

## JOURNAL OF THE HOUSE

## Sixtieth Legislative Assembly

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Bismarck, April 24, 2007

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

The prayer was offered by Rep. David Drov Dahl from District 39, Arnegard.

The roll was called and all members were present.

A quorum was declared by the Speaker.

## MOTION

**REP. MONSON MOVED** that HB 1522 be moved to the top of the Eleventh order, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1522:** A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide an exemption; and to provide legislative intent.

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

**NAYS:** Ruby

HB 1522 passed and the title was agreed to.

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## MOTION

**REP. FROSETH MOVED** that the House reconsider its action whereby the committee report was rejected on Engrossed HB 1003, which motion prevailed on a verification vote.

## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. WALD MOVED** that the conference committee report on Engrossed HB 1003 as printed on HJ pages 1802-1815 be adopted, which motion prevailed on a verification vote.

Engrossed HB 1003, as amended, was placed on the Eleventh order.

## SECOND READING OF HOUSE BILL

**HB 1003:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system; to provide for transfer of funds; to authorize the state board of higher education to issue and sell bonds for capital projects; to limit student tuition rates; to provide for a legislative council study; to amend and reenact section 15-10-43 of the North Dakota Century Code, relating to the contract with the Kansas state university veterinary medical education program; to repeal section 15-12-27 of the North Dakota Century Code, relating to North Dakota state university's eighteenth street development fund; to provide for retroactive application; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 73 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; Dietrich; Ekstrom; Froseth; Grande; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Potter; Price; Ruby; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Wieland; Wolf; Wrangham

**NAYS:** Amerman; DeKrey; Delmore; Dosch; Drovdal; Froelich; Glassheim; Griffin; Hawken; Kempenich; Kerzman; Meyer, S.; Porter; Schmidt; Schneider; Solberg; Weiler; Weisz; Williams; Zaiser; Speaker Delzer

Reengrossed HB 1003 passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

**REP. BERG MOVED** that Rep. Vigesaa replace Rep. Weisz on the House Conference Committee on HB 1012, which motion prevailed.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1016, HB 1019, HB 1093, HB 1311, HB 1466.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2003, SB 2013.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Vigesaa to replace Rep. Weisz on the Conference Committee on HB 1012.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2002, SB 2004, SB 2005, SB 2008, SB 2009, SB 2010, SB 2011, SB 2016, SB 2017, SB 2019, SB 2022, SB 2200, SB 2256, SB 2288, SB 2309, SCR 4037.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1003.

**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: HB 1522.

**MOTION**

**REP. MONSON MOVED** that the House stand in recess until 10:30 a.m., which motion prevailed.

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

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. PORTER MOVED** that the conference committee report on Engrossed HB 1515 as printed on HJ pages 1827-1829 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1515, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1515:** A BILL for an Act to create and enact a new section to chapter 20.1-02, a new section to chapter 54-17, and, if Senate Bill No. 2288 of the sixtieth legislative assembly becomes effective, a new section to chapter 54-17 of the North Dakota Century Code, relating to establishment of a private land open to sportsmen biomass demonstration project, the duty of the industrial commission to establish a biomass incentive and

research program, and to establish a biomass incentive and research fund; to provide a transfer; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 73 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boe; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; Delmore; Dietrich; Drovdal; Ekstrom; Glassheim; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pinkerton; Porter; Potter; Price; Schmidt; Schneider; Solberg; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wall; Wieland; Williams; Wolf; Zaiser

**NAYS:** Bellew; Belter; Boehning; DeKrey; Dosch; Froelich; Froseth; Grande; Headland; Kasper; Kempenich; Pietsch; Pollert; Ruby; Skarphol; Thoreson; Wald; Weiler; Weisz; Wrangham; Speaker Delzer

Reengrossed HB 1515 passed and the title was agreed to.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. CARLSON MOVED** that the conference committee report on Engrossed HB 1017 as printed on HJ pages 1815-1825 be adopted, which motion failed on a verification vote.

#### MOTION

**REP. BERG MOVED** that Rep. Kroeber replace Rep. Williams on the House Conference Committee on HB 1012, which motion prevailed.

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

**MR. PRESIDENT:** The House has adopted the conference committee report on: HB 1009.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2014, SB 2018, SB 2030.

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

**MR. PRESIDENT:** The House has not adopted the conference committee report on: HB 1017.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1515.

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

**MR. SPEAKER:** The Senate has not adopted the conference committee report on: HB 1003.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1001, HB 1021, HB 1233.

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

**MR. SPEAKER:** The Senate has not adopted the conference committee report on: SB 2260.

#### ANNOUNCEMENT

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

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

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. PORTER MOVED** that the conference committee report on SB 2293 as printed on HJ page 1835 be adopted, which motion prevailed on a voice vote.

SB 2293, as amended, was placed on the Fourteenth order.

#### MOTION

**REP. BERG MOVED** that the assembly continue working on the Seventh order, which motion prevailed.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KEISER MOVED** that the conference committee report on Reengrossed SB 2419 as printed on HJ pages 1836-1838 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2419, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2419:** A BILL for an Act to create and enact chapter 57-51.2 of the North Dakota Century Code, relating to agreements with the Three Affiliated Tribes to share revenue from state taxes on oil and gas production within the boundaries of the Fort Berthold Reservation; to provide an effective date; to provide an expiration date; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; 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

Reengrossed SB 2419, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. WEISZ MOVED** that the conference committee report on Reengrossed SB 2379 as printed on HJ page 1836 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2379, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2379:** A BILL for an Act to provide for a nursing education consortium to establish a mobile clinical nursing simulation laboratory; to provide statements of legislative intent; to provide for a report to the legislative council; to provide an appropriation; and to provide a continuing appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 82 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Berg; Brandenburg; Carlson; Damschen; Drovda; Froseth; Grande; Pietsch; Ruby; Wrangham; Speaker Delzer

Reengrossed SB 2379, as amended, passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KEMPENICH MOVED** that the conference committee report on HB 1330 as printed on HJ page 1683 be adopted, which motion prevailed on a voice vote.

HB 1330, as amended, was placed on the Eleventh order.

### SECOND READING OF HOUSE BILL

**HB 1330:** A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to the attorney general multijurisdictional drug task force grant fund; to amend and reenact sections 53-12.1-09 and 54-12-14 of the North Dakota Century Code, relating to disbursements from the lottery operating fund and the assets forfeiture fund; to provide a continuing appropriation; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; 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; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser

**NAYS:** Bellew; Ruby; Weiler; Speaker Delzer

Engrossed HB 1330 passed, the title was agreed to, and the emergency clause was declared carried.

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### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. WIELAND MOVED** that the conference committee report on Reengrossed HB 1296 as printed on HJ page 1827 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1296, as amended, was placed on the Eleventh order.

### SECOND READING OF HOUSE BILL

**HB 1296:** A BILL for an Act to create and enact chapter 23-40 of the North Dakota Century Code, relating to distribution of insurance premiums tax collections to emergency medical services operations; to amend and reenact section 18-04-04.1 and subsection 1 of section 26.1-03-17 of the North Dakota Century Code, relating to the insurance premiums tax collections; to provide for a report; and to provide an appropriation.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

Reengrossed HB 1296 passed and the title was agreed to.

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### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. NELSON MOVED** that the conference committee report on HB 1246 as printed on HJ page 1826 be adopted, which motion prevailed on a voice vote.

HB 1246, as amended, was placed on the Eleventh order.

### SECOND READING OF HOUSE BILL

**HB 1246:** A BILL for an Act to provide for a report to the legislative council relating to dental medical assistance reimbursement; and to provide an appropriation.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Dosch; Ruby

**ABSENT AND NOT VOTING:** Belter

Engrossed HB 1246 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 adopted the conference committee report and subsequently passed: HB 1246, HB 1296, HB 1330.

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

**MR. SPEAKER:** The Senate has not adopted the conference committee report and the President has appointed as a new conference committee to act with a like committee from the House on:

**HB 1009:** Sens. Krebsbach; Bowman; Seymour

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1515.

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

**MR. SPEAKER:** The Senate has not adopted the conference committee report and the President has appointed as a new conference committee to act with a like committee from the House on:

**HB 1015:** Sens. Fischer; Grindberg; Krauter

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2020.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2379, SB 2419.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1127, HB 1263, HB 1319, HB 1359, HB 1435, HB 1462, HB 1463.

### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 24, 2007: HB 1127, HB 1263, HB 1319, HB 1359, HB 1435, HB 1462, HB 1463.

**ANNOUNCEMENT**

**SPEAKER DELZER ANNOUNCED** that the House stand in recess until 3:30 p.m..

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

**CORRECTION AND REVISION OF THE JOURNAL**

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

Page 1707, after line 9, insert:

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

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

**HB 1009:** Reps. Monson; Svedjan; Carlson

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Boucher to replace Rep. Glassheim on the Conference Committee on HB 1018."

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

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on April 23, 2007, I have signed the following: HB 1107, HB 1138, HB 1154, HB 1197, HB 1290, HB 1303, HB 1417, HB 1472, and HB 1488.

**MOTION**

**REP. MONSON MOVED** that the House reconsider its action whereby the committee report was accepted and SB 2293 was placed on the Fourteenth order of business on the calendar, which motion prevailed on a verification vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. PORTER MOVED** that the conference committee report on SB 2293 as printed on HJ page 1835 be adopted, which motion prevailed on a voice vote.

SB 2293, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2293:** A BILL for an Act to create and enact a new subsection to section 20.1-03-04 of the North Dakota Century Code, relating to hunting, fishing, and trapping privileges for active duty military members.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, the roll was called and there were 51 YEAS, 42 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Boe; Boucher; Brandenburg; Carlisle; Charging; Dahl; DeKrey; Delmore; Froelich; Froseth; Griffin; Gruchalla; Gulleon; Hatlestad; Hawken; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Kerzman; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nottestad; Onstad; Owens; Pinkerton; Pollert; Schmidt; Schneider; Solberg; Sukut; Svedjan; Thorpe; Vig; Wald; Weisz; Wieland; Wolf

**NAYS:** Aarsvold; Belter; Berg; Boehning; Carlson; Clark; Conrad; Damschen; Dietrich; Dosch; Drovdal; Ekstrom; Glassheim; Grande; Haas; Hanson; Headland; Heller; Kaldor; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Kreidt; Myxter; Pietsch; Porter; Potter; Price; Ruby; Skarphol; Thoreson; Uglem; Vigesaa; Wall; Weiler; Williams; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Kelsh, S.

SB 2293 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. WEILER MOVED** that the conference committee report on Engrossed HB 1049 as printed on HJ pages 1825-1826 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1049, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1049:** A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for sales of natural gas and other fuels for heating purposes; to amend and reenact subsection 1 of section 57-39.2-02.1, section 57-39.2-03.6, subsection 44 of section 57-39.2-04, subsection 3 of section 57-40.2-02.1, and section 57-43.2-02.3 of the North Dakota Century Code, relating to a sales and use tax exemption for coal sold for use as heating fuel and a special fuels tax rate reduction and exemption for sales of natural gas and for special fuels sold for use as heating fuel; to repeal section 57-39.2-03.6 and subsection 3 of section 57-40.2-02.1 of the North Dakota Century Code, relating to the imposition and rate of sales and use taxes on sales of natural gas; 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 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; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gullerson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; 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:** Kelsh, S.

Reengrossed HB 1049 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. CARLSON MOVED** that the conference committee report on Engrossed HB 1044 as printed on HJ page 1596 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1044, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1044:** A BILL for an Act to amend and reenact section 57-51-15 of the North Dakota Century Code, relating to allocation of oil and gas gross production tax revenues; to provide for application; 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 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; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gullerson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; 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:** Kelsh, S.



Reengrossed HB 1044 passed and the title was agreed to.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. SKARPHOL MOVED** that the conference committee report on Engrossed SB 2178 as printed on HJ pages 1582-1583 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2178, as amended, was placed on the Fourteenth order.

#### SECOND READING OF SENATE BILL

**SB 2178:** A BILL for an Act to amend and reenact subsections 2 and 3 of section 57-51-15 of the North Dakota Century Code, relating to apportionment of oil and gas gross production tax revenues; to repeal section 57-51.1-07.2 of the North Dakota Century Code, relating to the permanent oil tax trust fund; to provide for a legislative council study; to provide for application; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; 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

Engrossed SB 2178, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. R. KELSCH MOVED** that the conference committee report on Reengrossed HB 1395 as printed on HJ pages 1683-1684 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1395, as amended, was placed on the Eleventh order.

#### SECOND READING OF HOUSE BILL

**HB 1395:** A BILL for an Act to provide financial assistance to tribally controlled community colleges; to create and enact a new section to chapter 57-51.1 of the North Dakota Century Code, relating to the allocation of collections from reservation oil development; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 82 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Boe; Boucher; Brandenburg; Carlisle; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Drovda; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; 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; Porter; Potter; Price; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wolf; Wrangham; Zaiser

**NAYS:** Bellew; Boehning; Carlson; Dosch; Froseth; Grande; Herbel; Klein; Pollert; Ruby; Weisz; Speaker Delzer

Reengrossed HB 1395 passed and the title was agreed to.

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**MOTION**

**REP. MONSON MOVED** that HB 1004 and HB 1018 be moved to the top of the Seventh order, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

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

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

Page 1, line 4, after "immunizations" insert "; to provide legislative intent; to allow the acceptance and expenditure of certain moneys; to provide for a demonstration project; to provide for a legislative council study; to provide a continuing appropriation; to provide for a report to the legislative council"

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

Page 1, line 24, replace "19,982,693" with "20,082,693"

Page 2, line 2, replace "14,625,610" with "14,875,610"

Page 2, line 5, replace "42,349,960" with "42,699,960"

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

Page 2, line 14, replace "45,596,674" with "45,696,674"

Page 2, line 16, replace "56,457,776" with "56,707,776"

Page 2, line 19, replace "168,089,084" with "168,439,084"

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

Page 4, replace lines 1 through 4 with:

**"SECTION 8. LEGISLATIVE COUNCIL STUDY - EMERGENCY MEDICAL SERVICES.** The legislative council shall consider studying, during the 2007-08 interim, the emergency medical services system within the state, including the funding, demographics, and impact on rural areas. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 9. LEGISLATIVE INTENT - CHILDHOOD IMMUNIZATION PROGRAM FUNDING.** It is the intent of the sixtieth legislative assembly that the funding appropriated in House Bill No. 1435 be used only for a childhood immunization program and is limited to the lesser of the total appropriation or the amount necessary for the childhood immunization program.

**SECTION 10. ACCEPTANCE AND EXPENDITURE OF CERTAIN MONEYS.** The sixtieth legislative assembly's action on House Bill No. 1004 does not preclude the university of North Dakota from receiving and spending federal and other funds pursuant to North Dakota Century Code sections 54-16-04.1 and 54-16-04.2."

Page 4, after line 12, insert:

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

1. During the 2007-09 biennium, the state department of health shall design and implement a demonstration project through which the department offers a life safety survey process for basic care facilities and long-term care facilities to access voluntarily during and at the conclusion of a construction project, renovation project, or construction and renovation project that costs more than three million dollars.

2. The department may charge a reasonable fee for a life safety survey performed under this section to cover the food, lodging, and transportation expenses of surveyors performing the surveys. Revenues derived from the fees collected under this subsection must be deposited in the state department of health's operating fund in the state treasury and are appropriated as a continuing appropriation to the state department of health for the purpose of funding the demonstration project under this section.
3. The department shall design and perform the demonstration project in a manner that will provide the surveyor who performs a life safety survey under this section does not violate the federal requirements associated with medicare certified life safety surveys. The department shall perform the demonstration project within the department's 2007-09 appropriation and staffing levels.
4. Before August 1, 2008, the department shall provide a report to the legislative council regarding the status of the demonstration project, including the feasibility and desirability of making the program permanent and whether the department will be recommending any legislation to make the program permanent.

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

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

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

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$37,715,624	\$37,747,905		\$37,747,905	\$37,747,905	
Operating expenses	33,335,674	45,596,674	\$100,000	45,696,674	46,362,874	(\$666,200)
Capital assets	1,817,383	1,817,383		1,817,383	1,817,383	
Grants	55,102,776	56,457,776	250,000	56,707,776	56,807,776	(100,000)
Tobacco prevention and control	9,473,554	8,919,346		8,919,346	8,919,346	
WIC food payments	17,550,000	17,550,000		17,550,000	17,550,000	
Morgue branch location					1,500,000	(1,500,000)
School nursing services					1,000,000	(1,000,000)
<b>Total all funds</b>	<b>\$154,995,011</b>	<b>\$168,089,084</b>	<b>\$350,000</b>	<b>\$168,439,084</b>	<b>\$171,705,284</b>	<b>(\$3,266,200)</b>
<b>Less estimated income</b>	<b><u>136,940,183</u></b>	<b><u>149,212,121</u></b>		<b><u>149,212,121</u></b>	<b><u>151,712,121</u></b>	<b><u>(2,500,000)</u></b>
<b>General fund</b>	<b>\$18,054,828</b>	<b>\$18,876,963</b>	<b>\$350,000</b>	<b>\$19,226,963</b>	<b>\$19,993,163</b>	<b>(\$766,200)</b>
FTE	331.50	330.50	1.00	331.50	332.50	(1.00)

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

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

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

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

<sup>3</sup> The conference committee reduced funding for grants to local public health units from \$2 million to \$1.9 million per biennium.

<sup>4</sup> The conference committee added \$100,000 of funding for the Women's Way program.

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

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

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

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

The Senate appropriated \$1.5 million from the permanent oil tax trust fund for the morgue branch location at the University of North Dakota School of Medicine and Health Sciences. The conference committee removed this funding.

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

The conference committee added a section providing that the 60th Legislative Assembly's action on House Bill No. 1004 does not preclude the University of North Dakota from receiving federal and special funds for a state morgue pursuant to North Dakota Century Code Sections 54-16-04.1 and 54-16-04.2.

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

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

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

Engrossed HB 1004, as amended, was placed on the Eleventh order.

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

**HB 1004:** A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; to create and enact a new section to chapter 23-39 of the North Dakota Century Code, relating to collecting fees for tanning facility inspections; to amend and reenact section 23-01-05.3 of the North Dakota Century Code, relating to tracking immunizations; to provide legislative intent; to allow the acceptance and expenditure of certain moneys; to provide for a demonstration project; to provide for a legislative council study; to provide a continuing appropriation; to provide for a report to the legislative council; and to provide an expiration date.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 78 YEAS, 16 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Boe; DeKrey; Dosch; Glassheim; Herbel; Metcalf; Meyer, S.; Mueller; Owens; Porter; Ruby; Weisz; Wieland; Wrangham; Zaiser; Speaker Delzer

Reengrossed HB 1004 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1018, as engrossed:** Your conference committee (Sens. Grindberg, Holmberg, Robinson and Reps. Carlson, Skarphol, Glassheim) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1374-1390, adopt amendments as follows, and place HB 1018 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1374-1390 of the House Journal and pages 999-1015 of the Senate Journal and that Engrossed House Bill No. 1018 be amended as follows:

Page 1, line 2, after the second semicolon insert "to provide an appropriation to the office of management and budget; to authorize the office of management and budget to borrow funds from the Bank of North Dakota; to provide for a contingent loan from the Bank of North Dakota; to provide a contingent appropriation to the secretary of state;"

Page 1, line 4, replace "a report" with "reports" and after the first semicolon insert "to provide for legislative council studies;"

Page 1, line 5, replace "and a new section to chapter 54-60" with ", four new sections to chapter 54-60, a new section to chapter 55-10, a new section to chapter 57-38, a new subdivision to subsection 1 of section 57-38-01.2, and sections 57-38-01.24 and 57-38-01.25"

Page 1, line 6, after "innovation" insert ", department of commerce division of workforce development programs and duties, naming the missile silo historic site, angel fund investments, tax credits for internships, tax exemptions for workforce recruitment, tax credits for research and experimental expenditures,"

Page 1, line 7, replace "and to provide an expiration date" with "to amend and reenact sections 15-69-02, 15-69-03, 15-69-04, and 15-69-05, subsections 4 and 6 of section 54-17-07.3, sections 54-60-02 and 54-60-09, subdivision I of subsection 2 of section 54-60.1-01, the new section to chapter 57-06 as created by section 2 of House Bill No. 1072, and as amended by section 2 of House Bill No. 1317, as approved by the sixtieth legislative assembly, and sections 57-38-30.3, 57-38-30.5, 57-38.5-05, and 57-38.6-01 of the North Dakota Century Code and section 17 of chapter 151 of the 2005 Session Laws, relating to the centers of excellence program, housing finance agency programs, updating department of commerce law, department of commerce division of workforce development duties, the definition of business incentive, tax forms, wind energy taxable valuation, tax credits for workforce recruitment, research and experimental expenditures tax credits, seed capital investment tax credits, agricultural business investment tax credits, and a legislative council study; to repeal sections 57-38-71, 57-38-72, 57-38-73, and 57-38-74 of the North Dakota Century Code, relating to beginning entrepreneur income tax incentives; to provide effective dates; to provide an expiration date; and to declare an emergency"

Page 2, line 5, replace "855,807" with "1,075,807"

Page 2, line 6, replace "446,720" with "4,865,720"

Page 2, line 7, replace "(1,728,122)" with "(1,628,122)"

Page 2, line 9, replace "(207,807)" with "(7,807)"

Page 2, line 13, replace "1,400,000" with "1,500,000"

Page 2, line 14, replace "385,773" with "5,424,773"

Page 2, line 15, replace "(2,072,990)" with "(1,672,990)"

Page 2, line 16, replace "2,458,763" with "7,097,763"

Page 2, line 23, replace "8,617,235" with "8,837,235"

Page 2, line 24, replace "9,978,688" with "14,397,688"

Page 2, line 26, replace "48,374,748" with "48,474,748"

Page 2, line 30, replace "2,808,193" with "3,008,193"

Page 3, line 1, replace "1,400,000" with "1,500,000"

Page 3, line 2, replace "77,000,837" with "82,039,837"

Page 3, line 3, replace "55,361,293" with "55,761,293"

Page 3, line 4, replace "21,639,544" with "26,278,544"

Page 4, line 3, replace "\$50,000" with "\$100,000"

Page 4, replace lines 9 through 14 with:

**"SECTION 10. TRADE OFFICE - MATCHING FUND REQUIREMENT.** The total general fund appropriation in section 3 of this Act includes \$1,500,000 of funding relating to the North Dakota trade office. The department of commerce may spend fifty percent of this amount without requiring any matching funds from the trade office. Any additional amounts may be spent only to the extent that the North Dakota trade office provides one dollar of matching funds from private or other public sources for each one dollar provided by the department for the biennium beginning July 1, 2007, and ending June 30, 2009. Matching funds may include money spent by businesses or organizations to pay salaries to export assistants, provide training to export assistants, or buy computer equipment as part of the North Dakota trade office's export assistance program.

**SECTION 11. TRANSFER AUTHORIZATION - PACE FUND TO DEVELOPMENT FUND.** The state industrial commission, upon the request of the commissioner of commerce, may transfer up to \$1,000,000 from the partnership in assisting community expansion fund to the North Dakota development fund for the biennium beginning July 1, 2007, and ending June 30, 2009."

Page 4, after line 24, insert:

**"SECTION 14. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET - CENTERS OF EXCELLENCE.** There is appropriated out of any moneys in the permanent oil tax trust fund in the state treasury, not otherwise appropriated, the sum of \$15,000,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of providing funding to centers of excellence as directed by the centers of excellence commission, for the biennium beginning July 1, 2007, and ending June 30, 2009. Of this amount, up to \$10,000,000 is available for budget section approval at its first meeting after September 1, 2007, and up to \$5,000,000 and any unawarded funds remaining from the \$10,000,000 allocation is available for budget section approval at its first meeting after September 1, 2008.

**SECTION 15. CENTERS OF EXCELLENCE - OFFICE OF MANAGEMENT AND BUDGET - CONTINGENT BORROWING AUTHORITY - APPROPRIATION.** As requested by the centers of excellence commission and subject to emergency commission and budget section approval, the office of management and budget shall borrow the sum of \$5,000,000, or so much of the sum as may be necessary, from the Bank of North Dakota, which is appropriated for the purpose of providing funding to centers of excellence as directed by the centers of excellence commission, for the biennium beginning July 1, 2007, and ending June 30, 2009. The office of management and budget shall request funding from the sixty-first legislative assembly to repay any loan obtained pursuant to provisions of this section, including accrued interest. The borrowing authority and appropriation provided for in this section are available only if all other funding provided by the sixtieth legislative assembly for centers of excellence has been obligated.

**SECTION 16. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET - PRAIRIE PUBLIC BROADCASTING.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,023,138, or so much of the sum as may be necessary, to the office of management and budget for the purpose of providing funding to prairie public broadcasting, for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 17. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The general fund appropriation in section 16 of this Act includes \$686,000 for an analog to digital conversion project which is a one-time funding item. These amounts are not a part of the office of management and budget's base budget to be used in preparing the 2009-11 executive budget. The office of management and budget 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.

**SECTION 18. SECRETARY OF STATE LOAN AUTHORIZATION - CONTINGENT APPROPRIATION - BUDGET SECTION APPROVAL.** Subject to budget section approval, the secretary of state may borrow up to \$2,920,000 from the Bank of North Dakota which is appropriated to the secretary of state for the purpose of implementing the North Dakota business development engine information technology project during the biennium beginning July 1, 2007, and ending June 30, 2009. The secretary of state may request budget section approval only if the revenues projected by the secretary of state and the office of management and budget to be generated as a result of provisions of House Bill No. 1340 over the term of the proposed loan based on the trend of actual corporate charters granted are anticipated to exceed the revenues projected by the sixtieth legislative assembly relating to this bill by an amount sufficient to repay the proposed loan, including interest over the term of the loan.

**SECTION 19. RENAISSANCE ZONE CONFERENCE - LEGISLATIVE COUNCIL PARTICIPATION - REPORT TO LEGISLATIVE COUNCIL.** The department of commerce, during the 2007-08 interim, shall organize, host, and facilitate a renaissance zone conference. The department shall extend invitations to participate in the conference to representatives of each of the state's renaissance zone communities, other community representatives interested in this concept, and to legislators who are members of the legislative council interim committee studying economic development-related issues. Legislators who are members of the interim committee studying economic development-related issues shall attend the conference as part of their interim committee responsibilities. The purpose of the conference is to provide a forum at which the department, legislators, and renaissance zone and other community members may review the list of projects in the state which have been undertaken under the renaissance zone program, evaluate whether the projects have positively impacted the renaissance zone communities, consider options for smaller communities to become involved in the renaissance zone program or a similar program, and make recommendations regarding how the program could be improved to further meet the needs of the state and local communities. Before July 1, 2008, the department of commerce shall report to the legislative council on the conference activities and the department's legislative and administrative recommendations resulting from the conference.

**SECTION 20. LEGISLATIVE COUNCIL STUDY - NORTH DAKOTA WORKFORCE SYSTEM INITIATIVE.**

1. During the 2007-08 interim, the legislative council shall study the state's system for addressing workforce needs through a workforce system initiative. The workforce system initiative must include receipt of agency reports regarding implementation of workforce legislation enacted during the 2007 legislative session, active participation in focus groups across the state, and active participation in a workforce congress.
2. The focus groups shall discuss ways to enhance the state's system for addressing workforce needs, including consideration of workforce availability, skilled workforce needs, future workforce needs, and alignment of the state's higher education curriculum with the state's current and future workforce needs. The workforce congress shall receive a report on the activities of the focus groups, identify methods to enhance the state's workforce system in order to be well-positioned to participate in a knowledge-driven economy and to be globally competitive, and evaluate the impact and effectiveness of the state's existing workforce system.
3. The department of commerce shall organize the focus groups and the workforce congress. Before the workforce congress, which must be held before June 1, 2008, the department shall convene a minimum of four focus groups. The department shall consult with the legislative council in compiling focus group and workforce congress participant invitation lists and drafting and distributing invitations, establishing focus group and workforce congress dates and locations, and preparing agendas for focus groups and the workforce congress. The focus groups and the workforce congress schedules and activities must take into consideration workforce study activities of the department.
4. The legislative council and the department of commerce shall enter a joint contract with a third party to provide the legislative council and the

department with professional services to plan, facilitate, report on, and coordinate followup for the focus groups and workforce congress. 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 21. LEGISLATIVE COUNCIL STUDY - DEPARTMENT OF COMMERCE.**

1. The legislative council shall consider studying, during the 2007-08 interim, the organization, powers, duties, and effectiveness of the department of commerce. The study must include:
  - a. A review of the legislative history leading to the creation of the department of commerce, including the 1999-2000 interim activities of the legislative council's interim commerce and labor committee;
  - b. A review of the legislative and executive branch expectations in the creation of the department of commerce and whether those expectations are being met;
  - c. Evaluation of the effectiveness of the North Dakota economic development foundation in providing a nonpartisan, private sector perspective to the department's approach to the department's duties;
  - d. Evaluation of the organizational structure of the department of commerce, including whether the department should include a division of science and technology; and
  - e. Evaluation of the strategic planning process of the department of commerce and its effectiveness.
2. 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 22. LEGISLATIVE COUNCIL STUDY - HIGHER EDUCATION PROMISE GRANT PROGRAM.** The legislative council shall consider studying, during the 2007-08 interim, the desirability and feasibility of implementing a grant program for North Dakota students who are attending North Dakota institutions of higher education and who have excelled academically. The study shall include consideration of desirable eligibility criteria for students under such a grant program, funding options for such a grant program, and a cost-benefit analysis of such a grant program. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 23. STATE BOARD OF HIGHER EDUCATION REPORT ON CCBENEFITS - LEGISLATIVE COUNCIL REPORT.** During the 2007-08 interim, the state board of higher education shall monitor the implementation of the services of ccbenefits, incorporated, by the institutions under the control of the state board of higher education. Before July 1, 2008, the state board of higher education shall report to the legislative council on the status of the implementation of the ccbenefits, incorporated, services, including the status of the implementation at each institution using the services, the level of utilization of the services at the institutional level and at the system level, the feasibility and desirability of expanding the use of the services from use by the community colleges to use by all institutions in order to improve responsiveness of institutions and to improve forecasting efforts of institutions, and recommendations relating to the use of the ccbenefits, incorporated, services. 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 24. TAX EXPENDITURE REPORT PILOT PROJECT - REPORT.**

1. During the 2007-09 biennium, the commissioner of commerce, in consultation with the tax commissioner, shall select three tax expenditures for the purposes of conducting a tax expenditure report pilot project.
2. Before the tenth legislative day of the sixty-first legislative assembly, the commissioner of commerce shall submit to the president pro tempore of the senate and the speaker of the house a tax expenditure report. This



report must be based upon information available to the tax commissioner and information available to the department of commerce, and must include an analysis of the selected tax expenditures which includes a description of the annual state revenue losses and benefits and a cyclical analysis of these losses and benefits.

3. The tax commissioner shall compile tax expenditure data and provide this data to the department of commerce. Notwithstanding section 57-38-57 and other confidentiality statutes, the tax commissioner shall provide the department of commerce the information necessary to accomplish and effectuate the intent of this section. The tax commissioner may request the assistance of the office of management and budget as necessary to compile this tax expenditure data.
4. The tax commissioner may establish the procedure by which the tax commissioner will compile the tax expenditure data and the format in which the tax commissioner will provide this data to the department of commerce. The department of commerce may establish the manner in which the tax expenditure data will be analyzed, organized, and presented in the report.
5. Confidential tax information the department of commerce receives from the tax commissioner may not be divulged by the department of commerce unless the information is in the aggregate and in a manner that will not divulge information specific to any taxpayer.
6. For purposes of this section, the term tax expenditure means a provision in the state tax laws, including an exclusion, a deduction, a tax preference, a credit, and a deferral designed to encourage certain activities or to aid a taxpayer in special circumstances.

**SECTION 25. STATE BUSINESS INCENTIVE EXPENDITURE REPORT PILOT PROJECT - REPORT.**

1. During the 2007-09 biennium, the commissioner of commerce shall select a state business incentive for the purposes of conducting a state business incentive expenditure report pilot project.
2. Before the tenth legislative day of the sixty-first legislative assembly, the commissioner of commerce shall submit to the president pro tem of the senate and the speaker of the house a state business incentive expenditure report. This report must be based upon information available to the department and must include an analysis of the selected state business incentive which includes a description of the annual state revenue losses and benefits and a cyclical analysis of these losses and benefits.
3. The administering agency for the selected state business incentive shall compile state business incentive expenditure data and provide this data to the department. The department shall determine the data appropriate to measure the losses and benefits for the selected state business incentive and shall inform the administering agency of the specific data required and the format in which the administering agency shall provide this data to the department.
4. For purposes of this section, the term business incentive does not include a tax expenditure as defined under section 20 of this Act.

**SECTION 26. TAX CREDIT TRANSFER STUDY - REPORT.** During the 2007-09 biennium the tax commissioner shall monitor the implementation and use of transferable tax credits. Before the tenth legislative day of the sixty-first legislative assembly, the tax commissioner shall submit to the president pro tempore of the senate and the speaker of the house a tax credit transfer report. This report must be based upon information available to the tax commissioner and must include an analysis of the transferred tax credits, a description of the annual state revenue losses and benefits, and the impact on the sellers and purchasers of the tax credits.

**SECTION 27. LEGISLATIVE COUNCIL STUDY - HOUSING NEEDS.** During the 2007-08 interim, the legislative council shall consider studying the state's housing needs and how unmet housing needs may affect economic development in the state. The legislative council shall report its findings and recommendations, together with any

legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 28. LEGISLATIVE COUNCIL STUDY - WIRELESS SERVICE PROVIDERS.** During the 2007-08 interim, the legislative council shall consider studying issues relating to wireless service providers in the state and how wireless service impacts the business climate in the state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Page 5, after line 5, insert:

**"SECTION 30. AMENDMENT.** Section 15-69-02 of the North Dakota Century Code is amended and reenacted as follows:

**15-69-02. (Effective through July 31, 2011) Centers of excellence.**

1. The board shall establish a centers of excellence program relating to economic development. The program must distinguish among center designations for awards designated to address commercialization and infrastructure needs. Workforce may not be the primary need addressed by a center. Through the program the commission shall make funding award recommendations for commission-approved applications to the board, the foundation, the emergency commission, and the budget section of the legislative council. A center must be an institution of higher education under the control of the board or a nonprofit university-related or college-related foundation of an institution of higher education under the control of the board. In order to be considered for center designation, the institution of higher education or nonprofit foundation must be working in partnership with the private sector. For an application that includes infrastructure to be considered for center designation, the application must provide detailed information regarding how the future operational costs and maintenance costs related to the infrastructure will be provided and how the costs will not be provided from the general fund. In addition to any center designated under this chapter, the North Dakota state university center for technology enterprise and the university of North Dakota center for innovation are centers.
  
2. A commission funding award recommendation must be for a specified amount. Designation of a center occurs upon board, foundation, and budget section approval of a commission funding award recommendation. In considering whether to designate a center, the board, foundation, and budget section may not modify the commission recommendation. The budget section may not make a determination of whether to approve or reject a take action on an original commission funding award recommendation until the emergency commission reviews the commission recommendation and makes a recommendation to the budget section. Upon receipt of a commission funding award recommendation, the budget section shall approve the recommendation, reject the recommendation, or rerefer the recommendation to the commission with recommended modifications. If the commission receives a rereferred recommendation from the budget section, the commission shall determine whether to modify the recommendation or whether to retain the recommendation and provide additional information with the recommendation.
  - a. If within thirty days of the budget section rereferring a recommendation the commission makes a determination of whether to modify the recommendation or to retain the recommendation and within the same thirty days the emergency commission meets to review the modified recommendation or the retained recommendation accompanied by additional information, the emergency commission shall approve or reject the recommendation. If within the thirty days following the budget section rereferral the emergency commission acts under this subdivision, the determination of the emergency commission is final and the recommendation is approved or rejected.
  
  - b. If thirty days expire following the budget section's rereferral and the process under subdivision a is not completed timely, the commission shall submit to the budget section the modified recommendation or the retained recommendation. Upon receipt of the recommendation

under this subdivision, the budget section shall approve or reject the recommendation. The budget section may not rerefer a recommendation received under this subdivision.

3. A center that receives funds distributed under this chapter is not qualified to receive subsequent designations as a center until the biennium following the center's most recent designation.
4. The board rules adopted under subsection 9 of section 15-10-17, relating to ownership of intellectual property, inventions, and discoveries, must address activities and issues unique to centers.

**SECTION 31. AMENDMENT.** Section 15-69-03 of the North Dakota Century Code is amended and reenacted as follows:

**15-69-03. (Effective through July 31, 2011) Centers of excellence commission.** The centers of excellence commission consists of six members. The foundation shall appoint three of the foundation's members to serve on the commission and the board shall appoint three of the board's members to serve on the commission. The commission members shall designate a chairman and a vice chairman of the commission. Each member of the commission shall serve for a term of three years, beginning July first; may be reappointed for additional terms; and serves at the pleasure of the appointing entity. If a commission member ceases to serve as a member of the appointing entity, that member's membership on the commission ceases immediately and the appointing entity shall appoint a new member for the remainder of the term. ~~Terms of initial commission members begin on July 1, 2005, and~~ must be staggered. On a meeting-by-meeting basis, an appointing entity may substitute a member of that appointing entity to serve in place of one of the regular members appointed by that entity. If the commission chairman and vice chairman are not present at a meeting, the commission members present at that meeting shall select a commission member to serve as chairman for that meeting. A commission member may receive compensation and travel and expense reimbursement from the appointing entity. ~~The board~~ department of commerce shall provide the commission with appropriate staff services as may be requested by the commission.

**SECTION 32. AMENDMENT.** Section 15-69-04 of the North Dakota Century Code is amended and reenacted as follows:

**15-69-04. (Effective through July 31, 2011) Application - Eligibility requirements.**

1. ~~The board~~ department of commerce shall provide center application forms, accept applications, review applications for completeness and compliance with board and commission policy, ~~and~~ forward complete applications to the commission in accordance with guidelines established by the commission, and assist with preaward reviews and postaward monitoring as may be requested by the commission.
2. The commission shall meet as necessary to review all complete applications; consider the potential need for independent, expert review of complete applications; approve or disapprove complete applications; make funding award recommendations for commission-approved proposed centers; direct the office of management and budget to distribute funds to the centers; monitor centers for compliance with award requirements; ~~and~~ review changes in assertions made in center applications; and conduct postaward monitoring of centers.
3. In considering whether to approve or disapprove an application, the commission shall determine whether the applicant has conducted the due diligence necessary to put together a viable proposal, the commission shall determine whether the applicant has provided information in the application which clearly outlines how the matching fund requirement will be met, and the commission shall consider whether the center will:
  - a. Use university or college research to promote private sector job growth and expansion of knowledge-based industries or use university or college research to promote the development of new products, high-tech companies, or skilled jobs in this state;

- b. Create high-value private sector employment opportunities in this state;
  - c. Provide for public-private sector involvement and partnerships;
  - d. Leverage other funding;
  - e. Increase research and development activities that may involve federal funding from the national science foundation experimental program to stimulate competitive research;
  - f. Foster and practice entrepreneurship;
  - g. Promote the commercialization of new products and services in industry clusters;
  - h. Become financially self-sustaining; and
  - i. Establish and meet a deadline for acquiring and expending all public and private funds specified in the application.
4. In considering whether to approve an application, the commission may provide for an independent, expert review of the application to determine whether the proposed center is viable and whether the proposed center is likely to have the desired economic impact. As necessary, the commission may contract for additional technical review of applications. The commission may not approve an application unless the commission determines the proposed center has a high likelihood of viability and success in positively impacting economic development in the state.
5. For no fewer than six years and no more than ten years following center designation, the commission shall monitor the center's activities in order to determine whether the center is having the desired economic impact.

**SECTION 33. AMENDMENT.** Section 15-69-05 of the North Dakota Century Code is amended and reenacted as follows:

**15-69-05. (Effective through July 31, 2011) Use of funds - Terms of funds - Distribution of funds.**

- 1. A center shall use funds awarded under this chapter to enhance capacity; enhance infrastructure; and leverage state, federal, and private sources of funding. A center awarded funds under this chapter may not use the funds to supplant funding for current operations or academic instructions or to pay indirect costs.
- 2. As a condition for receipt of funds under this chapter, a center shall agree to provide the board, foundation, and budget section of the legislative council with annual audits on all funds distributed to the center under this chapter. The annual audits must be provided until the completion of ~~four~~ years following the final distribution of funds under this chapter the commission's postaward monitoring of the center. As a condition for receipt of funds under this chapter, a center shall agree to provide the commission with the information necessary to monitor the postaward activities of the center.
- 3. Before the commission directs the office of management and budget to distribute funds awarded under this chapter, the center shall provide the commission with detailed documentation of private sector participation and the availability of two dollars of matching funds for each dollar of state funds to be distributed under this chapter. The matching funds may include funds facilitated through the collaboration of the private sector participants with other funding entities. The matching funds may include a combination of cash and in-kind assets with itemized value. Private sector participation may be established through equity investments or through contracts for services with private sector entities. In making funding recommendations and designation determinations, the commission, board, foundation, and budget section shall give major consideration to the portion of the matching funds provided in cash by the private sector.

4. The commission shall direct the office of management and budget to distribute the funds awarded under this chapter in disbursements consistent with the center's budget and timeframe outlined in the approved award. The commission may not direct distribution of funds under this chapter if there are no private sector partners participating or if the statutorily required matching funds are not available.
5. If, before funds are distributed by the office of management and budget, a center undergoes a change in the terms of or assertions made in its application, the commission may direct that the office of management and budget withhold all or a portion of any undistributed funds pending commission review of the changes.
6. The commission may use funds appropriated for the centers of excellence program to pay for the commission's administrative expenses, which may include contracting for independent, expert reviews of complete applications and centers of excellence forums. The amount of funds the commission uses each biennium for administrative expenses may not exceed two and one-half percent of the funds appropriated for the program that biennium.

**SECTION 34. AMENDMENT.** Subsections 4 and 6 of section 54-17-07.3 of the North Dakota Century Code are amended and reenacted as follows:

4. Mortgage loan financing program. A program or programs to provide for the purchase or guaranty of a temporary or permanent mortgage ~~loans~~ loan originated by ~~lenders~~ a lender on residential real property or on land to be developed into residential real property, in addition to ~~such a~~ mortgage ~~loans~~ loan acquired or to be acquired under subsections 1 through 3. A program authorized under this subsection may provide assistance in the development of low to moderate income housing or to otherwise assist a developing community in the state address an unmet housing need or alleviate a housing shortage.
6. Housing grant program. A program or programs to provide ~~grants~~ a grant other than those authorized by section 54-17-07.6 to encourage and promote housing availability for persons of low or moderate income or to otherwise assist a developing community in this state address an unmet housing need or alleviate a housing shortage.

**SECTION 35. AMENDMENT.** Section 54-60-02 of the North Dakota Century Code is amended and reenacted as follows:

**54-60-02. Department of commerce - Divisions.** The North Dakota department of commerce is created. All records, materials, supplies, and equipment used by the division of community services, department of economic development and finance, and the department of tourism are transferred to the department.

1. The department must consist of:
  - a. A division of community services;
  - b. A division of economic development and finance;
  - c. A division of tourism;
  - d. A division of workforce development; and
  - e. Any division the commissioner determines necessary to carry out this chapter.
2. The commissioner shall appoint the director of ~~any each~~ each division created by the commissioner under subsection 1. ~~Effective August 1, 2003, the commissioner shall appoint the directors of the division of community services, division of economic development and finance, and division of workforce development. Effective August 1, 2005, the commissioner shall appoint the director of the division of tourism of the department.~~ Each director appointed by the commissioner serves at the pleasure of the commissioner and is entitled to receive a salary set by the commissioner within the limits of legislative appropriations. ~~Until August 1, 2003, the~~

~~governor shall appoint the directors of the division of community services, division of economic development and finance, and division of workforce development and until August 1, 2005, the governor shall appoint the director of the division of tourism. The individuals appointed by the governor shall serve at the pleasure of the governor and are entitled to receive a salary set by the governor within the limits of legislative appropriations.~~

**SECTION 36. AMENDMENT.** Section 54-60-09 of the North Dakota Century Code is amended and reenacted as follows:

**54-60-09. Division of workforce development - Duties.** The division of workforce development shall ~~actively~~:

1. Actively monitor local, regional, and national private and public workforce development initiatives.
2. Develop and implement the state's talent strategy.
3. Develop and implement a statewide intelligence coordination strategy.

**SECTION 37.** Three new sections to chapter 54-60 of the North Dakota Century Code are created and enacted as follows:

**Division of workforce development - Higher education internships and work experience opportunities.** The division of workforce development shall administer a program to increase use of higher education internships and work experience opportunities for higher education students. The primary focus of this program must be higher education internships in target industries. This program shall provide services to employers, communities, and business organizations to increase higher education internship and work experience opportunities.

**Division of workforce development - Career specialist.** The division of workforce development, in consultation with the department of career and technical education, job service North Dakota, and the superintendent of public instruction, shall develop and implement a program to assist public schools in promoting North Dakota career opportunities to students in grades nine through twelve.

**Division of workforce development - Talent strategy - Performance and accountability.**

1. The division of workforce development, in developing and implementing the state's talent strategy, shall:
  - a. Consult with partners in the state's system for workforce development, workforce training, and talent attraction, including job service North Dakota, the department of career and technical education, the superintendent of public instruction, the state board of higher education, the department of human services, and other divisions of the department of commerce.
  - b. Develop a comprehensive, consolidated biennial statewide strategic plan for the state's system for workforce development, workforce training, and talent attraction.
  - c. Continuously review, identify how to improve, and implement improvements to the state's system for workforce development, workforce training, and talent attraction.
  - d. Develop linkages between partners of the state's system for workforce development, workforce training, and talent attraction, to assure coordination and nonduplication of programs and services provided in the state.
2. The division of workforce development shall develop and implement a system of performance and accountability measures for the state's system for workforce development, workforce training, and talent attraction. Each partner of the state's system for workforce development, workforce training, and talent attraction shall cooperate in providing the division the data necessary to implement these measures."

Page 6, after line 14, insert:

**"SECTION 39. AMENDMENT.** Subdivision 1 of subsection 2 of section 54-60.1-01 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~Except for a center of excellence award under chapter 15-69, assistance~~ Assistance for a collaboration between a North Dakota institution of higher education and a business.

**SECTION 40.** A new section to chapter 55-10 of the North Dakota Century Code is created and enacted as follows:

**Ronald Reagan historic site.** If the state historical society acquires a missile silo historic site, the site is named the Ronald Reagan historic site.

**SECTION 41. AMENDMENT.** The new section to chapter 57-06 of the North Dakota Century Code as created by section 2 of House Bill No. 1072, and as amended by section 2 of House Bill No. 1317, as approved by the sixtieth legislative assembly, is amended and reenacted as follows:

**Taxable valuation of centrally assessed wind turbine electric generators.** A centrally assessed wind turbine electric generation unit with a nameplate generation capacity of one hundred kilowatts or more on which construction is completed before ~~July 1, 2007~~ January 1, 2011, must be valued at the current three percent of assessed value to determine taxable valuation of the property. ~~A centrally assessed wind turbine electric generation unit with a nameplate generation capacity of one hundred kilowatts or more, on which construction is completed after June 30, 2007, and before January 1, 2011, must be valued at one and one-half percent of assessed value to determine taxable valuation of the property. However, a centrally assessed wind turbine electric generation unit with nameplate generation capacity of one hundred kilowatts or more, for which construction is begun after July 1, 2007, and before January 1, 2011, must be valued at one and one-half percent of assessed value to determine taxable valuation of the property. except:~~

1. A centrally assessed wind turbine electric generation unit with a nameplate generation capacity of one hundred kilowatts or more, for which a purchased power agreement has been executed after April 30, 2005, and before January 1, 2006, and construction is completed after April 30, 2005, and before July 1, 2006, must be valued at one and one-half percent of assessed value to determine taxable valuation of the property for the duration of the initial purchased power agreement for the generation unit; and
2. A centrally assessed wind turbine electric generation unit with a nameplate generation capacity of one hundred kilowatts or more, on which construction is completed after June 30, 2006, and before January 1, 2011, must be valued at one and one-half percent of assessed value to determine taxable valuation of the property.

**SECTION 42.** A new section to chapter 57-38 of the North Dakota Century Code is created and enacted as follows:

**Angel fund investment tax credit.** A taxpayer is entitled to a credit against state income tax liability under sections 57-38-29, 57-38-30, or 57-38-30.3 for an investment made in an angel fund that is incorporated in this state. The angel fund must be in compliance with the securities laws of this state for the investment to qualify for the tax credit under this section. The amount of the credit to which a taxpayer is entitled is forty-five percent of the amount invested by the taxpayer in an angel fund during the taxable year. The aggregate annual credit for which a taxpayer may obtain a tax credit is not more than forty-five thousand dollars. To be eligible for the credit, the investment must be at risk in the angel fund for at least three years. Investments placed in escrow do not qualify for the credit. The credit must be claimed in the taxable year in which the investment in the angel fund was received by the angel fund. The credit allowed may not exceed the liability for tax under this chapter. If the amount of credit determined under this section exceeds the liability for tax under this chapter, the excess may be carried forward to each of the four succeeding taxable years. A taxpayer claiming a credit under this section may not claim any credit available to the taxpayer as a result of an investment made by the angel fund in a qualified business under chapter 57-38.5 or 57-38.6.

**SECTION 43.** A new subdivision to subsection 1 of section 57-38-01.2 of the North Dakota Century Code is created and enacted as follows:

Reduced by the amount received by a taxpayer that was paid by an employer under paragraph 4 of subdivision a of subsection 2 of section 57-38-01.25 to hire the taxpayer for a hard-to-fill position under section 57-38-01.25, but only to the extent the amount received by the taxpayer is included in federal taxable income. The reduction applies only if the employer is entitled to the tax credit under section 57-38-01.25. The taxpayer must attach a statement from the employer certifying that the employer is entitled to the credit under section 57-38-01.25 and identifying the type and the amount of the payment to the employee.

**SECTION 44.** Section 57-38-01.24 of the North Dakota Century Code is created and enacted as follows:

**57-38-01.24. Internship employment tax credit.**

1. A taxpayer that is an employer within this state is entitled to a credit as determined under this section against state income tax liability under section 57-38-29, 57-38-30, or 57-38-30.3 for qualified compensation paid to an intern employed in this state by the taxpayer. To qualify for the credit under this section, the internship program must meet the following qualifications:
  - a. The intern must be an enrolled student in an institution of higher education or vocational technical education program who is seeking a degree or a certification of completion in a major field of study closely related to the work experience performed for the taxpayer;
  - b. The internship must be taken for academic credit or count toward the completion of a vocational technical education program;
  - c. The intern must be supervised and evaluated by the taxpayer; and
  - d. The internship position must be located in this state.
2. The amount of the credit to which a taxpayer is entitled is ten percent of the stipend or salary paid to a college intern employed by the taxpayer. A taxpayer may not receive more than three thousand dollars in total credits under this section for all taxable years combined.
  - a. The tax credit under this section applies to a stipend or salary for not more than five interns employed at the same time.
  - b. A partnership, subchapter S corporation, or limited liability company that for tax purposes is treated like a partnership that is entitled to the credit under this section must be considered to be the taxpayer for purposes of calculating the credit. The amount of the allowable credit must be determined at the passthrough entity level. The total credit determined at the entity level must be passed through to the partners, shareholders, or members in proportion to their respective interests in the passthrough entity.

**SECTION 45.** Section 57-38-01.25 of the North Dakota Century Code is created and enacted as follows:

**57-38-01.25. Workforce recruitment credit for hard-to-fill employment positions.** A taxpayer that is an employer in this state is entitled to a credit as determined under this section against state income tax liability under section 57-38-29, 57-38-30, or 57-38-30.3 for costs the taxpayer incurred during the tax year to recruit and hire employees for hard-to-fill employment positions within this state for which the annual salary for the position meets or exceeds the state average wage.

1. The amount of the credit to which a taxpayer is entitled is five percent of the salary paid for the first twelve consecutive months to the employee hired for the hard-to-fill employment position. To qualify for the credit under



this section, the employee must be employed by the taxpayer in the hard-to-fill employment position for twelve consecutive months.

2. For purposes of this section:
  - a. "Extraordinary recruitment methods" means using all of the following:
    - (1) A person with the exclusive business purpose of recruiting employees and for which a fee is charged by that recruiter.
    - (2) An advertisement in a professional trade journal, magazine, or other publication, the main emphasis of which is providing information to a particular trade or profession.
    - (3) A web site, the sole purpose of which is to recruit employees and for which a fee is charged by the web site.
    - (4) Payment of a signing bonus, moving expenses, or nontypical fringe benefits.
  - b. "Hard-to-fill employment position" means a job that requires the employer to use extraordinary recruitment methods and for which the employer's recruitment efforts for the specific position have been unsuccessful for six consecutive calendar months.
  - c. "State average wage" means one hundred twenty-five percent of the state average wage published annually by job service North Dakota and which is in effect at the time the employee is hired.
3. The taxpayer may claim the credit in the first tax year beginning after the employee hired for the hard-to-fill position has completed the employee's first twelve consecutive months of employment in the hard-to-fill position with the taxpayer.
4. The credit under this section may not exceed a taxpayer's liability for the taxable year as determined under this chapter. Any amount of unused credit may be carried forward for up to four taxable years after the taxable year in which the credit could initially be claimed.
5. A partnership, subchapter S corporation, or limited liability company that for tax purposes is treated like a partnership that is entitled to the credit under this section must be considered to be the taxpayer for purposes of this section and the amount of the credit allowed must be determined at the passthrough entity level. The amount of the total credit determined at the passthrough entity level must be allowed to the members in proportion to their respective interests in the passthrough entity.

**SECTION 46. AMENDMENT.** Section 57-38-30.3 of the North Dakota Century Code is amended and reenacted as follows:

**57-38-30.3. Simplified method of computing tax.**

1. A tax is hereby imposed for each taxable year upon income earned or received in that taxable year by every resident and nonresident individual, estate, and trust. A taxpayer computing the tax under this section is only eligible for those adjustments or credits that are specifically provided for in this section. Provided, that for purposes of this section, any person required to file a state income tax return under this chapter, but who has not computed a federal taxable income figure, shall compute a federal taxable income figure using a pro forma return in order to determine a federal taxable income figure to be used as a starting point in computing state income tax under this section. The tax for individuals is equal to North Dakota taxable income multiplied by the rates in the applicable rate schedule in subdivisions a through d corresponding to an individual's filing status used for federal income tax purposes. For an estate or trust, the schedule in subdivision e must be used for purposes of this subsection.

- a. Single, other than head of household or surviving spouse.

If North Dakota taxable income is:	The tax is equal to:
Not over \$27,050	2.10%

Over \$27,050 but not over \$65,550	\$568.05 plus 3.92% of amount over \$27,050
Over \$65,550 but not over \$136,750	\$2,077.25 plus 4.34% of amount over \$65,550
Over \$136,750 but not over \$297,350	\$5,167.33 plus 5.04% of amount over \$136,750
Over \$297,350	\$13,261.57 plus 5.54% of amount over \$297,350

b. Married filing jointly and surviving spouse.

If North Dakota taxable income is:	The tax is equal to:
Not over \$45,200	2.10%
Over \$45,200 but not over \$109,250	\$949.20 plus 3.92% of amount over \$45,200
Over \$109,250 but not over \$166,500	\$3,459.96 plus 4.34% of amount over \$109,250
Over \$166,500 but not over \$297,350	\$5,944.61 plus 5.04% of amount over \$166,500
Over \$297,350	\$12,539.45 plus 5.54% of amount over \$297,350

c. Married filing separately.

If North Dakota taxable income is:	The tax is equal to:
Not over \$22,600	2.10%
Over \$22,600 but not over \$54,625	\$474.60 plus 3.92% of amount over \$22,600
Over \$54,625 but not over \$83,250	\$1,729.98 plus 4.34% of amount over \$54,625
Over \$83,250 but not over \$148,675	\$2,972.31 plus 5.04% of amount over \$83,250
Over \$148,675	\$6,269.73 plus 5.54% of amount over \$148,675

d. Head of household.

If North Dakota taxable income is:	The tax is equal to:
Not over \$36,250	2.10%
Over \$36,250 but not over \$93,650	\$761.25 plus 3.92% of amount over \$36,250
Over \$93,650 but not over \$151,650	\$3,011.33 plus 4.34% of amount over \$93,650
Over \$151,650 but not over \$297,350	\$5,528.53 plus 5.04% of amount over \$151,650
Over \$297,350	\$12,871.81 plus 5.54% of amount over \$297,350

e. Estates and trusts.

If North Dakota taxable income is:	The tax is equal to:
Not over \$1,800	2.10%
Over \$1,800 but not over \$4,250	\$37.80 plus 3.92% of amount over \$1,800
Over \$4,250 but not over \$6,500	\$133.84 plus 4.34% of amount over \$4,250
Over \$6,500 but not over \$8,900	\$231.49 plus 5.04% of amount over \$6,500
Over \$8,900	\$352.45 plus 5.54% of amount over \$8,900

f. For an individual who is not a resident of this state for the entire year, or for a nonresident estate or trust, the tax is equal to the tax otherwise computed under this subsection multiplied by a fraction in which:

- (1) The numerator is the federal adjusted gross income allocable and apportionable to this state; and
- (2) The denominator is the federal adjusted gross income from all sources reduced by the net income from the amounts specified in subdivisions a and b of subsection 2.

In the case of married individuals filing a joint return, if one spouse is a resident of this state for the entire year and the other spouse is a nonresident for part or all of the tax year, the tax on the joint return must be computed under this subdivision.

g. For taxable years beginning after December 31, 2001, the tax commissioner shall prescribe new rate schedules that apply in lieu of the schedules set forth in subdivisions a through e. The new schedules must be determined by increasing the minimum and maximum dollar amounts for each income bracket for which a tax is imposed by the cost-of-living adjustment for the taxable year as determined by the secretary of the United States treasury for purposes of section 1(f) of the United States Internal Revenue Code of 1954, as amended. For this purpose, the rate applicable to each income bracket may not be changed, and the manner of applying the cost-of-living adjustment must be the same as that used for adjusting the income brackets for federal income tax purposes.

2. For purposes of this section, "North Dakota taxable income" means the federal taxable income of an individual, estate, or trust as computed under the Internal Revenue Code of 1986, as amended, adjusted as follows:

- a. Reduced by interest income from obligations of the United States and income exempt from state income tax under federal statute or United States or North Dakota constitutional provisions.
- b. Reduced by the portion of a distribution from a qualified investment fund described in section 57-38-01 which is attributable to investments by the qualified investment fund in obligations of the United States, obligations of North Dakota or its political subdivisions, and any other obligation the interest from which is exempt from state income tax under federal statute or United States or North Dakota constitutional provisions.
- c. Reduced by the amount equal to the earnings that are passed through to a taxpayer in connection with an allocation and apportionment to North Dakota under chapter 57-35.3.
- d. Reduced by thirty percent of the excess of the taxpayer's net long-term capital gain for the taxable year over the net short-term capital loss for that year, as computed for purposes of the Internal Revenue Code of 1986, as amended. The adjustment provided by this subdivision is allowed only to the extent the net long-term capital gain is allocated to this state.
- e. Increased by the amount of a lump sum distribution for which income averaging was elected under section 402 of the Internal Revenue Code of 1986 [26 U.S.C. 402], as amended. This adjustment does not apply if the taxpayer received the lump sum distribution while a nonresident of this state and the distribution is exempt from taxation by this state under federal law.
- f. Increased by an amount equal to the losses that are passed through to a taxpayer in connection with an allocation and apportionment to North Dakota under chapter 57-35.3.
- g. Reduced by the amount received by the taxpayer as payment for services performed when mobilized under title 10 United States Code federal service as a member of the national guard or reserve member of the armed forces of the United States. This subdivision does not apply to federal service while attending annual training, basic military training, or professional military education.
- h. Reduced by income from a new and expanding business exempt from state income tax under section 40-57.1-04.
- i. Reduced by interest and income from bonds issued under chapter 11-37.
- j. Reduced by up to ten thousand dollars of qualified expenses that are related to a donation by a taxpayer or a taxpayer's dependent, while living, of one or more human organs to another human being for human organ transplantation. A taxpayer may claim the reduction in this subdivision only once for each instance of organ donation during the taxable year in which the human organ donation and the human organ transplantation occurs but if qualified expenses are incurred in more than one taxable year, the reduction for those expenses must be claimed in the year in which the expenses are incurred. For purposes of this subdivision:
  - (1) "Human organ transplantation" means the medical procedure by which transfer of a human organ is made from the body of one person to the body of another person.
  - (2) "Organ" means all or part of an individual's liver, pancreas, kidney, intestine, lung, or bone marrow.
  - (3) "Qualified expenses" means lost wages not compensated by sick pay and unreimbursed medical expenses as defined for federal income tax purposes, to the extent not deducted in

computing federal taxable income, whether or not the taxpayer itemizes federal income tax deductions.

- k. Increased by the amount of the contribution upon which the credit under section 57-38-01.21 is computed, but only to the extent that the contribution reduced federal taxable income.
  - l. Reduced by the amount of any payment received by a veteran or beneficiary of a veteran under section 37-28-03 or 37-28-04.
  - m. Reduced by the amount received by a taxpayer that was paid by an employer under paragraph 4 of subdivision a of subsection 2 of section 57-38-01.25 to hire the taxpayer for a hard-to-fill position under section 57-38-01.25, but only to the extent the amount received by the taxpayer is included in federal taxable income. The reduction applies only if the employer is entitled to the credit under section 57-38-01.25. The taxpayer must attach a statement from the employer in which the employer certifies that the employer is entitled to the credit under section 57-38-01.25 and which specifically identified the type of payment and the amount of the exemption under this section.
3. Married individuals filing a joint federal income tax return shall file a joint state income tax return if the return is filed under this section. If separate federal income tax returns are filed, one spouse's state income tax return may be filed under this section and the other spouse's income tax return may be filed under the other provisions of this chapter.
  4.
    - a. A resident individual, estate, or trust must be allowed a credit against the tax otherwise due under this section for the amount of any income tax imposed on the taxpayer for the taxable year by another state or territory of the United States or the District of Columbia on income derived from sources therein and which is also subject to tax under this section.
    - b. The credit provided under this subsection may not exceed the proportion of the tax otherwise due under this section that the amount of the taxpayer's adjusted gross income derived from sources in the other taxing jurisdiction bears to the taxpayer's federal adjusted gross income as reported on the taxpayer's federal income tax return.
    - c. The tax commissioner may require written proof of the tax paid to another state. The required proof must be provided in a form and manner as determined by the tax commissioner.
  5. Individuals, estates, or trusts that file an amended federal income tax return changing their federal taxable income figure for a year for which an election to file state income tax returns has been made under this section shall file an amended state income tax return to reflect the changes on the federal income tax return.
  6. The tax commissioner may prescribe procedures and guidelines to prevent requiring income that had been previously taxed under this chapter from becoming taxed again because of the provisions of this section and may prescribe procedures and guidelines to prevent any income from becoming exempt from taxation because of the provisions of this section if it would otherwise have been subject to taxation under the provisions of this chapter.
  7. A taxpayer filing a return under this section is entitled to the credit provided under section 57-38-01.20.
  8. A taxpayer filing a return under this section is entitled to the exemptions or credits provided under sections 40-63-04, 40-63-06, and 40-63-07.
  9.
    - a. A taxpayer is entitled to a credit against the tax imposed by this section for any unused federal credit for prior year minimum tax. "Unused federal credit for prior year minimum tax" means the amount of the federal credit for prior year minimum tax attributable to federal alternative minimum tax included in the taxpayer's federal income tax

liability for purposes of this section for taxable years beginning before January 1, 2001, reduced by the total amount of the federal credit for prior year minimum tax claimed on the taxpayer's federal income tax return for all taxable years beginning after December 31, 2000.

- b. The credit under this subsection is equal to fourteen percent of the portion of the unused federal credit for prior year minimum tax claimed on the taxpayer's federal income tax return and may not exceed the taxpayer's tax liability under this section for the taxable year. For a nonresident taxpayer, the credit determined under this subsection must be multiplied by the percentage that the nonresident taxpayer's North Dakota adjusted gross income is of the nonresident's federal adjusted gross income.
        - c. The credit under this subsection is not allowed for taxable years beginning after December 31, 2004.
10.
  - a. If an individual taxpayer engaged in a farming business elects to average farm income under section 1301 of the Internal Revenue Code [26 U.S.C. 1301], the taxpayer may elect to compute tax under this subsection. If an election to compute tax under this subsection is made, the tax imposed by subsection 1 for the taxable year must be equal to the sum of the following:
    - (1) The tax computed under subsection 1 on North Dakota taxable income reduced by elected farm income.
    - (2) The increase in tax imposed by subsection 1 which would result if North Dakota taxable income for each of the three prior taxable years were increased by an amount equal to one-third of the elected farm income. However, if other provisions of this chapter other than this section were used to compute the tax for any of the three prior years, the same provisions in effect for that prior tax year must be used to compute the increase in tax under this paragraph. For purposes of applying this paragraph to taxable years beginning before January 1, 2001, the increase in tax must be determined by recomputing the tax in the manner prescribed by the tax commissioner.
  - b. For purposes of this subsection, "elected farm income" means that portion of North Dakota taxable income for the taxable year which is elected farm income as defined in section 1301 of the Internal Revenue Code of 1986 [26 U.S.C. 1301], as amended, reduced by the portion of an exclusion claimed under subdivision d of subsection 2 that is attributable to a net long-term capital gain included in elected farm income.
  - c. The reduction in North Dakota taxable income under this subsection must be taken into account for purposes of making an election under this subsection for any subsequent taxable year.
  - d. The tax commissioner may prescribe rules, procedures, or guidelines necessary to administer this subsection.
11. The tax commissioner may prescribe tax tables, to be used in computing the tax according to subsection 1, if the amounts of the tax tables are based on the tax rates set forth in subsection 1. If prescribed by the tax commissioner, the tables must be followed by every individual, estate, or trust determining a tax under this section.
12. An individual, estate, or trust is entitled to a credit against the tax determined under this section as calculated under section 57-38.6-03.
13. A taxpayer filing a return under this section is entitled to the credit provided under section 57-38.5-03.
14. An individual taxpayer filing a return under this section is entitled to the credit provided under section 57-38-01.21.

15. A taxpayer filing a return under this section is entitled to the credits provided under sections 57-38-01.22 and 57-38-01.23.
16. A taxpayer filing a return under this section is entitled to the credits provided under section 42 of this Act and sections 57-38-01.24, 57-38-01.25, and 57-38-30.5.

**SECTION 47. AMENDMENT.** Section 57-38-30.5 of the North Dakota Century Code is amended and reenacted as follows:

**57-38-30.5. ~~Corporate income~~ Income tax credit for research and experimental expenditures.** ~~Any corporation~~ A taxpayer is allowed a credit against the tax imposed under this chapter for the taxable year equal to ~~eight percent of the first one and one-half million dollars of the qualified research expenses for the taxable year in excess of the base period research expenses and equal to four percent of all qualified research expenses for the taxable year more than one and one-half million dollars in excess of the base period research expenses~~ section 57-38-29, 57-38-30, or 57-38-30.3 for conducting qualified research in this state.

1. The amount of the credit for taxpayers that earned or claimed a credit under this section in taxable years beginning before January 1, 2007, is calculated as follows:
  - a. For the first taxable year beginning after December 31, 2006, the credit is equal to twenty-five percent of the first one hundred thousand dollars of the qualified research expenses for the taxable year in excess of the base period research expenses and equal to seven and one-half percent of all qualified research expenses for the taxable year more than one hundred thousand dollars in excess of the base period research expenses.
  - b. For the second taxable year beginning after December 31, 2006, the credit is equal to twenty-five percent of the first one hundred thousand dollars of the qualified research expenses for the taxable year in excess of the base period research expenses and equal to eleven percent of all qualified research expenses for the taxable year more than one hundred thousand dollars in excess of the base period research expenses.
  - c. For the third taxable year beginning after December 31, 2006, the credit is equal to twenty-five percent of the first one hundred thousand dollars of the qualified research expenses for the taxable year in excess of the base period research expenses and equal to fourteen and one-half percent of all qualified research expenses for the taxable year more than one hundred thousand dollars in excess of the base period research expenses.
  - d. For the fourth through the tenth taxable years beginning after December 31, 2006, the credit is equal to twenty-five percent of the first one hundred thousand dollars of the qualified research expenses for the taxable year in excess of the base period research expenses and equal to eighteen percent of all qualified research expenses for the taxable year more than one hundred thousand dollars in excess of the base period research expenses.
  - e. For the eleventh taxable year beginning after December 31, 2006, and for each subsequent taxable year in which the taxpayer conducts qualified research in this state, the credit is equal to twenty-five percent of the first one hundred thousand dollars of the qualified research expenses for the taxable year in excess of the base period research expenses and equal to eight percent of all qualified research expenses for the taxable year more than one hundred thousand dollars in excess of the base period research expenses.
  - f. The maximum annual credit a taxpayer may obtain under this section is two million dollars. Any credit amount earned in the taxable year in excess of two million dollars may not be carried back or forward as provided in subsection 7.

2. For taxpayers that have not earned or claimed a credit under this section in taxable years beginning before January 1, 2007, and which begin conducting qualified research in North Dakota in any of the first four taxable years beginning after December 31, 2006, the amount of the credit is equal to twenty-five percent of the first one hundred thousand dollars of the qualified research expenses for the taxable year in excess of the base period research expenses and equal to twenty percent of all qualified research expenses for the taxable year more than one hundred thousand dollars in excess of the base period research expenses.
  - a. This rate applies through the tenth taxable year beginning after December 31, 2006.
  - b. For the eleventh taxable year beginning after December 31, 2006, and for each subsequent taxable year in which the taxpayer conducts qualified research in this state, the credit is equal to twenty-five percent of the first one hundred thousand dollars of the qualified research expenses for the taxable year in excess of the base period research expenses and equal to eight percent of all qualified research expenses for the taxable year more than one hundred thousand dollars in excess of the base period research expenses.
3. For taxpayers that have not earned or claimed a credit under this section in taxable years beginning before January 1, 2007, and which begin conducting qualified research in North Dakota in any taxable year following the fourth taxable year beginning after December 31, 2006, the amount of the credit is equal to twenty-five percent of the first one hundred thousand dollars of the qualified research expenses for the taxable year in excess of the base period research expenses and equal to eight percent of all qualified research expenses for the taxable year more than one hundred thousand dollars in excess of the base period research expenses.
4. For purposes of this section:
  - a. "Base period research expenses" means base period research expenses as defined in section 41(c) of the Internal Revenue Code [26 U.S.C. 41(c)], except it does not include research conducted outside the state of North Dakota.
  - b. "Director" means the director of the department of commerce division of economic development and finance.
  - c. "Primary sector business" means a qualified business that through the employment of knowledge or labor adds value to a product, process, or service.
  - d. "Qualified research" means qualified research as defined in section 41(d) of the Internal Revenue Code [26 U.S.C. 41(d)], except it does not include research conducted outside the state of North Dakota.
  - e. "Qualified research and development company" means a taxpayer that is a primary sector business with annual gross revenues of less than seven hundred fifty thousand dollars and which has not conducted new research and development in North Dakota.
  - f. "Qualified research expenses" means qualified research expenses as defined in section 41(b) of the Internal Revenue Code [26 U.S.C. 41(b)], except it does not include expenses incurred for basic research conducted outside the state of North Dakota.
- 2- 5. The credit allowed under this section for the taxable year may not exceed the liability for tax under this chapter.
- 3- 6. In the case of a ~~corporation~~ taxpayer that is a partner in a partnership or a member in a limited liability company, the credit allowed for the taxable year may not exceed an amount separately computed with respect to the ~~corporation's~~ taxpayer's interest in the trade, business, or entity equal to the amount of tax attributable to that portion of the

~~corporation's taxpayer's~~ taxable income which is allocable or apportionable to the ~~corporation's~~ taxpayer's interest in the trade, business, or entity.

4. 7. If Except as provided in subsection 1, if the amount of the credit determined under this section for any taxable year exceeds the limitation under subsection 2 5, the excess may be used as a research credit carryback to each of the three preceding taxable years and a research credit carryover to each of the fifteen succeeding taxable years. The entire amount of the excess unused credit for the taxable year must be carried first to the earliest of the taxable years to which the credit may be carried and then to each successive year to which the credit may be carried.—~~The and~~ the amount of the unused credit which may be added under this subsection may not exceed the taxpayer's liability for tax less the research credit for the taxable year.
8. A taxpayer that is certified as a qualified research and development company by the director may elect to sell, transfer, or assign all or part of the unused tax credit earned under this section. The director shall certify whether a taxpayer that has requested to become a qualified research and development company meets the requirements of subsection 4. The director shall establish the necessary forms and procedures for certifying qualifying research and development companies. The director shall issue a certification letter to the taxpayer and the tax commissioner. A tax credit can be sold, transferred, or assigned subject to the following:
- a. A taxpayer's total credit assignment under this section may not exceed one hundred thousand dollars over any combination of taxable years.
  - b. If the taxpayer elects to assign or transfer an excess credit under this subsection, the tax credit transferor and the tax credit purchaser jointly shall file with the tax commissioner a copy of the purchase agreement and a statement containing the names, addresses, and taxpayer identification numbers of the parties to the transfer, the amount of the credit being transferred, the gross proceeds received by the transferor, and the taxable year or years for which the credit may be claimed. The taxpayer and the purchaser also shall file a document allowing the tax commissioner to disclose tax information to either party for the purpose of verifying the correctness of the transferred tax credit. The purchase agreement, supporting statement, and waiver must be filed within thirty days after the date the purchase agreement is fully executed.
  - c. The purchaser of the tax credit shall claim the credit beginning with the taxable year in which the credit purchase agreement was fully executed by the parties. A purchaser of a tax credit under this section has only such rights to claim and use the credit under the terms that would have applied to the tax credit transferor, except the credit purchaser may not carry back the credit as otherwise provided in this section. This subsection does not limit the ability of the tax credit purchaser to reduce the tax liability of the purchaser, regardless of the actual tax liability of the tax credit transferor.
  - d. The original purchaser of the tax credit may not sell, assign, or otherwise transfer the credit purchased under this section.
  - e. If the amount of the credit available under this section is changed as a result of an amended return filed by the transferor, or as the result of an audit conducted by the internal revenue service or the tax commissioner, the transferor shall report to the purchaser the adjusted credit amount within thirty days of the amended return or within thirty days of the final determination made by the internal revenue service or the tax commissioner. The tax credit purchaser shall file amended returns reporting the additional tax due or claiming a refund as provided in section 57-38-38 or 57-38-40, and the tax commissioner may audit these returns and assess or issue refunds, even though other time periods prescribed in these sections may have expired for the purchaser.



- f. Gross proceeds received by the tax credit transferor must be assigned to North Dakota. The amount assigned under this subsection cannot be reduced by the taxpayer's income apportioned to North Dakota or any North Dakota net operating loss of the taxpayer.
  - g. The tax commissioner has four years after the date of the credit assignment to audit the returns of the credit transferor and the purchaser to verify the correctness of the amount of the transferred credit and if necessary assess the credit purchaser if additional tax is found due. This subdivision does not limit or restrict any other time period prescribed in this chapter for the assessment of tax.
  - h. The tax commissioner may adopt rules to permit verification of the validity and timeliness of the transferred tax credit.
5. 9. If a taxpayer acquires or disposes of the major portion of a trade or business or the major portion of a separate unit of a trade or business in a transaction with another taxpayer, the taxpayer's qualified research expenses and base period must be adjusted in the manner provided by section 41(f)(3) of the Internal Revenue Code [26 U.S.C. 41(f)(3)].
10. If a taxpayer entitled to the credit provided by this section is a member of a group of corporations filing a North Dakota consolidated tax return using the combined reporting method, the credit may be claimed against the aggregate North Dakota tax liability of all the corporations included in the North Dakota consolidated return. This section does not apply to tax credits received or purchased under subsection 8.
11. An individual, estate, or trust that purchases a credit under this section is entitled to claim the credit against state income tax liability under section 57-38-29 or 57-38-30.3.

**SECTION 48. AMENDMENT.** Section 57-38.5-05 of the North Dakota Century Code is amended and reenacted as follows:

**57-38.5-05. Seed capital investment tax credit limits.** The aggregate amount of seed capital investment tax credit allowed for investments under this chapter is limited to ~~two~~ three million five hundred thousand dollars for each calendar year. If investments in qualified businesses reported to the commissioner under section 57-38.5-07 exceed the limits on tax credits for investments imposed by this section, the credit must be allowed to taxpayers in the chronological order of their investments in qualified businesses as determined from the forms filed under section 57-38.5-07.

**SECTION 49. AMENDMENT.** Section 57-38.6-01 of the North Dakota Century Code is amended and reenacted as follows:

**57-38.6-01. Definitions.** As used in this chapter, unless the context otherwise requires:

1. "Agricultural commodity processing facility" means a:
  - a. A facility that through processing involving the employment of knowledge and labor adds value to an agricultural commodity capable of being raised in this state; or
  - b. A livestock feeding, handling, milking, or holding operation that uses as part of its operation a byproduct produced at a biofuels production facility.
2. "Biofuels production facility" means a corporation, limited liability company, partnership, individual, or association in this state:
  - a. Involved in production of diesel fuel containing at least five percent biodiesel meeting the specifications adopted by the American society for testing and materials;
  - b. Involved in the production of corn-based ethanol or cellulose-based ethanol; or
  - c. Involved in a soybean or canola crushing facility.

3. "Director" means the director of the department of commerce division of economic development and finance.
3. 4. "Qualified business" means a cooperative, corporation, partnership, or limited liability company that:
- a. Is incorporated or organized in this state after December 31, 2000, for the primary purpose of ~~processing and marketing being an agricultural commodities capable of being raised in this state~~ commodity processing facility;
  - b. Has been certified by the securities commissioner to be in compliance under the securities laws of this state;
  - c. Has an agricultural commodity processing facility, or intends to locate one, in this state; and
  - d. Is among the first ten businesses that meets the requirements of this subsection, but not a business that was previously certified as a qualified business under chapter 57-38.5.
4. 5. "Taxpayer" means an individual, estate, trust, corporation, partnership, or limited liability company.

**SECTION 50. AMENDMENT.** Section 17 of chapter 151 of the 2005 Session Laws is amended and reenacted as follows:

**SECTION 17. NORTH DAKOTA BUSINESS CLIMATE INITIATIVE - LEGISLATIVE COUNCIL STUDY.** During the 2005-06 ~~and 2007-08 interims~~ interim, the legislative council shall study the state's business climate through a business climate initiative. The business climate initiative must include receipt of agency reports regarding economic development legislation introduced by the legislative council during previous legislative sessions, active participation in business climate focus groups across the state, and active participation in a ~~congresses~~ biennial business congress. The focus groups shall discuss ways to enhance the state's business climate to stimulate job growth and enhance economic prosperity for employers and employees by encouraging the growth of existing businesses in the state, creating new businesses in the state, and encouraging expansion or relocation of businesses to this state. ~~Each~~ The business congress must receive a report on the activities of the focus group discussions, shall identify methods to enhance the state's business climate to stimulate job growth and enhance economic prosperity, shall identify methods to prepare the state for the high-growth and high-demand jobs of the future, and shall evaluate the impact of existing state economic development programs. The department of commerce shall organize the business climate focus groups and the business ~~congresses~~ congress. ~~Before each~~ Before the business congress, which must be held before June 1, 2006, ~~and before June 1, 2008~~, the department shall hold a minimum of six focus group discussions, two of which specifically focus on local economic developers and four of which specifically focus on private business needs. The department shall consult with the legislative council in compiling focus group and business congress participant invitation lists and drafting and distributing invitations, establishing focus group and business congress dates and locations, and preparing agendas for focus groups and the business ~~congresses~~ congress. The legislative council shall contract with a third party to provide professional services to plan, facilitate, report on, and coordinate followup for the focus groups and business ~~congresses~~ congress. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth ~~and sixty first~~ legislative ~~assemblies~~ assembly.

**SECTION 51. REPEAL.** Sections 57-38-71, 57-38-72, 57-38-73, and 57-38-74 of the North Dakota Century Code are repealed.

**SECTION 52. EFFECTIVE DATE.** Sections 42, 43, 44, 45, 46, 47, 48, 49, 50, and 51 of this Act are effective for taxable years beginning after December 31, 2006. Section 47 of this Act is effective for tax credits earned and assigned after December 31, 2006. However, rentals under a lease entered before January 1, 2007, and eligible for the exemption under section 57-38-73 when the lease was entered continue to be eligible for the exemption for taxable years after 2006 on the same terms and conditions for the duration of the lease."

Page 6, line 15, replace "14" with "38"

Page 6, after line 16, insert:

**"SECTION 54. EMERGENCY.** Section 34 of this Act is declared to be an emergency measure."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1018 - Summary of Conference Committee Action**

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
<b>Secretary of State</b>						
Total all funds	\$0	\$0	\$2,920,000	\$2,920,000	\$0	\$2,920,000
Less estimated income			<u>2,920,000</u>	<u>2,920,000</u>		<u>2,920,000</u>
General fund	\$0	\$0	\$0	\$0	\$0	\$0
<b>Office of Management and Budget</b>						
Total all funds	\$0	\$0	\$22,023,138	\$22,023,138	\$27,023,138	(\$5,000,000)
Less estimated income			<u>20,000,000</u>	<u>20,000,000</u>	<u>5,000,000</u>	<u>15,000,000</u>
General fund	\$0	\$0	\$2,023,138	\$2,023,138	\$22,023,138	(\$20,000,000)
<b>Board for Career and Technical Education</b>						
Total all funds	\$0	\$70,000	\$0	\$70,000	\$70,000	\$0
Less estimated income						
General fund	\$0	\$70,000	\$0	\$70,000	\$70,000	\$0
<b>Department of Commerce</b>						
Total all funds	\$81,531,029	\$77,000,837	\$5,039,000	\$82,039,837	\$81,714,837	\$325,000
Less estimated income	<u>55,361,293</u>	<u>55,361,293</u>	<u>400,000</u>	<u>55,761,293</u>	<u>55,361,293</u>	<u>400,000</u>
General fund	\$26,169,736	\$21,639,544	\$4,639,000	\$26,278,544	\$26,353,544	(\$75,000)
<b>Bill Total</b>						
Total all funds	\$81,531,029	\$77,070,837	\$29,982,138	\$107,052,975	\$108,807,975	(\$1,755,000)
Less estimated income	<u>55,361,293</u>	<u>55,361,293</u>	<u>23,320,000</u>	<u>78,681,293</u>	<u>60,361,293</u>	<u>18,320,000</u>
General fund	\$26,169,736	\$21,709,544	\$6,662,138	\$28,371,682	\$48,446,682	(\$20,075,000)

**House Bill No. 1018 - Secretary of State - Conference Committee Action**

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Operating expenses			<u>\$2,920,000</u>	<u>\$2,920,000</u>		<u>\$2,920,000</u>
Total all funds	\$0	\$0	\$2,920,000	\$2,920,000	\$0	\$2,920,000
Less estimated income			<u>2,920,000</u>	<u>2,920,000</u>		<u>2,920,000</u>
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

**Dept. 108 - Secretary of State - Detail of Conference Committee Changes**

	ADDS CONTINGENT FUNDING FOR COMPUTER PROJECT <sup>1</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Operating expenses	<u>\$2,920,000</u>	<u>\$2,920,000</u>
Total all funds	\$2,920,000	\$2,920,000
Less estimated income	<u>2,920,000</u>	<u>2,920,000</u>
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> A section is added by the conference committee authorizing the Secretary of State to obtain a Bank of North Dakota loan to implement the North Dakota business development engine information technology project, subject to Budget Section approval.

**House Bill No. 1018 - Office of Management and Budget - Conference Committee Action**

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Centers of excellence			\$15,000,000	\$15,000,000	\$20,000,000	(\$5,000,000)
Centers of excellence - Contingency			5,000,000	5,000,000	5,000,000	
Prairie Public Broadcasting			<u>2,023,138</u>	<u>2,023,138</u>	<u>2,023,138</u>	

Total all funds	\$0	\$0	\$22,023,138	\$22,023,138	\$27,023,138	(\$5,000,000)
Less estimated income			<u>20,000,000</u>	<u>20,000,000</u>	<u>5,000,000</u>	<u>15,000,000</u>
General fund	\$0	\$0	\$2,023,138	\$2,023,138	\$22,023,138	(\$20,000,000)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

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

	ADDS CENTERS OF EXCELLENCE FUNDING <sup>1</sup>	ADDS CONTINGENT CENTERS OF EXCELLENCE FUNDING <sup>2</sup>	ADDS FUNDING FOR PBS <sup>3</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Centers of excellence	\$15,000,000			\$15,000,000
Centers of excellence - Contingency		\$5,000,000		5,000,000
Prairie Public Broadcasting			<u>\$2,023,138</u>	<u>2,023,138</u>
Total all funds	\$15,000,000	\$5,000,000	\$2,023,138	\$22,023,138
Less estimated income	<u>15,000,000</u>	<u>5,000,000</u>		<u>20,000,000</u>
General fund	\$0	\$0	\$2,023,138	\$2,023,138
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> A section is added appropriating funds from the permanent oil tax trust fund for centers of excellence for the 2007-09 biennium. The Senate provided \$20 million from the general fund.

<sup>2</sup> A section is added authorizing the Office of Management and Budget, as directed by the Centers of Excellence Commission and with Emergency Commission and Budget Section approval, to borrow up to \$5 million from the Bank of North Dakota for providing additional funding for centers of excellence, only if the \$15 million appropriated from the permanent oil tax trust fund is all committed. The Senate included a similar section.

<sup>3</sup> A section is added providing funding for Prairie Public Broadcasting, the same as the Senate version.

**House Bill No. 1018 - Board for Career and Technical Education - Conference Committee Action**

The conference committee did not change the Senate and House version.

**House Bill No. 1018 - Department of Commerce - Conference Committee Action**

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$8,617,235	\$8,617,235	\$220,000	\$8,837,235	\$8,617,235	\$220,000
Operating expenses	13,642,636	9,978,688	4,419,000	14,397,688	13,092,688	1,305,000
Capital assets	25,000	25,000		25,000	25,000	
Grants	48,374,748	48,374,748	100,000	48,474,748	48,774,748	(300,000)
North Dakota Development Fund	3,000,000	3,000,000		3,000,000	4,000,000	(1,000,000)
Discretionary funds	1,450,127	1,450,127		1,450,127	1,450,127	
Economic development initiatives	2,163,090	1,296,846		1,296,846	1,296,846	
Agricultural products utilization	2,808,193	2,808,193	200,000	3,008,193	3,008,193	
Economic development grants	50,000	50,000		50,000	50,000	
North Dakota Trade Office	<u>1,400,000</u>	<u>1,400,000</u>	<u>100,000</u>	<u>1,500,000</u>	<u>1,400,000</u>	<u>100,000</u>
Total all funds	\$81,531,029	\$77,000,837	\$5,039,000	\$82,039,837	\$81,714,837	\$325,000
Less estimated income	<u>55,361,293</u>	<u>55,361,293</u>	<u>400,000</u>	<u>55,761,293</u>	<u>55,361,293</u>	<u>400,000</u>
General fund	\$26,169,736	\$21,639,544	\$4,639,000	\$26,278,544	\$26,353,544	(\$75,000)
FTE	73.00	64.00	2.00	66.00	64.00	2.00

**Dept. 601 - Department of Commerce - Detail of Conference Committee Changes**

	ADDS FUNDING FOR INNOVATE ND <sup>1</sup>	ADD FUNDING FOR FOR APUC <sup>2</sup>	ADDS FUNDING FOR WORKFORCE DEVELOPMENT <sup>3</sup>	ADDS FUNDING FOR WORKFORCE SYSTEM INITIATIVE <sup>4</sup>	ADDS FUNDING FOR TOURISM MARKETING <sup>5</sup>	ADDS FUNDING FOR TRADE OFFICE <sup>6</sup>
Salaries and wages			\$220,000			
Operating expenses	\$50,000		80,000,000	\$50,000	\$3,750,000	
Capital assets						
Grants						
North Dakota Development Fund						
Discretionary funds						
Economic development initiatives						
Agricultural products utilization		\$200,000				
Economic development grants						
North Dakota Trade Office						<u>\$100,000</u>
Total all funds	\$50,000	\$200,000	\$300,000	\$50,000	\$3,750,000	\$100,000
Less estimated income						
General fund	\$50,000	\$200,000	\$300,000	\$50,000	\$3,750,000	\$100,000

FTE	0.00	0.00	2.00	0.00	0.00	0.00
	ADDS FUNDING FOR FAITH-BASED INITIATIVE <sup>7</sup>	ADDITIONAL TAX EXPENDITURE REPORTS <sup>8</sup>	ADDS FUNDING FOR COE ADMINISTRATIVE COSTS <sup>9</sup>	ADDS FUNDING FOR STATE ENERGY PLAN <sup>10</sup>	ADDS LEWIS AND CLARK GRANT <sup>11</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages						\$220,000
Operating expenses	\$14,000	\$50,000	\$375,000	\$50,000		4,419,000
Capital assets						
Grants					\$100,000	100,000
North Dakota Development Fund						
Discretionary funds						
Economic development initiatives						
Agricultural products utilization						200,000
Economic development grants						
North Dakota Trade Office						<u>100,000</u>
Total all funds	\$14,000	\$50,000	\$375,000	\$50,000	\$100,000	\$5,039,000
Less estimated income			<u>375,000</u>	<u>25,000</u>		<u>400,000</u>
General fund	\$14,000	\$50,000	\$0	\$25,000	\$100,000	\$4,639,000
FTE	0.00	0.00	0.00	0.00	0.00	2.00

<sup>1</sup> Funding for Innovate ND is increased to provide a total of \$300,000, of which \$150,000 is from the general fund, the same as the Senate version.

<sup>2</sup> Funding for the Agricultural Products Utilization Commission is increased to provide a total of \$1,662,115 from the general fund, the same as the Senate version.

<sup>3</sup> Funding and 2 FTE positions are added to the Workforce Development Division for additional responsibilities, including talent initiative and workforce intelligence coordination and for planning. The Senate had added \$400,000 to provide grants for career counseling services for students.

<sup>4</sup> Funding is added for costs relating to the Workforce System Initiative, the same as the Senate version.

<sup>5</sup> This amendment restores \$3,750,000 of the \$3,753,948 reduced by the House for tourism marketing and promotion. The Senate had restored \$3 million of this amount.

<sup>6</sup> An additional \$100,000 from the general fund is added for the internship program of the Trade Office.

<sup>7</sup> Funding is added to provide a total of \$25,000 for operating expenses of the Office of Faith-Based and Community Initiatives, the same as the Senate version. Funding of \$11,000 from the general fund is appropriated to the department in Senate Bill No. 2001.

<sup>8</sup> Funding is added for the Department of Commerce and the Tax Department to expand the tax expenditure pilot project to include three rather than one tax incentive.

<sup>9</sup> Funding for administrative costs relating to centers of excellence applications is appropriated from the funds transferred by the Office of Management and Budget from the centers of excellence appropriation from the permanent oil tax trust fund. The department will report to the Budget Section on the funds spent on each center of excellence application considered.

<sup>10</sup> Funding is added for costs relating to the provisions of House Bill No. 1462, including the development of a state energy plan. The \$25,000 of special funds is from funds to be raised by the department.

<sup>11</sup> Funding is added for the Tourism Division to provide a grant to the Lewis and Clark Foundation in Washburn. The Tourism Division may only provide grant funds to the extent the Lewis and Clark Foundation provides \$2 of matching funds for each \$1 of state grant funds.

A section is added authorizing the Industrial Commission to transfer up to \$1 million from the PACE fund to the Development Fund during the 2007-09 biennium. The Senate had appropriated an additional \$1 million from the general fund to provide a total general fund appropriation for the Development Fund of \$4 million. The conference committee did not change the general fund appropriation included in the House version of \$3 million for the Development Fund.

The section added by the House requiring the Trade Office to raise \$1 in matching funds for every \$2 provided by the state is replaced with a section allowing the department to provide 50 percent of the \$1.5 million appropriation for the Trade Office without a matching requirement and the remaining 50 percent with the requirement that the Trade Office provide \$1 of matching funds for each \$1 provided by the department. The section added by the Senate requiring the department to report to the Budget Section on the status of matching funds raised by the Trade Office is not included.

Sections added by the Senate which were not changed by the conference committee include:

- Housing Finance Agency programs.
- Department of Commerce organizational structure.
- Workforce talent strategy and statewide intelligence coordination strategy.
- Internships.

- Career specialists of the department.
- Internship employment tax credit.
- Agriculture business investment tax credit.
- Business climate initiative study.
- Beginning entrepreneur tax deductions and exemptions.
- Monitoring CCbenefits, Inc., and reporting to the Legislative Council.
- Definition of business incentive.
- Business incentive expenditure report pilot project.
- Legislative Council studies of housing needs, wireless service providers, higher education promise grants, and Workforce System Initiative.

Sections added by the Senate and removed by the conference committee include:

- Visitor information centers of the Tourism Division.
- Image information program.

Sections added by the Senate and changed by the conference committee include:

- Centers of excellence.
- Research and experimental expenditures tax credit.
- Research and development tax credit.
- Seed capital investment tax credit.
- Tax expenditure report pilot project.
- Workforce recruitment tax deductions and credits.
- Legislative Council study of the Department of Commerce.

Sections added by the conference committee relate to:

- Renaissance zone conference.
- Workforce development talent strategy.
- Taxable valuation of wind turbine generators.
- Angel fund investment tax credit.
- Naming the missile silo historic site.

Engrossed HB 1018 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. CARLSON MOVED** that the conference committee report on Engrossed HB 1018 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1018, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1018:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of commerce; to provide an appropriation to the department of career and technical education; to provide an appropriation to the office of management and budget; to authorize the office of management and budget to borrow funds from the Bank of North Dakota; to provide for a contingent loan from the Bank of North Dakota; to provide a contingent appropriation to the secretary of state; to provide a continuing appropriation; to provide for reports to the sixty-first legislative assembly; to provide for reports to the legislative council; to provide for legislative council studies; to provide exemptions; to create and enact a new section to chapter 15-20.1, four new sections to chapter 54-60, a new section to chapter 55-10, a new section to chapter 57-38, a new subdivision to subsection 1 of section 57-38-01.2, and sections 57-38-01.24 and 57-38-01.25 of the North Dakota Century Code, relating to a program to provide grants for innovation, department of commerce division of workforce development programs and duties, naming the missile silo historic site, angel fund investments, tax credits for internships, tax exemptions for workforce recruitment, tax credits for research and experimental expenditures, and to create a beginning again North Dakota pilot program; to amend and reenact sections 15-69-02, 15-69-03, 15-69-04, and 15-69-05, subsections 4 and 6 of section 54-17-07.3, sections 54-60-02 and 54-60-09, subdivision I of subsection 2 of section 54-60.1-01, the new section to chapter 57-06 as created by section 2 of House Bill No. 1072, and as amended by section 2 of House Bill No. 1317, as approved by the sixtieth legislative assembly, and sections 57-38-30.3, 57-38-30.5, 57-38.5-05, and 57-38.6-01 of the North Dakota Century Code and section 17 of chapter 151 of the 2005 Session Laws, relating to the centers of excellence program, housing finance agency programs, updating department of commerce law, department of commerce division of workforce development duties, the definition of business incentive, tax forms, wind energy taxable valuation, tax credits for workforce recruitment, research and experimental expenditures tax credits, seed capital investment tax credits, agricultural business investment tax credits, and a legislative council study; to repeal sections 57-38-71, 57-38-72, 57-38-73, and 57-38-74 of the North Dakota Century Code, relating to beginning entrepreneur income tax incentives; to provide effective dates; to provide an expiration date; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Froelich; Solberg; Vig

**ABSENT AND NOT VOTING:** Berg

Engrossed HB 1018, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

**REP. BERG MOVED** that Engrossed SB 2013, which is on the Seventh order, be rereferred to the **Conference Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, Engrossed SB 2013 was rereferred.

**MOTION**

**REP. BERG MOVED** that Rep. R. Kelsch replace Rep. Wald on the House Conference Committee on SB 2200, which motion prevailed.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2178, SB 2293.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1004, HB 1018, HB 1044, HB 1049, HB 1395.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2014, SB 2018, SB 2030, SB 2379, SB 2419.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1246, HB 1296, HB 1330.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. R. Kelsch to replace Rep. Wald on the Conference Committee on SB 2013.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1515.

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

**MR. PRESIDENT:** The House has returned to the Senate SB 2013 for action by the conference committee.

**MOTION**

**REP. MONSON MOVED** that the House stand in recess until 6:00 p.m., which motion prevailed.

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

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. POLLERT MOVED** that the conference committee report on Reengrossed SB 2186 as printed on HJ pages 1662-1663 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2186, as amended, was placed on the Fourteenth order.

**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 workforce development; to provide for a report to the legislative council; to provide for legislative council studies; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 70 YEAS, 21 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boe; Boucher; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; DeKrey; Delmore; Dietrich; Ekstrom; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Herbel; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pinkerton; Pollert; Porter; Potter; Price; Schmidt; Schneider; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wall; Weisz; Williams; Wolf

**NAYS:** Bellew; Belter; Boehning; Brandenburg; Damschen; Dosch; Drovdal; Grande; Headland; Heller; Kasper; Kreidt; Monson; Pietsch; Ruby; Skarphol; Wald; Weiler; Wieland; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Hofstad; Keiser; Zaiser

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

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. BELTER MOVED** that the conference committee report on Reengrossed SB 2032 as printed on HJ pages 1829-1835 be adopted.



**REQUEST**

**REP. GRANDE REQUESTED** a recorded roll call vote on the motion to adopt the conference committee report on Reengrossed SB 2032, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the conference committee report on Reengrossed SB 2032, the roll was called and there were 17 YEAS, 75 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Delmore; Ekstrom; Griffin; Gulleeson; Kaldor; Kelsh, S.; Meyer, S.; Pinkerton; Potter; Schmidt; Schneider; Vig; Wolf

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Dietrich; Dosch; Drovdal; Froelich; Froseth; Glassheim; Grande; Gruchalla; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Price; Ruby; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Keiser; Zaiser

The conference committee report on Reengrossed SB 2032 was rejected.

**MOTION**

**REP. BERG MOVED** that HB 1460 be messaged to the Senate, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2003, as engrossed:** Your conference committee (Sens. Kilzer, Holmberg, Mathern and Reps. Carlisle, Skarphol, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1071-1074, adopt amendments as follows, and place SB 2003 on the Seventh order:

That the House recede from its amendments as printed on pages 1071-1074 of the Senate Journal and pages 1160-1163 of the House Journal and that Engrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 2, replace "an exemption" with "exemptions"

Page 1, line 3, replace "and" with "to authorize the use of state property; to provide for budget section reports; to provide legislative intent;"; replace "section" with "and reenact sections", and after "54-12-11" insert "and 54-59-21"

Page 1, line 4, after "general" insert "and to the criminal justice information sharing system; and to declare an emergency"

Page 2, line 3, replace "3,189,266" with "2,901,006"

Page 2, line 4, replace "1,525,512" with "2,112,731"

Page 2, line 5, replace "992,215" with "(2,849,010)"

Page 2, line 8, replace "149,211" with "31,398"

Page 2, line 11, replace "3,770,250" with "110,171"

Page 2, line 12, replace "(5,576,024)" with "(5,128,707)"

Page 2, line 13, replace "9,346,274" with "5,238,878"

Page 2, line 19, replace "22,739,001" with "22,450,741"

Page 2, line 20, replace "10,009,307" with "10,596,526"

Page 2, line 21, replace "6,410,956" with "2,569,731"

Page 2, line 25, replace "4,048,402" with "3,930,589"

Page 2, line 27, replace "47,470,807" with "43,810,728"

Page 2, line 28, replace "18,912,377" with "19,359,694"

Page 2, line 29, replace "28,558,430" with "24,451,034"

Page 3, after line 20, insert:

**"SECTION 8. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in section 3 of this Act includes \$1,442,840 from the general fund for construction of a new crime laboratory which is a one-time funding item. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The attorney general 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.

**SECTION 9. ADDITIONAL FEDERAL FUNDS - EMERGENCY COMMISSION APPROVAL - LIMIT ON GENERAL FUND EXPENDITURES.** If the attorney general receives federal funding in excess of federal funding amounts appropriated by the sixtieth legislative assembly for the 2007-09 biennium, the attorney general may spend the additional federal funds, subject to emergency commission approval, but may not spend funding appropriated from the general fund or the multijurisdictional task force grant fund for similar purposes for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 10. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS - BACKGROUND CHECKS.** It is the intent of the sixtieth legislative assembly that of the five new full-time equivalent positions authorized for the attorney general's office to assist with conducting background checks, the attorney general may fill the positions only as necessary to meet workload demands for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 11. SOBRIETY PROGRAM PILOT PROJECT.** The attorney general may establish a pilot sobriety program in one or more judicial districts of the state during the biennium beginning July 1, 2007, and ending June 30, 2009. The sobriety program involves coordination among state, county, and municipal agencies for the purpose of implementing procedures as alternatives to incarceration, including sobriety testing twice per day seven days per week or continuous monitoring, for offenders charged with, or convicted of, driving under the influence of alcohol or controlled substances or other offenses involving alcohol or controlled substances. The attorney general, in cooperation with law enforcement, the judiciary, the department of corrections and rehabilitation, and the department of transportation traffic safety division, may develop guidelines, policies, and procedures for the administration of the pilot sobriety program and to test offenders to enforce compliance with the sobriety program, including urine testing and electronic monitoring, and to establish user fees, all of which are not subject to chapter 28-32. There is created the North Dakota sobriety program fund. The fund consists of moneys received from grants from the United States, agencies of this state, private grants, gifts, or donations, and user fees. The funds are appropriated as a continuing appropriation to the attorney general for expenses necessary for the administration and operation of the sobriety program, including training and travel costs, equipment, and supplies for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 12. ATTORNEY GENERAL - AUTHORIZED USE OF STATE PROPERTY.** The attorney general is authorized to construct a new crime laboratory building on property owned by the state of North Dakota near the existing facility housing the crime laboratory. The attorney general, if necessary to allow for construction of the new crime laboratory, may move the state department of health's storage building located on the site. The attorney general, to the extent possible, shall locate the building to minimize the effect on the operations of the water commission in the area.

**SECTION 13. BUILDING PROJECT - BUDGET SECTION REPORTS.** The attorney general shall provide periodic reports to the budget section on the status of the construction of a new crime laboratory during the 2007-08 interim.

**SECTION 14. LEGISLATIVE INTENT - CRIME LABORATORY - SPACE PLAN.** It is the intent of the sixtieth legislative assembly that the facility management division of the office of management and budget develop a plan for the use of space

that becomes available in the existing crime laboratory when the new crime laboratory is completed for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 15. ATTORNEY GENERAL REFUND FUND TRANSFER TO THE GENERAL FUND - EXCEPTION.** Notwithstanding section 54-12-18, the attorney general may retain the balance in the attorney general refund fund that would otherwise be transferred to the general fund on June 30, 2007."

Page 3, after line 31, insert:

**"SECTION 18. AMENDMENT.** Section 54-59-21 of the North Dakota Century Code is amended and reenacted as follows:

**54-59-21. Criminal justice information sharing board - Membership - Duties and powers - Director.**

1. The criminal justice information sharing board consists of the chief justice of the supreme court or the chief justice's designee, the attorney general or the attorney general's designee, and the chief information officer of the state. The chief information officer is chairman of the board.
2. The board may appoint and employ a director who serves at the pleasure of and under the direct supervision of the board. The information technology department shall provide staff support to the board. The board or director may acquire support staff and employ personnel who are under the direct supervision of the director and the board.
3. The board shall set policy relating to the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions. The board shall provide operational oversight for criminal justice information sharing activities and shall approve and provide oversight of criminal justice information sharing budgets. The board may appoint an executive committee and an advisory committee that would serve in an advisory capacity to the board.
4. The director may contract with the bureau of criminal investigation for the processing of federal fingerprint identification.

**SECTION 19. EMERGENCY.** The amount of \$16,515 included in the salaries and wages line item and \$77,885 included in the operating expenses line item in section 3 of this Act relating to costs of conducting 2005-07 biennium background checks and section 15 of this Act are declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2003 - Attorney General - Conference Committee Action**

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$21,344,055	\$22,739,001	(\$288,260)	\$22,450,741	\$21,774,960	\$675,781
Operating expenses	9,418,403	10,009,307	587,219	10,596,526	10,197,042	399,484
Capital assets	2,149,731	6,410,956	(3,841,225)	2,569,731	2,169,731	400,000
Grants	4,197,000	4,197,000		4,197,000	4,197,000	
Litigation fees	50,000	50,000		50,000	50,000	
Arrest and return of fugitives	10,000	10,000		10,000	10,000	
North Dakota lottery Gaming Commission	4,048,402	4,048,402	(117,813)	3,930,589	3,930,589	
	6,141	6,141		6,141	6,141	
Total all funds	\$41,223,732	\$47,470,807	(\$3,660,079)	\$43,810,728	\$42,335,463	\$1,475,265
Less estimated income	<u>18,294,523</u>	<u>18,912,377</u>	<u>447,317</u>	<u>19,359,694</u>	<u>18,591,028</u>	<u>768,666</u>
General fund	\$22,929,209	\$28,558,430	(\$4,107,396)	\$24,451,034	\$23,744,435	\$706,599
FTE	181.30	189.80	(1.30)	188.50	185.00	3.50

**Dept. 125 - Attorney General - Detail of Conference Committee Changes**

REMOVES VACANT	ADDS BCI COMPUTER FORENSICS	CJIS FUNDING	ADDS FUNDING FOR BACKGROUND	ADDS FUNDING FOR 2005-07 BACKGROUND	REDUCES SALARY EQUITY
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	POSITIONS <sup>1</sup>	POSITION <sup>2</sup>	CHANGE <sup>3</sup>	CHECKS <sup>4</sup>	CHECKS <sup>5</sup>	FUNDING <sup>6</sup>
Salaries and wages	(\$254,608)	\$104,572		\$68,146	\$16,515	(\$496,885)
Operating expenses		50,428		139,190	77,885	
Capital assets		20,000				
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery Gaming Commission	(117,813)					
Total all funds	(\$372,421)	\$175,000	\$0	\$207,336	\$94,400	(\$496,885)
Less estimated income	(372,421)		261,916	119,400	59,400	(21,842)
General fund	\$0	\$175,000	(\$261,916)	\$87,936	\$35,000	(\$475,043)
FTE	(3.30)	1.00	0.00	1.00	0.00	0.00

	INCREASES SALARY EQUITY FUNDING <sup>7</sup>	ADDS ADMINISTRATIVE FUNDS <sup>8</sup>	CHANGES FUNDING FOR NEW CRIME LAB <sup>9</sup>	REMOVES BCI BUILDING PURCHASE <sup>10</sup>	ADDS FUNDING FOR EXISTING CRIME LAB OPERATING COST <sup>11</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$229,000	\$45,000				(\$288,260)
Operating expenses				\$277,716	\$42,000	587,219
Capital assets			(\$1,863,225)	(1,998,000)		(3,841,225)
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery Gaming Commission						(117,813)
Total all funds	\$229,000	\$45,000	(\$1,863,225)	(\$1,720,284)	\$42,000	(\$3,660,079)
Less estimated income		45,000	200,000	155,864		447,317
General fund	\$229,000	\$0	(\$2,063,225)	(\$1,876,148)	\$42,000	(\$4,107,396)
FTE	0.00	0.00	0.00	0.00	0.00	(1.30)

<sup>1</sup> The following vacant FTE positions are removed (the House had removed 4.30 vacant FTE positions):

POSITION	FTE	GENERAL FUND	OTHER FUNDS	TOTAL
Grants and contracts officer	(1.00)		(\$100,636)	(\$100,636)
Administrative assistant	(0.30)		(34,905)	(34,905)
High-intensity drug trafficking analyst	(1.00)		(119,067)	(119,067)
Lottery customer relations specialist	(1.00)		(117,813)	(117,813)
Total	(3.30)	\$0	(\$372,421)	(\$372,421)

<sup>2</sup> Funding is added for a criminal investigator for conducting criminal investigation computerized forensic investigations and examinations, the same as the House version.

<sup>3</sup> This amendment provides funding from funds received from the Information Technology Department for 2 FTE criminal justice information sharing (CJIS) positions. The Senate version provided funding from the general fund for these positions and the House removed the positions and funding. The section added by the House clarifying the services that may be provided by ITD relating to the criminal justice information sharing system is replaced with a section authorizing the CJIS board to hire a director position and to contract with BCI for federal fingerprint identification processing.

<sup>4</sup> Funding of \$87,936 from the general fund and 1 FTE is added to provide a total of 5 new FTE positions and \$442,756 from the general fund for the Attorney General to conduct background checks in accordance with provisions of Senate Bill No. 2260. A section of legislative intent is added that the Attorney General fill the FTE positions only as the workload is sufficient to justify filling the positions. Special funds are added to allow the Attorney General to collect and pay fees relating to FBI background checks. The House also made these changes.

<sup>5</sup> Funding is added with an emergency clause relating to costs of conducting background checks for the remainder of the 2005-07 biennium, in accordance with provisions of Senate Bill No. 2260.

<sup>6</sup> Funding added by the Senate for salary equity increases for attorneys and employees of the Crime Laboratory and the Bureau of Criminal Investigation is removed, the same as the House version.

<sup>7</sup> The salaries and wages line item is increased to provide additional salary equity funding for employees of the Attorney General's office. The House had added \$79,000 from the general fund for additional salary equity increases for employees of the Crime Laboratory and Bureau of Criminal Investigation.

<sup>8</sup> Funding from the multijurisdictional task force grant fund created by House Bill No. 1330 is provided for salaries and wages relating to the administration of the multijurisdictional grant program.

<sup>9</sup> Additional funding added by the Senate to purchase land and construct a new Crime Laboratory in north Bismarck is removed. The Attorney General is authorized in Section 8 of the engrossed bill to spend \$3,280,722 of remaining bond proceeds and \$1,642,840, of which \$1,442,840 is from the general fund and \$200,000 of other funds, except that the other funds may not be from the Attorney General refund fund, is appropriated in Section 3 of the bill. The Attorney General may use this funding, which totals \$4,923,562 for constructing a new Crime Laboratory building designed to allow for expansion on state land located near the current Crime Laboratory location. Sections are added authorizing the Attorney General to build on state land near the existing Crime Laboratory and providing that the Attorney General report to the Budget Section on the status of the project. The amounts provided are \$400,000 more, \$200,000 of which is from the general fund, than the funding provided by the House. The conference committee also added language authorizing the Attorney General to move the State Department of Health storage building from the site if necessary to allow for the building construction.

<sup>10</sup> Authorization and funding added by the Senate for the Attorney General to purchase the Professional North Building which houses the Bureau of Criminal Investigation is removed, the same as the House version. Funding is provided to continue to lease the building, the same as the House version.

<sup>11</sup> The conference committee appropriated \$42,000 from the general fund for operating costs of the existing crime lab facility for the last nine months of the 2007-09 biennium. This funding may be used only for operating costs of this facility during the period of time it is unoccupied.

A section is added providing that if additional federal funds become available, the Attorney General may not spend general fund moneys appropriated for similar purposes, the same as the House version.

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

Sections are added by the conference committee which:

- Allow the Attorney General to retain the June 30, 2007, balance in the Attorney General refund fund rather than transferring the balance to the general fund.
- Provide for a sobriety program pilot project.
- Provide legislative intent that Facility Management develop a plan for the existing Crime Laboratory space when the new Crime Laboratory is completed.

Funding provided by the Senate but removed by the House for a .5 FTE horse racing auditor position is included in the conference committee version.

Funding of \$279,599 is included for additional Crime Laboratory operating costs resulting from inflation and the building expansion. This amount was included in the executive budget and the Senate version, but was removed by the House.

Engrossed SB 2003 was placed on the Seventh order of business on the calendar.

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

**REP. CARLISLE MOVED** that the conference committee report on Engrossed SB 2003 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2003, as amended, was placed on the Fourteenth order.

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

**SB 2003:** A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to provide exemptions; to provide for crime laboratory building project carryover authority; to authorize the use of state property; to provide for budget section reports; to provide legislative intent; to amend and reenact sections 54-12-11 and 54-59-21 of the North Dakota Century Code, relating to the salary of the attorney general and to the criminal justice information sharing system; and to declare an emergency.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; 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; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; 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:** Bellew

**ABSENT AND NOT VOTING:** Keiser; Zaiser

Engrossed SB 2003, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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

**SB 2020, as reengrossed:** Your conference committee (Sens. Fischer, Holmberg, Robinson and Reps. Wald, Klein, Aarsvold) recommends that the **HOUSE RECEDE** from the

House amendments on SJ pages 1194-1195, adopt amendments as follows, and place SB 2020 on the Seventh order:

That the House recede from its amendments as printed on pages 1194 and 1195 of the Senate Journal and pages 1186 and 1187 of the House Journal and that Reengrossed Senate Bill No. 2020 be amended as follows:

Page 1, line 3, after the second "to" insert "amend and reenact section 61-34-04 of the North Dakota Century Code, relating to eligibility for the drought disaster livestock water assistance program; to" and remove "and"

Page 1, line 4, after "credit" insert "; to provide legislative intent; to provide for a study; and to declare an emergency"

Page 1, line 19, replace "48,463,767" with "49,663,767"

Page 1, line 20, replace "48,739,617" with "49,939,617"

Page 1, line 21, replace "35,863,331" with "37,063,331"

Page 2, line 5, replace "172,354,260" with "173,554,260"

Page 2, line 6, replace "174,810,555" with "176,010,555"

Page 2, line 7, replace "160,923,049" with "162,123,049"

Page 3, after line 15, insert:

**"SECTION 10. AMENDMENT.** Section 61-34-04 of the North Dakota Century Code is amended and reenacted as follows:

**61-34-04. Eligibility - Application for assistance.** Applicants with livestock water supply problems caused by drought may apply for assistance from the program. An applicant must first apply for water cost-share assistance from the agriculture stabilization and conservation service. If cost-share assistance is denied by the service, the applicant may forward the application to the commission for consideration. An application forwarded to the commission must include a document from the agriculture stabilization and conservation service stating the reason for denial of cost-share assistance. The state engineer shall review all applications received by the commission. Notwithstanding any other provision of law, a water supply project commenced after application for funding is made but without prior approval of the state engineer is eligible for funding from the program. If the state engineer approves an application, the applicant may receive up to fifty percent of the cost of the project, but in no event more than three thousand five hundred dollars. The state engineer shall provide funds for approved applications in accordance with rules and criteria for eligibility and only to the extent that funding is available.

**SECTION 11. TILE DRAINAGE EFFECTS ON WATER USE STUDY.** The state water commission shall study, develop, and recommend policies and procedures for assessing the impact of tile drainage on the beneficial use of water by prior water appropriators. The state water commission shall report its findings and recommendations to the legislative council by July 1, 2008.

**SECTION 12. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in section 3 of this Act includes \$3,000,000 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The state water commission shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

Red River water supply project

\$3,000,000

**SECTION 13. LEGISLATIVE INTENT - SWEETBRIAR DAM PROJECT.** It is the intent of the sixtieth legislative assembly that the state water commission provide funding for the sweetbriar dam project. In addition, Morton County shall contribute \$15,000 toward the sweetbriar dam project and \$1,000,000 must be made available from the game and fish fund for the project which is appropriated in section 3 of this Act. The funding from the game and fish fund and Morton County is contingent upon funding

being made available for the project by the state water commission during the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 14. EMERGENCY.** Section 10 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2020 - Water Commission - Conference Committee Action**

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Administrative and support services	\$2,456,295	\$2,456,295		\$2,456,295	\$2,456,295	
Water and atmospheric resources	172,154,260	172,354,260	\$1,200,000	173,554,260	173,154,260	\$400,000
Total all funds	\$174,610,555	\$174,810,555	\$1,200,000	\$176,010,555	175,610,555	\$400,000
Less estimated income	<u>160,923,049</u>	<u>160,923,049</u>	<u>1,200,000</u>	<u>162,123,049</u>	<u>161,923,049</u>	<u>200,000</u>
General fund	\$13,687,506	\$13,887,506	\$0	\$13,887,506	\$13,687,506	\$200,000
FTE	84.00	84.00	0.00	84.00	84.00	0.00

**Dept. 770 - Water Commission - Detail of Conference Committee Changes**

	ADDS FUNDING FOR SWEETBRIAR DAM PROJECT 1	ADDS FUNDING FOR MAPPING PROJECT 2	TOTAL CONFERENCE COMMITTEE CHANGES
Administrative and support services			
Water and atmospheric resources	\$1,000,000	\$200,000	\$1,200,000
Total all funds	\$1,000,000	\$200,000	\$1,200,000
Less estimated income	<u>1,000,000</u>	<u>200,000</u>	<u>1,200,000</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

<sup>1</sup> The House added \$1 million from the game and fish fund for the Sweetbriar Dam project. The conference committee agreed with this action.

<sup>2</sup> The conference committee authorized \$200,000 from the water development trust fund for funding the Red River Basin Mapping Initiative. Reengrossed Senate Bill No. 2020 also includes \$200,000 from the general fund, which was added by the Senate, for this project.

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

The House directed the State Water Commission to study tile drainage effects on water use and to report the findings to the Legislative Council by July 1, 2008. The conference committee agreed with this action.

The House added legislative intent for the State Water Commission to provide funding for the Sweetbriar Dam project. In addition, Morton County is to provide \$15,000 for the project and the House appropriated \$1 million from the game and fish fund for the project. The funding from Morton County and the game and fish fund is contingent upon the State Water Commission providing funding for the project. The conference committee agreed with this action.

Reengrossed SB 2020 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. WALD MOVED** that the conference committee report on Reengrossed SB 2020 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2020, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2020:** A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to create and enact a new section to chapter 61-02.1 of the North Dakota Century Code, relating to funding for Grand Forks flood control; to amend and reenact section 61-34-04 of the North Dakota Century Code, relating to eligibility for the drought disaster livestock water assistance program; to provide a line of credit; to provide an appropriation for repayment of the line of credit; to provide legislative intent; to provide for a study; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Vig; Vigesaa; Weisz; Speaker Delzer

**ABSENT AND NOT VOTING:** Keiser; Zaiser

Reengrossed SB 2020, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1020:** A BILL for an Act to provide an appropriation for defraying the expenses of the extension service, northern crops institute, upper great plains transportation institute, main research center, branch research centers, and agronomy seed farm; to amend and reenact sections 4-41-02 and 24-02-03.3 of the North Dakota Century Code, relating to industrial hemp licenses and the central motor pool; to provide for transfer of funds; to provide legislative intent; to provide for a report to the sixty-first legislative assembly; to provide an exemption; and to declare an emergency.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Keiser; Zaiser

Reengrossed HB 1020 passed, the title was agreed to, and the emergency clause was declared carried.

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**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has returned HB 1460 to the Senate.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1044.



**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1004, HB 1018, HB 1049, HB 1395.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1020.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2003, SB 2020, SB 2186.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has not adopted the conference committee report on: SB 2032.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2178, SB 2293.

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Wednesday, April 25, 2007, which motion prevailed.

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

**Buell J. Reich, Chief Clerk**

