

JOURNAL OF THE HOUSE

Sixtieth Legislative Assembly

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Bismarck, April 13, 2007

The House convened at 8:30 a.m., with Speaker Delzer presiding.

The prayer was offered by Pastor Joel Winckler with Calvary United Methodist, Bismarck.

The roll was called and all members were present except Representatives Clark and Schneider.

A quorum was declared by the Speaker.

MOTION

REP. MONSON MOVED that the House Conference Committee on Engrossed SB 2023 be dissolved, which motion prevailed.

MOTION

REP. BERG MOVED that Rep. Potter replace Rep. Schneider on the House Conference Committee on HB 1433, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do not concur in the Senate amendments to Engrossed HB 1263 as printed on HJ page 1079 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1263: Reps. Klemin, Boehning, Delmore.

MOTION

REP. BERG MOVED that Rep. Kaldor replace Rep. Schneider on the House Conference Committees on HB 1488 and SB 2379, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HAAS MOVED that the conference committee report on HB 1198 as printed on HJ page 1559 be adopted, which motion prevailed on a voice vote.

HB 1198, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1198: A BILL for an Act to amend and reenact section 15.1-12-10.1 of the North Dakota Century Code, relating to school district reorganization criteria.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Clark; Kelsch, R.; Kreidt; Schneider

Engrossed HB 1198 lost.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HAAS MOVED that the conference committee report on Engrossed HB 1372 as printed on HJ page 1559 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1372, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1372: A BILL for an Act to provide an appropriation for a teacher mentoring program.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 58 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Gulleson; Hanson; Hawken; Hunskor; Johnson, N.; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Myxter; Onstad; Pinkerton; Potter; Schmidt; Solberg; Thorpe; Vig; Williams; Wolf; Zaiser

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

ABSENT AND NOT VOTING: Clark; Schneider

Reengrossed HB 1372 passed and the title was agreed to.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1215, HB 1351, HB 1420, HCR 3010.

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

MR. PRESIDENT: The Speaker has appointed Rep. Kaldor to replace Rep. Schneider on the Conference Committee on HB 1488.

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

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

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

MR. PRESIDENT: The Speaker has appointed Rep. Potter to replace Rep. Schneider on the Conference Committee on HB 1433.

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 2057, SB 2103, SB 2309.

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

MR. PRESIDENT: The House has adopted the conference committee reports and subsequently failed to pass: HB 1198 and HB 1372.

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

MR. PRESIDENT: The Speaker has signed: HB 1065, HB 1089, HB 1125, HB 1256, HB 1270, HB 1334, HB 1379, HB 1380, HB 1491, HB 1507, HB 1513.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 13, 2007: HB 1065, HB 1089, HB 1125, HB 1256, HB 1270, HB 1334, HB 1379, HB 1380, HB 1491, HB 1507, HB 1513.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1166, HB 1278, HB 1403.

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

MR. PRESIDENT: The Speaker has signed: HCR 3034.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on April 13, 2007: HCR 3034.

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

MR. SPEAKER: The President has signed: HB 1215, HB 1351, HB 1420, HCR 3010.

ANNOUNCEMENT

SPEAKER DELZER ANNOUNCED that the House stand in recess until 12:30 p.m..

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

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 11, 2007, I have signed the following: HB 1010, HB 1056, HB 1088, HB 1157, HB 1219, HB 1309, HB 1315, HB 1322, HB 1348, HB 1402, HB 1461, HB 1465, HB 1492, and HB 1505.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 12, 2007, I have signed the following: HB 1060, HB 1092, HB 1136, HB 1147, HB 1422, HB 1429, HB 1446, HB 1456, and HB 1501.

REPORT OF CONFERENCE COMMITTEE

HB 1149: Your conference committee (Sens. Lyson, Freborg, Triplett and Reps. Damschen, DeKrey, Hunsakor) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 844 and place HB 1149 on the Seventh order.

HB 1149 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DAMSCHEN MOVED that the conference committee report on HB 1149 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

HB 1290, as engrossed: Your conference committee (Sens. Erbele, G. Lee, Pomeroy and Reps. Price, Uglen, Conrad) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1283-1284, adopt amendments as follows, and place HB 1290 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1283 and 1284 of the House Journal and page 1092 of the Senate Journal and that Engrossed House Bill No. 1290 be amended as follows:

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

Page 2, line 6, remove "general fund in the state treasury, not otherwise appropriated," and replace "\$100,000" with "\$75,000"

Page 2, line 7, after the comma insert "from the health care trust fund and \$25,000, or so much of the sum as may be necessary, from gifts, grants, donations, and other special fund sources"

Renumber accordingly

Engrossed HB 1290 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. PRICE MOVED that the conference committee report on Engrossed HB 1290 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1290, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1290: A BILL for an Act to provide for the state department of health to contract for an evaluation of the state trauma system; to provide for a legislative council 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 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; Gulletson; 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; Ruby; Schmidt; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Schneider

Reengrossed HB 1290 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1487, as reengrossed: Your conference committee (Sens. Flakoll, G. Lee, Taylor and Reps. Carlson, R. Kelsch, Williams) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1448, adopt amendments as follows, and place HB 1487 on the Seventh order:

That the Senate recede from its amendments as printed on page 1448 of the House Journal and page 1244 of the Senate Journal and that Reengrossed House Bill No. 1487 be amended as follows:

Page 1, line 1, remove "to create a low-interest student loan program;"

Page 1, line 2, remove the second "to"

Page 1, line 3, remove "provide a transfer; to provide a continuing appropriation;"

Page 1, remove lines 17 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 3

Page 3, line 4, replace "Section 1 of this" with "This"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1487 - Summary of Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
University System office						
Total all funds	\$0	\$0	\$0	\$0	\$3,000,000	(\$3,000,000)
Less estimated income						
General fund	\$0	\$0	\$0	\$0	\$3,000,000	(\$3,000,000)
Bank of North Dakota						
Total all funds	\$0	\$3,100,000	(\$3,100,000)	\$0	\$0	\$0
Less estimated income		3,100,000	(3,100,000)			
General fund	\$0	\$0	\$0	\$0	\$0	\$0
Bill Total						
Total all funds	\$0	\$3,100,000	(\$3,100,000)	\$0	\$3,000,000	(\$3,000,000)
Less estimated income		3,100,000	(3,100,000)			
General fund	\$0	\$0	\$0	\$0	\$3,000,000	(\$3,000,000)

House Bill No. 1487 - University System office - Conference Committee Action

This amendment does not include the \$3 million general fund appropriation to the State Board of Higher Education for providing grants to resident students attending certain two-year higher education institutions as included in the Senate version of the bill.

House Bill No. 1487 - Bank of North Dakota - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Low-interest student loan fund		<u>\$3,100,000</u>	<u>(\$3,100,000)</u>			
Total all funds	\$0	\$3,100,000	(\$3,100,000)	\$0	\$0	\$0
Less estimated income		<u>3,100,000</u>	<u>(3,100,000)</u>			
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Dept. 471 - Bank of North Dakota - Detail of Conference Committee Changes

	REMOVES PROVISIONS RELATING TO THE CREATION OF A LOW-INTEREST STUDENT LOAN FUND ¹	TOTAL CONFERENCE COMMITTEE CHANGES
Low-interest student loan fund	<u>(\$3,100,000)</u>	<u>(\$3,100,000)</u>
Total all funds	(\$3,100,000)	(\$3,100,000)
Less estimated income	<u>(3,100,000)</u>	<u>(3,100,000)</u>
General fund	\$0	\$0
FTE	0.00	0.00

¹ This amendment removes the provisions of the bill creating a low-interest student loan program and the transfer of \$3.1 million from the student loan trust fund to the Bank of North Dakota for the new low-interest student loan fund, same as the Senate version.

The bill retains the section amending North Dakota Century Code Section 15-62.1-03 to provide the Bank of North Dakota with the ability to offer both a fixed and variable rate option for student loans guaranteed by the state without federal coinsurance, same as the Senate version.

Reengrossed HB 1487 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 Reengrossed HB 1487 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1487, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1487: A BILL for an Act to amend and reenact section 15-62.1-03 of the North Dakota Century Code, relating to rates of interest for student loans; 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 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; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; 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; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Schneider

Reengrossed HB 1487 passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SB 2057, as engrossed: Your conference committee (Sens. Flakoll, G. Lee, Bakke and Reps. Monson, Hawken, Gulleeson) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1198 and place SB 2057 on the Seventh order.

Engrossed SB 2057 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. MONSON MOVED that the conference committee report on Engrossed SB 2057 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SB 2060, as reengrossed: Your conference committee (Sens. J. Lee, Oehlke, Horne and Reps. Dahl, Weiler, Wolf) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 983 and place SB 2060 on the Seventh order.

Reengrossed SB 2060 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DAHL MOVED that the conference committee report on Reengrossed SB 2060 be adopted, which motion prevailed on a voice vote.

MOTION

REP. BERG MOVED that SB 2309 be moved to the top of the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

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

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

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

Page 1, line 18, remove "requirements"

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

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

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

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

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

Page 2, line 1, replace "years" with "units" and after the second "studies" insert ", which may include North Dakota studies"

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

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

Page 2, replace lines 5 through 14 with:

"2. The superintendent of public instruction shall work with each school district to identify course offerings that meet the requirements of subdivisions a through f of subsection 1.

3. Before September first of each year, each school district shall file a copy of its graduation requirements with the superintendent of public instruction.
4. A school district may not reduce its graduation requirements below those in existence on June 30, 2007."

Renumber accordingly

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. L. MEIER MOVED that the conference committee report on Engrossed SB 2309 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2309, as amended, was placed on the Fourteenth order.

MOTION

REP. WEILER MOVED that the House reconsider its action whereby the committee report was accepted and Engrossed SB 2309 was placed on the Fourteenth order of business on the calendar, which motion prevailed on a verification vote.

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

MOTION

REP. BERG MOVED that SB 2309, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

MOTION

REP. BERG MOVED that the House request the Senate return SB 2352 to the House, which motion prevailed.

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

MR. PRESIDENT: The House respectfully requests the return of: SB 2352.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently failed: SB 2401.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1029, HB 1243, HB 1390.

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 1146.

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 2090, SB 2225, SB 2243.

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

MR. PRESIDENT: The House has adopted the conference committee report on: HB 1149.

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

MR. PRESIDENT: The House has adopted the conference committee reports and subsequently passed: HB 1290 and HB 1487.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2057, SB 2060.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2057, SB 2060.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Monday, April 16, 2007, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1317, as engrossed: Your conference committee (Sens. Cook, Oehlke, Anderson and Reps. Brandenburg, Headland, S. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1046-1047, adopt further amendments as follows, and place HB 1317 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1046 and 1047 of the House Journal and pages 803-805 of the Senate Journal and that Engrossed House Bill No. 1317 be amended as follows:

Page 1, line 1, after the first "to" insert "create and enact a new section to chapter 49-02 of the North Dakota Century Code, relating to authority of the public service commission to adopt rules relating to decommissioning of commercial wind energy conversion facilities; to"

Page 1, after line 5, insert:

"SECTION 1. A new section to chapter 49-02 of the North Dakota Century Code is created and enacted as follows:

Power of commission to establish rules to decommission wind energy conversion facilities. The commission may adopt rules governing the decommissioning of commercial wind energy conversion facilities. The rules may address:

1. The anticipated life of the project;
2. The estimated decommissioning costs in current dollars;
3. The method and schedule for updating the costs of the decommissioning and restoration;
4. The method of ensuring that funds will be available for decommissioning and restoration; and
5. The anticipated manner in which the project will be decommissioned and the site restored."

Page 1, line 23, replace "This" with "Section 2 of this"

Renumber accordingly

Engrossed HB 1317 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1394, as engrossed: Your conference committee (Sens. Oehlke, Dever, Horne and Reps. Grande, Boehning, Amerman) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1125 and place HB 1394 on the Seventh order.

Engrossed HB 1394 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1445, as engrossed: Your conference committee (Sens. G. Lee, Nething, Fiebiger and Reps. Vigasaa, Weisz, Schmidt) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1112, adopt amendments as follows, and place HB 1445 on the Seventh order:

That the Senate recede from its amendments as printed on page 1112 of the House Journal and page 887 of the Senate Journal and that Engrossed House Bill No. 1145 be amended as follows:

Page 2, line 2, replace "sixty-five" with "fifty-five", replace "104.61" with "88.51", and after the period insert "A licensed driver over sixteen years of age may operate a registered class III off-highway vehicle on a paved highway designated and posted at a speed not exceeding sixty-five miles [104.61 kilometers] per hour."

Renumber accordingly

Engrossed HB 1445 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1488: Your conference committee (Sens. Dever, Erbele, Pomeroy and Reps. Kreidt, Damschen, Kaldor) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page and place HB 1488 on the Seventh order.

HB 1488 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2090: Your conference committee (Sens. Dever, Oehlke, Nelson and Reps. Haas, Grande, Schneider) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1135-1136, adopt amendments as follows, and place SB 2090 on the Seventh order:

That the House recede from its amendments as printed on pages 1135 and 1136 of the Senate Journal and pages 1126 and 1127 of the House Journal and that Senate Bill No. 2090 be amended as follows:

Page 1, line 1, after "Act" insert "to create and enact a new subsection to section 23-12-10 of the North Dakota Century Code, relating to an outdoor smoking policy for certain areas on the state capitol grounds; and"

Page 1, after line 3, insert:

"SECTION 1. A new subsection to section 23-12-10 of the North Dakota Century Code is created and enacted as follows:

Before October 1, 2007, the office of management and budget shall develop and implement a uniform policy regarding smoking restrictions with respect to the outdoor areas near the public entrances of all buildings on the state capitol grounds."

Page 1, remove the overstrike over lines 17 through 21

Renumber accordingly

SB 2090 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2103, as reengrossed: Your conference committee (Sens. Nething, Lyson, Nelson and Reps. DeKrey, Klemm, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1078, adopt amendments as follows, and place SB 2103 on the Seventh order:

That the House recede from its amendments as printed on page 1078 of the Senate Journal and page 910 of the House Journal and that Reengrossed Senate Bill No. 2103 be amended as follows:

Page 1, line 2, after the first "of" insert "acute"

Page 1, line 7, replace "**Forensic**" with "**Acute forensic**"

Page 1, replace lines 9 and 10 with:

"1. An acute forensic medical examination is an examination performed on an alleged victim of criminal sexual conduct for the purpose of gathering evidence of an alleged crime and is performed within ninety-six hours after the alleged crime unless good cause is shown for the delay in performing the examination. When an acute forensic medical examination is performed, the"

Page 1, line 18, replace "a" with "an acute"

Page 1, line 23, after "performing" insert "acute"

Renumber accordingly

Reengrossed SB 2103 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2178, as engrossed: Your conference committee (Sens. Oehlke, Urlacher, Triplett and Reps. Skarphol, Belter, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1136-1137, adopt amendments as follows, and place SB 2178 on the Seventh order:

That the House recede from its amendments as printed on pages 1136 and 1137 of the Senate Journal and pages 1192 and 1193 of the House Journal and that Engrossed Senate Bill No. 2178 be amended as follows:

Page 1, line 2, after "revenues" insert "; 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"

Page 1, line 21, replace "eight" with "four"

Page 2, line 3, remove "sixty percent"

Page 2, line 4, remove ", ten percent to school districts within the county on the"

Page 2, remove line 5

Page 2, line 6, remove "the county based upon population"

Page 2, line 9, replace "nine" with "five"

Page 2, line 16, remove "sixty percent" and remove ", ten percent to"

Page 2, remove line 17

Page 2, line 18, remove "and thirty percent to incorporated cities of the county based upon population"

Page 2, line 21, replace "nine" with "five"

Page 2, line 27, remove "sixty percent" and remove the underscored comma

Page 2, remove lines 28 and 29

Page 2, line 30, remove "population"

Page 4, after line 21, insert:

"SECTION 2. REPEAL. Section 57-51.1-07.2 of the North Dakota Century Code is repealed.

SECTION 3. LEGISLATIVE COUNCIL STUDY. The legislative council shall study, during the 2007-08 interim, allocation of oil and gas tax revenues to or for the benefit of political subdivisions with emphasis on determining whether allocations sufficiently address oil and gas development infrastructure impact to political subdivisions. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

SECTION 4. APPLICATION. Notwithstanding the provisions of section 57-51.1-07.2, the director of the budget may not consider the enactment of this Act to be an amendment of the distribution formula under chapter 57-51 and the director of the budget may not adjust the seventy-one million dollar amount under section 57-51.1-07.2 due to enactment of this Act."

Page 4, line 22, replace "This" with "Sections 1 and 4 of this" and replace "is" with "are"

Page 4, line 23, after the period insert "Section 2 of this Act becomes effective on the date that the proposed new section to article X of the Constitution of North Dakota as contained in House Concurrent Resolution No. 3045, as agreed to by the sixtieth legislative assembly and approved by the electors, becomes effective."

Renumber accordingly

Engrossed SB 2178 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2225, as reengrossed: Your conference committee (Sens. Tollefson, Oehlke, Anderson and Reps. Carlson, Drovdal, Kroeber) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1137-1138 and place SB 2225 on the Seventh order.

Reengrossed SB 2225 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2243: Your conference committee (Sens. Wardner, Bowman, Tallackson and Reps. Wieland, Nelson, Kerzman) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1198-1199, adopt amendments as follows, and place SB 2243 on the Seventh order:

That the House recede from its amendments as printed on pages 1198 and 1199 of the Senate Journal and pages 1225 and 1226 of the House Journal and that Senate Bill No. 2243 be amended as follows:

Page 1, line 1, after "Act" insert "to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to community service supervision fees; and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 29-26-22 of the North Dakota Century Code is amended and reenacted as follows:

29-26-22. Judgment for fines and ~~court~~ - Court administration fee - Community service supervision fee - Special fund funds - Docketing and enforcement.

1. In all criminal cases except infractions, upon a plea or finding of guilt, the court shall impose a court administration fee in lieu of the assessment of court costs. The court administration fee must include a fee of one hundred twenty-five dollars for a class B misdemeanor, two hundred dollars for a class A misdemeanor, four hundred dollars for a class C felony, six hundred fifty dollars for a class B felony, and nine hundred dollars for a class A or AA felony.
2. In addition, in all criminal cases except infractions, the court administration fee must include one hundred dollars. Of the additional one hundred dollar court administration fee, the first seven hundred fifty thousand dollars collected per biennium must be deposited in the indigent defense administration fund, which must be used to contract for indigent defense services in this state, and the next four hundred sixty thousand dollars collected per biennium must be deposited in the court facilities improvement and maintenance fund. After the minimum thresholds have been collected, one-half of the additional court administration fee must be deposited in each fund.
3. In addition to any court administration fees that may be imposed under subsections 1 and 2, the court shall impose upon each defendant who receives a sentence that includes community service a community service supervision fee of fifty dollars. The community service supervision fee must be deposited in the community service supervision fund. The fees deposited in this fund must be used to provide community service supervision grants subject to legislative appropriations.
4. A court may waive the administration fee or community service supervision fee upon a showing of indigency as provided in section 25-03.1-13. District court administration fees, exclusive of amounts deposited in the indigent defense administration fund and the court facilities and improvement fund, and forfeitures must be deposited in the state general fund. A judgment that the defendant pay a fine or ~~court administration fee fees~~, or both, may be docketed and if docketed constitutes a lien upon the real estate of the defendant in like manner as a judgment for money rendered in a civil action. The court may allow the defendant to pay any assessed administration fee or community service supervision fee in installments.

When a defendant is assessed administration fees or a community service supervision fee, the court may not impose at the same time an alternative sentence to be served if the fees are not paid.

SECTION 2. COMMUNITY SERVICE SUPERVISION PROGRAM. In addition to the funds appropriated in section 3 of this Act, the department of corrections and rehabilitation shall use \$100,000 of the funds appropriated in the field services line item in section 3 of House Bill No. 1015, as approved by the sixtieth legislative assembly, for the purpose of providing matching grants for community service supervision of offenders, for the biennium beginning July 1, 2007, and ending June 30, 2009. The funds made available under this Act of \$225,000 must be granted on a per case basis and require a local program match of one dollar for each two dollars provided by the department. The department may not use these funds for any other purpose."

Page 1, line 5, replace "general" with "community service supervision" and replace "\$380,000" with "125,000"

Page 1, line 7, after "providing" insert "matching"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment establishes a community service supervision fee and a community service supervision fund. The amendment requires the Department of Corrections and Rehabilitation to use the funds deposited in the community service supervision fund and \$100,000 of its 2007-09 appropriation for providing matching grants for community service supervision of offenders. The grants require a 50 percent local match.

SB 2243 was placed on the Seventh order of business on the calendar.

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

Buell J. Reich, Chief Clerk