

JOURNAL OF THE HOUSE

Sixtieth Legislative Assembly

Bismarck, April 16, 2007

The House convened at 9:00 a.m., with Speaker Delzer presiding.

The prayer was offered by Reverend Michael Bommarito with the Salvation Army, Bismarck.

The roll was called and all members were present.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 1574, line 23, replace "passed and the title was agreed to" with "lost"

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4036: A concurrent resolution paying tribute to North Dakota military personnel who have died in Iraq or Afghanistan.

Was read the first time.

MOTION

REP. MONSON MOVED that the rules be suspended, that SCR 4036 not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. Stenehjem, O'Connell and Reps. Berg, Boucher introduced:

SENATE CONCURRENT RESOLUTION NO. 4036

A concurrent resolution paying tribute to North Dakota military personnel who have died in Iraq or Afghanistan.

WHEREAS, in addition to those memorialized by the Fifty-ninth Legislative Assembly, Spc. James Holmes, East Grand Forks; Spc. Dennis Ferderer, Jr., New Salem; Spc. Michael Hermanson, Fargo; Sgt. Travis Van Zoest, Bismarck; Cpl. Curtis Mehrer, Bismarck; Cpl. Jeremiah S. Santos, Devils Lake and Minot; Cpl. Paul A. Beyer, Jamestown; Cpl. Nathan J. Good Iron, Mandaree; Cpl. Christopher Kleinwachter, Wahpeton; and Maj. Alan R. Johnson, Montpelier, were called upon by the United States of America to fight for their country; and

WHEREAS, these brave, courageous, and valorous soldiers in performing their duty made that supreme sacrifice that great men and women have been called upon down through our country's history to make for the right to be free; and

WHEREAS, it is the intention of the Sixtieth Legislative Assembly, acting as the representatives of all the people of the state of North Dakota, to recognize these individuals;

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

That the Sixtieth Legislative Assembly of the state of North Dakota hereby pays solemn tribute to:

Spc. James Holmes, East Grand Forks;
Spc. Dennis Ferderer, Jr., New Salem;
Spc. Michael Hermanson, Fargo;
Sgt. Travis Van Zoest, Bismarck;
Cpl. Curtis Mehrer, Bismarck;
Cpl. Jeremiah S. Santos, Devils Lake and Minot;
Cpl. Paul A. Beyer, Jamestown;

Cpl. Nathan J. Good Iron, Mandaree;
Cpl. Christopher Kleinwachter, Wahpeton; and
Maj. Alan R. Johnson, Montpelier
for the ultimate sacrifice they paid when called by the United States of America to serve their country with honor and dignity; and

BE IT FURTHER RESOLVED, that the people of the state of North Dakota hereby join together to express deepest sympathies to the parents and relatives of these brave soldiers and to express to them the fervent belief that these men did not die in vain.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4036: A concurrent resolution paying tribute to North Dakota military personnel who have died in Iraq or Afghanistan.

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

SCR 4036 was declared adopted and the title was agreed to on a voice vote.

MOTION

REP. BERG MOVED that the Assembly begin with HB 1317 on the Seventh order, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BRANDENBURG MOVED that the conference committee report on Engrossed HB 1317 as printed on HJ page 1580 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1317, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1317: A BILL for an Act to 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 amend and reenact the new section to chapter 57-06 of the North Dakota Century Code as created by section 2 of House Bill No. 1072, as approved by the sixtieth legislative assembly, relating to centrally assessed wind turbine electric generators; 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; 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; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

Reengrossed HB 1317 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. VIGESAA MOVED that the conference committee report on Engrossed HB 1445 as printed on HJ pages 1580-1581 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1445, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1445: A BILL for an Act to create and enact a new section to chapter 39-29 of the North Dakota Century Code, relating to equipment of registered off-highway vehicles; and to amend and reenact subsection 1 of section 39-29-09 of the North Dakota Century Code, relating to the operation of off-highway vehicles.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 64 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boe; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Dahl; Damschen; DeKrey; Delmore; Dietrich; Drovdal; Froelich; Froseth; Glassheim; Grande; Griffin; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Metcalf; Meyer, S.; Mueller; Nelson; Owens; Pietsch; Pollert; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Vig; Vigesaa; Weiler; Weisz; Wieland; Wolf; Zaiser

NAYS: Aarsvold; Bellew; Boucher; Conrad; Dosch; Ekstrom; Gruchalla; Gulleson; Haas; Hanson; Kaldor; Kelsch, R.; Kelsh, S.; Kroeber; Martinson; Meier, L.; Monson; Myxter; Nottestad; Onstad; Pinkerton; Porter; Potter; Thorpe; Uglem; Wald; Wall; Williams; Wrangham; Speaker Delzer

Reengrossed HB 1445 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KREIDT MOVED that the conference committee report on HB 1488 as printed on HJ page 1581 be adopted, which motion prevailed on a voice vote.

HB 1488, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1488: A BILL for an Act to amend and reenact section 23-09.3-04 of the North Dakota Century Code, relating to state department of health surveys of basic care facilities; and to provide for a report to the legislative council.

ROLL CALL

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

YEAS: Amerman; Bellew; Belter; Berg; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Froseth; Grande; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Price; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

NAYS: Aarsvold; Boe; Boucher; Drovdal; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Kaldor; Kelsh, S.; Kerzman; Meyer, S.; Myxter; Potter; Ruby; Schmidt; Schneider; Solberg; Thorpe; Zaiser

Engrossed HB 1488 passed and the title was agreed to.

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

MR. SPEAKER: The President has signed: SB 2363.

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

MR. SPEAKER: The President has signed: HB 1166, HB 1278, HB 1403.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4036.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4036.

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 1317, HB 1445, HB 1488.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SCR 4036.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SCR 4036.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2057, SB 2060.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1029, HB 1146, HB 1243, HB 1390.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1166, HB 1215, HB 1278, HB 1351, HB 1403, HB 1420, HCR 3010.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 16, 2007: HB 1166, HB 1215, HB 1278, HB 1351, HB 1403, HB 1420.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on April 16, 2007: HCR 3010.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: SCR 4036.

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.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 1580, line 9, remove "further"

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

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KEISER MOVED that the House do not concur in the Senate amendments to Engrossed HB 1460 as printed on HJ pages 1465-1467 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 1460: Reps. N. Johnson, Keiser, Boe.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. PORTER MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Reengrossed SB 2419, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Reengrossed SB 2419: Reps. Keiser, Damschen, S. Meyer

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. L. MEIER MOVED that the conference committee report on Engrossed SB 2309 as printed on HJ pages 1578-1579 be adopted, which motion failed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. GRANDE MOVED that the conference committee report on Engrossed HB 1394 as printed on HJ page 1580 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

HB 1107, as engrossed: Your conference committee (Sens. Christmann, Holmberg, Seymour and Reps. Haas, Dahl, Potter) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1470 and place HB 1107 on the Seventh order.

Engrossed HB 1107 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HAAS MOVED that the conference committee report on Engrossed HB 1107 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DEKREY MOVED that the conference committee report on Reengrossed SB 2103 as printed on HJ pages 1581-1582 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2103, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2103: A BILL for an Act to create and enact a new section to chapter 12.1-34 of the North Dakota Century Code, relating to the cost of acute forensic medical examinations for alleged victims of sexual assault; to provide an 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 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; 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; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

Reengrossed SB 2103, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HAAS MOVED that the conference committee report on SB 2090 as printed on HJ page 1581 be adopted, which motion prevailed on a voice vote.

SB 2090, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2090: A BILL for an Act 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 to amend and reenact section 48-10-02 of the North Dakota Century Code, relating to use of and expenditures from the capitol building fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 10 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; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; 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; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Porter; Potter; Price; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Weiler; Weisz; Wieland; Wolf; Zaiser; Speaker Delzer

NAYS: Delmore; Froelich; Nelson; Pollert; Ruby; Schmidt; Vig; Wall; Williams; Wrangham

SB 2090, as amended, passed and the title was agreed to.

MOTION

REP. BERG MOVED that Reengrossed SB 2032, which is on the Sixth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, Reengrossed SB 2032 was rereferred.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1460 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1460: Reps. N. Johnson; Keiser; Boe

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 2090.

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

MR. PRESIDENT: The House has adopted the conference committee report on: HB 1107, HB 1394.

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 2309.

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

MR. SPEAKER: The Senate accedes to the House request for 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 passed: SB 2344.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently failed: HB 1149.

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 1317, HB 1445, HB 1487.

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

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

SB 2419: Reps. Keiser; Damschen; S. Meyer

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2103.

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

MR. SPEAKER: The President has signed: SB 2326.

MOTION

REP. MONSON MOVED that the House be on the Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Tuesday, April 17, 2007, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1004, as engrossed: Your conference committee (Sens. Kilzer, Holmberg, Mathern and Reps. Bellew, Kreidt, Kerzman) 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 for a demonstration project; to provide for a legislative council study" and after "and" insert "to provide an expiration date."

Page 1, remove line 5

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

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 16, replace "56,457,776" with "56,807,776"

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 2, after line 21, insert:

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

Page 4, replace lines 1 through 4 with:

"SECTION 9. LEGISLATIVE COUNCIL STUDY - EMERGENCY MEDICAL SERVICES. The legislative council shall consider studying, during the 2007-08 interim, the emergency medical services system within the state, including 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."

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

Page 4, line 7, replace "section" with "sections", after "3" insert "and 4", after "\$2,010,135" insert "from the general fund and \$1,500,000 from the permanent oil tax trust fund", and replace the second "this" with "these"

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

Page 4, after line 12, insert:

"State morgue - University of North Dakota branch facility	1,500,000
Total	\$3,510,135

SECTION 11. 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 12. EXPIRATION DATE. Section 11 of this Act is effective through June 30, 2009, and after that date is ineffective."

Renumber accordingly

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

REPORT OF CONFERENCE COMMITTEE

HB 1044, as engrossed: Your conference committee (Sens. Tollefson, Urlacher, Triplett and Reps. Carlson, Belter, Williams) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1406 and place HB 1044 on the Seventh order.

Engrossed HB 1044 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1197, as reengrossed: Your conference committee (Sens. Lyson, Olafson, Nelson and Reps. Carlson, Klemin, Kerzman) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1123 and place HB 1197 on the Seventh order.

Reengrossed HB 1197 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1303, as engrossed: Your conference committee (Sens. Cook, Triplett, Urlacher and Reps. Drovdal, Headland, Vig) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1025-1026, adopt further amendments as follows, and place HB 1303 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1025 and 1026 of the House Journal and pages 778 and 779 and 820 of the Senate Journal and that Engrossed House Bill No. 1303 be amended as follows:

Page 1, line 1, after "Act" insert "to create and enact subsections 9 and 10 to section 57-02-27.2 of the North Dakota Century Code, relating to use of modifiers and soil surveys in agricultural property assessment;", replace "subsection" with "subsections", and after "7" insert "and 8"

Page 1, line 2, after "to" insert "use of soil surveys, modifiers, and" and remove "as a basis for determination of the"

Page 1, line 3, remove "status of property as cropland or noncropland" and after "purposes" insert "; to provide for a report to the legislative council"

Page 1, line 6, replace "Subsection" with "Subsections" and after "7" insert "and 8"

Page 1, line 7, replace "is" with "are"

Page 1, line 15, overstrike ", whenever possible,"

Page 1, line 16, remove "However, actual use of the property must"

Page 1, remove lines 17 through 19

Page 1, line 20, remove "actual use of the property occurs for purposes of this subsection.", overstrike "When", and remove "soil"

Page 1, line 21, remove "type and classification" and overstrike "data cannot be used, the county director of tax equalization"

Page 1, overstrike line 22

Page 1, after line 22, insert:

"8. Each local assessor shall determine the relative value of each assessment parcel within the assessor's jurisdiction and shall determine the agricultural value of each assessment parcel by adjusting the agricultural value estimate for the assessment district by the relative value of the parcel. Each parcel must then be assessed according to section 57-02-27. If either a local assessor or a township board of equalization develops an agricultural value for the lands in its assessment district differing substantially from the estimate provided by the county director of tax equalization, written evidence to support the change must be provided to the county director of tax equalization. In determining the relative value of each assessment parcel, the local assessor shall apply the following considerations, which are listed in descending order of significance to the assessment determination:

- a. Soil type and soil classification data from detailed or general soil surveys.
- b. The schedule of modifiers that must be used to adjust agricultural property assessments within the county as approved by the state supervisor of assessments under subsection 9.
- c. Actual use of the property for cropland or noncropland purposes by the owner of the parcel.

SECTION 2. Subsections 9 and 10 to section 57-02-27.2 of the North Dakota Century Code are created and enacted as follows:

9. Before February first of each year, the county director of tax equalization in each county shall provide to all assessors of agricultural property within the county a schedule of modifiers that must be used to adjust agricultural property assessments within the county and directions regarding how those modifiers must be applied by assessors. Before the schedule of modifiers is provided to assessors within the county, the county director of tax equalization shall obtain the approval of the state supervisor of assessments for use of the schedule within the county.
10. For any county that has not fully implemented use of soil type and soil classification data from detailed or general soil surveys for any taxable year after 2009, the tax commissioner shall direct the state treasurer to withhold five percent of that county's allocation each month from the state aid distribution fund under section 57-39.2-26.1 until that county has fully implemented use of soil type or soil classification data from detailed and general soil surveys. The amount withheld from the allocation must be withheld entirely from the portion of the allocation which may be retained by the county and may not reduce allocations to any political subdivisions within the county.

SECTION 3. REPORT TO LEGISLATIVE COUNCIL. During the 2007-08 interim, each county that has not fully implemented use of soil type and soil

classification data from detailed and general soil surveys for property tax assessment purposes shall report to the legislative council the reason for failure to implement use of that information and the anticipated date when the county will have fully implemented use of that information."

Page 1, line 23, replace "This Act is" with "Sections 1 and 2 of this Act are"

Renumber accordingly

Engrossed HB 1303 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1311, as engrossed: Your conference committee (Sens. Lyson, Freborg, Triplett and Reps. Porter, DeKrey, Hanson) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1437-1438 and place HB 1311 on the Seventh order.

Engrossed HB 1311 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1469, as engrossed: Your conference committee (Sens. Freborg, Urlacher, Pomeroy and Reps. DeKrey, Porter, Solberg) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1284 and place HB 1469 on the Seventh order.

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

REPORT OF CONFERENCE COMMITTEE

SB 2344, as engrossed: Your conference committee (Sens. G. Lee, Freborg, Bakke and Reps. Wall, D. Johnson, Hanson) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 909-910, adopt amendments as follows, and place SB 2344 on the Seventh order:

That the House recede from its amendments as printed on pages 909 and 910 of the Senate Journal and pages 1030 and 1031 of the House Journal and that Engrossed Senate Bill No. 2344 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15-10-17.4 and 15.1-35-08 of the North Dakota Century Code, relating to the provision of food and catering services by institutions of higher education and school districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-17.4 of the North Dakota Century Code is amended and reenacted as follows:

15-10-17.4. Contract - Preparation and provision of meals - Policy.

1. An institution under the control of the state board of higher education may enter a contract to prepare and provide meals, snacks, or other food services for persons or programs not affiliated with the institution and may provide catering services for an event if the event is organized predominantly for persons affiliated with the institution, the event is held predominantly for persons enrolled in the institution, or the event is held under the auspices of the institution, provided the institution first establishes a policy regarding such ~~contracts~~ services and specifically ~~addressing~~ addresses issues related to competition with private sector entities.
2. The limitations provided under subsection 1 do not apply to an institution under the control of the state board of higher education if no private sector entity located in the same city as the institution is capable and willing to meet the facility or personnel requirements necessary to:
 - a. Prepare and provide the meals, snacks, or other food services for a specific event; or
 - b. Provide the catering services for a specific event.

3. ~~An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide meals, snacks, or other food services for persons or programs not affiliated with the institution~~ the services permitted under this section.
4. Nothing in this section may be construed to limit the activities of a private sector entity that provides meals, snacks, or other food services to an institution of higher education under the provisions of a contract.

SECTION 2. AMENDMENT. Section 15.1-35-08 of the North Dakota Century Code is amended and reenacted as follows:

15.1-35-08. Contract - Preparation and provision of meals.

1. The board of a school district may prepare and provide meals, snacks, or other food services for any events or programs occurring on or off school property, provided the events or programs:
 - a. Are hosted by or under the auspices of the school district; or
 - b. Involve child care centers participating in the Child and Adult Care Food Program [Pub. L. 108-265; 118 Stat. 729; 42 U.S.C. 1766 et seq.].
2. a. The board of a school district may enter into a contract to prepare and provide meals, snacks, or other food services for persons or programs not affiliated with the school district other than those in subsection 1, provided any person that wishes to enter a contract with the board under this section subdivision first demonstrates to the satisfaction of the board that there are no private entities able and willing to enter into such a contract.
2. b. The board of a school district may not advertise to the general public its willingness to provide meals, snacks, or other food services for persons or programs not affiliated with the district under this section.
3. ~~An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide meals, snacks, or other food services for persons or programs not affiliated with the institution."~~

Renumber accordingly

Engrossed SB 2344 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

