

## JOURNAL OF THE HOUSE

## Sixtieth Legislative Assembly

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Bismarck, March 29, 2007

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

The prayer was offered by Pastor Ron Enget with New Life Worship Center, Beulah.

The roll was called and all members were present except Representative Klein.

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**SB 2012, as engrossed: REP. POLLERT (Appropriations Committee) MOVED** that the amendments on HJ pages 1239-1247 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2012:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of human services; to provide statements of legislative intent; to provide for a legislative council report; to provide for legislative council studies; to provide for transfers; to create and enact a new section to chapter 23-01, chapter 23-39, and a new section to chapter 50-24.1 of the North Dakota Century Code, relating to programs for children with special health care needs and chiropractic medicaid payments; to amend and reenact sections 25-17-02, 25-17-03, 26.1-45-13, 50-06-01.2, 50-06-01.4, and 50-06-24, subsection 6 of section 50-06.2-02, subsection 5 of section 50-06.2-03, subsection 3 of section 50-06.2-04, sections 50-06.2-06 and 50-24.4-15, subsection 4 of section 50-24.5-02, and subsection 2 of section 50-24.5-03 of the North Dakota Century Code, relating to rulemaking and to the provision of medical food for individuals with metabolic disorders, the structure of the department of human services, guardianship services, and to nursing home property-related costs; and to repeal chapter 50-10 of the North Dakota Century Code, relating to aid to crippled children.

## 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, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Conrad; Ekstrom; Froelich; Griffin; Kerzman; Metcalf; Wolf

**ABSENT AND NOT VOTING:** Klein

Engrossed SB 2012, as amended, passed and the title was agreed to.

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## SIXTH ORDER OF BUSINESS

**SB 2070, as reengrossed and amended: REP. EKSTROM (Appropriations Committee) MOVED** that the amendments on HJ page 1190 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2070:** A BILL for an Act to provide for application by the department of human services for federal funds for the implementation of an aging and disability resource center; to provide an appropriation; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; 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; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Delmore; Klein

Reengrossed SB 2070, as further amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2129:** A BILL for an Act to create and enact subsection 7 to section 12.1-37-01, sections 14-09-08.22 and 14-09-09.36, a new subdivision to subsection 1 of section 14-09-09.7, subsection 10 to section 14-09-25, and section 50-09-37 of the North Dakota Century Code, relating to child support enforcement; to amend and reenact subsection 2 of section 14-09-08.1, subsection 3 of section 14-09-08.2, sections 14-09-08.17, 14-09-09, 14-09-09.31, and 14-09-09.33, subsection 2 of section 50-09-02.1, paragraph 2 of subdivision g of subsection 1 of section 50-09-08.2, section 50-09-08.3, subsection 6 of section 50-09-08.6, and subsection 4 of section 50-09-32 of the North Dakota Century Code, relating to child support enforcement; and to declare an emergency.

**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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Klein

Engrossed SB 2129, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**SIXTH ORDER OF BUSINESS**

**SB 2205, as reengrossed and amended: REP. WIELAND (Appropriations Committee) MOVED** that the amendments on HJ pages 1224-1225 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2205:** A BILL for an Act to create and enact a new section to chapter 50-09 and a new subdivision to subsection 3 of section 57-15-01.1 of the North Dakota Century Code, relating to employment of special assistant attorneys general and to property tax reductions; to amend and reenact sections 11-23-01, 14-09-09.10, and 35-34-01, subsection 3 of section 50-01.2-00.1, sections 50-03-10 and 50-09-01, subsection 16 of section 50-09-02, and sections 50-09-03, 50-09-08, 50-09-33, 50-24.1-03.1, and 50-24.1-03.2 of the North Dakota Century Code, relating to state administration of the child support enforcement program; to repeal section 50-09-34 of the North Dakota Century Code, relating to administration of child support enforcement activities; to provide for a transfer of employees and equipment; to provide for payment and transfer of unused leave; to provide for a transfer of budgeted funds and unexpended child support incentive funds; to provide for a legislative council study; to provide an appropriation; to provide a continuing appropriation; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the further amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Klein

Reengrossed SB 2205, as further amended, passed and the title was agreed to.

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**SIXTH ORDER OF BUSINESS**

**SB 2152, as engrossed and amended: REP. NELSON (Appropriations Committee)**

**MOVED** that the amendments on HJ pages 1191-1192 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**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 to provide legislative intent.

**ROLL CALL**

The question being on the final passage of the further amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Charging; Clark; Conrad; Dahl; Damschen; Delmore; 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; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser

**NAYS:** Carlisle; Dietrich; Dosch; Ruby; Weiler; Speaker Delzer

**ABSENT AND NOT VOTING:** DeKrey; Klein; Price

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

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**MOTION**

**REP. MONSON MOVED** that HCR 3045 be moved to the top of the Twelfth order, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. KOPPELMAN MOVED** that the House do concur in the Senate amendments to Engrossed HCR 3045 as printed on HJ page 1113, which motion prevailed on a verification vote.

Engrossed HCR 3045, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

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

**ROLL CALL**

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

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

**NAYS:** Boucher; Conrad; Ekstrom; Glassheim; Gruchalla; Kaldor; Metcalf; Myxter; Onstad; Solberg; Vig; Wolf

**ABSENT AND NOT VOTING:** DeKrey; Klein; Weisz

Reengrossed HCR 3045 passed and the title was agreed to.

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**MOTION**

**REP. MONSON MOVED** that the House stand in recess until 1:00 p.m., which motion prevailed.

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

**REPORT OF STANDING COMMITTEE**

**SB 2156: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2156 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2256, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2256 was placed on the Fourteenth order on the calendar.

**CORRECTION AND REVISION OF THE JOURNAL**

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

Page 1145, line 30, replace "806" with "1111"

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

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 29, 2007, I have signed the following: HB 1038, HB 1119, HB 1400, HB 1455, and HB 1511.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1089 as printed on HJ page 1001 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 1089: Reps. Ruby, Vigesaa, Myxter.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1166 as printed on HJ page 1001 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 1166: Reps. Owens, Weisz, Delmore.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. R. KELSCH MOVED** that the House do not concur in the Senate amendments to HB 1198 as printed on HJ page 858 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 1198: Reps. Haas, Sukut, Hanson.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1219 as printed on HJ page 1110 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 1219: Reps. Klemin, Koppelman, Delmore.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. R. KELSCH MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1270 as printed on HJ page 1025 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 1270: Reps. Herbel, Wall, Mueller.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. HAAS MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1379 as printed on HJ page 845 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 1379: Reps. Kasper, Karls, Schneider.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. HAAS MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1394 as printed on HJ page 1125 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 1394: Reps. Grande, Boehning, L. Meier.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1445 as printed on HJ page 1112 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 1445: Reps. Vigesaa, Weisz, Schmidt.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. WEISZ MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SB 2111, which motion prevailed.

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

**SB 2111:** Reps. Dosch, Vigesaa, Thorpe

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. WEISZ MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2146, which motion prevailed.

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

**Engrossed SB 2146:** Reps. Sukut, Vigesaa, Delmore

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. WEISZ MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SB 2165, which motion prevailed.

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

**SB 2165:** Reps. Owens, Ruby, Gruchalla

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. D. JOHNSON MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2247, which motion prevailed.

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

**Engrossed SB 2247:** Reps. Uglem, Brandenburg, Onstad

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. D. JOHNSON MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2277, which motion prevailed.

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

**Engrossed SB 2277:** Reps. Wall, Heller, Vig

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. WEISZ MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2406, which motion prevailed.

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

**Engrossed SB 2406:** Reps. Ruby, Price, Schmidt

**SIXTH ORDER OF BUSINESS**

**SB 2186, as reengrossed and amended: REP. HAWKEN (Appropriations Committee) MOVED** that the amendments on HJ pages 1193-1195 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2186:** A BILL 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 quality activities; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the further amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Dietrich; Drovdal; Ruby; Weiler

**ABSENT AND NOT VOTING:** Damschen; Klein; Monson

Reengrossed SB 2186, as further amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2326:** A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance and other health coverage for families of children with disabilities; and to provide an appropriation.

#### ROLL CALL

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

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

**NAYS:** Bellew; Belter; Carlson; Dietrich; Drovdal; Grande; Kempenich; Pollert; Ruby; Svedjan; Wald; Speaker Delzer

**ABSENT AND NOT VOTING:** Damschen; Klein; Monson

Engrossed SB 2326 passed and the title was agreed to.

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#### CONFLICT OF INTEREST

**REP. PORTER STATED** that he had a conflict of interest on SB 2126.

#### MOTION

**REP. BERG MOVED** that Rep. Porter be allowed to vote on SB 2126, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2126:** A BILL for an Act to provide for investigations into alleged fraud in medicaid claims, qui tam actions in cases of alleged fraud in medicaid claims, and protection for persons presenting qui tam actions in cases of alleged fraud in medicaid claims; to provide a penalty; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 31 YEAS, 60 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boucher; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Guleson; Hanson; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Myxter; Onstad; Potter; Schmidt; Schneider; Solberg; Thorpe; Vig; Williams; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Dahl; DeKrey; Dietrich; Dosch; Drovdal; Froseth; Grande; Haas; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Nelson; Nottestad; Owens; Pietsch; Pinkerton; Pollert; Porter; Price; Ruby; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Damschen; Klein; Monson

Engrossed SB 2126, as amended, lost.

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**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 1348:** Sens. Cook; Tollefson; Anderson

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2037, SB 2093, and SB 2352 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2037:** Sens. Nething; Lyson; Marcellais

**SB 2093:** Sens. J. Lee; Dever; Nelson

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

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

**MR. SPEAKER:** The President has appointed Sen. Anderson to replace Sen. Warner on the Conference Committee on SB 2392.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2066, SB 2077, SB 2081, SB 2134, SB 2210, SB 2329, and SB 2363.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2349.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2025, SB 2029, SB 2036, SB 2040, SB 2045, SB 2047, SB 2053, SB 2071, SB 2074, SB 2076, SB 2096, SB 2108, SB 2115, SB 2128, SB 2136, SB 2148, SB 2168, SB 2169, SB 2176, SB 2179, SB 2193, SB 2194, SB 2195, SB 2196, SB 2214, SB 2234, SB 2241, SB 2252, SB 2255, SB 2266, SB 2299, SB 2319.

**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: HCR 3045.

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2070, SB 2129.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2012, SB 2152, SB 2205.



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

**MR. PRESIDENT:** The House has passed unchanged: SB 2326.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2186.

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

**MR. PRESIDENT:** The House has amended and subsequently failed: SB 2126.

**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 1089, HB 1166, HB 1198, HB 1219, HB 1270, HB 1379, HB 1394, and HB 1445 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1089:** Reps. Ruby; Vigesaa; Myxter  
**HB 1166:** Reps. Owens; Weisz; Delmore  
**HB 1198:** Reps. Haas; Sukut; Hanson  
**HB 1219:** Reps. Klemin; Koppelman; Delmore  
**HB 1270:** Reps. Herbel; Wall; Mueller  
**HB 1379:** Reps. Kasper; Karls; Schneider  
**HB 1394:** Reps. Grande; Boehning; Amerman  
**HB 1445:** Reps. Vigesaa; Weisz; Schmidt

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

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

**SB 2111:** Reps. Dosch; Vigesaa; Thorpe  
**SB 2146:** Reps. Sukut; Vigesaa; Delzer  
**SB 2165:** Reps. Owens; Ruby; Gruchalla  
**SB 2247:** Reps. Uglem; Brandenburg; Onstad  
**SB 2277:** Reps. Wall; Heller; Vig  
**SB 2406:** Reps. Ruby; Price; Schmidt

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2003, SB 2009, SB 2016, SB 2018, SB 2019, SB 2062, SB 2180, and SB 2288 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2003:** Sens. Kilzer; Holmberg; Mathern  
**SB 2009:** Sens. Bowman; Fischer; Krauter  
**SB 2016:** Sens. Grindberg; Wardner; Lindaas  
**SB 2018:** Sens. Grindberg; Krebsbach; Seymour  
**SB 2019:** Sens. Krebsbach; Holmberg; Seymour  
**SB 2062:** Sens. Nething; Lyson; Nelson  
**SB 2180:** Sens. Klein; Wanzek; Heckaman  
**SB 2288:** Sens. Wanzek; Erbele; Taylor

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1332.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1290, HB 1344, HB 1469.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1290**

Page 2, line 5, replace "in the" with "from special funds"

Page 2, line 6, remove "general fund in the state treasury, not otherwise appropriated," and replace "\$100,000" with "\$50,000"

Page 2, line 7, after the comma insert "from the health care trust fund and \$50,000, or so much of the sum as may be necessary, from gifts, grants, donations, and other special fund sources"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment changes the appropriation for an evaluation of the state trauma system from the general fund to the health care trust fund and gifts, grants, donations, and other special funds sources.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1344**

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

Page 1, remove line 15

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1469**

In lieu of the amendments adopted by the Senate as printed on page 690 of the Senate Journal, Engrossed House Bill No. 1469 is amended as follows:

Page 1, line 19, remove "; however, an individual may not park a vehicle so as to"

Page 1, line 20, remove "block or impede traffic using the established road or trail"

Renumber accordingly

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2066, SB 2077, SB 2081, SB 2134, SB 2210, SB 2329, SB 2363.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2419.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1461.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1461**

Page 1, line 1, replace the first "a" with "two" and replace "section" with "sections"

Page 1, line 3, after the first "technology" insert ", telecommunications and information services competition,"

Page 2, after line 10, insert:

**"SECTION 2.** A new section to chapter 15-10 of the North Dakota Century Code is created and enacted as follows:

**Telecommunications and information services competition prohibited - Report.**

1. The northern tier network, part of a national research network infrastructure, serves entities within and outside this state. The North Dakota university system may use the northern tier network infrastructure only for the purpose of supporting the research and education missions of the North Dakota university system. The North Dakota university system may not use the northern tier network infrastructure for traditional internet, voice, video, or other telecommunications services beyond those required for research networks.
2. The North Dakota university system or any entity associated with the university system may not resell any portion of the northern tier network infrastructure to nonuniversity entities other than research collaborators.
3. The northern tier network may not replace any wide area network services to any city, county, or school district which are provided by the information technology department under section 54-59-08.
4. The North Dakota university system shall provide a comprehensive biennial report of northern tier network activities for the 2007-09 biennium and must submit to a biennial audit of the northern tier network activities beginning with the 2009-11 biennium.

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2326.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HB 1073, HB 1091, HB 1365, HB 1477.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 29, 2007: HB 1073, HB 1091, HB 1365, HB 1477.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HCR 3022, HCR 3036, HCR 3041, HCR 3043, HCR 3062.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on March 29, 2007: HCR 3022, HCR 3036, HCR 3041, HCR 3043, HCR 3062.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2025, SB 2029, SB 2036, SB 2040, SB 2045, SB 2047, SB 2053, SB 2071, SB 2074, SB 2076, SB 2096, SB 2108, SB 2115, SB 2128, SB 2136, SB 2148, SB 2168, SB 2169, SB 2176, SB 2179, SB 2193, SB 2194.

**ANNOUNCEMENT**

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

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

**FIRST READING OF HOUSE CONCURRENT RESOLUTION**

Reps. Haas, D. Johnson, S. Meyer and Sens. Bowman, Krauter, Urlacher introduced:  
(Approved by the Delayed Bills Committee)

**HCR 3065:** A concurrent resolution recognizing the placement of North Dakota's first marker on the Great Western Cattle Trail.

Was read the first time.

**MOTION**

**REP. BERG MOVED** that the rules be suspended, that HCR 3065 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.

Reps. Haas, D. Johnson, S. Meyer and Sens. Bowman, Krauter, Urlacher introduced:  
(Approved by the Delayed Bills Committee)

**HOUSE CONCURRENT RESOLUTION NO. 3065**

A concurrent resolution recognizing the placement of North Dakota's first marker on the Great Western Cattle Trail.

**WHEREAS**, the Great Western Cattle Trail was blazed in 1874 by John T. Lytle; and

**WHEREAS**, by 1879, the Great Western Cattle Trail was the principal thoroughfare for Texas longhorns bound for the northern markets; and

**WHEREAS**, by the time of the last drive, in 1893, the Great Western Cattle Trail had served approximately seven million cattle, hundreds of trail bosses, chuckwagons, and remudas; achieved almost mythical stature on the American frontier; and solidified its place in the history of Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, and the province of Saskatchewan; and

**WHEREAS**, in 2003, Rotary clubs launched a project to mark the entire Great Western Cattle Trail with concrete posts placed every 6 to 10 miles; and

**WHEREAS**, on May 1, 2008, Rotary District 5580 will proudly place the state's first marker in Medora, North Dakota;

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

That the North Dakota Legislative Assembly is proud to recognize the cooperative efforts of the Rotary clubs and districts and the citizens of the multiple states stretching from

southern Texas to the far northern reaches of the Dakotas and Saskatchewan and is equally proud to commemorate the placement of North Dakota's first trail marker and thereby acknowledge for all time the legendary role of the Great Western Cattle Trail in the history of our states and our people; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward a copy of this resolution to the governor of Rotary District 5580.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3065:** A concurrent resolution recognizing the placement of North Dakota's first marker on the Great Western Cattle Trail.

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

HCR 3065 was declared adopted and the title was agreed to on a voice vote.

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

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HCR 3065.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4035:** A concurrent resolution declaring North Dakota the snow angel capital of the world. Was read the first time.

**MOTION**

**REP. BERG MOVED** that the rules be suspended, that SCR 4035 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. Dever, Freborg, Klein and Reps. Carlisle, R. Kelsch, L. Meier introduced:  
(Approved by the Delayed Bills Committee)

**SENATE CONCURRENT RESOLUTION NO. 4035**

A concurrent resolution declaring North Dakota the snow angel capital of the world.

**WHEREAS**, on Saturday, February 17, 2007, 8,962 North Dakotans, representing communities from across the state, gathered on the North Dakota State Capitol grounds to set a new world record for the most snow angels made simultaneously; and

**WHEREAS**, upon final confirmation from the Guinness Book of World Records, North Dakota would surpass the previous record of 3,794 set in 2006 by students from Michigan Technical University; and

**WHEREAS**, North Dakota set the original record of 1,791 simultaneous snow angels in 2002; and

**WHEREAS**, a diverse group of North Dakota individuals ranging in age from 1 month to 99 years, families, schools, and organizations participated in the event; and

**WHEREAS**, individuals from 141 North Dakota towns, 17 states, 3 Canadian provinces, 6 countries, and 5 continents participated in the event; and

**WHEREAS**, the photograph of the snow angel event has been published in at least 137 out-of-state newspapers; and

**WHEREAS**, snow angels have become one of the hottest new fashion statements since the event; and

**WHEREAS**, the event received national media attention on ABC, CBS, NBC, MSNBC, CNN, NPR, and the Weather Channel; and

**WHEREAS**, the North Dakota spirit of perseverance, determination, and delight in the four seasons was made evident to the world in this world-class, recordbreaking event; and

**WHEREAS**, in their attempt to set a new world record, North Dakotans not only showed their competitive spirit, but demonstrated to the world their incomparable pride, character, and resolve;

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

That the Sixtieth Legislative Assembly declares North Dakota the snow angel capital of the world and congratulates all those involved in making this event and the world record possible for the state.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4035:** A concurrent resolution declaring North Dakota the snow angel capital of the world.

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

SCR 4035 was declared adopted and the title was agreed to on a voice vote.

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

**MR. PRESIDENT:** The House has passed unchanged: SCR 4035.

**SIXTH ORDER OF BUSINESS**

**SB 2001, as engrossed: REP. THORESON (Appropriations Committee) MOVED** that the amendments on HJ pages 1158-1159 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2001:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; to provide an appropriation to the department of commerce; and to amend and reenact sections 54-07-04, 54-08-03, 54-62-01, and 54-62-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor and the office of faith-based and community initiatives.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 79 YEAS, 8 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

**NAYS:** Dosch; Drovdal; Kasper; Meyer, S.; Mueller; Weiler; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Brandenburg; Damschen; DeKrey; Hawken; Klein; Monson; Zaiser

Engrossed SB 2001, as amended, passed and the title was agreed to.

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**SIXTH ORDER OF BUSINESS**

**SB 2002: REP. THORESON (Appropriations Committee) MOVED** that the amendments on HJ pages 1159-1161 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2002:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing; to amend and reenact section 54-09-05 of the North Dakota Century Code, relating to the salary of the secretary of state; and to provide for a report to the legislative assembly.

**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, 1 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

**NAYS:** Zaiser

**ABSENT AND NOT VOTING:** Brandenburg; Damschen; DeKrey; Gulleson; Hawken; Klein; Monson

SB 2002, as amended, passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

**SB 2004: REP. SKARPHOL (Appropriations Committee) MOVED** that the amendments on HJ pages 1163-1164 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2004:** A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; and to amend and reenact section 54-10-10 of the North Dakota Century Code, relating to the salary of the state auditor.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 78 YEAS, 10 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**NAYS:** Clark; Dietrich; Dosch; Drovda; Kasper; Nelson; Pollert; Ruby; Weiler; Speaker Delzer

**ABSENT AND NOT VOTING:** Brandenburg; Damschen; DeKrey; Hawken; Klein; Monson

SB 2004, as amended, passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

**SB 2005: REP. SKARPHOL (Appropriations Committee) MOVED** that the amendments on HJ pages 1164-1165 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2005:** A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer; and to provide for a report to the legislative assembly.

#### 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 80 YEAS, 8 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**NAYS:** Carlisle; Carlson; Drovdal; Hanson; Kroeber; Meyer, S.; Pinkerton; Weiler

**ABSENT AND NOT VOTING:** Brandenburg; Damschen; DeKrey; Hawken; Klein; Monson

SB 2005, as amended, passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

**SB 2006: REP. KEMPENICH (Appropriations Committee) MOVED** that the amendments on HJ pages 1165-1166 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2006:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the state tax commissioner and for payment of state reimbursement under the homestead tax credit; to provide for a transfer; to amend and reenact section 57-01-04 of the North Dakota Century Code, relating to the tax commissioner's salary; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; and to provide for a report to the legislative assembly.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 82 YEAS, 6 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**NAYS:** Griffin; Kasper; Meyer, S.; Weiler; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Brandenburg; Damschen; DeKrey; Hawken; Klein; Monson

SB 2006, as amended, passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

**SB 2007: REP. WILLIAMS (Appropriations Committee) MOVED** that the amendments on HJ pages 1166-1167 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2007:** A BILL for an Act to provide an appropriation for defraying the expenses of the labor commissioner; and to provide a contingent appropriation.

#### 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 81 YEAS, 7 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Delmore; Dietrich; Ekstrom; Froelich; Froseth;

Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wolf; Zaiser

**NAYS:** Dosch; Drovdal; Kasper; Ruby; Weiler; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Brandenburg; Damschen; DeKrey; Hawken; Klein; Monson

SB 2007, as amended, passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

**SB 2008, as engrossed: REP. KEMPENICH (Appropriations Committee) MOVED** that the amendments on HJ pages 1167-1169 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2008:** A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; to provide for a legislative council report; to provide for budget section approval; and to amend and reenact section 49-01-05 of the North Dakota Century Code, relating to the salary of public service commissioners.

#### 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 66 YEAS, 22 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehning; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Dietrich; Dosch; Froelich; Froseth; Grande; Gruchalla; Haas; Hanson; Hatlestad; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Mueller; Myxter; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Ruby; Schmidt; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Wieland; Williams; Wolf; Zaiser

**NAYS:** Amerman; Boe; Boucher; Delmore; Drovdal; Ekstrom; Glassheim; Griffin; Gulleson; Headland; Kasper; Meyer, S.; Nelson; Owens; Pinkerton; Schneider; Solberg; Thoreson; Weiler; Weisz; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Brandenburg; Damschen; DeKrey; Hawken; Klein; Monson

Engrossed SB 2008, as amended, passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

**SB 2010, as engrossed: REP. CARLISLE (Appropriations Committee) MOVED** that the amendments on HJ pages 1173-1175 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2010:** A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; to provide an appropriation to the legislative council; to provide for fund transfers; to provide for making payments of insurance premiums tax collections to fire departments; and to amend and reenact sections 26.1-01-09 and 26.1-22-10 of the North Dakota Century Code, relating to the commissioner's salary and insurance of personal property by the state fire and tornado fund.

#### 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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich;



Froseth; Glassheim; Grande; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Brandenburg; Damschen; DeKrey; Hawken; Klein; Monson

Engrossed SB 2010, as amended, 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 has amended and subsequently passed: SB 2341.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2001, SB 2002, SB 2004, SB 2005, SB 2006, SB 2007, SB 2008, SB 2010.

**MOTION**

**REP. BERG MOVED** that the absent member be excused, which motion prevailed.

**MOTION**

**REP. BERG 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, March 30, 2007, which motion prevailed.

**REPORT OF STANDING COMMITTEE (MAJORITY)**

**SB 2013, as engrossed: Appropriations (Rep. K. Svedjan, Chairman)** A MAJORITY of your committee (Reps. Svedjan, Kempenich, Hawken, Martinson, Pollert, Bellew, Nelson, Aarsvold, Guleson, Glassheim, Kroeber, Williams, Ekstrom, Kerzman, Metcalf) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 4, after "transfers" insert "; to provide for a legislative council study; to provide legislative intent" and remove "and subsection 5 of section 15.1-27-07"

Page 1, line 5, after "Code" insert "and section 28 of chapter 167 of the 2005 Session Laws"

Page 1, line 6, replace "per student payments for kindergarten students" with "contingent distributions of per student payments"

Page 3, line 11, replace "6,075,986" with "4,845,986"

Page 3, line 21, replace "104,969,811" with "103,739,811"

Page 3, line 23, replace "75,193,139" with "73,963,139"

Page 4, line 3, replace "\$105,779" with "(\$292,221)"

Page 4, line 6, replace "\$113,302" with "(\$284,698)"

Page 4, line 7, replace "(363,103)" with "(288,103)"

Page 4, line 8, replace "476,405" with "3,405"

Page 4, line 17, replace "76,533,765" with "74,830,765"

Page 4, line 18, replace "29,633,567" with "29,708,567"

Page 4, line 19, replace "106,167,332" with "104,539,332"

Page 4, line 30, replace "20,968,294" with "19,738,294"

Page 5, line 6, replace "1,037,313,033" with "1,036,083,033"

Page 5, line 8, replace "711,636,726" with "710,406,726"

Page 5, line 19, replace "5,141,381" with "4,743,381"

Page 5, line 22, replace "6,805,664" with "6,407,664"

Page 5, line 23, replace "964,162" with "1,039,162"

Page 5, line 24, replace "5,841,502" with "5,368,502"

Page 6, line 2, replace "724,374,140" with "722,671,140"

Page 6, line 3, replace "329,366,186" with "329,441,186"

Page 6, line 4, replace "1,053,740,326" with "1,052,112,326"

Page 7, remove lines 3 through 8

Page 7, after line 25, insert:

**"SECTION 12. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in section 3 of this Act includes \$100,000 for the one-time funding item 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 school for the deaf 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.

Deferred maintenance - School for the deaf

\$100,000

**SECTION 13. LEGISLATIVE COUNCIL STUDY - SERVICES TO STUDENTS WHO ARE DEAF OR HEARING-IMPAIRED.** The legislative council shall consider studying, during the 2007-08 interim, the provision of services to children and adults who are deaf or hearing-impaired, including the role of the North Dakota school for the deaf in the provision of educational and rehabilitative services, the short-term and long-term viability of existing state facilities, and alternative approaches that might enhance the scope and breadth of service availability. The study, if conducted, must include the feasibility of combining the administration and delivery of services of the school for the deaf with other area school districts, educational associations governed by joint powers agreements, special education units, and North Dakota vision services - school for the blind. The study should examine alternative uses for the buildings on the school for the deaf campus beyond the scope of the school's present mission. 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 14. LEGISLATIVE INTENT - REPORT TO THE SIXTY-FIRST LEGISLATIVE ASSEMBLY.** It is the intent of the legislative assembly that the school for the deaf collaborate with Lake Region state college on the college's wind energy project and determine the feasibility of the school for the deaf accessing any available energy, including identifying any related costs. The school for the deaf should provide a report on the status of this collaboration to the appropriations committees of the sixty-first legislative assembly.

**SECTION 15. ADULT EDUCATION PER STUDENT FUNDING STUDY.** The commission on education improvement shall consider studying, during the 2007-08 interim, changes to the state school aid formula to provide per student payments to school districts offering an adult education program.

**SECTION 16. AMENDMENT.** Section 28 of chapter 167 of the 2005 Session Laws is amended and reenacted as follows:

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

1. The superintendent of public instruction shall use the first \$450,000, or so much of that amount as may be necessary, to provide additional payments to school districts serving English language learners in accordance with section 15.1-27-12.
2. The superintendent of public instruction shall use the next \$1,000,000, or so much of that amount as may be necessary, for the purpose of providing additional per student payments to school districts participating in eligible educational associations in accordance with section 32 of this Act.
3. The superintendent of public instruction shall use the next \$25,748, or so much of that amount as may be necessary, for the purpose of reimbursing eligible school districts that received reduced amounts of state aid. For the purposes of this subsection, an eligible school district is one that received a reduction in state aid during the 2005-07 biennium because the district's general fund levy fell below one hundred forty mills as the result of an accounting oversight.
4. The superintendent of public instruction shall use the next \$200,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school districts offering an adult education program during the 2005-07 biennium.
5.
  - a. The superintendent of public instruction shall use the next \$2,000,000, or so much of that sum as may be necessary, for the purpose of providing payments to school districts that are members of eligible educational associations, for the biennium beginning July 1, 2007, and ending June 30, 2009.
  - b. Each year of the biennium, the superintendent of public instruction shall distribute fifty percent of the moneys appropriated to eligible school districts on a per student basis. The superintendent shall make the distribution at the same time and in the same manner as other state aid payments under section 15.1-27-01.
  - c. For purposes of this subsection, an "eligible educational association" is one that is governed by a joint powers agreement that the superintendent of public instruction has reviewed and verified as meeting the requirements of section 15.1-07-28.
6. The superintendent of public instruction shall use the next \$500,000, or so much of that amount as may be necessary, for the purpose of funding the rewrite of the state school aid computer system.
7. The superintendent of public instruction shall use the next \$650,000, or so much of that amount as may be necessary, for the purpose of funding the rewrite of the teacher licensure application used by the department and the education standards and practices board. The education standards and practices board will pay the remaining \$80,000 of the anticipated total project cost.
8. The superintendent of public instruction shall use the next \$77,000, or so much of that amount as may be necessary, for providing funding to the education standards and practices board for providing payments to recipients of national board certification and scholarships to individuals seeking national board certification in accordance with Senate Bill No. 2057 as approved by the sixtieth legislative assembly.
9. The superintendent of public instruction shall use the next \$400,000, or so much of that amount as may be necessary, to purchase automated external defibrillators and place one in each public and nonpublic school in the state.
10. The superintendent of public instruction shall use the next \$395,000, or so much of that sum as may be necessary, for the purpose of providing a grant to the north central council of school television for licensing of education television programs for classroom use by North Dakota elementary and secondary schools, assisting with the North Dakota studies project, and other operating expenses.

- 11. The superintendent of public instruction shall use the next \$50,000, or so much of that sum as may be necessary, for the purpose of providing a grant for the Atlantik-Brucke teacher exchange program.
- 12. The superintendent of public instruction shall use the remainder of the moneys to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district."

Page 8, remove lines 1 through 28

Page 8, line 29, replace "Section" with "Sections", after "4" insert "and 16", and replace "is" with "are"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2013 - Summary of House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
<b>Department of Public Instruction</b>				
Total all funds	\$1,037,666,173	\$1,037,313,033	(\$1,230,000)	\$1,036,083,033
Less estimated income	<u>326,080,447</u>	<u>325,676,307</u>		<u>325,676,307</u>
General fund	\$711,585,726	\$711,636,726	(\$1,230,000)	\$710,406,726
<b>State Library</b>				
Total all funds	\$5,861,312	\$5,861,312	\$0	\$5,861,312
Less estimated income	<u>1,881,600</u>	<u>1,881,600</u>		<u>1,881,600</u>
General fund	\$3,979,712	\$3,979,712	\$0	\$3,979,712
<b>School for the Deaf</b>				
Total all funds	\$6,805,664	\$6,805,664	(\$398,000)	\$6,407,664
Less estimated income	<u>964,162</u>	<u>964,162</u>	<u>75,000</u>	<u>1,039,162</u>
General fund	\$5,841,502	\$5,841,502	(\$473,000)	\$5,368,502
<b>Vision Services - School for the Blind</b>				
Total all funds	\$3,636,873	\$3,760,317	\$0	\$3,760,317
Less estimated income	<u>844,117</u>	<u>844,117</u>		<u>844,117</u>
General fund	\$2,792,756	\$2,916,200	\$0	\$2,916,200
<b>Bill Total</b>				
Total all funds	\$1,053,970,022	\$1,053,740,326	(\$1,628,000)	\$1,052,112,326
Less estimated income	<u>329,770,326</u>	<u>329,366,186</u>	<u>75,000</u>	<u>329,441,186</u>
General fund	\$724,199,696	\$724,374,140	(\$1,703,000)	\$722,671,140

**Senate Bill No. 2013 - Department of Public Instruction - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$11,811,194	\$11,407,054		\$11,407,054
Operating expenses	21,088,294	20,968,294	(\$1,230,000)	19,738,294
Grants - State school aid	724,165,879	726,165,879		726,165,879
Grants - Special education contracts	17,500,000	17,500,000		17,500,000
Grants - Transportation	33,500,000	33,500,000		33,500,000
Grants - Other grants	227,530,806	227,701,806		227,701,806
JPA incentives	2,000,000			
Transportation efficiency	30,000	30,000		30,000
National board certification	<u>40,000</u>	<u>40,000</u>		<u>40,000</u>
Total all funds	\$1,037,666,173	\$1,037,313,033	(\$1,230,000)	\$1,036,083,033
Less estimated income	<u>326,080,447</u>	<u>325,676,307</u>		<u>325,676,307</u>
General fund	\$711,585,726	\$711,636,726	(\$1,230,000)	\$710,406,726
FTE	98.25	94.75	0.00	94.75

**Dept. 201 - Department of Public Instruction - Detail of House Changes**

	REMOVES FUNDING FOR COMPUTER SYSTEM REWRITE PROJECTS <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages		
Operating expenses	(\$1,230,000)	(\$1,230,000)
Grants - State school aid		
Grants - Special education contracts		
Grants - Transportation		

Grants - Other grants		
JPA incentives		
Transportation efficiency		
National board certification		
Total all funds	(\$1,230,000)	(\$1,230,000)
Less estimated income		
General fund	(\$1,230,000)	(\$1,230,000)
FTE	0.00	0.00

<sup>1</sup> This amendment removes funding from the general fund for the state school aid rewrite project (\$500,000) and the teachers' licensure application rewrite project (\$730,000) and provides that those projects be funded from the 2005-07 per student and transportation aid contingent distributions.

This amendment also:

- Adds a section to the bill identifying one-time funding for the 2007-09 biennium.
- Adds a section providing that the Commission on Education Improvement consider studying changes to the state school aid formula to provide per student payments to school districts offering an adult education program.
- Removes Section 8 of the engrossed bill relating to English language learners.
- Removes Section 14 of the engrossed bill relating to full-day kindergarten.

#### Senate Bill No. 2013 - School for the Deaf - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$5,141,381	\$5,141,381	(\$398,000)	\$4,743,381
Operating expenses	1,514,283	1,514,283		1,514,283
Capital assets	<u>150,000</u>	<u>150,000</u>		<u>150,000</u>
Total all funds	\$6,805,664	\$6,805,664	(\$398,000)	\$6,407,664
Less estimated income	<u>964,162</u>	<u>964,162</u>	<u>75,000</u>	<u>1,039,162</u>
General fund	\$5,841,502	\$5,841,502	(\$473,000)	\$5,368,502
FTE	48.44	48.44	(4.50)	43.94

#### Dept. 252 - School for the Deaf - Detail of House Changes

	REMOVES VACANT FTE POSITIONS <sup>1</sup>	REDUCES FUNDING FOR SALARIES AND WAGES <sup>2</sup>	FUNDING SOURCE CHANGE	TOTAL HOUSE CHANGES
Salaries and wages	(\$323,000)	(\$75,000)		(\$398,000)
Operating expenses				
Capital assets				
Total all funds	(\$323,000)	(\$75,000)		(\$398,000)
Less estimated income			<u>\$75,000</u>	<u>75,000</u>
General fund	(\$323,000)	(\$75,000)	(\$75,000)	(\$473,000)
FTE	(4.50)	0.00	0.00	(4.50)

<sup>1</sup> This amendment removes 4.5 vacant FTE positions.

<sup>2</sup> This amendment reduces funding for the salaries and wages line item by \$75,000 from the general fund relating to anticipated attrition.

This amendment also:

- Adds a section to the bill identifying one-time funding for the 2007-09 biennium.
- Adds a section to the bill to provide for a Legislative Council study of services to students who are deaf or hearing-impaired.
- Add a section to the bill to provide legislative intent that the School for the Deaf collaborate with Lake Region State College on the college's wind energy project.

**REPORT OF STANDING COMMITTEE (MINORITY)**

**SB 2013, as engrossed: Appropriations (Rep. K. Svedjan, Chairman)** A **MINORITY** of your committee (Reps. Wald, Carlson, Carlisle, Skarphol, Thoreson, Kreidt, Wieland) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 4, after "transfers" insert "; to provide for a legislative council study; to provide legislative intent" and remove "and subsection 5 of section 15.1-27-07"

Page 1, line 5, after "Code" insert "and section 28 of chapter 167 of the 2005 Session Laws"

Page 1, line 6, replace "per student payments for kindergarten students" with "contingent distributions of per student payments"

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Page 3, line 12, replace "242,112,120" with "240,112,120"

Page 3, line 21, replace "104,969,811" with "101,739,811"

Page 3, line 23, replace "75,193,139" with "71,963,139"

Page 4, line 3, replace "\$105,779" with "(\$292,221)"

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Page 4, line 7, replace "(363,103)" with "(288,103)"

Page 4, line 8, replace "476,405" with "3,405"

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Page 4, line 31, replace "726,165,879" with "724,165,879"

Page 5, line 6, replace "1,037,313,033" with "1,034,083,033"

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Page 6, line 4, replace "1,053,740,326" with "1,050,112,326"

Page 7, remove lines 3 through 8

Page 7, after line 25, insert:

**"SECTION 12. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in section 3 of this Act includes \$100,000 for the one-time funding item 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 school for the deaf 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.

Deferred maintenance - School for the deaf

\$100,000

**SECTION 13. LEGISLATIVE COUNCIL STUDY - SERVICES TO STUDENTS WHO ARE DEAF OR HEARING-IMPAIRED.** The legislative council shall consider studying, during the 2007-08 interim, the provision of services to children and adults who are deaf or hearing-impaired, including the role of the North Dakota school for the deaf in the provision of educational and rehabilitative services, the short-term and long-term viability of existing state facilities, and alternative approaches that might enhance the scope and breadth of service availability. The study, if conducted, must include the feasibility of combining the administration and delivery of services of the school for the deaf with other area school districts, educational associations governed by joint powers agreements, special education units, and North Dakota vision services - school for the blind. The study should examine alternative uses for the buildings on the school for the deaf campus beyond the scope of the school's present mission. 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 14. LEGISLATIVE INTENT - REPORT TO THE SIXTY-FIRST LEGISLATIVE ASSEMBLY.** It is the intent of the legislative assembly that the school for the deaf collaborate with Lake Region state college on the college's wind energy project and determine the feasibility of the school for the deaf accessing any available energy, including identifying any related costs. The school for the deaf should provide a report on the status of this collaboration to the appropriations committees of the sixty-first legislative assembly.

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**SECTION 16. AMENDMENT.** Section 28 of chapter 167 of the 2005 Session Laws is amended and reenacted as follows:

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

1. The superintendent of public instruction shall use the first \$450,000, or so much of that amount as may be necessary, to provide additional payments to school districts serving English language learners in accordance with section 15.1-27-12.
2. The superintendent of public instruction shall use the next \$1,000,000, or so much of that amount as may be necessary, for the purpose of providing additional per student payments to school districts participating in eligible educational associations in accordance with section 32 of this Act.
3. The superintendent of public instruction shall use the next \$25,748, or so much of that amount as may be necessary, for the purpose of reimbursing eligible school districts that received reduced amounts of state aid. For the purposes of this subsection, an eligible school district is one that received a reduction in state aid during the 2005-07 biennium because the district's general fund levy fell below one hundred forty mills as the result of an accounting oversight.
4. The superintendent of public instruction shall use the next \$200,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school districts offering an adult education program during the 2005-07 biennium.
5. a. The superintendent of public instruction shall use the next \$2,000,000, or so much of that sum as may be necessary, for the purpose of providing payments to school districts that are members of eligible

educational associations, for the biennium beginning July 1, 2007, and ending June 30, 2009.

- b. Each year of the biennium, the superintendent of public instruction shall distribute fifty percent of the moneys appropriated to eligible school districts on a per student basis. The superintendent shall make the distribution at the same time and in the same manner as other state aid payments under section 15.1-27-01.
  - c. For purposes of this subsection, an "eligible educational association" is one that is governed by a joint powers agreement that the superintendent of public instruction has reviewed and verified as meeting the requirements of section 15.1-07-28.
6. The superintendent of public instruction shall use the next \$500,000, or so much of that amount as may be necessary, for the purpose of funding the rewrite of the state school aid computer system.
  7. The superintendent of public instruction shall use the next \$650,000, or so much of that amount as may be necessary, for the purpose of funding the rewrite of the teacher licensure application used by the department and the education standards and practices board. The education standards and practices board will pay the remaining \$80,000 of the anticipated total project cost.
  8. The superintendent of public instruction shall use the next \$77,000, or so much of that amount as may be necessary, for providing funding to the education standards and practices board for providing payments to recipients of national board certification and scholarships to individuals seeking national board certification in accordance with Senate Bill No. 2057 as approved by the sixtieth legislative assembly.
  9. The superintendent of public instruction shall use the next \$400,000, or so much of that amount as may be necessary, to purchase automated external defibrillators and place one in each public and nonpublic school in the state.
  10. The superintendent of public instruction shall use the next \$395,000, or so much of that sum as may be necessary, for the purpose of providing a grant to the north central council of school television for licensing of education television programs for classroom use by North Dakota elementary and secondary schools, assisting with the North Dakota studies project, and other operating expenses.
  11. The superintendent of public instruction shall use the next \$50,000, or so much of that sum as may be necessary, for the purpose of providing a grant for the Atlantik-Brucke teacher exchange program.
  12. The superintendent of public instruction shall use the remainder of the moneys to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district."

Page 8, remove lines 1 through 28

Page 8, line 29, replace "Section" with "Sections", after "4" insert "and 16", and replace "is" with "are"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2013 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Department of Public Instruction				
Total all funds	\$1,037,666,173	\$1,037,313,033	(\$3,230,000)	\$1,034,083,033
Less estimated income	326,080,447	325,676,307		325,676,307



General fund	\$711,585,726	\$711,636,726	(\$3,230,000)	\$708,406,726
<b>State Library</b>				
Total all funds	\$5,861,312	\$5,861,312	\$0	\$5,861,312
Less estimated income	1,881,600	1,881,600		1,881,600
General fund	\$3,979,712	\$3,979,712	\$0	\$3,979,712
<b>School for the Deaf</b>				
Total all funds	\$6,805,664	\$6,805,664	(\$398,000)	\$6,407,664
Less estimated income	964,162	964,162	75,000	1,039,162
General fund	\$5,841,502	\$5,841,502	(\$473,000)	\$5,368,502
<b>Vision Services - School for the Blind</b>				
Total all funds	\$3,636,873	\$3,760,317	\$0	\$3,760,317
Less estimated income	844,117	844,117		844,117
General fund	\$2,792,756	\$2,916,200	\$0	\$2,916,200
<b>Bill Total</b>				
Total all funds	\$1,053,970,022	\$1,053,740,326	(\$3,628,000)	\$1,050,112,326
Less estimated income	329,770,326	329,366,186	75,000	329,441,186
General fund	\$724,199,696	\$724,374,140	(\$3,703,000)	\$720,671,140

**Senate Bill No. 2013 - Department of Public Instruction - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$11,811,194	\$11,407,054		\$11,407,054
Operating expenses	21,088,294	20,968,294	(\$1,230,000)	19,738,294
Grants - State school aid	724,165,879	726,165,879	(2,000,000)	724,165,879
Grants - Special education contracts	17,500,000	17,500,000		17,500,000
Grants - Transportation	33,500,000	33,500,000		33,500,000
Grants - Other grants	227,530,806	227,701,806		227,701,806
JPA incentives	2,000,000			
Transportation efficiency	30,000	30,000		30,000
National board certification	40,000	40,000		40,000
Total all funds	\$1,037,666,173	\$1,037,313,033	(\$3,230,000)	\$1,034,083,033
Less estimated income	<u>326,080,447</u>	<u>325,676,307</u>		<u>325,676,307</u>
General fund	\$711,585,726	\$711,636,726	(\$3,230,000)	\$708,406,726
FTE	98.25	94.75	0.00	94.75

**Dept. 201 - Department of Public Instruction - Detail of House Changes**

	REMOVES FUNDING FOR COMPUTER SYSTEM REWRITE PROJECTS <sup>1</sup>	REDUCES FUNDING FOR STATE SCHOOL AID <sup>2</sup>	TOTAL HOUSE CHANGES
Salaries and wages			
Operating expenses	(\$1,230,000)		(\$1,230,000)
Grants - State school aid		(\$2,000,000)	(2,000,000)
Grants - Special education contracts			
Grants - Transportation			
Grants - Other grants			
JPA incentives			
Transportation efficiency			
National board certification			
Total all funds	(\$1,230,000)	(\$2,000,000)	(\$3,230,000)
Less estimated income			
General fund	(\$1,230,000)	(\$2,000,000)	(\$3,230,000)
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment removes funding from the general fund for the state school aid rewrite project (\$500,000) and the teachers' licensure application rewrite project (\$730,000) and provides that those projects be funded from the 2005-07 per student and transportation aid contingent distributions.

<sup>2</sup> This amendment removes funding of \$2 million from the general fund added by the Senate for the state school aid program.

This amendment also:

- Adds a section to the bill identifying one-time funding for the 2007-09 biennium.
- Adds a section providing that the Commission on Education Improvement consider studying changes to the state school aid formula to provide per student payments to school districts offering an adult education program.
- Removes Section 8 of the engrossed bill relating to English language learners.

- Removes Section 14 of the engrossed bill relating to full-day kindergarten.

### Senate Bill No. 2013 - School for the Deaf - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$5,141,381	\$5,141,381	(\$398,000)	\$4,743,381
Operating expenses	1,514,283	1,514,283		1,514,283
Capital assets	150,000	150,000		150,000
Total all funds	\$6,805,664	\$6,805,664	(\$398,000)	\$6,407,664
Less estimated income	964,162	964,162	75,000	1,039,162
General fund	\$5,841,502	\$5,841,502	(\$473,000)	\$5,368,502
FTE	48.44	48.44	(4.50)	43.94

### Dept. 252 - School for the Deaf - Detail of House Changes

	REMOVES VACANT FTE POSITIONS <sup>1</sup>	REDUCES FUNDING FOR SALARIES AND WAGES <sup>2</sup>	FUNDING SOURCE CHANGE	TOTAL HOUSE CHANGES
Salaries and wages	(\$323,000)	(\$75,000)		(\$398,000)
Operating expenses				
Capital assets				
Total all funds	(\$323,000)	(\$75,000)		(\$398,000)
Less estimated income			\$75,000	75,000
General fund	(\$323,000)	(\$75,000)	(\$75,000)	(\$473,000)
FTE	(4.50)	0.00	0.00	(4.50)

<sup>1</sup> This amendment removes 4.5 vacant FTE positions.

<sup>2</sup> This amendment reduces funding for the salaries and wages line item by \$75,000 from the general fund relating to anticipated attrition.

This amendment also:

- Adds a section to the bill identifying one-time funding for the 2007-09 biennium.
- Adds a section to the bill to provide for a Legislative Council study of services to students who are deaf or hearing-impaired.
- Add a section to the bill to provide legislative intent that the School for the Deaf collaborate with Lake Region State College on the college's wind energy project.

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

### REPORT OF STANDING COMMITTEE (MAJORITY)

**SB 2021, as reengrossed: Appropriations (Rep. K. Svedjan, Chairman)** A MAJORITY of your committee (Reps. Svedjan, Kempenich, Wald, Monson, Hawken, Klein, Martinson, Carlson, Carlisle, Skarphol, Thoreson, Pollert, Kreidt, Nelson, Wieland) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 2, remove "to provide an appropriation for the labor commissioner;"

Page 1, line 3, remove "and" and after "report" insert "; to provide a continuing appropriation; and to create and enact two new sections to chapter 65-02 of the North Dakota Century Code, relating to employee awards and incentive spending authority and implementation of occupational health and preventive medicine programs"

Page 1, remove lines 19 through 23

Page 2, remove lines 1 through 3

Page 2, line 10, replace "quarterly" with "semiannually"

Page 2, after line 12, insert:

"SECTION 6. Two new sections to chapter 65-02 of the North Dakota Century Code are created and enacted as follows:

**Spending authority.** Notwithstanding any other provision of law, the organization may spend funds up to fifty thousand dollars, subject to legislative appropriations, for the purpose of purchasing awards or incentive items for employment-related activities, including employee training sessions and workers' compensation education or training for public officials. All expenses authorized under this section must be recorded in a separate expense code for reporting purposes.

**Occupational health and preventive medicine programs - Continuing appropriation.** Upon approval of the board, the organization may establish and implement programs to advance occupational health and preventive medicine in this state and to protect the integrity of the fund. These programs may include the provision of education or training, consultation, grants, scholarships, or other incentives that promote superior care and treatment of the workforce in this state. Funds in the workforce and insurance fund are appropriated to the organization on a continuing basis for the purpose of funding the programs implemented under this section."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2021 - Summary of House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Labor Commissioner				
Total all funds	\$0	\$1,072,319	(\$1,072,319)	\$0
Less estimated income		<u>1,072,319</u>	<u>(1,072,319)</u>	
General fund	\$0	\$0	\$0	\$0
Workforce Safety and Insurance				
Total all funds	\$50,020,989	\$53,273,732	\$0	\$53,273,732
Less estimated income	<u>50,020,989</u>	<u>53,273,732</u>		<u>53,273,732</u>
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$50,020,989	\$54,346,051	(\$1,072,319)	\$53,273,732
Less estimated income	<u>50,020,989</u>	<u>54,346,051</u>	<u>(1,072,319)</u>	<u>53,273,732</u>
General fund	\$0	\$0	\$0	\$0

**Senate Bill No. 2021 - Labor Commissioner - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages		\$966,399	(\$966,399)	
Operating expenses		<u>105,920</u>	<u>(105,920)</u>	
Total all funds	\$0	\$1,072,319	(\$1,072,319)	\$0
Less estimated income		<u>1,072,319</u>	<u>(1,072,319)</u>	
General fund	\$0	\$0	\$0	\$0
FTE	0.00	5.00	(5.00)	0.00

**Dept. 406 - Labor Commissioner - Detail of House Changes**

	REMOVES FUNDING AND FTE POSITIONS FOR OFFICE OF INDEPENDENT REVIEW <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$966,399)	(\$966,399)
Operating expenses	<u>(105,920)</u>	<u>(105,920)</u>
Total all funds	(\$1,072,319)	(\$1,072,319)
Less estimated income	<u>(1,072,319)</u>	<u>(1,072,319)</u>
General fund	\$0	\$0
FTE	(5.00)	(5.00)

<sup>1</sup> This amendment removes the appropriation to the Labor Commissioner of \$1,072,319 from the workforce safety and insurance fund for implementing the provisions of Senate Bill No. 2292 relating to the administration of the Office of Independent Review due to the defeat of the bill. This amendment also removes the authorization of 5 new FTE positions for the Labor Commissioner, 4 FTE positions transferred from Workforce Safety and Insurance and 1 new FTE position.

**Senate Bill No. 2021 - Workforce Safety and Insurance - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Workforce Safety and Insurance	<u>\$50,020,989</u>	<u>\$53,273,732</u>	\$0	<u>\$53,273,732</u>
Total all funds	\$50,020,989	\$53,273,732	\$0	\$53,273,732
Less estimated income	<u>50,020,989</u>	<u>53,273,732</u>		<u>53,273,732</u>
General fund	\$0	\$0	\$0	\$0
FTE	223.14	233.14	4.00	237.14

**Dept. 485 - Workforce Safety and Insurance - Detail of House Changes**

	RESTORES THE FTE POSITIONS	TOTAL HOUSE CHANGES
Workforce Safety and Insurance	_____	<u>\$0</u>
Total all funds	\$0	\$0
Less estimated income	_____	_____
General fund	\$0	\$0
FTE	4.00	4.00

This amendment also:

- Modifies Section 6 of the engrossed bill to provide for semiannual rather than quarterly reports to the Budget Section on the agency's status of implementing the performance audit recommendations of the State Auditor.
- Creates a new section to North Dakota Century Code (NDCC) Chapter 65-02 relating to employee awards and incentives.
- Creates a new section to NDCC Chapter 65-02 relating to occupational health and preventive medicine programs.

**REPORT OF STANDING COMMITTEE (MINORITY)**

**SB 2021, as reengrossed: Appropriations (Rep. K. Svedjan, Chairman)** A MINORITY of your committee (Reps. Aarsvold, Glassheim, Kroeber, Williams, Ekstrom, Kerzman, Metcalf) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 2, remove "to provide an appropriation for the labor commissioner;"

Page 1, line 3, remove "and" and after "report" insert "; to provide a continuing appropriation; and to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to implementation of occupational health and preventive medicine programs"

Page 1, remove lines 19 through 23

Page 2, remove lines 1 through 3

Page 2, line 10, replace "quarterly" with "semiannually"

Page 2, after line 12, insert:

**"SECTION 6.** A new section to chapter 65-02 of the North Dakota Century Code is created and enacted as follows:

**Occupational health and preventive medicine programs - Continuing appropriation.** Upon approval of the board, the organization may establish and implement programs to advance occupational health and preventive medicine in this state and to protect the integrity of the fund. These programs may include the provision of education or training, consultation, grants, scholarships, or other incentives that promote superior care and treatment of the workforce in this state. Funds in the

workforce and insurance fund are appropriated to the organization on a continuing basis for the purpose of funding the programs implemented under this section."

Renumber accordingly

### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2021 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Labor Commissioner				
Total all funds	\$0	\$1,072,319	(\$1,072,319)	\$0
Less estimated income		<u>1,072,319</u>	<u>(1,072,319)</u>	
General fund	\$0	\$0	\$0	\$0
Workforce Safety and Insurance				
Total all funds	\$50,020,989	\$53,273,732	\$0	\$53,273,732
Less estimated income	<u>50,020,989</u>	<u>53,273,732</u>		<u>53,273,732</u>
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$50,020,989	\$54,346,051	(\$1,072,319)	\$53,273,732
Less estimated income	<u>50,020,989</u>	<u>54,346,051</u>	<u>(1,072,319)</u>	<u>53,273,732</u>
General fund	\$0	\$0	\$0	\$0

#### Senate Bill No. 2021 - Labor Commissioner - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages		\$966,399	(\$966,399)	
Operating expenses		<u>105,920</u>	<u>(105,920)</u>	
Total all funds	\$0	\$1,072,319	(\$1,072,319)	\$0
Less estimated income		<u>1,072,319</u>	<u>(1,072,319)</u>	
General fund	\$0	\$0	\$0	\$0
FTE	0.00	5.00	(5.00)	0.00

#### Dept. 406 - Labor Commissioner - Detail of House Changes

	REMOVES FUNDING AND FTE POSITIONS FOR OFFICE OF INDEPENDENT REVIEW <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$966,399)	(\$966,399)
Operating expenses	<u>(105,920)</u>	<u>(105,920)</u>
Total all funds	(\$1,072,319)	(\$1,072,319)
Less estimated income	<u>(1,072,319)</u>	<u>(1,072,319)</u>
General fund	\$0	\$0
FTE	(5.00)	(5.00)

<sup>1</sup> This amendment removes the appropriation to the Labor Commissioner of \$1,072,319 from the workforce safety and insurance fund for implementing the provisions of Senate Bill No. 2292 relating to the administration of the Office of Independent Review due to the defeat of the bill. This amendment also removes the authorization of 5 new FTE positions for the Labor Commissioner, 4 FTE positions transferred from Workforce Safety and Insurance and 1 new FTE position.

#### Senate Bill No. 2021 - Workforce Safety and Insurance - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Workforce Safety and Insurance	\$50,020,989	\$53,273,732	\$0	\$53,273,732
Total all funds	\$50,020,989	\$53,273,732	\$0	\$53,273,732
Less estimated income	<u>50,020,989</u>	<u>53,273,732</u>		<u>53,273,732</u>
General fund	\$0	\$0	\$0	\$0
FTE	223.14	233.14	4.00	237.14

#### Dept. 485 - Workforce Safety and Insurance - Detail of House Changes

	RESTORES THE FTE POSITIONS	TOTAL HOUSE CHANGES
Workforce Safety and Insurance	_____	\$0
Total all funds	\$0	\$0
Less estimated income	_____	_____
General fund	\$0	\$0
FTE	4.00	4.00

This amendment also:

- Modifies Section 6 of the engrossed bill to provide for semiannual rather than quarterly reports to the Budget Section on the agency's status of implementing the performance audit recommendations of the State Auditor.
- Creates a new section to NDCC Chapter 65-02 relating to occupational health and preventive medicine programs.

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF STANDING COMMITTEE

**SB 2032, as reengrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2032, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1080-1084 of the House Journal, Reengrossed Senate Bill No. 2032 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact section 57-01-20 and two new subsections to section 57-15-01.1 of the North Dakota Century Code, relating to allocation of school district property tax relief funds and levy limitations for school districts; to amend and reenact sections 57-15-14, 57-15-31, 57-20-07.1, 57-20-09, 57-20-21.1, 57-32-03, 57-51.1-07.2, subdivision b of subsection 1 of section 57-55-03, and section 57-55-04 of the North Dakota Century Code, relating to school district levy limitations, contents of property tax statements, payment of real estate taxes, mobile home taxes, and continuing appropriation of funds from the permanent oil tax trust fund for school district property tax relief; to provide a statement of legislative intent; 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.** Section 57-01-20 of the North Dakota Century Code is created and enacted as follows:

**57-01-20. State-paid property tax relief allocation.** The tax commissioner shall allocate funds appropriated under section 57-51.1-07.2 for property tax relief as provided in this section.

1. The superintendent of public instruction shall determine an adjusted combined education mill rate for each school district by September first of each year. For purposes of this section, "combined education mill rate" means up to two hundred mills of the combined number of mills levied for taxable year 2006 by a school district for the general fund and for high school tuition and high school transportation.
2. To determine the number of mills eligible for state-paid property tax relief, the superintendent of public instruction shall subtract one hundred thirty mills from each school district's combined education mill rate. The eligible mills may not be reduced to less than zero mills. By September fifteenth of each year, the superintendent of public instruction shall provide the tax commissioner the number of mills eligible for state-paid property tax relief for each school district.

3. The tax commissioner shall divide the eligible mills determined for each school district under subsection 2 by two and multiply the resulting number of mills times the current taxable valuation of property in the school district to determine the property tax relief allocation in dollars for the school district. The resulting amounts must be prorated as necessary to allocate total property tax relief of fifty million dollars among school districts for each year.
4. The tax commissioner shall certify to each county auditor by October first of each year the number of mills of state-paid property tax relief determined under this section for each school district in the county. By August first of each year, the tax commissioner shall certify to each school district the amount of the allocation under this section for the school district for the next budget year and shall certify the same information to each county treasurer for each school district in the treasurer's county.
5. The tax commissioner shall certify to the state treasurer for payment to county treasurers of amounts determined under this section for school districts to provide for payment of ninety percent of the amount by March first and the balance of the amount by June fifteenth following the taxable year for which the claims are made.
6. After payments to counties under subsection 5 have been made, the tax commissioner shall settle any amounts payable to or received from counties due to errors, abatements, compromises, omitted property, or court-ordered tax adjustments.
7. The county treasurer shall allocate the amounts received under this section among the school districts entitled to the funds.

**SECTION 2.** Two new subsections to section 57-15-01.1 of the North Dakota Century Code are created and enacted as follows:

The base year amount used for a school district determining its levy limitation under this section must be increased by the amount of the school district's property tax relief allocation under section 57-01-20 for the base year to the extent that allocation exceeds the amount of the school district's property tax relief allocation under section 57-01-20 for the budget year.

The base year amount used for a school district determining its levy limitation under this section must be reduced by the amount of the school district's property tax relief allocation under section 57-01-20 for the budget year to the extent that allocation exceeds the amount of the school district's property tax relief allocation under section 57-01-20 for the base year.

**SECTION 3. AMENDMENT.** Section 57-15-14 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-14. Tax levy limitations in school districts.** The aggregate amount levied each year for the purposes listed in section 57-15-14.2 by any school district, except the Fargo school district, may not exceed the amount in dollars which the school district levied for the prior school year plus ~~eighteen~~ nineteen percent up to a general fund levy of one hundred ~~eighty-five~~ fifty-seven mills on the dollar of the taxable valuation of the district, except that:

1. In any school district having a total population in excess of four thousand according to the last federal decennial census:
  - a. There may be levied any specific number of mills ~~that~~, which upon resolution of the school board has been submitted to and approved by a majority of the qualified electors voting upon the question at any regular or special school district election.
  - b. There is no limitation upon the taxes which may be levied if upon resolution of the school board of any such district the removal of the mill levy limitation has been submitted to and approved by a majority of the qualified electors voting at any regular or special election upon such question.

2. In any school district having a total population of less than four thousand, there may be levied any specific number of mills ~~that, which~~ upon resolution of the school board has been approved by fifty-five percent of the qualified electors voting upon the question at any regular or special school election.
3. After June 30, 2007, in any school district election for approval by electors of unlimited or increased levy authority under subsection 1 or 2, the ballot must specify the number of mills, the percentage increase in dollars levied, or that unlimited levy authority is proposed for approval, and the number of taxable years for which that approval is to apply. After June 30, 2007, approval by electors of unlimited or increased levy authority under subsection 1 or 2 may not be effective for more than ten taxable years.
4. In any school district in which the total assessed valuation of property has increased twenty percent or more over the prior year and in which as a result of that increase the school district is entitled to less in state aid payments provided in chapter 15.1-27 because of the deduction required in section 15.1-27-05, there may be levied any specific number of mills more in dollars than was levied in the prior year up to a general fund levy of one hundred eighty-five mills on the dollar of the taxable valuation of the school district. The additional levy authorized by this subsection may be levied for not more than two years because of any twenty percent or greater annual increase in assessed valuation. The total amount of revenue generated in excess of the ~~eighteen~~ nine percent increase which is otherwise permitted without voter approval by this section may not exceed the amount of state aid payments lost as a result of applying the deduction provided in section 15.1-27-05 to the increased assessed valuation of the school district in a one-year period.
5. The question of authorizing or discontinuing such specific number of mills authority or unlimited taxing authority in any school district must be submitted to the qualified electors at the next regular election upon resolution of the school board or upon the filing with the school board of a petition containing the signatures of qualified electors of the district equal in number to twenty percent of the number of persons enumerated in the school census for that district for the most recent year such census was taken, unless such census is greater than four thousand in which case only fifteen percent of the number of persons enumerated in the school census is required. However, not fewer than twenty-five signatures are required unless the district has fewer than twenty-five qualified electors, in which case the petition must be signed by not less than twenty-five percent of the qualified electors of the district. In those districts with fewer than twenty-five qualified electors, the number of qualified electors in the district must be determined by the county superintendent for such county in which such school is located. However, the approval of discontinuing either such authority does not affect the tax levy in the calendar year in which the election is held. The election must be held in the same manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing the mill levy.

**SECTION 4. AMENDMENT.** Section 57-15-31 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-31. Determination of levy.** The amount to be levied by any county, city, township, school district, park district, or other municipality authorized to levy taxes shall be computed by deducting from the amount of estimated expenditures for the current fiscal year as finally determined, plus the required reserve fund determined upon by the governing board from the past experience of the taxing district, the total of the following items:

1. The available surplus consisting of the free and unencumbered cash balance.
2. Estimated revenues from sources other than direct property taxes.
3. The total estimated collections from tax levies for previous years.
4. Such expenditures as are to be made from bond sources.



5. The amount of distributions received from an economic growth increment pool under section 57-15-61.
6. The estimated amount to be received from payments in lieu of taxes on a project under section 40-57.1-03.
7. The amount certified to a school district and the county treasurer by the state tax commissioner as the school district's property tax relief allocation for the year under section 57-01-20.

Allowance may be made for a permanent delinquency or loss in tax collection not to exceed five percent of the amount of the levy.

**SECTION 5. AMENDMENT.** Section 57-20-07.1 of the North Dakota Century Code is amended and reenacted as follows:

**57-20-07.1. County treasurer to mail real estate tax statement.** On or before December twenty-sixth of each year, the county treasurer shall mail a real estate tax statement to the owner of each parcel of real property at the owner's last-known address. The statement must be provided in a manner that allows the taxpayer to retain a printed record of the obligation for payment of taxes and special assessments as provided in the statement. If a parcel of real property is owned by more than one individual, the county treasurer shall send only one statement to one of the owners of that property. Additional copies of the tax statement will be sent to the other owners upon their request and the furnishing of their names and addresses to the county treasurer. ~~Such tax statements~~ The tax statement must include a dollar valuation of the true and full value as defined by law of the property and the total mill levy applicable. The tax statement must include two columns showing, for the taxable year to which the tax statement applies and the immediately preceding taxable year, the property tax levy in dollars against the parcel by the city, county, and school district and the amount of state-paid school district property tax relief for the parcel under section 57-01-20. Failure of an owner to receive a statement will not relieve that owner of liability, nor extend the discount privilege past the February fifteenth deadline.

**SECTION 6. AMENDMENT.** Section 57-20-09 of the North Dakota Century Code is amended and reenacted as follows:

**57-20-09. Discount for early payment of tax.** Except as provided in section 57-20-21.1, the county treasurer shall allow a five percent discount to all taxpayers who shall pay all of the real estate taxes levied on any tract or parcel of real property in any one year in full on or before February fifteenth prior to the date of delinquency. Such discount applies, after deduction of any credit allowed under section 57-01-20, to the net remaining amount of all general real estate taxes levied for state, county, city, township, school district, fire district, park district, and any other taxing districts but does not apply to personal property taxes or special assessment installments. Whenever the board of county commissioners, by resolution, determines that an emergency exists in the county by virtue of weather or other catastrophe, it may extend the discount period for an additional thirty days.

**SECTION 7. AMENDMENT.** Section 57-20-21.1 of the North Dakota Century Code is amended and reenacted as follows:

**57-20-21.1. Priority for delinquent taxes.** When payment is made for any real or personal property taxes or special assessments, payments must be applied first to the oldest unpaid delinquent taxes or special assessments due, if any, shown to exist upon the property for which the tax payments are made, including any penalty and interest, except payments of state-paid property tax relief credit made by the state must be applied to taxes for the year for which the state-paid property tax relief credit is granted. The discounts applicable to payment of taxes set out in section 57-20-09 do not apply to payment of taxes made on property upon which tax payments are delinquent.

**SECTION 8. AMENDMENT.** Section 57-32-03 of the North Dakota Century Code is amended and reenacted as follows:

**57-32-03. Tax statements prepared by state tax commissioner - When due and delinquent.** On or before the thirty-first day of March in each year, the tax commissioner shall provide each company assessed under the provisions of this chapter a statement of its taxes due for the preceding year, with the valuations and taxes assessed in each case. The tax statement must include two columns showing,

for the taxable year to which the tax statement applies and the immediately preceding taxable year, the property tax levy in dollars against the parcel by the city, county, and school district and the amount of state-paid school district property tax relief for the parcel under section 57-01-20. Such taxes are due upon the fifteenth day of April next following the date of the statement of taxes due. The taxes become delinquent on the first day of May next following the due date and, if not paid on or before said date, are subject to a penalty of two percent and, on June first following delinquency, an additional penalty of two percent and, on July first following delinquency, an additional penalty of two percent and, an additional penalty of two percent on October fifteenth following delinquency. From and after January first of the year following the year in which the taxes became due and payable, simple interest at the rate of twelve percent per annum upon the principal of the unpaid taxes must be charged until such taxes and penalties are paid, with such interest charges to be prorated to the nearest full month for a fractional year of delinquency. All the provisions of the law respecting delinquency of personal property assessments generally so far as may be consistent with the provisions of this chapter are applicable equally to the assessments and taxes provided for in this chapter.

**SECTION 9. AMENDMENT.** Section 57-51.1-07.2 of the North Dakota Century Code is amended and reenacted as follows:

**57-51.1-07.2. Permanent oil tax trust fund - Deposits - Interest - Adjustment of distribution formula - Continuing appropriation for property tax relief.** All revenue deposited in the general fund during a biennium derived from taxes imposed on oil and gas under chapters 57-51 and 57-51.1 which exceeds seventy-one million dollars must be transferred by the state treasurer to a special fund in the state treasury known as the permanent oil tax trust fund. The state treasurer shall transfer interest earnings of the permanent oil tax trust fund to the general fund at the end of each fiscal year. The principal of the permanent oil tax trust fund may not be expended except upon a two-thirds vote of the members elected to each house of the legislative assembly.

If the distribution formulas under chapter 57-51 or 57-51.1 are amended effective after June 30, 1997, the director of the budget shall adjust the seventy-one million dollar amount in this section by the same percentage increase or decrease in the amount of revenue allocable to the general fund after the change in the allocation formula, and transfers to the permanent oil tax trust fund shall thereafter be made using that adjusted figure so that the dollar amount of the transfers to the permanent oil tax trust fund is not increased or decreased merely because of changes in the distribution formulas.

To the extent moneys are available in the permanent oil tax trust fund, fifty million dollars is appropriated to the state treasurer each February first as a standing and continuing appropriation to provide property tax relief payments to county treasurers under section 57-01-20. To the extent moneys in the permanent oil tax trust fund are insufficient to fully fund the allocation under section 57-01-20, the amount of any deficiency is appropriated as a standing and continuing appropriation from the state general fund.

**SECTION 10. AMENDMENT.** Subdivision b of subsection 1 of section 57-55-03 of the North Dakota Century Code is amended and reenacted as follows:

- b. If the tax imposed by this chapter is paid in full within thirty days after the mobile home is purchased or moved into this state, the county treasurer shall allow a five percent discount, after deduction of any credit allowed under section 57-01-20. However, if the tax is not paid within forty days it is subject to a penalty and interest. The penalty is one percent of the tax. The interest is one-half percent of the tax for each full and fractional month of delay.

**SECTION 11. AMENDMENT.** Section 57-55-04 of the North Dakota Century Code is amended and reenacted as follows:

**57-55-04. Taxes - How determined - Disbursement.** The director of tax equalization shall determine the tax for each mobile home by placing an evaluation on the mobile home based upon its assessed value and by adjusting the valuation of the mobile home by the percentage provided in section 57-02-27 to determine its taxable valuation under standards and guides determined by the state tax commissioner and applying that evaluation to the preceding year's total mill levies applying to property within the taxing district in which the mobile home is located. The county treasurer shall

provide a tax statement for each mobile home subject to taxation under this chapter, including two columns showing, for the taxable year to which the tax statement applies and the immediately preceding taxable year, the property tax levy in dollars against the mobile home by the city, county, and school district and the amount of state-paid school district property tax relief for the mobile home under section 57-01-20. If a mobile home is acquired or moved into this state during the calendar year and a tax permit has not been previously issued for such mobile home in this state for such year, the tax is determined by computing the remaining number of months of the current year to the nearest full month and multiplying that number by one-twelfth of the amount which would be due for the full year. The taxes collected under this chapter must be disbursed in the same year they are collected and in the same manner as real estate taxes for the preceding year are disbursed.

**SECTION 12. LEGISLATIVE INTENT - LEGISLATIVE COUNCIL STUDY.** It is the intent of the sixtieth legislative assembly that enactment of this Act will initiate an increase in the state's share of elementary and secondary education funding to secure immediate and future benefits to the citizens of the state. These benefits include relief from the expanded property tax burden that has created disparity within the tax structure of the state, enhanced equity of funding to support elementary and secondary education students, enduring property tax reductions, and returning to taxpayers a substantial measure of revenue collections augmented by a robust state economy. It is the further intent of the sixtieth legislative assembly that enactment of this Act will produce a reduction in property tax burdens which, with continued efforts of future legislative assemblies, will result in reduction of each annual property tax bill to an amount that is not more than one and one-half percent of the true and full value for any parcel of property.

The legislative council shall study, in each legislative interim through 2012, compliance with, and future funding sources for, the shift in education funding and taxation policy initiated by enactment of this Act. The legislative council shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to each subsequent legislative assembly.

**SECTION 13. EFFECTIVE DATE - EXPIRATION DATE.** This Act is effective for the first two taxable years beginning after December 31, 2006, for ad valorem property taxes and for the first two taxable years beginning after December 31, 2007, for mobile home taxes, and is thereafter ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4034: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (8 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SCR 4034 was placed on the Tenth order on the calendar.

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

**Buell J. Reich, Chief Clerk**

