

## JOURNAL OF THE SENATE

## Sixtieth Legislative Assembly

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Bismarck, March 28, 2007

The Senate convened at 9:00 a.m., with President Dalrymple presiding.

The prayer was offered by Sister Kathleen Atkinson, University of Mary, Bismarck.

The roll was called and all members were present except Senator Freborg.

A quorum was declared by the President.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN****January 2, 2007**

Pursuant to North Dakota Century Code § 53-06.1-01.1, I am hereby nominating Ms. Lois Altenburg of Fargo and Mr. Blake Krabseth of Minot for reappointment to the North Dakota Gaming Commission. Their terms would be from July 1, 2007 until June 30, 2010.

Pursuant to Article V, Section 8 of the North Dakota Constitution, I ask the Senate to confirm Lois Altenburg and Blake Krabseth for these positions on the North Dakota Gaming Commission during the 2007 Legislative Session.

Thank you for your consideration.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN****March 20, 2007**

Pursuant to Article VIII, Section 6 of the North Dakota Constitution, I am hereby nominating Duaine Espesgard to the North Dakota State Board of Higher Education. The term is until June 30, 2010.

Mr. Espesgard's name is submitted in accordance with NDCC 15-10-02. He meets the requirements of Article VIII, Section 6 of the North Dakota Constitution and NDCC 15-10. Therefore, I ask the Senate to confirm Duaine Espesgard for this position during the 2007 Legislative Session.

Thank you for your consideration.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. DEVER MOVED** that the Senate do not concur in the House amendments to Reengrossed SB 2060 as printed on SJ page 983 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Reengrossed SB 2060: Sens. J. Lee, Oehlke, Horne.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to Reengrossed SB 2072 as printed on SJ pages 824-826 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Reengrossed SB 2072: Sens. Wanzek, Klein, Behm.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. URLACHER MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2172 as printed on SJ page 923 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2172: Sens. Tollefson, Cook, Horne.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do not concur in the House amendments to Reengrossed SB 2379 as printed on SJ pages 983-984 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Reengrossed SB 2379: Sens. Erbele, J. Lee, Warner.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. CHRISTMANN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1065, Engrossed HB 1303, Engrossed HB 1317, Engrossed HB 1334, and HB 1380, which motion prevailed.

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

**Engrossed HB 1065:** Sens. Andrist, G. Lee, Bakke

**Engrossed HB 1303:** Sens. Cook, Urlacher, Triplett

**Engrossed HB 1317:** Sens. Cook, Oehlke, Anderson

**Engrossed HB 1334:** Sens. G. Lee, Andrist, Fiebiger

**HB 1380:** Sens. Oehlke, Dever, Marcellais

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2036 as printed on SJ page 850, which motion prevailed on a voice vote.

Engrossed SB 2036, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2036:** A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the licensing of professional employer organizations; to provide a penalty; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Mathern

**ABSENT AND NOT VOTING:** Freborg

Reengrossed SB 2036 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. DEVER MOVED** that the Senate do concur in the House amendments to SB 2045 as printed on SJ page 755, which motion prevailed on a voice vote.

SB 2045, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2045:** A BILL for an Act to create and enact a new subsection to section 54-52.1-02 of the North Dakota Century Code, relating to prescription drug coverage under the uniform group insurance program; and to amend and reenact subsection 3 of section 54-52.1-03.3 and sections 54-52.1-03.4 and 54-52.1-04 of the North Dakota Century Code, relating to the retiree health benefits fund, employer payment of a temporary employee's health insurance premium, temporary employee eligibility, and bids for prescription drug coverage under the uniform group insurance 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nothing; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Freborg

Engrossed SB 2045 passed and the title was agreed to.

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#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. DEVER MOVED** that the Senate do concur in the House amendments to Engrossed SB 2047 as printed on SJ page 824, which motion prevailed on a voice vote.

Engrossed SB 2047, as amended, was placed on the Eleventh order of business.

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

**SB 2047:** A BILL for an Act to amend and reenact sections 54-52.2-01, 54-52.2-02, and 54-52.2-05 of the North Dakota Century Code, relating to automatic enrollment of employees in the deferred compensation program under the public employees retirement system.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nothing; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Freborg

Reengrossed SB 2047 passed and the title was agreed to.

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#### **MOTION**

**SEN. CHRISTMANN MOVED** that SB 2062 and Engrossed SB 2066, which are on the Twelfth order, be laid over one legislative day, which motion prevailed.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do concur in the House amendments to Engrossed SB 2053 as printed on SJ page 850, which motion prevailed on a voice vote.

Engrossed SB 2053, as amended, was placed on the Eleventh order of business.

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

**SB 2053:** A BILL for an Act to amend and reenact section 54-10-29 of the North Dakota Century Code, relating to audits of computer systems performed by the state auditor.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nothing; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Freborg

Reengrossed SB 2053 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to SB 2071 as printed on SJ page 638, which motion prevailed on a voice vote.

SB 2071, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2071:** A BILL for an Act to amend and reenact section 50-24.1-02.8 of the North Dakota Century Code, relating to medical assistance and transfers involving annuities.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Freborg

Engrossed SB 2071 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do concur in the House amendments to SB 2076 as printed on SJ page 705, which motion prevailed on a voice vote.

SB 2076, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2076:** A BILL for an Act to amend and reenact section 14-02.4-22 of the North Dakota Century Code, relating to the duties and powers of the labor department relating to human rights enforcement.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Freborg

Engrossed SB 2076 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do concur in the House amendments to SB 2025 as printed on SJ page 705, which motion prevailed on a voice vote.

SB 2025, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2025:** A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to provision of medication at a correctional facility; to amend and reenact section 43-12.1-04 of the North Dakota Century Code, relating to exemptions from the Nurse Practices Act; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Freborg; Holmberg

Engrossed SB 2025 passed, the title was agreed to, and the emergency clause was declared carried.

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#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do concur in the House amendments to Engrossed SB 2029 as printed on SJ page 866, which motion prevailed on a voice vote.

Engrossed SB 2029, as amended, was placed on the Eleventh order of business.

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

**SB 2029:** A BILL for an Act to create and enact a new chapter to title 12 of the North Dakota Century Code, relating to electronic home detention and global positioning system monitoring for certain offenders; and to amend and reenact subdivision b of subsection 3 of section 12.1-08-06 of the North Dakota Century Code, relating to the definition of official detention.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Freborg

Reengrossed SB 2029 passed and the title was agreed to.

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#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do concur in the House amendments to Engrossed SB 2040 as printed on SJ page 797, which motion prevailed on a voice vote.

Engrossed SB 2040, as amended, was placed on the Eleventh order of business.

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

**SB 2040:** A BILL for an Act to create and enact a new section to chapter 51-15 of the North Dakota Century Code, relating to facilitating and assisting deceptive acts or practices; to amend and reenact section 51-15-09 of the North Dakota Century Code, relating to barred claims for relief; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Freborg

Reengrossed SB 2040 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do concur in the House amendments to SB 2074 as printed on SJ page 704, which motion prevailed on a voice vote.

SB 2074, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2074:** A BILL for an Act to amend and reenact section 14-02.5-13 of the North Dakota Century Code, relating to the duties and powers of the labor department relating to housing discrimination.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Freborg

Engrossed SB 2074 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LYSON MOVED** that the Senate do concur in the House amendments to Engrossed SB 2096 as printed on SJ pages 850-851, which motion prevailed on a voice vote.

Engrossed SB 2096, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2096:** A BILL for an Act to create and enact a new section to chapter 61-33 of the North Dakota Century Code, relating to sovereign land management regulation violations; to amend and reenact subsection 1 of section 20.1-02-15.1 and sections 61-03-21.3 and 61-33-05 of the North Dakota Century Code, relating to powers of the game and fish department, dangers in navigable waters, and powers of the state engineer; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Freborg

Reengrossed SB 2096 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FREBORG MOVED** that the Senate do concur in the House amendments to Engrossed SB 2108 as printed on SJ pages 596-597, which motion prevailed on a voice vote.

Engrossed SB 2108, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2108:** A BILL for an Act to create and enact a new section to chapter 15.1-32 of the North Dakota Century Code, relating to students with disabilities resulting from noncategorical delays; and to amend and reenact subsection 4 of section 15.1-32-01 of the North Dakota Century Code, relating to the definition of a student with a disability for special education purposes.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Freborg

Reengrossed SB 2108 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FLAKOLL MOVED** that the Senate do concur in the House amendments to Engrossed SB 2128 as printed on SJ page 851, which motion prevailed on a voice vote.

Engrossed SB 2128, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2128:** A BILL for an Act to amend and reenact subsection 3 of section 4-09-06 and sections 4-09-14, 4-09-15, 4-09-16, 4-09-17.1, 4-42-02, and 4-42-07 of the North Dakota Century Code, relating to examination of seed, prohibitions, exemptions, plant variety protection, genetic identity, and identity preservation; and to repeal section 4-11-10 of the North Dakota Century Code, relating to potato dealer agent identification cards.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Freborg

Reengrossed SB 2128 passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate reconsider the action whereby the Senate did not concur in the House amendments to Engrossed SB 2248, which motion prevailed.

Engrossed SB 2248 is placed on the Twelfth order and the Senate Conference committee on Engrossed SB 2248 is dissolved.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. Dever, Freborg, Klein and Reps. Carlisle, R. Kelsch, L. Meier introduced:  
(Approved by the Delayed Bills Committee)

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

**MOTION**

**SEN. CHRISTMANN MOVED** that the rules be suspended, that SCR 4035 not be printed, not be referred to committee, be read in title only, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. Dever, Freborg, Klein and Reps. Carlisle, R. Kelsch, L. Meier introduced:  
(Approved by the Delayed Bills Committee)

**SENATE CONCURRENT RESOLUTION NO. 4035**

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

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

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

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

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#### **MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 1:00 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Pro Tem J. Lee presiding.

#### **MOTION**

**SEN. CHRISTMANN MOVED** that Engrossed SB 2134 and Engrossed SB 2210 be moved to the bottom of the Twelfth order, which motion prevailed.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do concur in the House amendments to Engrossed SB 2136 as printed on SJ page 705, which motion prevailed on a voice vote.

Engrossed SB 2136, as amended, was placed on the Eleventh order of business.

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

**SB 2136:** A BILL for an Act to provide for an agreement between the department of human services and the department of corrections and rehabilitation; and to provide for the



department of human services to report to the legislative council regarding individuals committed to the department's care.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Reengrossed SB 2136 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. G. LEE MOVED** that the Senate do concur in the House amendments to SB 2148 as printed on SJ pages 729-730, which motion prevailed on a voice vote.

SB 2148, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2148:** A BILL for an Act to amend and reenact sections 39-22-04, 39-22-06, 39-22-14, 39-22-15, 39-22-16, 39-22-17, 39-22-20, 39-22-21, 39-22-22, and 39-22-23 of the North Dakota Century Code, relating to penalties for motor vehicle dealer licensees.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Stenehjem

Engrossed SB 2148 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. KLEIN MOVED** that the Senate do concur in the House amendments to SB 2168 as printed on SJ page 744, which motion prevailed on a voice vote.

SB 2168, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2168:** A BILL for an Act to amend and reenact section 43-23-23 of the North Dakota Century Code, relating to errors and omissions coverage offered by the real estate commission.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Engrossed SB 2168 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do concur in the House amendments to Engrossed SB 2169 as printed on SJ page 908, which motion prevailed on a voice vote.

Engrossed SB 2169, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2169:** A BILL for an Act to amend and reenact sections 57-40.6-01, 57-40.6-02, 57-40.6-03, 57-40.6-04, 57-40.6-05, 57-40.6-06, 57-40.6-08, 57-40.6-10, and 57-40.6-12 of the North Dakota Century Code, relating to the application, collection, and use of emergency services communication fees; to repeal section 57-40.6-11 of the North Dakota Century Code, relating to a report on all standards and guidelines; and to provide for a legislative council study.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Reengrossed SB 2169 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do concur in the House amendments to SB 2176 as printed on SJ page 795, which motion prevailed on a voice vote.

SB 2176, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2176:** A BILL for an Act to create and enact section 6-03-02.3 of the North Dakota Century Code, relating to parity of state and national bank powers; to amend and reenact sections 6-01-01 and 6-03-38 and subsection 11 of section 6-06-06 of the North Dakota Century Code, relating to the exclusivity of state regulation of financial institutions and credit unions and the uses of bank assets; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Engrossed SB 2176 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do concur in the House amendments to SB 2193 as printed on SJ page 730, which motion prevailed on a voice vote.

SB 2193, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2193:** A BILL for an Act to create and enact a new subsection to section 34-11.1-05 of the North Dakota Century Code, relating to prohibiting state agencies and political subdivisions from restricting employee access to the legislative assembly; to provide a penalty; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Engrossed SB 2193 passed, the title was agreed to, and the emergency clause was declared carried.

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#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do concur in the House amendments to SB 2194 as printed on SJ page 923, which motion prevailed on a voice vote.

SB 2194, as amended, was placed on the Eleventh order of business.

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

**SB 2194:** A BILL for an Act to amend and reenact section 44-08-21 of the North Dakota Century Code, relating to recalls of elected officials of political subdivisions.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Engrossed SB 2194 passed and the title was agreed to.

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#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do concur in the House amendments to SB 2195 as printed on SJ page 833, which motion prevailed on a voice vote.

SB 2195, as amended, was placed on the Eleventh order of business.

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

**SB 2195:** A BILL for an Act to amend and reenact section 51-28-01 of the North Dakota Century Code, relating to telephone solicitations; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Engrossed SB 2195 passed, the title was agreed to, and the emergency clause was declared carried.

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#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do concur in the House amendments to Engrossed SB 2196 as printed on SJ pages 795-796, which motion prevailed on a voice vote.

Engrossed SB 2196, as amended, was placed on the Eleventh order of business.

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

**SB 2196:** A BILL for an Act to create and enact section 44-06-13.2 of the North Dakota Century Code, relating to disciplinary proceedings for a notary public; and to amend and

reenact sections 44-06-02, 44-06-12, and 44-06-13.1 of the North Dakota Century Code, relating to notary commissions and to prohibited acts by a notary public.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Reengrossed SB 2196 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. NETHING MOVED** that the Senate do concur in the House amendments to Engrossed SB 2214 as printed on SJ page 730, which motion prevailed on a voice vote.

Engrossed SB 2214, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2214:** A BILL for an Act to amend and reenact section 2-02-02, subdivision c of subsection 4 of section 2-06-16, section 2-06-20, subsection 7 of section 6-09-15, subsection 7 of section 10-13-03, subsection 1 of section 11-09.1-05, sections 11-36-17 and 15-09-05, subsection 8 of section 15.1-09-33, subsection 7 of section 20.1-02-05, subsection 13 of section 23-11-11, sections 24-01-18, 24-05-09, 24-17-09, and 32-15-01, subsections 22, 36, 59, 66, 67, and 68 of section 40-05-01, subsection 19 of section 40-05-02, section 40-05-11, subsection 1 of section 40-05.1-06, sections 40-22-38, 40-34-01, and 40-34-15, subsection 1 of section 40-35-03, section 40-39-02, subsection 1 of section 40-49-12, section 40-58-02, subsection 3 of section 40-58-07, subsection 3 of section 40-61-03, subsection 4 of section 40-61-05, sections 48-02.1-05 and 49-17.2-18, subsection 3 of section 49-19-01, sections 49-19-12 and 54-17-10, subsection 8 of section 54-17.2-03, sections 54-18-04 and 61-02-22, subsection 6 of section 61-07-01, subsections 7 and 8 of section 61-07-03, subsection 3 of section 61-07-16, and sections 61-21-19, 61-21-64, 61-21.1-06, and 61-35-49 of the North Dakota Century Code, relating to the exercise of the power of eminent domain; to repeal section 40-58-08 of the North Dakota Century Code, relating to the use of eminent domain for urban renewal; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Reengrossed SB 2214 passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. DEVER MOVED** that the Senate do concur in the House amendments to Engrossed SB 2234 as printed on SJ page 667, which motion prevailed on a voice vote.

Engrossed SB 2234, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2234:** A BILL for an Act to amend and reenact subsections 1 and 2 of section 16.1-11-06, section 16.1-11-10, subsection 1 of section 16.1-11-11, subdivision a of subsection 2 of section 16.1-11-11, subdivision a of subsection 1 of section 16.1-11-16, subsection 1 of section 16.1-11-21, subsection 2 of section 16.1-11-26, and section 16.1-11-32 of the North Dakota Century Code, relating to primary elections; and to repeal section

16.1-11-07 of the North Dakota Century Code, relating to presidential preference contests.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Reengrossed SB 2234 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. NETHING MOVED** that the Senate do concur in the House amendments to Engrossed SB 2241 as printed on SJ page 827, which motion prevailed on a voice vote.

Engrossed SB 2241, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2241:** A BILL for an Act to amend and reenact subsection 3 of section 12.1-32-07 of the North Dakota Century Code, relating to the conditions of probation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Reengrossed SB 2241 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2252 as printed on SJ page 796, which motion prevailed on a voice vote.

Engrossed SB 2252, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2252:** A BILL for an Act to create and enact section 26.1-36-09.12 of the North Dakota Century Code, relating to health insurance coverage for suicide-related medical services.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Reengrossed SB 2252 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. NETHING MOVED** that the Senate do concur in the House amendments to Engrossed SB 2255 as printed on SJ page 867, which motion prevailed on a voice vote.

Engrossed SB 2255, as amended, was placed on the Eleventh order of business.

### SECOND READING OF SENATE BILL

**SB 2255:** A BILL for an Act to create and enact chapter 51-34 of the North Dakota Century Code, relating to the unauthorized or fraudulent procurement, sale, or receipt of telephone records; to provide a penalty; to provide an effective 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nothing; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Reengrossed SB 2255 passed, the title was agreed to, and the emergency clause was declared carried.

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### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. KLEIN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2266 as printed on SJ page 832, which motion prevailed on a voice vote.

Engrossed SB 2266, as amended, was placed on the Eleventh order of business.

### SECOND READING OF SENATE BILL

**SB 2266:** A BILL for an Act to create and enact sections 51-15-02.1 and 51-15-02.2 of the North Dakota Century Code, relating to an obligation to advertise upon endorsement of a check and to solicitations of payments due; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nothing; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Reengrossed SB 2266 passed, the title was agreed to, and the emergency clause was declared carried.

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### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. COOK MOVED** that the Senate do concur in the House amendments to Engrossed SB 2299 as printed on SJ page 744, which motion prevailed on a voice vote.

Engrossed SB 2299, as amended, was placed on the Eleventh order of business.

### SECOND READING OF SENATE BILL

**SB 2299:** A BILL for an Act to amend and reenact section 57-02-27.1 of the North Dakota Century Code, relating to city governing body authority to adopt a standard of valuation that recognizes the supply of vacant lots; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nothing; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Reengrossed SB 2299 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. NETHING MOVED** that the Senate do concur in the House amendments to SB 2319 as printed on SJ page 884, which motion prevailed on a voice vote.

SB 2319, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2319:** A BILL for an Act to amend and reenact sections 19-03.1-01 and 19-03.4-08 of the North Dakota Century Code, relating to definitions and the sale of scheduled listed chemical products; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebigler; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Engrossed SB 2319 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 passed unchanged: SB 2179.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2349.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2115.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2009, SB 2016, SB 2323, SB 2338.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2009

Page 1, line 2, after "sections" insert "4-01-19,", after "4-01-21" insert a comma, and replace "19-18-04" with "4-37-02"

Page 1, line 3, after "to" insert "pride of Dakota moneys," and replace "pesticide registration" with "the agriculture in the classroom council"

Page 1, line 4, remove "fees", remove "and", and after "date" insert "; and to declare an emergency"

Page 1, line 23, replace "1,196,923" with "1,016,409"

Page 1, line 24, replace "1,442,058" with "1,394,958"

Page 2, line 1, replace "150,000" with "75,000"

Page 2, line 4, replace "200,000" with "200,000"

Page 2, remove line 5

Page 2, line 6, replace "3,147,656" with "2,820,042"

Page 2, line 7, replace "1,604,602" with "1,578,381"

Page 2, line 8, replace "1,543,054" with "1,241,661"

Page 2, line 14, replace "6,980,440" with "6,799,926"

Page 2, line 15, replace "5,697,933" with "5,650,833"

Page 2, line 17, replace "1,924,225" with "1,849,225"

Page 2, line 20, replace "50,000" with "25,000"

Page 2, line 21, replace "17,157,300" with "16,829,686"

Page 2, line 22, replace "11,091,134" with "11,064,913"

Page 2, line 23, replace "6,066,166" with "5,764,773"

Page 2, line 26, replace "\$3,042,109" with "\$3,142,109"

Page 3, line 8, replace "\$318,138" with "\$200,000"

Page 3, after line 10, insert:

**"SECTION 8. TRANSFER - APPROPRIATION.** The office of management and budget shall transfer \$150,000 from the general fund to the environment and rangeland protection fund during the period beginning July 1, 2007, and ending June 30, 2009.

**SECTION 9. TRANSFER - APPROPRIATION.** The office of management and budget shall transfer \$50,000 from the certification and training fund to the environment and rangeland protection fund during the period beginning July 1, 2007, and ending June 30, 2009.

**SECTION 10. INTENT - EMERGENCY COMMISSION REQUEST.** The agriculture commissioner may request from the emergency commission additional full-time equivalent positions for the state meat inspection program if demand for the program increases sufficient to require the positions during the period beginning July 1, 2007, and ending June 30, 2009."

Page 3, after line 12, insert:

**"SECTION 12. WILDLIFE SERVICES - GAME AND FISH FUND.** The sum of \$130,000 is appropriated to the agriculture commissioner from the game and fish fund for the payment of wildlife services for the period beginning with the effective date of this Act and ending June 30, 2007.

**SECTION 13. 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 \$90,836 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 agriculture commissioner 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.

Animal tracking data base

\$90,836

**SECTION 14. AMENDMENT.** Section 4-01-19 of the North Dakota Century Code is amended and reenacted as follows:

**4-01-19. Marketing bureau.** The agriculture commissioner of this state shall establish and maintain a marketing bureau for the purpose of gathering and disseminating statistical information on agricultural marketing problems of the state and engaging in marketing services of agricultural products. Any moneys received or generated by the pride of Dakota program must be deposited in the ~~general fund in the state treasury~~ agriculture commissioner's operating fund."

Page 3, replace lines 19 through 31 with:

**"SECTION 16. AMENDMENT.** Section 4-37-02 of the North Dakota Century Code is amended and reenacted as follows:

**4-37-02. Agriculture in the classroom council.** An agriculture in the classroom council is established.



1. The council consists of sixteen members to be appointed by the agriculture commissioner. One member must be the agriculture commissioner or the commissioner's designee, and one member must be the superintendent of public instruction or the superintendent's designee the following members appointed by the official or the governing body of the entity named:
  - a. One individual appointed by the superintendent of public instruction;
  - b. One individual appointed by the state board for career and technical education;
  - c. One individual appointed by the North Dakota farm bureau;
  - d. One individual appointed by the North Dakota farmers union;
  - e. One individual appointed by the North Dakota future farmers of America;
  - f. One individual appointed by the North Dakota ag coalition; and
  - g. One individual appointed by the North Dakota state university extension service.
2. In addition to the individuals listed in subsection 1, the council also includes the following members appointed by the official or the governing body of the entity named:
  - a. One individual appointed for a term of two years by the governor;
  - b. One individual appointed for a term of two years by the agriculture commissioner;
  - c. One teacher appointed for a term of two years by the superintendent of public instruction;
  - d. One teacher appointed for a term of two years by the state board for career and technical education;
  - e. One teacher appointed for a term of two years by the North Dakota farm bureau;
  - f. One teacher appointed for a term of two years by the North Dakota farmers union;
  - g. One teacher appointed for a term of two years by the North Dakota future farmers of America;
  - h. One teacher appointed for a term of two years by the North Dakota ag coalition; and
  - i. One teacher appointed for a term of two years by the North Dakota state university extension service.
3. Any member appointed under subsection 2 may serve no more than three consecutive terms.
4. The council shall provide for the election of a chairman from among its members and shall establish its rules of operation and procedure.

**SECTION 17. LEGISLATIVE INTENT.** It is the intent of the legislative assembly that the agriculture commissioner forward any moneys appropriated in this Act for the agriculture in the classroom program directly to the agriculture in the classroom council established in section 4-37-02.

**SECTION 18. EMERGENCY.** The sum of \$680,000 included in the less estimated income line item in section 3 of this Act for wildlife services, the \$200,000 included in the wildlife services line item in section 3 of this Act, and section 12 of this Act are declared to be an emergency measure."

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 19

Renumber accordingly

# STATEMENT OF PURPOSE OF AMENDMENT:

## Senate Bill No. 2009 - Department of Agriculture - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$6,662,302	\$6,980,440	(\$180,514)	\$6,799,926
Operating expenses	5,518,433	5,697,933	(47,100)	5,650,833
Capital assets	5,000	5,000		5,000
Grants	1,774,225	1,924,225	(75,000)	1,849,225
Board of Animal Health	2,299,702	2,299,702		2,299,702
Crop Harmonization Board	50,000	50,000	(25,000)	25,000
Wildlife services		<u>200,000</u>		<u>200,000</u>
Total all funds	\$16,309,662	\$17,157,300	(\$327,614)	\$16,829,686
Less estimated income	<u>10,878,945</u>	<u>11,091,134</u>	<u>(26,221)</u>	<u>11,064,913</u>
General fund	\$5,430,717	\$6,066,166	(\$301,393)	\$5,764,773
FTE	67.00	67.00	(1.00)	66.00

## Dept. 602 - Department of Agriculture - Detail of House Changes

	REDUCES SALARY EQUITY FUNDING 1	REDUCES FUNDING FOR MOTOR POOL EXPENSES 2	REDUCES FUNDING FOR DAIRY COALITION GRANT 3	REMOVES FUNDING FOR 2 MEAT INSPECTION FTE POSITIONS 4	ADDS FUNDING FOR PRIDE OF DAKOTA REVENUE AND TRADE SHOWS 5	ENDANGERED SPECIES PROGRAM 6
Salaries and wages	(\$118,138)			(\$167,376)		\$105,000
Operating expenses		(\$50,000)		(97,100)	\$80,000	95,000
Capital assets						
Grants			(\$75,000)			
Board of Animal Health						
Crop Harmonization Board						
Wildlife services						
Total all funds	(\$118,138)	(\$50,000)	(\$75,000)	(\$264,476)	\$80,000	\$200,000
Less estimated income	<u>(49,273)</u>			<u>(126,948)</u>	<u>50,000</u>	<u>200,000</u>
General fund	(\$68,865)	(\$50,000)	(\$75,000)	(\$137,528)	\$30,000	\$0
FTE	0.00	0.00	0.00	(2.00)	0.00	1.00
	REDUCES FUNDING SUPPORT FROM THE EARP FUND 7	TOTAL HOUSE CHANGES				
Salaries and wages		(\$180,514)				
Operating expenses	(\$75,000)	(47,100)				
Capital assets						
Grants		(75,000)				
Board of Animal Health						
Crop Harmonization Board	(25,000)	(25,000)				
Wildlife services						
Total all funds	(\$100,000)	(\$327,614)				
Less estimated income	<u>(100,000)</u>	<u>(26,221)</u>				
General fund	\$0	(\$301,393)				
FTE	0.00	(1.00)				

1 This amendment reduces the salary equity funding added by the Senate from \$318,138 to \$200,000.

2 This amendment reduces funding for motor pool expenses.

3 This amendment reduces the grant to the North Dakota Dairy Coalition added by the Senate from \$150,000 to \$75,000.

4 This amendment removes funding for salary and operating funds for 2 FTE positions included in the executive budget for the state meat inspection program.

5 This amendment adds funding for operating expenses to reflect Pride of Dakota revenue being deposited in the department's operating fund instead of the general fund, resulting in a decrease of general fund revenues of \$50,000. This amendment also provides additional funding for Pride of Dakota to assist North Dakota companies in attending United States trade shows outside North Dakota.

6 This amendment provides funding from the environment and rangeland protection fund for an endangered species program, including 1 FTE position and operating expenses.

<sup>7</sup> This amendment reduces funding from the environment and rangeland protection fund for SafeSend (\$25,000), crop harmonization (\$25,000), and farmers' market (\$50,000).

Adds a section of legislative intent allowing the department to request from the Emergency Commission additional FTE positions for the meat inspection program if demands increase during the 2007-09 biennium.

Amends North Dakota Century Code Section 4-01-19 to allow moneys received from Pride of Dakota to be deposited in the department's operating fund instead of the general fund, resulting in a decrease in general fund revenues of \$50,000.

Adds a section allowing the department to receive \$130,000 from game and fish funds for wildlife services for the 2005-07 biennium and declares an emergency for the receipt of the funds.

Provides an emergency for all wildlife services funding.

A section is added identifying the 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.

A section is added providing for a transfer of \$150,000 from the general fund to the environment and rangeland protection fund.

A section is added providing for a transfer of \$50,000 from the North Dakota State University Extension Service certification and training fund to the environment and rangeland protection fund.

A section is added to amend Section 4-37-02 of the North Dakota Century Code relating to the membership of the Agriculture in the Classroom Council.

A section is added providing legislative intent relating to the appropriation for agriculture in the classroom.

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2016**

Page 1, line 2, after the second semicolon insert "to provide statements of legislative intent; to provide for a legislative council study;"

Page 2, line 21, replace "380,667" with "60,667"

Page 2, line 22, replace "(5,000,000)" with "(4,880,000)"

Page 2, line 28, replace "40,903,707" with "40,703,707"

Page 2, line 30, replace "(\$2,465,328)" with "(\$2,665,328)"

Page 3, line 2, replace "867,484" with "1,167,484"

Page 3, line 4, replace "603,556" with "503,556"

Page 3, line 9, replace "(\$8,262,448)" with "(\$8,062,448)"

Page 3, line 11, replace "2,716,273" with "2,916,273"

Page 3, line 24, replace "1,250,667" with "930,667"

Page 3, line 25, replace "329,514" with "449,514"

Page 3, line 31, replace "88,782,734" with "88,582,734"

Page 4, line 2, replace "13,979,901" with "13,779,901"

Page 4, line 5, replace "7,494,122" with "7,794,122"

Page 4, line 6, replace "3,929,400" with "3,829,400"

Page 4, line 10, replace "54,723,504" with "54,923,504"

Page 4, line 12, replace "7,831,945" with "8,031,945"

Page 4, after line 29, insert:

**"SECTION 6. LEGISLATIVE INTENT - DEPARTMENT OF EMERGENCY SERVICES ADVISORY COMMITTEE.** It is the intent of the legislative assembly that the adjutant general consider changing the membership of the department of emergency services advisory committee to remove representatives of the information technology department and the infragard and include representatives of the North Dakota healthcare association and North Dakota sheriffs association.

**SECTION 7. LEGISLATIVE INTENT - HOMELAND SECURITY FUNDING.** It is the intent of the legislative assembly that political subdivisions place a greater influence on allocations of federal homeland security funding to emergency services and medical providers.

**SECTION 8. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying, during the 2007-08 interim, the department of emergency services, including the division of homeland security and the division of state radio. The study should include a review of the allocation of federal homeland security funding, the operation of state radio, and potential changes to the 911 fee structure to continue salary equity funding provided in the 2007-09 biennium. 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. 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 \$2,781,970 for the one-time funding items identified in this section. This amount is not part of the agency's base budget to be used in preparing the 2009-11 executive budget. The adjutant 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.

Computer-aided dispatch project	\$980,000
Motorola lease purchase payment (general fund portion)	1,084,970
Special assessments	92,000
Deferred maintenance	<u>625,000</u>
Total	\$2,781,970"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2016 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Adjutant General				
Total all funds	\$88,782,734	\$88,782,734	(\$200,000)	\$88,582,734
Less estimated income	74,802,833	74,802,833		74,802,833
General fund	\$13,979,901	\$13,979,901	(\$200,000)	\$13,779,901
Department of Emergency Services				
Total all funds	\$54,623,504	\$54,723,504	\$200,000	\$54,923,504
Less estimated income	46,891,559	46,891,559		46,891,559
General fund	\$7,731,945	\$7,831,945	\$200,000	\$8,031,945
Bill Total				
Total all funds	\$143,406,238	\$143,506,238	\$0	\$143,506,238
Less estimated income	121,694,392	121,694,392		121,694,392
General fund	\$21,711,846	\$21,811,846	\$0	\$21,811,846

#### Senate Bill No. 2016 - Adjutant General - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$4,466,546	\$4,466,546		\$4,466,546

Operating expenses	3,898,828	3,898,828		3,898,828
Capital assets	1,250,667	1,250,667	(\$320,000)	930,667
Grants	329,514	329,514	120,000	449,514
Civil Air Patrol	160,163	160,163		160,163
Tuition, recruiting, and retention	2,407,500	2,407,500		2,407,500
Air Guard contract	9,480,731	9,480,731		9,480,731
Army Guard contract	66,433,863	66,433,863		66,433,863
Veterans' Cemetery	<u>354,922</u>	<u>354,922</u>		<u>354,922</u>
Total all funds	\$88,782,734	\$88,782,734	(\$200,000)	\$88,582,734
Less estimated income	<u>74,802,833</u>	<u>74,802,833</u>		<u>74,802,833</u>
General fund	\$13,979,901	\$13,979,901	(\$200,000)	\$13,779,901
FTE	176.00	176.00	0.00	176.00

**Dept. 540 - Adjutant General - Detail of House Changes**

	REMOVES FUNDING FOR PAYOFF OF SPECIAL ASSESSMENTS <sup>1</sup>	PROVIDES FUNDING FOR PAYMENT OF SPECIAL ASSESSMENTS <sup>2</sup>	PROVIDES FUNDING FOR ARMORY LEASE PAYMENTS OR MAINTENANCE <sup>3</sup>	TOTAL HOUSE CHANGES
Salaries and wages				
Operating expenses				
Capital assets	(\$470,000)	\$150,000		(\$320,000)
Grants			\$120,000	120,000
Civil Air Patrol				
Tuition, recruiting, and retention				
Air Guard contract				
Army Guard contract				
Veterans' Cemetery				
Total all funds	(\$470,000)	\$150,000	\$120,000	(\$200,000)
Less estimated income				
General fund	(\$470,000)	\$150,000	\$120,000	(\$200,000)
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment removes one-time funding from the general fund of \$470,000 included in the executive budget for the payoff of special assessments.

<sup>2</sup> This amendment provides funding from the general fund of \$150,000 for special assessment annual installments and delinquent balances. Of the \$150,000, \$58,000 is considered base funding and \$92,000 is considered one-time funding.

<sup>3</sup> This amendment provides funding from the general fund of \$120,000 for increasing lease payments or providing deferred maintenance grants to political subdivision-owned armories as determined appropriate by the Adjutant General.

This amendment also adds a section identifying one-time funding for the 2007-09 biennium.

**Senate Bill No. 2016 - Department of Emergency Services - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$7,494,122	\$7,494,122	\$300,000	\$7,794,122
Operating expenses	3,829,400	3,929,400	(100,000)	3,829,400
Capital assets	1,525,347	1,525,347		1,525,347
Grants	40,794,635	40,794,635		40,794,635
Radio communications	<u>980,000</u>	<u>980,000</u>		<u>980,000</u>
Total all funds	\$54,623,504	\$54,723,504	\$200,000	\$54,923,504
Less estimated income	<u>46,891,559</u>	<u>46,891,559</u>		<u>46,891,559</u>
General fund	\$7,731,945	\$7,831,945	\$200,000	\$8,031,945
FTE	56.00	56.00	0.00	56.00

**Dept. 542 - Department of Emergency Services - Detail of House Changes**

	PROVIDES FUNDING FOR SALARY EQUITY AND PAY GRADE ADJUSTMENTS <sup>1</sup>	REMOVES FUNDING FOR MAPPING PROJECT <sup>2</sup>	TOTAL HOUSE CHANGES
Salaries and wages	\$300,000		\$300,000
Operating expenses		(\$100,000)	(100,000)
Capital assets			
Grants			
Radio communications			
Total all funds	\$300,000	(\$100,000)	\$200,000
Less estimated income			
General fund	\$300,000	(\$100,000)	\$200,000

FTE 0.00 0.00 0.00

<sup>1</sup> This amendment provides funding of \$300,000 from the general fund for salary equity increases and pay grade adjustments for State Radio employees based on a compensation plan established by the Adjutant General and State Radio employees.

<sup>2</sup> This amendment removes funding of \$100,000 from the general fund added by the Senate for a mapping project.

This amendment also:

- Adds a section of legislative intent regarding the Department of Emergency Services Advisory Committee.
- Adds a section of legislative intent regarding homeland security funding.
- Adds a section providing for a Legislative Council study.
- Adds a section identifying one-time funding for the 2007-09 biennium.

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2323

In lieu of the amendments adopted by the House as printed on pages 955 and 956 of the House Journal, Senate Bill No. 2323 is amended as follows:

Page 1, line 2, remove "; and to provide an appropriation"

Page 1, line 6, overstrike "**(Effective through June 30, 2007)**"

Page 2, overstrike line 15

Page 2, line 16, remove "1." and overstrike "Any person before selling or offering for sale any pesticide for use within this state"

Page 2, overstrike lines 17 and 18

Page 2, line 19, remove "a." and overstrike "Give the name and address of each manufacturer or distributor."

Page 2, line 20, remove "b." and overstrike "Give the name and brand of each product to be registered."

Page 2, line 21, remove "c." and overstrike "Be accompanied by a current label of each product to be registered."

Page 2, line 22, remove "d." and overstrike "Be accompanied by a registration fee of three hundred dollars for each"

Page 2, line 23, overstrike "product to be registered."

Page 2, line 29, remove "e." and overstrike "Be accompanied by a material safety data sheet for each product to be"

Page 2, line 30, overstrike "registered."

Page 3, line 1, remove "2." and overstrike "The commissioner may require an applicant or registrant to provide efficacy,"

Page 3, overstrike lines 2 through 4

Page 3, line 5, remove "3." and overstrike "If the commissioner finds that the application conforms to law, the commissioner"

Page 3, overstrike line 6

Page 3, line 7, remove "4." and overstrike "Each registration covers a designated two-year period beginning January first of"

Page 3, overstrike lines 8 through 15

Page 3, remove lines 16 through 18

Page 3, line 19, remove "6." and overstrike "This section does not apply to a pesticide sold by a retail dealer if the registration"

Page 3, overstrike lines 20 and 21

Page 3, remove lines 22 through 26

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment removes the expiration date of the \$350 pesticide registration fee and removes the appropriation for the endangered species program.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2338**

Page 1, line 2, remove "and" and after "appropriation" insert "; and to declare an emergency"

Page 1, after line 14, insert:

**"SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2338**

In addition to the amendments adopted by the House as printed on page 880 of the House Journal, Senate Bill No. 2338 is amended as follows:

Page 1, line 11, replace "\$114,000" with "\$90,836"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment reduces the general fund appropriation for the animal tracking data base from \$114,000 to \$90,836.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2003, SB 2018, SB 2161, SB 2180, SB 2288.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003**

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

Page 1, line 4, after "general" insert "and the criminal justice information sharing system"

Page 2, line 3, replace "3,189,266" with "2,225,225"

Page 2, line 4, replace "1,525,512" with "1,713,247"

Page 2, line 5, replace "992,215" with "(3,249,010)"

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

Page 2, line 11, replace "\$3,770,250" with "(\$1,365,094)"

Page 2, line 12, replace "(5,576,024)" with "(5,897,373)"

Page 2, line 13, replace "9,346,274" with "4,532,279"

Page 2, line 19, replace "22,739,001" with "21,774,960"

Page 2, line 20, replace "10,009,307" with "10,197,042"

Page 2, line 21, replace "6,410,956" with "2,169,731"

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

Page 2, line 27, replace "47,470,807" with "42,335,463"

Page 2, line 28, replace "18,912,377" with "18,591,028"

Page 2, line 29, replace "28,558,430" with "23,744,435"

Page 3, replace lines 16 through 20 with:

**"SECTION 7. 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 \$1,242,840 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 8. 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 for similar purposes for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 9. 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, that the attorney general fill the positions only as necessary to meet workload demands for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 10. 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 adjacent to the existing facility housing the crime laboratory.

**SECTION 11. 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."

Page 3, after line 31, insert:

**"SECTION 14. 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 - Exempt records.**

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 information technology department, at the discretion of the board, shall maintain a criminal justice data information sharing system to facilitate the exchange of criminal justice information among judicial, law enforcement, and emergency personnel. Only a criminal justice agency, as defined in section 12-60-16.1; designated employees of the information technology department, for the purpose of administration and maintenance of the system; and any other person designated by the board may access the system. The system may be accessed only for the purposes set forth by the board. Any law enforcement record in the possession of the department is an exempt record.
3. The information technology department shall provide staff and other necessary support to the board. The chief information officer, after consultation with the attorney general, shall designate employees of the information technology department who may access the system for the purpose of administering and maintaining the system.



4. The board shall set policy and adopt rules relating to the access to and 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."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2003 - Attorney General - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$21,344,055	\$22,739,001	(\$964,041)	\$21,774,960
Operating expenses	9,418,403	10,009,307	187,735	10,197,042
Capital assets	2,149,731	6,410,956	(4,241,225)	2,169,731
Grants	4,197,000	4,197,000		4,197,000
Litigation fees	50,000	50,000		50,000
Arrest and return of fugitives	10,000	10,000		10,000
North Dakota lottery	4,048,402	4,048,402	(117,813)	3,930,589
Gaming Commission	6,141	6,141		6,141
Total all funds	\$41,223,732	\$47,470,807	(\$5,135,344)	\$42,335,463
Less estimated income	18,294,523	18,912,377	(321,349)	18,591,028
General fund	\$22,929,209	\$28,558,430	(\$4,813,995)	\$23,744,435
FTE	181.30	189.80	(4.80)	185.00

#### Dept. 125 - Attorney General - Detail of House Changes

	REMOVES VACANT POSITIONS <sup>1</sup>	ADDS BCI COMPUTER FORENSICS POSITION <sup>2</sup>	REMOVES CJIS POSITIONS <sup>3</sup>	ADDS FUNDING FOR BACKGROUND CHECKS <sup>4</sup>	REDUCES SALARY EQUITY FUNDING <sup>5</sup>	INCREASES SALARY EQUITY FUNDING <sup>6</sup>
Salaries and wages	(\$395,970)	\$104,572	(\$261,916)	\$68,146	(\$496,885)	\$79,000
Operating expenses		50,428		139,190		
Capital assets		20,000				
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery	(117,813)					
Gaming Commission						
Total all funds	(\$513,783)	\$175,000	(\$261,916)	\$207,336	(\$496,885)	\$79,000
Less estimated income	(513,783)			119,400	(21,842)	
General fund	\$0	\$175,000	(\$261,916)	\$87,936	(\$475,043)	\$79,000
FTE	(4.30)	1.00	(2.00)	1.00	0.00	0.00
	REMOVES HORSE RACING AUDITOR <sup>7</sup>	CHANGES FUNDING FOR NEW CRIME LAB <sup>8</sup>	REMOVES BCI BUILDING PURCHASE <sup>9</sup>	REDUCES CRIME LAB OPERATING FUNDS <sup>10</sup>	TOTAL HOUSE CHANGES	
Salaries and wages	(\$60,988)				(\$964,041)	
Operating expenses			\$277,716	(\$279,599)	187,735	
Capital assets		(\$2,263,225)	(1,998,000)		(4,241,225)	
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery					(117,813)	
Gaming Commission						
Total all funds	(\$60,988)	(\$2,263,225)	(\$1,720,284)	(\$279,599)	(\$5,135,344)	
Less estimated income	(60,988)		155,864		(321,349)	
General fund	\$0	(\$2,263,225)	(\$1,876,148)	(\$279,599)	(\$4,813,995)	
FTE	(0.50)	0.00	0.00	0.00	(4.80)	

<sup>1</sup> The following vacant FTE positions are removed:

POSITION	FTE	GENERAL FUND	OTHER FUNDS	TOTAL
Assistant attorney general	(1.00)		(\$141,362)	(\$141,362)
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	(1.00)		(117,813)	(117,813)

specialist				
Total	(4.30)	\$0	(\$513,783)	(\$513,783)

2 Funding is added for a criminal investigator for conducting criminal investigation computerized forensic investigations and examinations.

3 This amendment removes 2 FTE criminal justice information sharing (CJIS) positions also included in the Information Technology Department (ITD) budget. A section is added clarifying the services that may be provided by ITD relating to the criminal justice information sharing system.

4 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. Senate Bill No. 2260 is anticipated to generate an additional \$618,120 of general fund revenues for the 2007-09 biennium and \$33,240 for the remainder of the 2005-07 biennium.

5 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.

6 The salaries and wages line item is increased to provide additional salary equity funding for employees of the Crime Laboratory and Bureau of Criminal Investigation.

7 The .5 FTE horse racing auditor position added by the Senate is removed.

8 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 \$1,242,840 from the general fund is appropriated in Section 3 of the bill. The Attorney General may use this funding which totals \$4,523,562 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.

9 Removes authorization and funding added by the Senate for the Attorney General to purchase the Professional North Building which houses the Bureau of Criminal Investigation. Funding is provided to continue to lease the building.

10 Reduces funding added in the executive budget and the Senate version for additional Crime Laboratory operating costs resulting from inflation and the building expansion.

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.

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 the one-time funding.

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2018

Page 1, line 22, replace "1,516,993" with "1,539,371"

Page 1, line 23, replace "445,205" with "590,205"

Page 1, line 24, replace "(5,690,738)" with "(4,990,738)"

Page 2, after line 1, insert:  
"Cultural heritage grants

50,000"

Page 2, after line 2, insert:  
"Snow angel project

10,000"

Page 2, line 4, replace "(\$4,995,960)" with "(\$4,068,582)"

Page 2, line 5, replace "(6,807,703)" with "(6,357,703)"

Page 2, line 6, replace "1,811,743" with "2,289,121"

Page 2, line 12, replace "7,150,279" with "7,172,657"

Page 2, line 13, replace "1,953,911" with "2,098,911"

Page 2, line 14, replace "2,591,581" with "3,291,581"

Page 2, line 16, replace "325,000" with "375,000"

Page 2, after line 16, insert:  
"Snow angel project

10,000"

Page 2, line 18, replace "13,025,263" with "13,952,641"

Page 2, line 19, replace "3,119,462" with "3,569,462"

Page 2, line 20, replace "9,905,801" with "10,383,179"

Page 2, after line 29, insert:

**"SECTION 6. 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 \$1,883,000 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 historical society 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.

Lincoln bicentennial	\$25,000
Capital projects and deferred maintenance	1,548,000
Medal of honor monument	30,000
Marketing	85,000
Chateau de Mores	<u>195,000</u>
Total	\$1,883,000

**SECTION 7. COLD WAR MISSILE SITES.** The capital assets line item in section 3 of this Act includes \$200,000 from the general fund, \$250,000 from federal funds, and \$200,000 from other funds available to the state historical society through fundraising efforts to acquire the missile alert facility oscar-zero located four and one-half miles north of Cooperstown, North Dakota, and the launch facility november-33 located two and one-half miles east of Cooperstown, North Dakota. The general fund moneys may only be used on a dollar-for-dollar basis as fundraising moneys become available."

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2018 - State Historical Society - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$7,150,279	\$7,150,279	\$22,378	\$7,172,657
Operating expenses	1,953,911	1,953,911	145,000	2,098,911
Capital assets	2,591,581	2,591,581	700,000	3,291,581
Grants	1,000,000	1,000,000		1,000,000
Cultural heritage grants	325,000	325,000	50,000	375,000
Yellowstone-Missouri- Ft. Union Commission	4,492	4,492		4,492
Snow angel project			<u>10,000</u>	<u>10,000</u>
Total all funds	\$13,025,263	\$13,025,263	\$927,378	\$13,952,641
Less estimated income	<u>3,119,462</u>	<u>3,119,462</u>	<u>450,000</u>	<u>3,569,462</u>
General fund	\$9,905,801	\$9,905,801	\$477,378	\$10,383,179
FTE	60.00	60.00	0.00	60.00

#### Dept. 701 - State Historical Society - Detail of House Changes

	CULTURAL HERITAGE GRANTS <sup>1</sup>	LINCOLN BICENTENNIAL <sup>2</sup>	INCREASES FUNDING FOR SALARIES <sup>3</sup>	MARKETING <sup>4</sup>	EXTRAORDINARY REPAIRS <sup>5</sup>	CHATEAU DE MORES <sup>6</sup>
Salaries and wages			\$22,378			
Operating expenses		(\$25,000)		\$75,000		\$45,000
Capital assets					(\$100,000)	150,000
Grants						
Cultural heritage grants	\$50,000					
Yellowstone-Missouri- Ft. Union Commission						
Snow angel project						
Total all funds	\$50,000	(\$25,000)	\$22,378	\$75,000	(\$100,000)	\$195,000
Less estimated income						
General fund	\$50,000	(\$25,000)	\$22,378	\$75,000	(\$100,000)	\$195,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00
	SNOW	OPERATING COSTS FOR	COLD WAR	TOTAL		

	ANGEL PROJECT <sup>7</sup>	COLD WAR SITES <sup>8</sup>	MISSILE SITES <sup>9</sup>	HOUSE CHANGES
Salaries and wages				\$22,378
Operating expenses		\$50,000		145,000
Capital assets			\$650,000	700,000
Grants				
Cultural heritage grants				50,000
Yellowstone-Missouri- Ft. Union Commission				
Snow angel project	<u>\$10,000</u>			<u>10,000</u>
Total all funds	\$10,000	\$50,000	\$650,000	\$927,378
Less estimated income			<u>450,000</u>	<u>450,000</u>
General fund	\$10,000	\$50,000	\$200,000	\$477,378
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment increases funding for cultural heritage grants.

<sup>2</sup> This amendment decreases funding for the Lincoln Bicentennial.

<sup>3</sup> This amendment increases funding to continue pay increases provided to employees who were reclassified.

<sup>4</sup> This amendment provides funding for marketing.

<sup>5</sup> This amendment decreases funding for extraordinary repairs.

<sup>6</sup> This amendment provides funding for furniture and equipment and operating expenses at the Chateau de Mores Interpretive Center.

<sup>7</sup> This amendment provides funding for marketing and promotion of the snow angel project.

<sup>8</sup> This amendment provides \$50,000 for operating expenses that occur after acquisition of the cold war-era facilities for which fundraising and matching dollars have not yet been made available.

<sup>9</sup> This amendment adds funding to allow the State Historical Society to acquire a missile alert facility and launch facility from the cold war-era for restoration. The other funds consist of \$200,000 from private fundraising and \$250,000 in matching federal funds.

A section is added identifying the 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.

A section is added authorizing the State Historical Society to acquire a cold war-era missile alert facility and launch facility. The section also provides up to \$200,000 in general fund support for a dollar-for-dollar match of private fundraising moneys. The general fund and private fundraising moneys may be used to match a federal fund grant.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2161

Page 1, line 1, after "provide" insert "an appropriation to the attorney general for computerized sexual offender registration kiosks; and to provide"

Page 1, after line 3, insert:

**"SECTION 1. APPROPRIATION.** There is appropriated from special funds derived from federal funds or other sources, not otherwise appropriated, the sum of \$1,046,080, or so much of the sum as may be necessary, to the attorney general for ten computerized sexual offender registration sites, for the biennium beginning July 1, 2007, and ending June 30, 2009."

Page 1, line 5, replace "The" with "If notified by the attorney general that federal or other funds have not been awarded as of September 1, 2007, the"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides an appropriation to the Attorney General for computerized sex offender registration kiosks and provides for a Legislative Council study on the feasibility and desirability of the kiosks if the funding is not received by September 1, 2007.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2180

In lieu of the amendments adopted by the House as printed on pages 951 and 952 of the House Journal, Engrossed Senate Bill No. 2180 is amended as follows:

Page 1, line 13, replace the underscored colon with "agriculture producers must hold at least ten percent of the ownership interest in the facility or residents of this state must own at least fifty percent of the ownership interest of the facility."

Page 1, remove lines 14 and 15

Page 1, line 18, remove ", to grain handling facilities."

Page 2, line 3, after the overstruck period insert "\"Biofuels retailer\" means a retailer that dispenses and distributes biodiesel fuel and gasoline blends with greater than sixty percent ethanol."

4."

Page 2, line 7, replace the underscored colon with "agriculture producers must hold at least ten percent of the ownership interest in the facility or residents of this state must own at least fifty percent of the ownership interest of the facility."

Page 2, remove lines 8 through 11

Page 3, line 7, remove "The total amount from the"

Page 3, remove line 8

Page 3, line 9, remove "thousand dollars" and overstrike the period

Page 3, line 14, remove ", to a grain handling facility."

Page 3, line 20, after "b." insert "The fund moneys may be used to participate in an interest rate buydown on a loan to a biofuels retailer for the purchase or installation of pumps and related equipment."

c."

Page 3, line 22, remove ", the grain handling facility."

Page 4, line 16, replace "grain handling facility" with "biofuels retailer"

Page 4, line 17, replace "ten" with "twenty" and replace "producer" with "location of a biofuels retailer under this chapter"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2288

Page 1, line 1, remove "to provide for a biomass energy center,"; replace the second "a" with "three", and replace "chapter" with "sections"

Page 1, line 2, replace "title 54" with "chapter 54-60", replace "an" with "renewable", remove "independence research", and after "council" insert "grants"

Page 1, line 3, after the first "and" insert "the renewable energy", replace "sections" with "section", and remove "and 39-04-39"

Page 1, line 4, remove "and distribution of"

Page 1, line 5, remove "motor vehicle registration fees"

Page 1, line 12, after "4-14.1-08" insert "and may not distribute any payment that would create a negative ethanol production incentive fund balance. If the incentive fund balance is insufficient to pay all valid incentive requests received in any quarter, the funds available must be paid out on a pro rata basis and obligations may not be carried forward"

Page 1, remove lines 17 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 30

Page 6, replace lines 1 through 14 with:

**"SECTION 2.** A new section to chapter 54-60 of the North Dakota Century Code is created and enacted as follows:

**Renewable energy council.** The renewable energy council consists of a representative of the agriculture community appointed by the governor, a member from the biodiesel industry appointed by the governor, a member from the biomass industry appointed by the governor, a member from the wind industry appointed by the governor, a member from the ethanol industry appointed by the governor, and the commissioner of commerce who shall serve as chairman of the renewable energy council. Members of the renewable energy council shall represent the same interest on the energy policy commission.

**SECTION 3.** A new section to chapter 54-60 of the North Dakota Century Code is created and enacted as follows:

**Renewable energy council - Grants.** The renewable energy council shall recommend to the department of commerce the approval of grants, loans, or other financial assistance necessary or appropriate for funding, research, and development. Grants made pursuant to this section must be matched on a dollar-for-dollar basis by the entity receiving the grant.

**SECTION 4.** A new section to chapter 54-60 of the North Dakota Century Code is created and enacted as follows:"

Page 6, line 15, replace "**Energy independence**" with "**Renewable energy**" and after "The" insert "renewable"

Page 6, line 16, remove "independence" and after the second "the" insert "renewable"

Page 6, line 17, remove "independence" and replace "industrial commission" with "department of commerce"

Page 6, line 18, replace "this chapter" with "sections 2 and 3 of this Act"

Page 6, line 23, after the comma insert "and any gifts, grants, or federal funds received," replace "industrial commission" with "renewable energy development fund", and after the third "the" insert "renewable"

Page 6, line 24, remove "independence" and replace "section 7" with "sections 2 and 3"

ReNUMBER accordingly

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2103, SB 2260.

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2103**

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

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

Page 1, line 9, replace "a" with "an acute"

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

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

ReNUMBER accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2260**

In lieu of the amendments adopted by the House as printed on pages 985 and 986 of the House Journal, Senate Bill No. 2260 is amended as follows:

Page 1, line 3, remove "a new subsection to section 43-28-06,"

Page 1, line 5, after the third comma insert "15.1-06-06,"

Page 3, line 6, overstrike "The agencies", remove ", officials," and overstrike "and entities named in subsection 2 shall require each" and insert immediately thereafter "Each"

Page 3, line 7, remove "or name change" and overstrike the first "to" and insert immediately thereafter "or name change who is subject to a criminal history record check under subsection 2 shall"

Page 4, line 6, after "each" insert "final"

Page 4, line 18, after "The" insert "department of" and overstrike "department"

Page 4, line 26, after "The" insert "department of" and overstrike "department"

Page 5, line 15, after "each" insert "final"

Page 5, line 17, after "each" insert "final"

Page 5, line 19, overstrike "employees assigned duties related to"

Page 5, line 20, overstrike "bioterrorism and homeland security issues" and insert immediately thereafter "each final applicant for or employee in a specified occupation with the department"

Page 5, line 21, overstrike "a nurse aide seeking to have a finding of neglect removed from the"

Page 5, line 22, overstrike "nurse aide registry; or" and overstrike "state"

Page 5, line 23, overstrike "of health who holds a license, certificate, or registration in a"

Page 5, line 24, overstrike "health-related field" and insert immediately thereafter "; or, when requested by the department, an applicant for registration, certification, or licensure by the department"

Page 5, line 25, remove "The state board of dental examiners for initial and credential application for a"

Page 5, remove lines 26 through 28

Page 5, line 29, remove "p."

Page 6, line 1, replace "q." with "p."

Page 6, line 5, replace "r." with "q."

Page 6, line 8, replace "s." with "r."

Page 6, line 11, replace "t." with "s."

Page 6, line 12, after "or" insert "final"

Page 6, line 15, replace "u." with "t."

Page 6, line 17, replace "v." with "u."

Page 6, line 18, after the first "and" insert "final"

Page 6, line 19, after "or" insert "final"

Page 6, line 22, replace "w." with "v."

Page 6, line 23, after "and" insert "final"

Page 6, line 26, after "or" insert "final"

Page 6, line 30, replace "x." with "w." and after "each" insert "final"

Page 6, line 31, remove the second "or"

Page 7, line 1, remove "for each student applying for or admitted to a specified program of study,"

Page 7, line 3, replace "y." with "x.", after "The" insert "governing", after "a" insert "public", replace "district" with "or, for a nonpublic school, the superintendent of public instruction,", and replace "or individuals seeking" with "designated by the governing board or nonpublic school. The governing board or the nonpublic school is"

Page 7, remove lines 4 through 7

Page 7, line 8, remove "individuals must be" and remove the second "for"

Page 7, after line 9, insert:

"y. The governing board of a public school or, for a nonpublic school, the superintendent of public instruction, for individuals seeking employment with the school or otherwise providing services to the school, if those individuals have unsupervised contact with the students. For purposes of this subdivision, "unsupervised contact" with students means being in proximity to one or more students, on school grounds or at school functions, outside the presence of an individual who has been subject to a criminal background check. The governing board or the nonpublic school is responsible for paying the costs associated with obtaining a background check."

Page 7, after line 13, insert:

**"SECTION 5. AMENDMENT.** Section 15.1-06-06 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-06-06. Approval of public and nonpublic schools.** Each public and nonpublic school in this state offering elementary or secondary education to students must be approved by the superintendent of public instruction. Except as otherwise provided by law, the superintendent may not approve a school unless:

1. Each classroom teacher is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
2. Each classroom teacher is teaching only in those course areas or fields for which the teacher is licensed or for which the teacher has received an exception under section 15.1-09-57;
3. The students are offered all subjects required by law; ~~and~~
4. The school is in compliance with all local and state health, fire, and safety laws; and
5. The school has conducted all criminal history record checks required by section 12-60-24.

Page 11, remove lines 1 through 13

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT:**

##### **Dept. 125 - Attorney General**

HOUSE - This amendment includes the amendments as approved by the House Judiciary Committee except that provisions are added specifying that only final applicants are subject to background checks and provisions allowing background checks on university students and the appropriation are removed.

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2019.



**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2019**

Page 1, line 5, after the semicolon insert "to provide for a report;"

Page 2, line 10, replace "3,680,736" with "3,418,236"

Page 2, line 12, replace "6,833,000" with "6,707,500"

Page 2, line 14, replace "9,964,070" with "9,576,070"

Page 2, line 15, replace "6,408,806" with "6,020,806"

Page 2, line 25, replace "6,608,806" with "6,220,806"

Page 2, line 26, replace "12,931,070" with "12,543,070"

Page 3, line 6, replace "13,352,979" with "13,090,479"

Page 3, line 8, replace "6,833,000" with "6,707,500"

Page 3, line 9, replace "30,932,952" with "30,544,952"

Page 3, line 10, replace "19,836,389" with "19,448,389"

Page 3, line 20, replace "20,036,389" with "19,648,389"

Page 3, line 21, replace "34,502,806" with "34,114,806"

Page 3, line 23, replace "\$381,750" with "\$481,750"

Page 4, line 6, replace "\$6,600,000" with "\$6,000,000"

Page 4, line 7, replace "\$1,100,000" with "\$100,000" and after the second "and" insert "\$400,000 of"

Page 4, line 10, replace "\$1,100,000" with "\$100,000" and replace "local matching funds of \$100,000" with "the federal and other funds"

Page 4, line 14, after "**ASSETS**" insert "**- INSURANCE PROCEEDS - APPROPRIATION**"

Page 4, line 17, after the period insert "Any additional income from insurance proceeds, in excess of the \$108,000, is appropriated, for the period beginning with the effective date of this Act and ending June 30, 2009, to the parks and recreation department to assist with the replacement of the maintenance building and other capital assets."

Page 5, after line 25, insert:

**"SECTION 9. 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 \$5,388,000 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 parks and recreation department 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.

Online reservation system and equipment replacement	\$660,000
Parks capital projects and deferred maintenance	2,295,000
International Peace Garden capital projects and deferred maintenance	<u>2,433,000</u>
Total	\$5,388,000"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2019 - Summary of House Action**

Parks and Recreation Department				
Total all funds	\$24,099,952	\$30,932,952	(\$388,000)	\$30,544,952
Less estimated income	<u>13,128,389</u>	<u>19,836,389</u>	<u>(388,000)</u>	<u>19,448,389</u>
General fund	\$10,971,563	\$11,096,563	\$0	\$11,096,563
International Peace Garden				
Total all funds	\$3,169,854	\$3,569,854	\$0	\$3,569,854
Less estimated income		<u>200,000</u>		<u>200,000</u>
General fund	<u>\$3,169,854</u>	<u>\$3,369,854</u>	<u>\$0</u>	<u>\$3,369,854</u>
Bill Total				
Total all funds	\$27,269,806	\$34,502,806	(\$388,000)	\$34,114,806
Less estimated income	<u>13,128,389</u>	<u>20,036,389</u>	<u>(388,000)</u>	<u>19,648,389</u>
General fund	\$14,141,417	\$14,466,417	\$0	\$14,466,417

### Senate Bill No. 2019 - Parks and Recreation Department - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Capital assets		\$6,833,000	(\$125,500)	\$6,707,500
Administration	\$2,110,099	2,110,099		2,110,099
Natural resources	13,352,979	13,352,979	(262,500)	13,090,479
Recreation	<u>8,636,874</u>	<u>8,636,874</u>		<u>8,636,874</u>
Total all funds	\$24,099,952	\$30,932,952	(\$388,000)	\$30,544,952
Less estimated income	<u>13,128,389</u>	<u>19,836,389</u>	<u>(388,000)</u>	<u>19,448,389</u>
General fund	\$10,971,563	\$11,096,563	\$0	\$11,096,563
FTE	50.50	50.50	0.00	50.50

### Dept. 750 - Parks and Recreation Department - Detail of House Changes

	REDUCES FUNDING FOR FORT STEVENSON STATE PARK MARINA <sup>1</sup>	PROVIDES FUNDING FOR BOAT RAMP MAINTENANCE <sup>2</sup>	PROVIDES FUNDING FOR ICELANDIC STATE PARK <sup>3</sup>	REDUCES FUNDING FOR EXTRAORDINARY REPAIRS <sup>4</sup>	TOTAL HOUSE CHANGES
Capital assets	(\$600,000)		\$474,500		(\$125,500)
Administration					
Natural resources		\$100,000		(\$362,500)	(262,500)
Recreation					
Total all funds	(\$600,000)	\$100,000	\$474,500	(\$362,500)	(\$388,000)
Less estimated income	<u>(600,000)</u>	<u>100,000</u>	<u>112,000</u>		<u>(388,000)</u>
General fund	\$0	\$0	\$362,500	(\$362,500)	\$0
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment reduces funding for the marina at Fort Stevenson State Park. The amount of funding from the game and fish fund for the marina is reduced by \$600,000 to \$100,000.

<sup>2</sup> This amendment provides additional funding from the game and fish fund for maintenance, operating, and extraordinary repairs relating to boat ramps at various state parks.

<sup>3</sup> This amendment adds funding for expansion of the Heritage Center at Icelandic State Park.

<sup>4</sup> This amendment reduces general fund support for extraordinary repairs by \$362,500 to \$1,000,000.

A section is added identifying the 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.

Section 7 of this Act is amended to allow the department to spend any additional insurance proceeds received for the fire-damaged maintenance shop and contents.

This amendment removes the \$100,000 local match requirement for the Fort Stevenson State Park marina project and requires that federal and other funds become available before the game and fish funds are used.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently failed: SB 2340, SB 2375.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has failed to pass: SB 2382.

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

**MR. PRESIDENT:** The House has failed to pass: SB 2339.

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

**MR. PRESIDENT:** The House has amended and subsequently failed: SB 2356.

**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 4035.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2025, SB 2029, SB 2036, SB 2040, SB 2045, SB 2047, SB 2053, SB 2071, SB 2074, SB 2076, SB 2096, SB 2108, and SB 2128.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2136, SB 2148, SB 2168, SB 2169, SB 2176, SB 2193, SB 2194, SB 2195, SB 2196, SB 2214, SB 2234, SB 2241, SB 2252, SB 2255, SB 2266, SB 2299, and SB 2319.

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

**MR. SPEAKER:** The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2248 and wishes to inform you that the Senate has dissolved the Senate Conference Committee on SB 2248.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2060, SB 2072, SB 2172, and SB 2379 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2060:** Sens. J. Lee; Oehlke; Horne

**SB 2072:** Sens. Wanzek; Klein; Behm

**SB 2172:** Sens. Tollefson; Cook; Horne

**SB 2379:** Sens. Erbele; J. Lee; Warner

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

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

**HB 1065:** Sens. Andrist; G. Lee; Bakke

**HB 1303:** Sens. Cook; Urlacher; Triplett

**HB 1317:** Sens. Cook; Oehlke; Anderson

**HB 1334:** Sens. G. Lee; Andrist; Fiebiger

**HB 1380:** Sens. Oehlke; Dever; Marcellais

**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 2109:** Reps. Pietsch; Price; Potter

**SB 2125:** Reps. Dietrich; Clark; Zaiser

**SB 2154:** Reps. Dosch; Kasper; Thorpe

**SB 2236:** Reps. Hatlestad; Klemin; Kaldor

**SB 2251:** Reps. Nottestad; Keiser; S. Meyer

**SB 2293:** Reps. Porter; Charging; Hanson

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

**SB 2389:** Reps. Vigasaa; Nottestad; Boe

**SB 2392:** Reps. Boehning; Dahl; Griffin

**SB 2411:** Reps. Clark; Dietrich; Thorpe

**SCR4001:** Reps. DeKrey; Drovdal; S. Kelsh

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1171, HB 1279.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2217, SB 2353, SCR 4026.

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

**MR. SPEAKER:** The President has signed: HB 1073, HB 1091, HB 1128, HB 1365, HB 1477, HCR 3022, HCR 3036, HCR 3041, HCR 3043, HCR 3062.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2145.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SCR 4005, SCR 4006, SCR 4008, SCR 4017, SCR 4018, SCR 4019, SCR 4025, SCR 4028, SCR 4029.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on March 28, 2007: SB 2145.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on March 28, 2007: SCR 4005, SCR 4006, SCR 4008, SCR 4017, SCR 4018, SCR 4019, SCR 4025, SCR 4028, SCR 4029.

#### **MOTION**

**SEN. CHRISTMANN MOVED** that the absent member be excused, which motion prevailed.

#### **MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Friday, March 9, 2007, which motion prevailed.

#### **REPORT OF STANDING COMMITTEE**

**HB 1001, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1001 was placed on the Sixth order on the calendar.

In lieu of the amendments to Engrossed House Bill No. 1001, as printed on pages 985-987 of the Senate Journal, Engrossed House Bill No. 1001 is amended as follows:

Page 1, line 2, remove "to create and enact a new section to chapter 54-03 and a new section to"

Page 1, remove lines 3 and 4

Page 1, line 5, remove "including legislative intent items;"

Page 2, line 11, replace "606,404" with "770,940"

Page 2, line 12, replace "21,182" with "(69,342)"

Page 2, line 16, replace "4,540,893" with "4,614,904"

Page 2, line 18, replace "4,560,892" with "4,634,904"

Page 2, line 21, replace "702,547" with "603,058"

Page 2, line 22, replace "247,231" with "270,731"

Page 2, line 24, replace "(175,000)" with "(175,000)"

Page 2, after line 24, insert:

"National conference of insurance legislators  
 Total all funds - Adjustments/enhancements  
 Less estimated income - Adjustments/enhancements

60,000  
 \$774,789  
60,000"

Page 2, line 25, replace "790,778" with "714,789"

Page 2, line 26, replace "5,351,670" with "5,349,693"

Page 2, line 27, replace "(\$20,000)" with "\$40,000"

Page 2, line 28, replace "5,331,670" with "5,389,693"

Page 3, line 6, replace "6,691,021" with "6,855,557"

Page 3, line 7, replace "3,038,955" with "2,948,431"

Page 3, line 11, replace "14,053,117" with "14,127,129"

Page 3, line 14, replace "5,907,752" with "5,808,263"

Page 3, line 15, replace "2,614,967" with "2,638,467"

Page 3, line 16, replace "57,000" with "57,000"

Page 3, after line 16, insert:

"National conference of insurance legislators	<u>60,000</u>
Total all funds	\$8,563,730
Less estimated income	<u>60,000</u>

Page 3, line 17, replace "8,579,719" with "8,503,730"

Page 3, line 18, replace "22,632,836" with "22,630,859"

Page 3, after line 18, insert:

"Grand total other funds - H.B. 1001	\$60,000
Grand total all funds - H.B. 1001	\$22,690,859"

Page 3, after line 28, insert:

**"SECTION 5. ESTIMATED INCOME - INSURANCE REGULATORY TRUST FUND.** The estimated income line item in subdivision 2 of section 3 of this Act includes \$60,000 from the insurance regulatory trust fund."

Page 3, line 31, replace "\$4,310,827" with "\$4,210,827"

Page 4, line 7, replace "400,000" with "300,000"

Page 4, line 8, replace "4,310,827" with "4,210,827"

Page 4, replace lines 19 through 31 with:

**"SECTION 8. COMMITTEE ROOM RENOVATION FUNDING - EXPENDITURE DETERMINATION.** Any expenditure of funds relating to \$100,000 of the \$200,000 provided for committee room renovations in subdivision 1 of section 3 of this Act must be approved by a majority of the senate members of the legislative management committee. Any expenditures relating to the remaining \$100,000 for committee room renovations must be approved by a majority of the house of representatives members of the legislative management committee for the biennium beginning July 1, 2007, and ending June 30, 2009."

Page 5, remove lines 1 through 13

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1001 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Legislative Assembly				
Total all funds	\$13,918,501	\$14,053,117	\$74,012	\$14,127,129
Less estimated income				
General fund	\$13,918,501	\$14,053,117	\$74,012	\$14,127,129
Legislative Council				
Total all funds	\$8,298,218	\$8,579,719	(\$15,989)	\$8,563,730
Less estimated income			60,000	60,000
General fund	\$8,298,218	\$8,579,719	(\$75,989)	\$8,503,739
Bill Total				
Total all funds	\$22,216,719	\$22,632,836	\$58,023	\$22,690,859
Less estimated income			60,000	60,000
General fund	\$22,216,719	\$22,632,836	(\$1,977)	\$22,630,859

#### House Bill No. 1001 - Legislative Assembly - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$6,691,021	\$6,691,021	\$164,536	\$6,855,557

Operating expenses	2,904,339	3,038,955	(90,524)	2,948,431
Capital assets	206,000	206,000		206,000
National Conference of State Legislatures	206,314	206,314		206,314
Legislative applications replacements	3,910,827	3,910,827		3,910,827
Total all funds	\$13,918,501	\$14,053,117	\$74,012	\$14,127,129
Less estimated income				
General fund	\$13,918,501	\$14,053,117	\$74,012	\$14,127,129
FTE	0.00	0.00	0.00	0.00

**Dept. 150 - Legislative Assembly - Detail of Senate Changes**

	REDUCES FUNDING FOR COMPUTERS <sup>1</sup>	ADDS MILEAGE FUNDING <sup>2</sup>	REMOVES FUNDING FOR PILOT PROJECT <sup>3</sup>	ADDS FUNDING FOR LEGISLATIVE PAY <sup>4</sup>	TOTAL SENATE CHANGES
Salaries and wages				\$164,536	\$164,536
Operating expenses	(\$100,000)	\$19,476	(\$10,000)		(90,524)
Capital assets					
National Conference of State Legislatures					
Legislative applications replacements					
Total all funds	(\$100,000)	\$19,476	(\$10,000)	\$164,536	\$74,012
Less estimated income					
General fund	(\$100,000)	\$19,476	(\$10,000)	\$164,536	\$74,012
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding added by the House for Legislative Assembly computer equipment is reduced to provide a total of \$300,000 from the general fund.

<sup>2</sup> Funding is added for legislator mileage reimbursement during legislative sessions in accordance with provisions of House Bill No. 1107.

<sup>3</sup> The funding and section added by the House providing for a personal communicator device pilot project are removed.

<sup>4</sup> Funding is provided for increasing legislative pay in accordance with provisions of House Bill No. 1106. Monthly compensation and session pay are each increased by 4 percent on July 1, 2007, and by 3.85 percent on July 1, 2008, which is estimated to cost \$252,572 for the 2007-09 biennium. The legislative budget request included \$88,036 for increasing session pay by 4 percent for the 2007-09 biennium.

The section added by the House authorizing legislators to purchase personal communicator devices and related services from the Information Technology Department is removed.

A section is added providing that the Senate members of the Legislative Management Committee determine the expenditures of \$100,000 of the \$200,000 provided for committee room renovations and the House members of the committee determine the expenditures of the remaining \$100,000 of these funds.

**House Bill No. 1001 - Legislative Council - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$5,637,138	\$5,907,752	(\$99,489)	\$5,808,263
Operating expenses	2,604,080	2,614,967	23,500	2,638,467
Capital assets	57,000	57,000		57,000
National Conference of Insurance Legislators			60,000	60,000
Total all funds	\$8,298,218	\$8,579,719	(\$15,989)	\$8,563,730
Less estimated income			60,000	60,000
General fund	\$8,298,218	\$8,579,719	(\$75,989)	\$8,503,730
FTE	33.00	34.00	(1.00)	33.00

**Dept. 160 - Legislative Council - Detail of Senate Changes**

	INCREASES EQUITY FUNDING <sup>1</sup>	ADDS MILEAGE FUNDING <sup>2</sup>	REMOVES NEW FISCAL POSITION <sup>3</sup>	ADDS FUNDING FOR LEGISLATIVE PAY <sup>4</sup>	ADDS FUNDING FOR NCOIL <sup>5</sup>	TOTAL SENATE CHANGES
Salaries and wages	\$18,000		(\$140,614)	\$23,125		(\$99,489)
Operating expenses		\$23,500				23,500
Capital assets						
National Conference of Insurance Legislators					\$60,000	60,000
Total all funds	\$18,000	\$23,500	(\$140,614)	\$23,125	\$60,000	(\$15,989)
Less estimated income					60,000	60,000

General fund	\$18,000	\$23,500	(\$140,614)	\$23,125	\$0	(\$75,989)
FTE	0.00	0.00	(1.00)	0.00	0.00	(1.00)

<sup>1</sup> Funding provided for salary equity adjustments is increased from the House version to provide a total of \$148,000.

<sup>2</sup> Funding is added for legislator mileage reimbursement for travel during the interim in accordance with provisions of House Bill No. 1107.

<sup>3</sup> The new fiscal staff position added by the House is removed.

<sup>4</sup> Funding is provided for increasing legislative pay in accordance with provisions of House Bill No. 1106. Legislator pay for attending interim meetings is increased by 4 percent on July 1, 2007, and by 3.85 percent on July 1, 2008.

<sup>5</sup> This amendment appropriates \$60,000 from the insurance regulatory trust fund for expenses of legislators attending functions of the National Conference of Insurance Legislators.

The section added by the House providing that the Legislative Council review and report on agency implementation of appropriations and legislative intent items is removed.

#### REPORT OF STANDING COMMITTEE

**HB 1014, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1014 was placed on the Sixth order on the calendar.**

In lieu of the amendments to Engrossed House Bill No. 1014, as printed on pages 995-999 of the Senate Journal, Engrossed House Bill No. 1014 is amended as follows:

Page 1, line 3, after "6-09.17" insert "and a new subsection to section 54-17-07.3"

Page 1, line 5, after "limitations" insert "and a housing finance agency program for residential housing in rural communities"

Page 1, line 7, after the semicolon insert "to provide legislative intent; to provide an appropriation;"

Page 1, line 8, after "appropriation" insert "; to provide an expiration date"

Page 3, line 27, replace "2,300,000" with "1,300,000"

Page 3, line 31, replace "5,275,000" with "4,275,000"

Page 4, line 2, replace "6,700,000" with "5,700,000"

Page 4, after line 12, insert:  
"Bridging the gap loan program 1,900,000"

Page 4, after line 13, insert:  
"Total all funds \$9,524,088"

Page 4, line 14, replace "Total from" with "Less" and replace "\$7,624,088" with "7,624,088"

Page 4, after line 14, insert:  
"Total general fund - Adjustments/enhancements \$1,900,000"

Page 4, line 15, replace "8,869,132" with "9,769,132"

Page 4, line 17, replace "20,489,931" with "21,389,931"

Page 5, line 14, replace "8,000,000" with "7,000,000"

Page 5, line 18, replace "14,550,000" with "13,550,000"

Page 5, line 20, replace "13,600,000" with "12,600,000"

Page 5, after line 31, insert:  
"Bridging the gap loan program 1,900,000"

Page 6, after line 2, insert:  
"Total all funds \$43,434,102"

Page 6, line 3, replace "Total" with "Less" and replace "\$41,534,102" with "41,534,102"

Page 6, after line 3, insert:

"Total general fund

\$1,900,000"

Page 6, line 4, replace "22,362,790" with "23,262,790"

Page 6, line 5, replace "166,850,430" with "172,150,430"

Page 6, line 6, replace "189,213,220" with "195,413,220"

Page 6, after line 27, insert:

**"SECTION 7. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET.** There is appropriated out of any moneys in the permanent oil tax trust fund, not otherwise appropriated, the sum of \$5,300,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of repaying the Bank of North Dakota for loans and accrued interest relating to funds borrowed during the 2005-07 biennium for centers of excellence, for the period beginning with the effective date of this Act and ending June 30, 2009."

Page 7, after line 22, insert:

**"SECTION 13. LANDS AND MINERALS TRUST FUND TRANSFER TO THE GENERAL FUND.** During the biennium beginning July 1, 2007, and ending June 30, 2009, the director of the office of management and budget may transfer special funds from the lands and minerals trust fund to the general fund in the amount of \$15,000,000.

**SECTION 14. BANK OF NORTH DAKOTA TRANSFERS TO STATE GENERAL FUND.** During the biennium beginning July 1, 2007, and ending June 30, 2009, the industrial commission shall transfer to the state general fund \$60,000,000 from the current earnings and the accumulated undivided profits of the Bank of North Dakota. The moneys must be transferred in the amounts and at the times requested by the director of the office of management and budget. A transfer authorized may be made only to the extent the transfer does not reduce the Bank's capital structure below \$175,000,000.

**SECTION 15. STUDENT LOAN TRUST FUND TRANSFER TO THE GENERAL FUND.** The industrial commission shall transfer to the general fund in the state treasury the sum of \$3,100,000 of earnings from the North Dakota student loan trust fund. The moneys must be transferred in the amounts and at the times requested by the director of the office of management and budget during the biennium beginning July 1, 2007, and ending June 30, 2009, and upon certification by the student loan trust trustee that sufficient moneys remain available to pay all debt service on student loan trust bonds, all required rebate payments to the United States treasury, and all program operating expenses.

**SECTION 16. TRANSFER.** The state industrial commission shall transfer to the general fund in the state treasury the sum of \$5,000,000 from the North Dakota mill and elevator association. The moneys must be transferred in amounts and at such times as requested by the director of the office of management and budget during the biennium beginning July 1, 2007, and ending June 30, 2009."

Page 8, line 10, replace "project" with "program" and after the semicolon insert "for litigation that may be necessary to protect and promote the continued development of lignite resources;"

Page 8, after line 15, insert:

**"SECTION 19. LEGISLATIVE INTENT - BANK PROPERTY.** It is the intent of the sixtieth legislative assembly that real estate property owned by the Bank of North Dakota at 1205-1215 west main street in Bismarck not be sold by the Bank of North Dakota during the 2007-09 biennium."

Page 10, after line 11, insert:

**"SECTION 27.** A new subsection to section 54-17-07.3 of the North Dakota Century Code is created and enacted as follows:



A program to assist in bridging the financing gap in new residential construction in cities with populations of fewer than twenty thousand if the cost of the new construction is at least one hundred ten percent of the appraised value of the new construction. The program must provide financial assistance in the form of a mortgage loan that is subject to payment forgiveness, in whole or in part, for new construction of multifamily housing and single-family housing, excluding mobile homes and farmsteads.

- a. The industrial commission shall establish the eligibility criteria and application procedure for the program which at a minimum must:
  - (1) Require a local match in the form of a grant from private or public funding or in-kind contributions which may not exceed forty-five percent of the gap between the cost of construction and the appraised value of the new construction;
  - (2) Provide that the local match may not include state funds;
  - (3) Require an application for assistance under this program to include evidence of community support for the new construction project; and
  - (4) Require that for assistance provided for single-family housing:
    - (a) The applicant's household income may not exceed the greater of one hundred forty percent of the statewide or county average, as determined by the industrial commission; and
    - (b) That the cost of the new construction may not exceed one hundred ninety thousand dollars.
- b. The maximum assistance provided under this program for single-family housing is the lesser of twenty thousand dollars or forty-five percent of the gap between the cost of the construction and the appraised value of the new construction.
- c. The maximum assistance provided under this program for multifamily housing is the lesser of fifty thousand dollars or forty-five percent of the gap between the cost of construction and the appraised value of the new construction.
- d. Unless otherwise provided through the appropriation process, no more than thirty percent of the funds appropriated for the biennium for assistance under this subsection may be for multifamily residences.
- e. Before August first of every even-numbered year, the housing finance agency shall report to the legislative council on the status of this program, including funds awarded, the state and local impact of the funds awarded, and program recommendations."

Page 10, after line 18, insert:

**"SECTION 29. EXPIRATION DATE.** Section 27 of this Act is effective through July 31, 2011, and after that date is ineffective."

Page 10, line 20, after the semicolon insert "the appropriation in section 7 of this Act for the office of management and budget;" and replace "15" with "21"

Page 10, line 21, remove "and" and replace "16" with "22"

Page 10, line 23, after "fund" insert "; and section 24 of this Act"

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT:**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Office of Management and Budget				
Total all funds	\$0	\$0	\$5,300,000	\$5,300,000
Less estimated income			<u>5,300,000</u>	<u>5,300,000</u>
General fund	\$0	\$0	\$0	\$0
Industrial Commission				
Total all funds	\$58,870,922	\$59,155,922	\$0	\$59,155,922
Less estimated income	<u>50,108,132</u>	<u>50,393,132</u>		<u>50,393,132</u>
General fund	\$8,762,790	\$8,762,790	\$0	\$8,762,790
Bank of North Dakota				
Total all funds	\$48,242,359	\$51,742,359	(\$1,000,000)	\$50,742,359
Less estimated income	<u>38,142,359</u>	<u>38,142,359</u>		<u>38,142,359</u>
General fund	\$10,100,000	\$13,600,000	(\$1,000,000)	\$12,600,000
Housing Finance Agency				
Total all funds	\$41,534,102	\$41,534,102	\$1,900,000	\$43,434,102
Less estimated income	<u>41,534,102</u>	<u>41,534,102</u>		<u>41,534,102</u>
General fund	\$0	\$0	\$1,900,000	\$1,900,000
Mill and Elevator				
Total all funds	\$36,780,837	\$36,780,837	\$0	\$36,780,837
Less estimated income	<u>36,780,837</u>	<u>36,780,837</u>		<u>36,780,837</u>
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$185,428,220	\$189,213,220	\$6,200,000	\$195,413,220
Less estimated income	<u>166,565,430</u>	<u>166,850,430</u>	<u>5,300,000</u>	<u>172,150,430</u>
General fund	\$18,862,790	\$22,362,790	\$900,000	\$23,262,790

### House Bill No. 1014 - Office of Management and Budget - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Loan repayment			<u>\$5,300,000</u>	<u>\$5,300,000</u>
Total all funds	\$0	\$0	\$5,300,000	\$5,300,000
Less estimated income			<u>5,300,000</u>	<u>5,300,000</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

### Dept. 110 - Office of Management and Budget - Detail of Senate Changes

	PROVIDES FUNDING FOR CENTERS OF EXCELLENCE LOAN REPAYMENT	TOTAL SENATE CHANGES
Loan repayment	<u>\$5,300,000</u>	<u>\$5,300,000</u>
Total all funds	\$5,300,000	\$5,300,000
Less estimated income	<u>5,300,000</u>	<u>5,300,000</u>
General fund	\$0	\$0
FTE	0.00	0.00

### House Bill No. 1014 - Industrial Commission - Senate Action

This amendment declares Section 24 of this Act to be an emergency.

A section is added to provide a transfer from the lands and minerals trust fund to the general fund.

A section is added to provide a transfer from the Bank of North Dakota to the general fund.

A section is added to provide a transfer from the student loan trust fund to the general fund.

A section is added to provide an appropriation to the Office of Management and Budget from the permanent oil tax trust fund to repay the centers of excellence loan and interest.

A section is added to provide a transfer from the Mill and Elevator Association to the general fund.

### House Bill No. 1014 - Bank of North Dakota - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$20,295,359	\$20,295,359		\$20,295,359
Operating expenses	13,297,000	13,297,000		13,297,000
Capital assets	1,900,000	1,900,000		1,900,000
Contingencies	1,700,000	1,700,000		1,700,000
PACE fund	4,500,000	8,000,000	(\$1,000,000)	7,000,000
Ag PACE fund	1,400,000	1,400,000		1,400,000
Beginning farmer revolving loan fund	950,000	950,000		950,000
Biofuels PACE fund	<u>4,200,000</u>	<u>4,200,000</u>		<u>4,200,000</u>
Total all funds	\$48,242,359	\$51,742,359	(\$1,000,000)	\$50,742,359
Less estimated income	<u>38,142,359</u>	<u>38,142,359</u>		<u>38,142,359</u>
General fund	\$10,100,000	\$13,600,000	(\$1,000,000)	\$12,600,000
FTE	176.50	176.50	0.00	176.50

**Dept. 471 - Bank of North Dakota - Detail of Senate Changes**

	REDUCES PACE FUNDING <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages		
Operating expenses		
Capital assets		
Contingencies		
PACE fund	(\$1,000,000)	(\$1,000,000)
Ag PACE fund		
Beginning farmer revolving loan fund		
Biofuels PACE fund		
Total all funds	(\$1,000,000)	(\$1,000,000)
Less estimated income		
General fund	(\$1,000,000)	(\$1,000,000)
FTE	0.00	0.00

<sup>1</sup> This amendment reduces funding for the partnership in assisting community expansion (PACE) fund.

A section is added to provide legislative intent that the property at the new Bank location not be sold by the Bank during the 2007-09 biennium.

**House Bill No. 1014 - Housing Finance Agency - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$4,701,524	\$4,701,524		\$4,701,524
Operating expenses	9,412,778	9,412,778		9,412,778
Grants	27,319,800	27,319,800		27,319,800
Housing Finance Agency contingencies	100,000	100,000		100,000
Bridging the gap loan program			<u>\$1,900,000</u>	<u>1,900,000</u>
Total all funds	\$41,534,102	\$41,534,102	\$1,900,000	\$43,434,102
Less estimated income	<u>41,534,102</u>	<u>41,534,102</u>		<u>41,534,102</u>
General fund	\$0	\$0	\$1,900,000	\$1,900,000
FTE	43.00	43.00	0.00	43.00

**Dept. 473 - Housing Finance Agency - Detail of Senate Changes**

	ADDS FUNDING FOR LOAN PROGRAM <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages		
Operating expenses		
Grants		
Housing Finance Agency contingencies		
Bridging the gap loan program	<u>\$1,900,000</u>	<u>\$1,900,000</u>
Total all funds	\$1,900,000	\$1,900,000
Less estimated income		
General fund	\$1,900,000	\$1,900,000
FTE	0.00	0.00

<sup>1</sup> This amendment provides funding for a loan program to bridge the financing gap in new residential construction in rural communities.

A section is added creating a new section of North Dakota Century Code that establishes a loan program to assist in bridging the financial gap in new residential construction in rural communities which expires on July 31, 2011.

#### REPORT OF STANDING COMMITTEE

**HB 1290, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1290 was placed on the Sixth order on the calendar.

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

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

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

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

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

The Senate stood adjourned pursuant to Senator Christmann's motion.

**William R. Horton, Secretary**