider studying, during the 2007-08 interim, the transfer of predator control from the agriculture commissioner to the game and fish department. The study should include a review of the South Dakota predator control program. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 16. PERFORMANCE AUDIT - WILDLIFE SERVICES.** The state auditor shall conduct a performance audit of the services provided pursuant to the cooperative agreement between the agriculture commissioner and the United States department of agriculture wildlife services during the biennium beginning July 1, 2007, and ending June 30, 2009. The performance audit must include a review of all funding sources, including grants from the agriculture commissioner, game and fish funds, and federal funds, for the wildlife damage management program in North Dakota for the 2003-05, 2005-07, and 2007-09 bienniums. The results of the performance audit must be presented to the legislative audit and fiscal review committee and filed with the appropriations committees during the sixty-first legislative assembly."

Page 3, replace lines 19 through 31 with:

**"SECTION 18. AMENDMENT.** Section 4-37-02 of the North Dakota Century Code is amended and reenacted as follows:

**4-37-02. Agriculture in the classroom council.** An agriculture in the classroom council is established. The council consists of sixteen members to be appointed by the agriculture commissioner. One member must be the agriculture commissioner or the commissioner's designee, and one member must be the

superintendent of public instruction or the superintendent's designee. Agriculture in the classroom grant recipients are nonvoting members of the council.

**SECTION 19. EMERGENCY.** The sum of \$130,000 included in the wildlife services line item in section 3 of this Act is declared to be an emergency measure."

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 19

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2009 - Summary of Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Office of Management and Budget						
Total all funds	\$0	\$0	\$150,000	\$150,000	\$150,000	\$0
Less estimated income						
General fund	\$0	\$0	\$150,000	\$150,000	\$150,000	\$0
Department of Agriculture						
Total all funds	\$16,309,662	\$17,157,300	(\$221,376)	\$16,935,924	\$16,829,686	\$106,238
Less estimated income	10,878,945	11,091,134	141,837	11,232,971	11,064,913	168,058
General fund	\$5,430,717	\$6,066,166	(\$363,213)	\$5,702,953	\$5,764,773	(\$61,820)
Bill Total						
Total all funds	\$16,309,662	\$17,157,300	(\$71,376)	\$17,085,924	\$16,979,686	\$106,238
Less estimated income	10,878,945	11,091,134	141,837	11,232,971	11,064,913	168,058
General fund	\$5,430,717	\$6,066,166	(\$213,213)	\$5,852,953	\$5,914,773	(\$61,820)

#### Senate Bill No. 2009 - Office of Management and Budget - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Transfer to the EARP fund			<u>\$150,000</u>	<u>\$150,000</u>	<u>\$150,000</u>	
Total all funds	\$0	\$0	\$150,000	\$150,000	\$150,000	\$0
Less estimated income						
General fund	\$0	\$0	\$150,000	\$150,000	\$150,000	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

#### Dept. 110 - Office of Management and Budget - Detail of Conference Committee Changes

	TRANSFER TO THE EARP FUND <sup>1</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Transfer to the EARP fund	<u>\$150,000</u>	<u>\$150,000</u>
Total all funds	\$150,000	\$150,000
Less estimated income		
General fund	\$150,000	\$150,000
FTE	0.00	0.00

<sup>1</sup> This amendment provides a transfer of \$150,000 from the general fund to the environment and rangeland protection fund.

#### Senate Bill No. 2009 - Department of Agriculture - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$6,662,302	\$6,980,440	\$12,174	\$6,992,614	\$6,799,926	\$192,688
Operating expenses	5,518,433	5,697,933	(983,550)	4,714,383	5,650,833	(936,450)
Capital assets	5,000	5,000		5,000	5,000	
Grants	1,774,225	1,924,225	(75,000)	1,849,225	1,849,225	
Board of Animal Health	2,299,702	2,299,702		2,299,702	2,299,702	
Crop Harmonization Board	50,000	50,000	(25,000)	25,000	25,000	
Wildlife Services		<u>200,000</u>	<u>850,000</u>	<u>1,050,000</u>	<u>200,000</u>	<u>850,000</u>
Total all funds	\$16,309,662	\$17,157,300	(\$221,376)	\$16,935,924	\$16,829,686	\$106,238

Less estimated income	<u>10,878,945</u>	<u>11,091,134</u>	<u>141,837</u>	<u>11,232,971</u>	<u>11,064,913</u>	<u>168,058</u>
General fund	\$5,430,717	\$6,066,166	(\$363,213)	\$5,702,953	\$5,764,773	(\$61,820)
FTE	67.00	67.00	0.50	67.50	66.00	1.50

**Dept. 602 - Department of Agriculture - Detail of Conference Committee Changes**

	REDUCES SALARY EQUITY FUNDING <sup>1</sup>	REDUCES FUNDING FOR MOTOR POOL EXPENSES <sup>2</sup>	REDUCES FUNDING FOR DAIRY COALITION GRANT <sup>3</sup>	REMOVES FUNDING FOR 1 MEAT INSPECTION FTE POSITION <sup>4</sup>	ENDANGERED SPECIES PROGRAM <sup>5</sup>	REDUCES FUNDING SUPPORT FROM THE EARP FUND <sup>6</sup>
Salaries and wages	(\$59,138)			(\$83,688)	\$155,000	
Operating expenses		(\$25,000)		(48,550)	95,000	(\$75,000)
Capital assets						
Grants			(\$75,000)			
Board of Animal Health						
Crop Harmonization Board						(25,000)
Wildlife Services						
Total all funds	(\$59,138)	(\$25,000)	(\$75,000)	(\$132,238)	\$250,000	(\$100,000)
Less estimated income	<u>(24,689)</u>			<u>(63,474)</u>	<u>200,000</u>	<u>(100,000)</u>
General fund	(\$34,449)	(\$25,000)	(\$75,000)	(\$68,764)	\$50,000	\$0
FTE	0.00	0.00	0.00	(1.00)	1.50	0.00
	CHANGES FUNDING SOURCE FOR WILDLIFE SERVICES <sup>7</sup>	MOVES WILDLIFE SERVICES FUNDING FROM OPERATING LINE TO WILDLIFE SERVICES LINE <sup>8</sup>	REMOVES WILDLIFE SERVICES FROM OPERATING LINE <sup>9</sup>	REDUCES FUNDING FOR WILDLIFE SERVICES <sup>10</sup>	TOTAL CONFERENCE COMMITTEE CHANGES	
Salaries and wages					\$12,174	
Operating expenses			(\$930,000)		(983,550)	
Capital assets						
Grants					(75,000)	
Board of Animal Health						
Crop Harmonization Board					(25,000)	
Wildlife Services		<u>\$930,000</u>		<u>(\$80,000)</u>	<u>850,000</u>	
Total all funds	\$0	\$930,000	(\$930,000)	(\$80,000)	(\$221,376)	
Less estimated income	<u>\$130,000</u>	<u>680,000</u>	<u>(680,000)</u>		<u>141,837</u>	
General fund	(\$130,000)	\$250,000	(\$250,000)	(\$80,000)	(\$363,213)	
FTE	0.00	0.00	0.00	0.00	0.50	

<sup>1</sup> This amendment reduces the salary equity funding added by the Senate from \$318,138 to \$259,000.

<sup>2</sup> This amendment reduces funding for motor pool expenses by \$25,000. The House reduced motor pool operating expenses by \$50,000.

<sup>3</sup> This amendment reduces the grant to the North Dakota Dairy Coalition added by the Senate from \$150,000 to \$75,000.

<sup>4</sup> This amendment removes funding for salary and operating funds for 1 FTE position included in the executive budget for the state meat inspection program. The House removed 2 FTE positions. The conference committee did not remove a position that is to be a half-time inspector and half-time grader.

<sup>5</sup> This amendment provides funding of \$200,000 from the environment and rangeland protection fund and \$50,000 from the general fund for an endangered species program, including 1.5 FTE positions and operating expenses.

<sup>6</sup> This amendment reduces funding from the environment and rangeland protection fund for SafeSend (\$25,000), crop harmonization (\$25,000), and farmer's market (\$50,000), the same as the House version.

<sup>7</sup> This amendment changes the funding source from the general fund to the game and fish fund for Wildlife Services for a total of \$240,000 from the general fund and \$810,000 from the game and fish fund.

<sup>8</sup> This amendment moves the funding for Wildlife Services from the operating line item to the Wildlife Services line item.

<sup>9</sup> This amendment removes funding for Wildlife Services from the operating line item.

<sup>10</sup> This amendment reduces general fund support for Wildlife Services by \$80,000, to \$240,000.

Adds a section of legislative intent allowing the department to request from the Emergency Commission additional FTE positions for the meat inspection program if demands increase during the 2007-09 biennium.

Provides an emergency of \$130,000 for Wildlife Services funding.

A section is added identifying one-time funding for the Agriculture Commissioner and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.



A section is added providing for a transfer of \$50,000 from the North Dakota State University Extension Service to the environment and rangeland protection fund.

A section is added to amend Section 4-37-02 of the North Dakota Century Code relating to the membership of the Agriculture in the Classroom Council.

A section is added to provide legislative intent that all special fund revenues from inspection and grading services provided by the state meat inspectors and graders be allocated to the state meat inspection program and to provide for an annual report to the Budget Section regarding the state meat inspection program.

A section is added to provide for a Legislative Council study in the 2007-09 biennium relating to transferring predator control services from the Agriculture Commissioner to the Game and Fish Department.

A section is added requiring the commissioner to report annually to the Budget Section on the status of the endangered species program.

A section is added requiring a performance audit of all funding sources related to the cooperative agreement between Wildlife Services and the Agriculture Commissioner.

Engrossed SB 2009 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2017, as engrossed:** Your conference committee (Sens. Christmann, Grindberg, Lindaas and Reps. Wald, Porter, Aarsvold) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1200-1201, adopt amendments as follows, and place SB 2017 on the Seventh order:

That the House recede from its amendments as printed on pages 1200 and 1201 of the Senate Journal and pages 1180 and 1181 of the House Journal and that Engrossed Senate Bill No. 2017 be amended as follows:

Page 1, line 2, after "department" insert "; to provide for a statement of legislative intent; to provide for a report to the legislative council; to provide for a study"

Page 2, line 2, replace "(871,688)" with "488,062"

Page 2, line 3, replace "1,058,372" with "1,558,372"

Page 2, after line 6, insert:  
"Recruitment and retention study 30,000"

Page 2, line 7, replace "0" with "240,000"

Page 2, line 8, replace "4,530,302" with "6,660,052"

Page 2, line 18, replace "5,292,434" with "6,652,184"

Page 2, line 19, replace "12,286,351" with "12,786,351"

Page 2, after line 24, insert:  
"Recruitment and retention study 30,000"

Page 2, line 25, replace "800,000" with "1,040,000"

Page 2, line 26, replace "55,731,361" with "57,861,111"

Page 2, after line 31, insert:

**"SECTION 5. CONTINGENT APPROPRIATION - GRANTS.** The grants line item in section 3 of this Act includes \$109,750 for a grant to the parks and recreation department for boat ramp improvements at Fort Stevenson state park. The \$109,750 may be spent only if the corps of engineers does not begin construction of a marina at Fort Stevenson state park by March 31, 2008.

**SECTION 6. LEGISLATIVE INTENT.** It is the intent of the sixtieth legislative assembly that \$100,000 contained in the grants line item in section 3 of this Act be used

to carry out a grant program to encourage hunting by youth. The director of the game and fish department may provide grants under this program to local communities to fund shooting ranges and other related activities to encourage hunting by youth.

**SECTION 7. GAME AND FISH DEPARTMENT TO STUDY RECRUITMENT AND RETENTION OF HUNTERS IN NORTH DAKOTA - REPORT TO LEGISLATIVE COUNCIL.** The game and fish department shall study the recruitment and retention of hunters in North Dakota. The study must include identification of programs to recruit and retain hunters in this state. The department shall report its findings to the budget section by December 31, 2008."

Page 3, line 1, replace "\$800,000" with "\$1,040,000"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2017 - Game and Fish Department - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$19,033,535	\$19,033,535		\$19,033,535	\$19,033,535	
Operating expenses	11,690,087	11,690,087		11,690,087	11,690,087	
Capital assets	3,284,241	3,284,241		3,284,241	3,284,241	
Grants	5,252,184	5,292,434	\$1,359,750	6,652,184	6,992,434	(\$340,250)
Land habitat and deer depredation	12,286,351	12,786,351	500,000	12,786,351	14,286,351	(1,500,000)
Noxious weed control	450,000	450,000		450,000	450,000	
Grants, gifts, and donations	500,000	500,000		500,000	500,000	
Nongame wildlife conservation	120,000	120,000		120,000	120,000	
Lonetree Reservoir Wildlife Services	1,594,713	1,594,713		1,594,713	1,594,713	
	680,000	680,000		680,000	680,000	
Ramp improvements and marina development		800,000	240,000	1,040,000	800,000	240,000
Recruitment and retention study			30,000	30,000	30,000	
Total all funds	\$54,891,111	\$55,731,361	\$2,129,750	\$57,861,111	\$59,461,361	(\$1,600,250)
Less estimated income	<u>54,891,111</u>	<u>55,731,861</u>	<u>2,129,750</u>	<u>57,861,111</u>	<u>59,461,361</u>	<u>(1,600,250)</u>
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	155.00	155.00	0.00	155.00	155.00	0.00

#### Dept. 720 - Game and Fish Department - Detail of Conference Committee Changes

	RECRUITMENT AND RETENTION STUDY <sup>1</sup>	YOUTH HUNTING GRANT PROGRAM <sup>2</sup>	SWEETBRIAR DAM PROJECT <sup>3</sup>	BOAT RAMP IMPROVEMENTS <sup>4</sup>	INCREASES FUNDING FOR RAMP IMPROVEMENTS AND MARINA DEVELOPMENT <sup>5</sup>	ADDS FUNDING FOR LAND HABITAT AND DEER DEPREDATION <sup>6</sup>
Salaries and wages						
Operating expenses						
Capital assets						
Grants		\$100,000	\$1,000,000	\$259,750		
Land habitat and deer depredation						\$500,000
Noxious weed control						
Grants, gifts, and donations						
Nongame wildlife conservation						
Lonetree Reservoir Wildlife Services						
Ramp improvements and marina development					\$240,000	
Recruitment and retention study	\$30,000					
Total all funds	\$30,000	\$100,000	\$1,000,000	\$259,750	\$240,000	\$500,000
Less estimated income	<u>30,000</u>	<u>100,000</u>	<u>1,000,000</u>	<u>259,750</u>	<u>240,000</u>	<u>500,000</u>
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL CONFERENCE COMMITTEE CHANGES						
Salaries and wages						
Operating expenses						
Capital assets						
Grants	\$1,359,750					
Land habitat and deer	500,000					

depredation	
Noxious weed control	
Grants, gifts, donations	
Nongame wildlife	
conservation	
Lonetree Reservoir	
Wildlife Services	
Ramp improvements and	240,000
marina development	
Recruitment and retention	<u>30,000</u>
study	
Total all funds	\$2,129,750
Less estimated income	<u>2,129,750</u>
General fund	\$0
FTE	0.00

<sup>1</sup> This amendment provides funding for a study on recruitment and retention of hunters in North Dakota.

<sup>2</sup> This amendment provides funding for a grant program to local communities to fund shooting ranges and other related activities to encourage hunting by youth.

<sup>3</sup> This amendment provides \$1,000,000 from the game and fish fund to the State Water Commission for the Sweetbriar Dam project. The funding from the game and fish fund is contingent upon other funding being made available for the project by the State Water Commission.

<sup>4</sup> This amendment provides funding to the Parks and Recreation Department from the game and fish fund for maintenance, operating, and extraordinary repairs relating to boat ramps at various state parks.

<sup>5</sup> This amendment increases funding for ramp improvements and marina development from \$800,000, as provided by the Senate, to \$1,040,000.

<sup>6</sup> This amendment increases the land habitat and deer depredation line item by \$500,000.

A section is added providing legislative intent relating to the grant program to encourage youth hunting.

A section is added directing the Game and Fish Department to conduct a study on recruitment and retention of hunters in North Dakota.

A section is added relating to a contingent appropriation of \$109,750 for a grant to the Parks and Recreation Department for boat ramp improvements at Fort Stevenson State Park if the Corps of Engineers does not begin construction of the marina by March 31, 2008.

Engrossed SB 2017 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2018:** Your conference committee (Sens. Grindberg, Krebsbach, Seymour and Reps. Martinson, Hawken, Guleson) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1074-1076, adopt amendments as follows, and place SB 2018 on the Seventh order:

That the House recede from its amendments as printed on pages 1074-1076 of the Senate Journal and pages 1181-1184 of the House Journal and that Senate Bill No. 2018 be amended as follows:

Page 1, line 2, after "society" insert "; to amend and reenact section 3 of Senate Bill No. 2341, as approved by the sixtieth legislative assembly, relating to the heritage center expansion project; and to provide legislative intent"

Page 1, line 22, replace "1,516,993" with "1,539,371"

Page 1, line 23, replace "445,205" with "615,205"

Page 1, line 24, replace "(5,690,738)" with "(4,940,738)"

Page 2, after line 1, insert:

"Cultural heritage grants 50,000"

Page 2, after line 2, insert:

"Snow angel project 10,000"

Page 2, line 4, replace "(\$4,995,960)" with "(\$3,993,582)"

Page 2, line 5, replace "(6,807,703)" with "(6,107,703)"

Page 2, line 6, replace "1,811,743" with "2,114,121"

Page 2, line 12, replace "7,150,279" with "7,172,657"

Page 2, line 13, replace "1,953,911" with "2,123,911"

Page 2, line 14, replace "2,591,581" with "3,341,581"

Page 2, line 16, replace "325,000" with "375,000"

Page 2, after line 16, insert:

"Snow angel project

10,000"

Page 2, line 18, replace "13,025,263" with "14,027,641"

Page 2, line 19, replace "3,119,462" with "3,819,462"

Page 2, line 20, replace "9,905,801" with "10,208,179"

Page 2, after line 29, insert:

**"SECTION 6. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in section 3 of this Act includes \$1,628,000 and Senate Bill No. 2349 includes \$30,000 for the one-time funding items identified in this section. These amounts are not part of the agency's base budget to be used in preparing the 2009-11 executive budget. The state historical society shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

Lincoln bicentennial	\$50,000
Capital projects and deferred maintenance	1,298,000
Medal of honor monument	30,000
Marketing	85,000
Chateau de Mores	<u>195,000</u>
Total	\$1,658,000

**SECTION 7. COLD WAR MISSILE SITES.** The capital assets line item in section 3 of this Act includes \$250,000 from the lands and minerals trust fund, \$250,000 from federal funds, and \$200,000 from other funds available to the state historical society through fundraising efforts to acquire the missile alert facility oscar-zero located four and one-half miles north of Cooperstown, North Dakota, and the launch facility november-33 located two and one-half miles east of Cooperstown, North Dakota.

**SECTION 8. INTENT - MISSILE SITE OPERATING COSTS.** It is the intent of the sixtieth legislative assembly that operating costs for the cold war era missile sites occurring after June 30, 2009, be funded by other funds.

**SECTION 9. INTENT - LINCOLN BICENTENNIAL.** It is the intent of the sixtieth legislative assembly that any unexpended appropriations for the Lincoln bicentennial for the 2007-09 biennium be returned to the general fund.

**SECTION 10. AMENDMENT.** Section 3 of Senate Bill No. 2341, as approved by the sixtieth legislative assembly, is amended and reenacted as follows:

**SECTION 3. CONTINGENT APPROPRIATION - LANDS AND MINERALS TRUST FUND.** There is appropriated out of any moneys in the lands and minerals trust fund the sum of \$1,500,000 on a contingency basis to the office of management and budget for the planning and design costs of the heritage center expansion project, for the biennium beginning July 1, 2007, and ending June 30, 2009. The appropriation is only available when the state historical society certifies to the office of management and budget that \$1,500,000 of private other funds has been received or pledged and is available for the project. The private funds must be spent before the funds from the lands and minerals trust fund. The sum of \$1,500,000 of other funds is appropriated to the state historical society for the heritage center expansion project, for the biennium beginning July 1, 2007, and ending June 30, 2009.

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

## Senate Bill No. 2018 - State Historical Society - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$7,150,279	\$7,150,279	\$22,378	\$7,172,657	\$7,172,657	
Operating expenses	1,953,911	1,953,911	170,000	2,123,911	2,098,911	\$25,000
Capital assets	2,591,581	2,591,581	750,000	3,341,581	3,291,581	50,000
Grants	1,000,000	1,000,000		1,000,000	1,000,000	
Cultural heritage grants	325,000	325,000	50,000	375,000	375,000	
Yellowstone-Missouri- Ft. Union Commission	4,492	4,492		4,492	4,492	
Snow angel project			10,000	10,000	10,000	
Total all funds	\$13,025,263	\$13,025,263	\$1,002,378	\$14,027,641	\$13,952,641	\$75,000
Less estimated income	<u>3,119,462</u>	<u>3,119,462</u>	<u>700,000</u>	<u>3,819,462</u>	<u>3,569,462</u>	<u>250,000</u>
General fund	\$9,905,801	\$9,905,801	\$302,378	\$10,208,179	\$10,383,179	(\$175,000)
FTE	60.00	60.00	0.00	60.00	60.00	0.00

## Dept. 701 - State Historical Society - Detail of Conference Committee Changes

	CULTURAL HERITAGE GRANTS <sup>1</sup>	INCREASES FUNDING FOR SALARIES <sup>2</sup>	MARKETING <sup>3</sup>	EXTRAORDINARY REPAIRS <sup>4</sup>	CHATEAU DE MORES <sup>5</sup>	SNOW ANGEL PROJECT <sup>6</sup>
Salaries and wages		\$22,378				
Operating expenses			\$75,000		\$45,000	
Capital assets				(\$100,000)	150,000	
Grants						
Cultural heritage grants	\$50,000					
Yellowstone-Missouri- Ft. Union Commission						
Snow angel project						<u>\$10,000</u>
Total all funds	\$50,000	\$22,378	\$75,000	(\$100,000)	\$195,000	\$10,000
Less estimated income						
General fund	\$50,000	\$22,378	\$75,000	(\$100,000)	\$195,000	\$10,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00
	OPERATING COSTS FOR COLD WAR SITES <sup>7</sup>	COLD WAR MISSILE SITES <sup>8</sup>	TOTAL CONFERENCE COMMITTEE CHANGES			
Salaries and wages			\$22,378			
Operating expenses	\$50,000		170,000			
Capital assets		\$700,000	750,000			
Grants						
Cultural heritage grants			50,000			
Yellowstone-Missouri- Ft. Union Commission						
Snow angel project			<u>10,000</u>			
Total all funds	\$50,000	\$700,000	\$1,002,378			
Less estimated income		<u>700,000</u>	<u>700,000</u>			
General fund	\$50,000	\$0	\$302,378			
FTE	0.00	0.00	0.00			

<sup>1</sup> This amendment increases funding for cultural heritage grants.

<sup>2</sup> This amendment increases funding to continue pay increases provided to employees who were reclassified.

<sup>3</sup> This amendment provides funding for marketing.

<sup>4</sup> This amendment decreases funding for extraordinary repairs.

<sup>5</sup> This amendment provides funding for furniture and equipment and operating expenses at the Chateau de Mores Interpretive Center.

<sup>6</sup> This amendment provides funding for marketing and promotion of the snow angel project.

<sup>7</sup> This amendment provides \$50,000 for operating expenses that occur after acquisition of the cold war era facilities for which fundraising and matching dollars have not yet been made available.

<sup>8</sup> This amendment adds funding to allow the State Historical Society to acquire a missile alert facility and launch facility from the cold war era for restoration. The estimated income consists of \$200,000 from private fundraising, \$250,000 from the lands and minerals trust fund, and \$250,000 in matching federal funds. The House version provided \$200,000 from the general fund, \$200,000 from private fundraising, and \$250,000 in matching federal funds.

A section is added identifying the one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.

A section is added authorizing the State Historical Society to acquire a cold war era missile alert facility and launch facility. The section also provides \$250,000 from the lands and minerals trust fund.

A section is added providing legislative intent that any unused appropriation for the Lincoln Bicentennial for the 2007-09 biennium be returned to the general fund.

A section is added providing legislative intent that any future funding for operating costs for the cold war missile sites be from other funds.

This amendment restores funding removed by the House for the Lincoln Bicentennial.

SB 2018 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2256, as engrossed:** Your conference committee (Sens. Olafson, Lyson, Fiebiger and Reps. Klemm, Dahl, Griffin) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1545-1546, adopt amendments as follows, and place SB 2256 on the Seventh order:

That the House recede from its amendments as printed on page 1385 of the Senate Journal and pages 1545 and 1546 of the House Journal and that Engrossed Senate Bill No. 2256 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact the new section to chapter 12.1-20 of the North Dakota Century Code as created by section 1 of House Bill No. 1472, as approved by the sixtieth legislative assembly, relating to sexual offenders on school property.

#### **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** The new section to chapter 12.1-20 of the North Dakota Century Code as created by section 1 of House Bill No. 1472, as approved by the sixtieth legislative assembly, is amended and reenacted as follows:

##### **Sexual offender presence near schools prohibited.**

1. 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 sexual offender, as defined in section 12.1-32-15, who has pled guilty or been found guilty of or has been adjudicated delinquent of a class A misdemeanor or felony sexual offense against a minor or is required to register under section 12.1-32-15 or equivalent law of another state may not knowingly enter upon the real property comprising a public or nonpublic elementary, middle, or high school unless provided by this section or 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. The school board or governing body shall provide a copy of the policy to local law enforcement upon request.
2. If a school board or a governing body does not have a written policy on sexual offenders on school property, subsection 1 does not apply under the following circumstances:
  - a. The offender is a parent or guardian of a student attending the school and the offender, with the written permission of the school board or governing body of the school, or designee of the board or body, is attending a conference at the school with school personnel to discuss the progress of the student academically or socially, participating in a child review conference in which evaluation and placement decisions may be made regarding special education services, or attending a conference to discuss other student issues, including retention and promotion.

- b. The offender is a parent, guardian, or relative of a student attending or participating in a function at the school and the offender has requested advance permission from the school board or governing body, or designee of the board or body, and received permission allowing the offender's presence at the school function.
- c. The offender is a student at the school with the written permission of the school board or governing body, or designee of the board or body.
- d. The school board or governing body, or designee of the board or body, allows the offender on school property under other circumstances on a case-by-case basis.

3. An individual who violates this section is guilty of a class A misdemeanor."

Renumber accordingly

Engrossed SB 2256 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2288, as engrossed:** Your conference committee (Sens. Wanzek, Erbele, Taylor and Reps. Porter, Damschen, S. Kelsh) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1077-1078, adopt amendments as follows, and place SB 2288 on the Seventh order:

That the House recede from its amendments as printed on pages 1077 and 1078 of the Senate Journal and pages 954 and 955 of the House Journal and that Engrossed Senate Bill No. 2288 be amended as follows:

Page 1, line 2, replace "an" with "a renewable" and remove "independence research"

Page 1, line 12, after "4-14.1-08" insert "and may not distribute any payment that would create a negative ethanol production incentive fund balance. If the incentive fund balance is insufficient to pay all valid incentive requests received in any quarter, the funds available must be paid out on a pro rata basis and obligations may not be carried forward"

Page 1, line 17, after the boldfaced period insert "**State board of higher education -**", after "The" insert "state board of higher education is encouraged to establish or name a", and replace "consists of a" with "or centers at an institution or institutions under the control of the board"

Page 1, remove line 18

Page 1, line 19, remove "state university extension service faculty"

Page 1, line 21, after the underscored boldfaced period insert "If established or named by the state board of higher education, the biomass energy center or centers shall:"

Page 1, line 22, replace "The North Dakota agricultural experiment station shall complete" with "Complete"

Page 2, line 1, replace "The North Dakota agricultural experiment station shall conduct" with "Conduct"

Page 2, line 3, replace "The North Dakota agricultural experiment station shall determine" with "Determine"

Page 2, line 5, replace "The North Dakota agricultural experiment station and North Dakota state university" with "Complete"

Page 2, line 6, remove "extension service shall complete"

Page 2, line 8, replace "The" with "If established or named by the state board of higher education, the" and after "center" insert "or centers"

Page 2, line 10, after "center" insert "or centers"

Page 2, line 13, replace "North Dakota agricultural experiment station and North" with "biomass energy center or centers"

Page 2, line 14, remove "Dakota state university extension service"

Page 2, line 15, remove "House Bill No. 1020 (2007) includes four hundred"

Page 2, remove lines 16 through 18

Page 2, line 29, replace "ten" with "seven" and after "million" insert "five hundred thousand"

Page 3, remove lines 1 through 13

Page 3, line 14, replace "**Energy independence research**" with "**Renewable energy**"

Page 3, line 15, after the first "the" insert "renewable" and remove "independence research"

Page 3, line 16, after "the" insert "renewable" and remove "independence"

Page 3, line 17, after "The" insert "renewable" and remove "independence research"

Page 3, line 19, after "member" insert "with a substantial interest in the agriculture industry" and replace "agriculture commissioner" with "governor"

Page 3, remove lines 28 through 30

Page 4, remove lines 1 through 4

Page 4, line 12, replace "Five" with "Four"

Page 4, line 16, after the underscored period insert "Any grants, loans, or other financial assistance must be matched on a dollar-for-dollar basis."

Page 4, line 17, remove "appointed by the governor"

Page 4, line 21, after "council" insert "or industrial commission"

Page 4, line 23, replace the first "council" with "commission" and after the second "council" insert "or industrial commission"

Page 4, line 24, remove "are not public records subject to section 44-04-18 and section 6"

Page 4, line 25, remove "of article XI of the Constitution of North Dakota, and"

Page 4, line 27, after "2." insert "a."

Page 4, line 29, after "contain" insert "any", after "council" insert "or industrial commission", and remove "the following"

Page 4, line 30, replace "a." with "(1)"

Page 5, line 1, replace "b." with "(2)"

Page 5, line 3, replace "c." with "(3)"

Page 5, line 5, replace "d." with "(4)"

Page 5, line 8, replace "e." with "(5)"

Page 5, after line 8, insert:

"b. The fact that a request has been made is exempt."

Page 5, line 9, replace "A request under" with "The information submitted pursuant to" and after "council" insert "or the industrial commission"

Page 5, line 12, after "council" insert "or industrial commission"

Page 5, line 13, after "council" insert "or industrial commission"



Page 5, line 21, after the underscored boldfaced period insert:

"1."

Page 5, line 22, replace "1." with "a."

Page 5, line 28, replace "2." with "b."

Page 5, line 30, replace "3." with "c."

Page 6, line 1, replace "4." with "d."

Page 6, line 3, replace "5." with "e."

Page 6, line 5, replace "6." with "f."

Page 6, line 10, replace "7." with "g."

Page 6, line 13, replace "8." with "h."

Page 6, after line 14, insert:

"2. The industrial commission shall contract with the department of commerce to provide technical assistance to the renewable energy council and the industrial commission to carry out and effectuate the purposes of this chapter, including pursuit of aid, grants, or contributions of money or other things of value from any source for any purpose consistent with this chapter. The department may contract with a public or private third party to provide any or all of the technical assistance necessary to implement the purposes of this chapter."

Page 6, line 15, replace "**Energy independence**" with "**Renewable energy**" and after "The" insert "renewable"

Page 6, line 16, remove "independence" and after the second "the" insert "renewable"

Page 6, line 17, remove "independence"

Page 6, line 23, after the third "the" insert "renewable"

Page 6, line 24, remove "independence"

Renumber accordingly

Engrossed SB 2288 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2309, as engrossed:** Your conference committee (Sens. G. Lee, Flakoll, Taylor and Reps. L. Meier, Wall, Hunsakor) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 897-898, adopt amendments as follows, and place SB 2309 on the Seventh order:

That the House recede from its amendments as printed on pages 897 and 898 of the Senate Journal and page 1030 of the House Journal and that Engrossed Senate Bill No. 2309 be amended as follows:

Page 1, line 17, remove "**- Higher education admission**"

Page 1, line 18, remove "**requirements**"

Page 1, line 19, replace "2012-13" with "2008-09"

Page 1, line 20, remove "or be admitted to an institution of higher education in this state"

Page 1, line 22, replace "years" with "units"

Page 1, line 23, replace "Three years" with "Two units"

Page 1, line 24, replace "Three years" with "Two units"

Page 2, line 1, replace "years" with "units" and replace "or" with ", which may include one-half unit of North Dakota studies and one-half unit of"

Page 2, line 2, replace "year" with "unit" and after "education" insert ", which may include up to one-half unit of health"

Page 2, line 3, replace "year" with "unit"

Page 2, replace lines 5 through 14 with:

- "2. The superintendent of public instruction shall work with each school district to identify course offerings that meet the requirements of subdivisions a through f of subsection 1.
3. Before September first of each year, each school district shall file a copy of its graduation requirements with the superintendent of public instruction.
4. A school district may not reduce its graduation requirements below those in existence on June 30, 2007."

Renumber accordingly

Engrossed SB 2309 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2392, as engrossed:** Your conference committee (Sens. Cook, Hacker, Anderson and Reps. Boehning, Dahl, Griffin) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 867 and place SB 2392 on the Seventh order.

Engrossed SB 2392 was placed on the Seventh order of business on the calendar.

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

**Buell J. Reich, Chief Clerk**