

## JOURNAL OF THE HOUSE

## Sixtieth Legislative Assembly

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Bismarck, April 19, 2007

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

The prayer was offered by Aruna Seth Spiritual Advisor with Bismarck- Mandan Unitarian Universalist Fellowship.

The roll was called and all members were present except Representatives Kingsbury, Pinkerton, Uglem, Wrangham, and Zaiser.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on April 18, 2007, I have signed the following: HB 1160.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. SVEDJAN MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1017 as printed on HJ pages 1485-1494 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 1017: Reps. Carlson, Ruby, Glassheim.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4040:** A concurrent resolution urging Congress to repeal the REAL ID Act of 2005. Was read the first time.

**MOTION**

**REP. MONSON MOVED** that the rules be suspended, that SCR 4040 not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. Stenehjem, O'Connell and Reps. Berg, Boucher introduced:  
(Approved by the Delayed Bills Committee)

**SENATE CONCURRENT RESOLUTION NO. 4040**

A concurrent resolution urging Congress to repeal the REAL ID Act of 2005.

**WHEREAS**, the federal REAL ID Act of 2005 mandates an unfunded national driver's license in the state of North Dakota; and

**WHEREAS**, implementation of the REAL ID Act may cost this state an estimated \$14,000,000; and

**WHEREAS**, the REAL ID national data base will invite identity theft and invasion of privacy; and

**WHEREAS**, the REAL ID Act will cost and inconvenience the people of North Dakota without the proffered attendant benefit of protection from terrorism;

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

That the Sixtieth Legislative Assembly urges the Congress of the United States to repeal the REAL ID Act of 2005; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the President of the United States, the Secretary of Homeland Security, the Secretary of the Department of Transportation, and to each member of the North Dakota Congressional Delegation.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4040:** A concurrent resolution urging Congress to repeal the REAL ID Act of 2005.

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

SCR 4040 was declared adopted and the title was agreed to on a voice vote.

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**MOTION**

**REP. MONSON MOVED** that HB 1044 and SB 2178 be moved to the Fifteenth order, which motion prevailed.

**MOTION**

**REP. MONSON MOVED** that SB 2293 be moved to the top of the Seventh order, which motion prevailed.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. PORTER MOVED** that the conference committee report on SB 2293 as printed on HJ page 1634 be adopted, which motion failed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. CARLSON MOVED** that the conference committee report on Reengrossed HB 1197 as printed on HJ page 1596 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1197, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1197:** A BILL for an Act to amend and reenact sections 31-13-03 and 31-13-07 of the North Dakota Century Code, relating to collection and testing of DNA samples for law enforcement identification purposes; and to provide an 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 77 YEAS, 13 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Gruchalla; Gulleason; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Owens; Pietsch; Pinkerton; Porter; Potter; Price; Ruby; Schmidt; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Speaker Delzer

**NAYS:** Aarsvold; Amerman; Boe; Boucher; Dahl; Delmore; Griffin; Kaldor; Meyer, S.; Onstad; Pollert; Schneider; Vig

**ABSENT AND NOT VOTING:** Kingsbury; Uglen; Wrangham; Zaiser

Reengrossed HB 1197 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PRICE MOVED** that the House do not concur in the Senate amendments to HB 1246 as printed on HJ page 1123 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 HB 1246: Reps. Nelson, Weisz, Potter.

**MOTION**

**REP. PORTER MOVED** that the House Conference Committee on Engrossed HB 1469 be dissolved and that a new conference committee be appointed, which motion prevailed.

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

**Engrossed HB 1469:** Reps. Charging, Dietrich, S. Meyer

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. R. KELSCH MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a new Conference Committee on Engrossed SB 2309, which motion prevailed.

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

**Engrossed SB 2309:** Reps. L. Meier, Wall, Hunsakor

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. DEKREY MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a new Conference Committee on SB 2260, which motion prevailed.

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

**SB 2260:** Reps. DeKrey, Koppelman, Kroeber

**MOTION**

**REP. BERG MOVED** that HB 1466 be moved to the top of the Seventh order, which motion prevailed.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2284, SB 2313, SB 2323.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1154, HB 1303.

**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 1017 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1017:** Reps. Carlson; Ruby; Glassheim

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

**MR. PRESIDENT:** The House has passed unchanged: SCR 4040.

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

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

**SB 2352:** Sens. Dever; Erbele; Heckaman

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

**MR. SPEAKER:** The President has signed: SB 2319.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently failed: SB 2072.

**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 2005.

**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 1197.

**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 2293.

**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 2260:** Reps. DeKrey; Koppelman; Kroeber

**SB 2309:** Reps. L. Meier; Wall; Hunsakor

**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:

**HB 1469:** Reps. Charging; Dietrich; S. Meyer

**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 1246 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1246:** Reps. Nelson; Weisz; Potter

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

**MR. SPEAKER:** The President has signed: HB 1107, HB 1154, HB 1290, HB 1303, HB 1488.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SCR 4040.

**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.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on April 18, 2007, I have signed the following: HB 1029, HB 1146, HB 1243, HB 1390, HB 1445, and HB 1487.

**POINT OF PERSONAL PRIVILEGE**

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

On behalf of the city of Grand Forks and our eight House members, I would like to convey our city's thanks for your help in our time of need. Ten years ago many communities up and down the Red River Valley in the state of North Dakota experienced disasterous flooding. In Grand Forks on this day exactly ten years ago nearly all of the city's 50 thousand residents were evacuated as flood waters overtopped the city's levees and a fire broke out in the flooded downtown, destroying 11 buildings.

Most of these evacuated residents fled to the homes of families, friends and complete strangers all across North Dakota. They found refuge. But more than that they found compassion, hospitality, and support.

In the weeks without a home, these Grand Forks refugees found new homes in the communities and the hearts of North Dakota. In the weeks and months to follow, as the beleaguered residents returned, the people of North Dakota were once again at our side, helping muck our basements, clean up debris and begin the long process of putting lives and livelihoods back together.

The people of Grand Forks, in the spirit of resolve and determination and the can-do attitude for which North Dakotans are so renowned were committed to returning to their community and rebuilding it.

Citizens took to restoring their homes and helping their neighbors restore theirs. Businesses committed to rebuilding and the city's leadership resolved to make the difficult decisions that would steer the way to recovery.

The people, the agencies and the powers of the State of North Dakota were unwavering in their support of this recovery. The Governor, the National Guard, the Bank of North Dakota, the University of North Dakota, the State Legislature and countless others stood shoulder to shoulder with the people of Grand Forks in solidarity and support through the heartbreak, the struggles and the hard-won successes.

Through the last ten years, the state of North Dakota has helped us rebuild our homes, businesses, infrastructure, and most of all, the lives of North Dakota citizens who call Grand Forks home.

Perhaps one of the most significant acts was the commitment - the unwavering commitment - to help construct a flood protection system that would protect the community and ensure the sense of safety necessary to rebuild Grand Forks as a healthy and robust center for North Dakota's growing future.

The city and citizens of Grand Forks are proud to be a part of North Dakota's promising future. We will always carry with us a level of gratitude difficult to express.

On this day marking the 10th Anniversary of the Flood of 1997, all we can say to the State of North Dakota, its citizens and the members of this Legislature is that the city and the citizens of Grand Forks are grateful you stood by us in our darkest moment.

Thank you for all you have done.

#### MOTION

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

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. KOPPELMAN MOVED** that the conference committee report on HB 1466 as printed on HJ pages 1610-1612 be adopted, which motion failed on a verification vote.

#### SIXTH ORDER OF BUSINESS

**SB 2015, as engrossed: REP. CARLSON (Appropriations Committee) MOVED** that the amendments on HJ pages 1262-1272 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2015:** A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide an exemption; to create and enact a new section to chapter 6-09 and a new section to chapter 55-10 of the North Dakota Century Code, relating to earnings and profits of the Bank of North Dakota and historical sites; to amend and reenact sections 15-69-02, 15-69-03, 15-69-04, 15-69-05, 24-02-37, and 39-04-39 of the North Dakota Century Code, relating to centers of excellence, state highway fund, and registration fees; to provide an appropriation; to provide for reports to the budget section; to create a legislative council medical assistance committee; to provide legislative intent; to provide an effective date; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 5 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Ekstrom; Solberg; Vig; Wolf

**ABSENT AND NOT VOTING:** Kingsbury; Owens; Uglem

Engrossed SB 2015, as amended, passed and the title was agreed to.

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#### MOTION

**REP. BERG MOVED** that Rep. Ekstrom replace Rep. Kerzman on the House Conference Committee on HB 1004, 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 1466.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2015.

**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 1017:** Sens. Wardner; Krebsbach; Tallackson

**HB 1246:** Sens. Erbele; J. Lee; Heckaman

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1197.

**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 2018, SB 2180.

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

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

**SB 2293:** Sens. Tollefson; Urlacher; Triplett

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Ekstrom to replace Rep. Kerzman on the Conference Committee on HB 1004.

**ANNOUNCEMENT**

**SPEAKER DELZER ANNOUNCED** that the House stand in recess until 5:00 p.m..

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

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. PRICE MOVED** that the conference committee report on Engrossed HB 1463 as printed on HJ page 1610 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1463, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1463:** A BILL for an Act to amend and reenact subsection 3 of section 50-24.1-02.6 and section 50-29-04 of the North Dakota Century Code, relating to medical assistance eligibility for minors and eligibility under the state children's health insurance program; to provide a contingent appropriation; and to provide an 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 87 YEAS, 1 NAYS, 0 EXCUSED, 6 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; Gulletson; Haas; Hanson; 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.; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Vig; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

**NAYS:** Ruby

**ABSENT AND NOT VOTING:** Kerzman; Kingsbury; Metcalf; Owens; Uglem; Zaiser

Reengrossed HB 1463 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. WEISZ MOVED** that the conference committee report on Engrossed SB 2152 as printed on HJ pages 1633-1634 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2152, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2152:** A BILL for an Act to create and enact a new subsection to section 43-28.1-03 and a new section to chapter 43-28.1 of the North Dakota Century Code, relating to selection and eligibility for loan repayment under the dentists' loan repayment program and for new practice grants; to provide for a legislative council study; 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 80 YEAS, 7 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

**NAYS:** Carlisle; Dosch; Herbel; Ruby; Weiler; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Dietrich; Kerzman; Kingsbury; Metcalf; Owens; Uglem; Zaiser

Engrossed SB 2152, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1009, as engrossed:** Your conference committee (Sens. Krebsbach, Bowman, Seymour and Reps. Monson, Wald, Aarsvold) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1391 and place HB 1009 on the Seventh order.

Engrossed HB 1009 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. MONSON MOVED** that the conference committee report on Engrossed HB 1009 be adopted, which motion failed on a verification vote.

**MOTION**

**REP. BERG MOVED** that the House Conference Committee on Engrossed HB 1009 be dissolved, which motion prevailed.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1197.

**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 2152.

**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 1463.

**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 1009.

**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., Friday, April 20, 2007, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1359:** Your conference committee (Sens. G. Lee, Nething, Bakke and Reps. Weisz, Owens, Schmidt) recommends that the **SENATE RECEDE** from the Senate

amendments on HJ pages 1406-1407, adopt amendments as follows, and place HB 1359 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1406 and 1407 of the House Journal and page 911 of the Senate Journal and that House Bill No. 1359 be amended as follows:

Page 1, line 2, after "trucks" insert "and trailers; to provide for a legislative council study; and to provide for a contingent effective date"

Page 1, line 8, after the second "truck" insert "or trailer"

Page 1, after line 10, insert:

**"SECTION 2. LEGISLATIVE COUNCIL - EXEMPTION FROM FEDERAL MOTOR CARRIER SAFETY REGULATIONS STUDY.** The legislative council shall consider studying, during the 2007-08 interim, federal motor carrier safety regulations and exemptions for interstate and intrastate transportation in relation to this state's laws and exemptions. This study shall include a review of any industry-specific applications of regulations and possible exemptions to current transportation activities within this state. 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 3. CONTINGENT EFFECTIVE DATE.** Section 1 of this Act becomes effective on the earlier of October 1, 2008, or on approval of this state's application for exemption from rear-end protection requirements for vehicles in section 1 of this Act by the federal motor carrier safety administration, unless the superintendent of the highway patrol does not complete and submit an application for exemption for vehicles in section 1 of this Act by July 1, 2007, then section 1 of this Act becomes effective on August 1, 2007."

Renumber accordingly

HB 1359 was placed on the Seventh order of business on the calendar.

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

**HB 1435, as reengrossed:** Your conference committee (Sens. J. Lee, Kilzer, Warner and Reps. Pollert, Price, Kaldor) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1404-1409, adopt amendments as follows, and place HB 1435 on the Seventh order:

That the Senate recede from its amendments as printed on page 1409 of the House Journal and pages 808 and 809 and page 965 of the Senate Journal and that Reengrossed House Bill No. 1435 be amended as follows:

Page 1, line 1, replace "amend and reenact subsection 1 of section 23-07-17.1 of the North Dakota" with "provide for an immunization program and immunization task force; to provide for reports to the legislative council"

Page 1, line 2, remove "Century Code, relating to child immunizations"

Page 1, remove lines 4 through 16

Page 2, line 4, after the period insert "The department shall distribute the vaccines in accordance with the department's protocol established in consultation with the immunization task force.

3. The state department of health and local public health units shall attempt to access federal and third-party payer funds before using funds from the immunization program. If the funds appropriated to the state department of health for the 2007-09 biennium for the immunization program are insufficient, the state department of health shall request a transfer of spending authority from the state contingencies appropriation.

#### **SECTION 2. STATE DEPARTMENT OF HEALTH - IMMUNIZATION TASK FORCE - REPORTS TO LEGISLATIVE COUNCIL.**

1. The state health officer shall appoint an immunization task force to meet during the 2007-08 interim to establish a protocol on how to transition from



a universal select immunization program to a provider choice immunization program and to recommend to the state department of health that this protocol be implemented. The protocol must seek to retain the state's high rates of vaccinations using the most cost-effective protocol.

2. The task force must consist of at least seven members, including at least three members representing local public health districts, three members representing private health care providers, and representatives of the state department of health. The state health officer shall appoint the task force members representing local public health units from a list of names submitted by an organization representing public health administrators. The state health officer shall appoint the task force members representing private health care providers from a list of names submitted by the North Dakota medical association.
3. During the 2007-08 interim, the task force shall provide periodic reports to the legislative council regarding the impact of the immunization program transition on the local public health units. During the 2007-08 interim, the state health officer shall provide periodic reports to the legislative council regarding the fiscal impact of the immunization program transition."

Page 2, line 5, remove "- LEGISLATIVE"

Page 2, line 6, remove "COUNCIL REPORT"

Page 2, line 7, replace "\$2,500,000" with "\$2,000,000"

Page 2, line 10, replace "\$1,000,000" with "\$500,000"

Page 2, line 12, replace "2" with "1" and remove "The department shall report to the legislative council as"

Page 2, remove line 13

Renumber accordingly

Reengrossed HB 1435 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1504, as engrossed:** Your conference committee (Sens. Lyson, Nelson, Marcellais and Reps. Kasper, Weiler, Potter) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1327, adopt amendments as follows, and place HB 1504 on the Seventh order:

That the Senate recede from its amendments as printed on page 1327 of the House Journal and pages 1141 and 1142 of the Senate Journal and that Engrossed House Bill No. 1504 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 12-63 of the North Dakota Century Code, relating to tribal police officers.

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

**SECTION 1.** A new section to chapter 12-63 of the North Dakota Century Code is created and enacted as follows:

##### Tribal police officers.

1. A tribal police officer of a federally recognized Indian tribe in this state who meets the requirements of this chapter and the rules adopted by the board is eligible for a peace officer license or part-time peace officer license.
2. The board shall issue a peace officer license or part-time peace officer license to a tribal police officer who is eligible for a peace officer license or part-time peace officer license under this section and who has paid the prescribed license fee if:

- a. The tribal police officer has been appointed as a special deputy in accordance with section 11-15-02;
  - b. The tribal police officer is employed by the state or a political subdivision; or
  - c. There is an agreement between the state or a political subdivision and the tribe for tribal police officers to perform law enforcement services.
3. A tribal police officer who is a member of a police force of a tribal government and who is licensed under this section may exercise the powers of a peace officer of this state within the exterior boundaries of the reservation, or off the reservation, in accordance with the terms and conditions of the special deputy appointment, the employment agreement, or the agreement between the state or political subdivision and the tribe.
  4. A tribal police officer who has a peace officer license under this section is subject to this chapter and the rules adopted by the board, including requirements for license renewal or reinstatement, annual sidearm qualification, and continuing education.
  5. The state or political subdivision is not liable for any act or omission of a tribal police officer exercising peace officer powers authorized by an agreement between the state or a political subdivision and a tribe.
  6. This section does not diminish or expand the jurisdiction of any tribe or the state."

Renumber accordingly

Engrossed HB 1504 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2180, as engrossed:** Your conference committee (Sens. Klein, Wanzek, Heckaman and Reps. Clark, Hofstad, Solberg) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1076-1077, adopt amendments as follows, and place SB 2180 on the Seventh order:

That the House recede from its amendments as printed on pages 1076 and 1077 of the Senate Journal and page 1193 of the House Journal and that Engrossed Senate Bill No. 2180 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 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.

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

**SECTION 1. AMENDMENT.** Section 6-09.17-01 of the North Dakota Century Code is amended and reenacted as follows:

**6-09.17-01. Definitions.** In this chapter, unless the context or subject matter otherwise requires:

1. "Biodiesel production facility" means a producer of a biodegradable, combustible liquid fuel that is derived from vegetable oil or animal fat and which is suitable for blending with diesel fuel for use in internal combustion diesel engines. The facility must be located in this state and:
  - a. Agricultural producers must hold at least ten percent of the ownership interest in the facility; or
  - b. Residents of this state must own at least fifty percent of the ownership interest of the facility.

2. "Biodiesel Biofuel partnership in assisting community expansion fund" or "fund" means a fund established to buy down the interest rate on loans to biodiesel and ethanol production facilities, to grain handling facilities, and to livestock operations as provided under this chapter.
2. "Biodiesel production facility" means a corporation, limited liability company, partnership, individual, or association involved in production of diesel fuel containing at least five percent biodiesel meeting the specifications adopted by the American society for testing and materials.
3. "Community" means the city or county in which an eligible biodiesel production facility is located, or a local development corporation, community organization, or any other group whose interest is in the economic growth of the area. "Biofuels retailer" means a retailer that dispenses and distributes biodiesel fuel and gasoline blends with greater than sixty percent ethanol.
4. "Ethanol production facility" means a producer of agriculturally derived denatured ethanol that is suitable for blending with a petroleum product for use in internal combustion engines. The facility must be located in this state and:
  - a. Agricultural producers must hold at least ten percent of the ownership interest in the facility; or
  - b. Residents of this state must own at least fifty percent of the ownership interest of the facility.
5. "Grain handling facility" means a grain storage facility licensed under chapter 60-02 or 60-02.1 which provides condominium storage of grain that is principally intended for the production of biofuels.
6. "Livestock operation" means a livestock feeding, handling, milking, or holding operation located in this state which uses as part of its operation a byproduct produced at a biodiesel or an ethanol production facility.

**SECTION 2. AMENDMENT.** Section 6-09.17-01 of the North Dakota Century Code is amended and reenacted as follows:

**6-09.17-01. Definitions.** In this chapter, unless the context or subject matter otherwise requires:

1. "Biodiesel production facility" means a producer of a biodegradable, combustible liquid fuel that is derived from vegetable oil or animal fat and which is suitable for blending with diesel fuel for use in internal combustion diesel engines. The facility must be located in this state and:
  - a. Agricultural producers must hold at least ten percent of the ownership interest in the facility; or
  - b. Residents of this state must own at least fifty percent of the ownership interest of the facility.
2. "Biodiesel Biofuel partnership in assisting community expansion fund" or "fund" means a fund established to buy down the interest rate on loans to biodiesel and ethanol production facilities and to livestock operations as provided under this chapter.
2. "Biodiesel production facility" means a corporation, limited liability company, partnership, individual, or association involved in production of diesel fuel containing at least five percent biodiesel meeting the specifications adopted by the American society for testing and materials.
3. Community" means the city or county in which an eligible biodiesel production facility is located, or a local development corporation, community organization, or any other group whose interest is in the economic growth of the area. "Ethanol production facility" means a producer of agriculturally derived denatured ethanol that is suitable for blending with a petroleum product for use in internal combustion engines. The facility must be located in this state and:

- a. Agricultural producers must hold at least ten percent of the ownership interest in the facility; or
  - b. Residents of this state must own at least fifty percent of the ownership interest of the facility.
4. "Livestock operation" means a livestock feeding, handling, milking, or holding operation located in this state which uses as part of its operation a byproduct produced at a biodiesel or an ethanol production facility.

**SECTION 3. AMENDMENT.** Section 6-09.17-02 of the North Dakota Century Code is amended and reenacted as follows:

**6-09.17-02. Biodiesel Biofuel partnership in assisting community expansion fund - Continuing appropriation - Administration.** A Effective July 1, 2007, the biodiesel partnership in assisting community expansion fund is hereby established becomes the biofuel partnership in assisting community expansion fund. All moneys transferred into the fund, interest on fund moneys, and payments to the fund are hereby appropriated for the purposes of this chapter. This fund is not subject to section 54-44.1-11 and any unexpended and unobligated balance in the fund at the end of the biennium must be transferred to the state general fund. The Bank of North Dakota shall administer the fund. Notwithstanding any other provision of law, the Bank may transfer any unobligated moneys between funds that have been appropriated by the legislative assembly for interest buydown in the biofuel partnership in assisting community expansion fund and the partnership in assisting community expansion fund.

**SECTION 4. AMENDMENT.** Section 6-09.17-03 of the North Dakota Century Code is amended and reenacted as follows:

**6-09.17-03. Fund - Purpose - Interest rate buydown.** Moneys in the biodiesel partnership in assisting community expansion fund must be used for the purpose of buying down the interest rate on loans made by a lead financial institution in participation with the Bank of North Dakota. The Bank of North Dakota's participation may not exceed eighty percent nor be less than fifty percent of the total loans. If the loan is approved by the lenders and there is evidence of the community's commitment and ability to fund its portion of the buydown, the fund's participation in the buydown must automatically be approved. During the first year of a biennium, the total amount from the fund used for interest rate buydowns for biofuels retailers may not exceed two hundred fifty thousand dollars and the total amount from the fund used for interest rate buydowns for grain handling facilities may not exceed two hundred fifty thousand dollars. The total amount from the fund used for interest rate buydowns for grain handling facilities and biofuels retailers may not exceed five hundred thousand dollars per biennium.

**SECTION 5. AMENDMENT.** Section 6-09.17-03 of the North Dakota Century Code is amended and reenacted as follows:

**6-09.17-03. Fund - Purpose - Interest rate buydown.** Moneys in the biodiesel partnership in assisting community expansion fund must be used for the purpose of buying down the interest rate on loans made by a lead financial institution in participation with the Bank of North Dakota. The Bank of North Dakota's participation may not exceed eighty percent nor be less than fifty percent of the total loans. If the loan is approved by the lenders and there is evidence of the community's commitment and ability to fund its portion of the buydown, the fund's participation in the buydown must automatically be approved.

**SECTION 6. AMENDMENT.** Section 6-09.17-04 of the North Dakota Century Code is amended and reenacted as follows:

**6-09.17-04. Fund moneys - Eligible uses.**

1. a. The fund moneys may be used to participate in an interest rate buydown on a loan to a biodiesel or an ethanol production facility, to a grain handling facility, or to a livestock operation for the following eligible uses:
  - (1) Purchase or construction of real property and equipment.
  - (2) Expansion of facilities.

- (3) ~~Working capital~~ Purchase or installation of equipment.
  - (4) ~~Inventory.~~
  - b. The fund moneys may be used to participate in an interest rate buydown on a loan to a biofuels retailer for the purchase or installation of pumps and related equipment.
  - c. The loan funds cannot may not be used to refinance any existing debt or for the relocation within this state of the business within North Dakota biodiesel or ethanol production facility, the grain handling facility, or the livestock operation.
2. ~~The community shall determine the amount of the interest rate buydown and apply to the Bank of North Dakota for participation from the biodiesel partnership in assisting community expansion fund. The funds for the community's portion of the buydown may come from a local development corporation, contributions, community funds, future dedicated tax programs, or any other community source. Any community funds provided for a buydown under chapter 6-09.14 for a biodiesel production facility may be considered as funds for the community's portion of the buydown under this chapter for that facility.~~
3. ~~The fund participation portion in the buydown must be determined by the Bank of North Dakota based on economic conditions in the city or county in which the business is located.~~
4. The maximum amount from the fund in the interest rate buydown for a biodiesel or ethanol production facility may not exceed four five hundred thousand dollars per loan and not more than one loan may be provided to any single biodiesel or ethanol production facility under this chapter. However, if the partnership in assisting community expansion fund does not have adequate funds on hand for an interest rate buydown for a biodiesel production facility, the maximum amount from the fund under this subsection is increased to six hundred thousand dollars per loan. The community funds required for participation in the interest rate buydown are limited to the amount required when the fund provides two hundred fifty thousand dollars per loan. The maximum amount from the fund in the interest rate buydown for a livestock operation may not exceed two hundred fifty thousand dollars to any single livestock operation under this chapter. The maximum amount from the fund in the interest rate buydown for a grain handling facility may not exceed fifty thousand dollars to any single facility. The maximum amount from the fund in the interest rate buydown for a biofuels retailer may not exceed ten thousand dollars to any single location of a biofuels retailer under this chapter.
3. ~~The fund participation must be~~ is limited to the amount required to buy down the interest to five hundred basis points below the national prime interest rate.
5. 4. The Bank of North Dakota shall adopt rules to implement this chapter.

**SECTION 7. AMENDMENT.** Section 6-09.17-04 of the North Dakota Century Code is amended and reenacted as follows:

**6-09.17-04. Fund moneys - Eligible uses.**

1. a. The fund moneys may be used to participate in an interest rate buydown on a loan to a biodiesel or an ethanol production facility or to a livestock operation for the following eligible uses:
- (1) Purchase or construction of real property and equipment.
  - (2) Expansion of facilities.
  - (3) ~~Working capital~~ Purchase or installation of equipment.
  - (4) ~~Inventory.~~

- b. ~~The loan funds cannot may not be used to refinance any existing debt or for the relocation within this state of the business within North Dakota biodiesel or ethanol production facility or the livestock operation.~~
2. ~~The community shall determine the amount of the interest rate buydown and apply to the Bank of North Dakota for participation from the biodiesel partnership in assisting community expansion fund. The funds for the community's portion of the buydown may come from a local development corporation, contributions, community funds, future dedicated tax programs, or any other community source. Any community funds provided for a buydown under chapter 6-09.14 for a biodiesel production facility may be considered as funds for the community's portion of the buydown under this chapter for that facility.~~
3. ~~The fund participation portion in the buydown must be determined by the Bank of North Dakota based on economic conditions in the city or county in which the business is located.~~
4. ~~The maximum amount from the fund in the interest rate buydown for a biodiesel or ethanol production facility may not exceed four five hundred thousand dollars per loan and not more than one loan may be provided to any single biodiesel or ethanol production facility under this chapter. However, if the partnership in assisting community expansion fund does not have adequate funds on hand for an interest rate buydown for a biodiesel production facility, the maximum amount from the fund under this subsection is increased to six hundred thousand dollars per loan. The community funds required for participation in the interest rate buydown are limited to the amount required when the fund provides two hundred fifty thousand dollars per loan. The maximum amount from the fund in the interest rate buydown for a livestock operation may not exceed two hundred fifty thousand dollars to any single livestock operation under this chapter.~~
3. ~~The fund participation must be is limited to the amount required to buy down the interest to five hundred basis points below the national prime interest rate.~~
- 5- 4. ~~The Bank of North Dakota shall adopt rules to implement this chapter.~~

**SECTION 8. LEGISLATIVE COUNCIL STUDY - BIOFUELS.** The legislative council shall consider studying, during the 2007-08 interim, the agronomic, economic, and environmental issues related to biofuels production in North Dakota, including the availability of feedstocks and other production resources, existing and future production capacity, farmer and processor contracting models, public and private financial incentives, and the transportation infrastructure necessary to meet optimum production and marketability levels for biofuels in this state. 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 9. EFFECTIVE DATE.** Sections 2, 5, and 7 of this Act become effective on August 1, 2009.

**SECTION 10. EXPIRATION DATE.** Sections 1, 4, and 6 of this Act are effective through July 31, 2009, and after that date are ineffective."

Renumber accordingly

Engrossed SB 2180 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**