

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

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Bismarck, April 3, 2007

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

The prayer was offered by Reverend Paul Eberle, Cathedral of the Holy Spirit, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that SB 2011, SB 2014, SB 2020, SB 2022, SB 2030, SB 2046, SB 2057, SB 2243, and SB 2313 be placed directly after SB 2341 on the Twelfth order, which motion prevailed.

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 1417, Engrossed HB 1154, Engrossed HB 1256, Engrossed HB 1390, and Engrossed HB 1505, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1417: Sens. Andrist, Wanzek, Heitkamp

Engrossed HB 1154: Sens. Dever, Erbele, Pomeroy

Engrossed HB 1256: Sens. Erbele, J. Lee, Heckaman

Engrossed HB 1390: Sens. Dever, Erbele, Pomeroy

Engrossed HB 1505: Sens. Dever, Erbele, Heckaman

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2013 as printed on SJ pages 1143-1148 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 2013: Sens. Holmberg, Wardner, Robinson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2017 as printed on SJ pages 1200-1201 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 2017: Sens. Christmann, Grindberg, Lindaas.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2152 as printed on SJ page 1110 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 2152: Sens. Erbele, Dever, Warner.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2341 as printed on SJ page 1119 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 2341: Sens. Grindberg, Krebsbach, Seymour.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to SB 2011 as printed on SJ pages 1192-1193 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 SB 2011: Sens. Bowman, Holmberg, Lindaas.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to SB 2014 as printed on SJ pages 1193-1194 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 SB 2014: Sens. Fischer, Krebsbach, Robinson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2020 as printed on SJ pages 1194-1195 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 2020: Sens. Fischer, Holmberg, Robinson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to SB 2022 as printed on SJ pages 1195-1196 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 SB 2022: Sens. Krebsbach, Wardner, Krauter.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2030 as printed on SJ pages 1214-1217 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 2030: Sens. G. Lee, Flakoll, Taylor.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DEVER MOVED that the Senate do not concur in the House amendments to SB 2046 as printed on SJ pages 1197-1198 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 SB 2046: Sens. Krebsbach, J. Lee, Nelson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2057 as printed on SJ page 1198 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 2057: Sens. Flakoll, G. Lee, Bakke.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to SB 2243 as printed on SJ pages 1198-1199 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 SB 2243: Sens. Wardner, Bowman, Tallackson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2313 as printed on SJ page 1199 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 2313: Sens. Flakoll, Freborg, Taylor.

SECOND READING OF HOUSE BILL

HB 1004: A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; to create and enact a new section to chapter 23-39 of the North Dakota Century Code, relating to collecting fees for tanning facility inspections; to amend and reenact section 23-01-05.3 of the North Dakota Century Code and section 28 of chapter 167 of the 2005 Session Laws, relating to tracking immunizations and the contingent distribution of state school aid payments; and to declare an emergency.

ROLL CALL

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

YEAS: Anderson; Andrist; Bakke; Behm; 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; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Bowman

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1004, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1005: A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1005, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1007: A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and department of veterans' affairs; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1007, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1009: A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; 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; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Andrist; Nelson

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1009, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1016: A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota; and to amend and reenact section 52-02.1-02 of the North Dakota Century Code, relating to job service North Dakota program services.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1016, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1018: A BILL for an Act to provide an appropriation for defraying the expenses of the department of commerce; to provide an appropriation to the department of career and

technical education; to provide an appropriation to the office of management and budget; to authorize the office of management and budget to borrow funds from the Bank of North Dakota; to provide a continuing appropriation; to provide for reports to the sixty-first legislative assembly; to provide for reports to the legislative council; to provide for legislative council studies; to provide exemptions; to create and enact a new section to chapter 15-20.1, a new section to chapter 54-34.4, three new sections to chapter 54-60, sections 57-38-01.24 and 57-38-01.25, and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to a program to provide grants for innovation, visitor information centers, department of commerce division of workforce development programs and duties, tax credits for internships, workforce recruitment, research and experimental expenditures, and to create a beginning again North Dakota pilot program; to amend and reenact sections 15-69-02, 15-69-03, 15-69-04, and 15-69-05, subsections 4 and 6 of section 54-17-07.3, sections 54-60-02, 54-60-09, and 54-60-12, subdivision 1 of subsection 2 of section 54-60.1-01, and sections 57-38-30.5, 57-38.5-05, and 57-38.6-01 of the North Dakota Century Code and section 17 of chapter 151 of the 2005 Session Laws, relating to the centers of excellence program, housing finance agency programs, updating department of commerce law, department of commerce division of workforce development duties, the North Dakota image information program, the definition of business incentive, tax forms, research and experimental expenditures tax credits, seed capital investment tax credits, agricultural business investment tax credits, and a legislative council study; to repeal sections 57-38-71, 57-38-72, 57-38-73, and 57-38-74 of the North Dakota Century Code, relating to beginning entrepreneur income tax incentives; to provide effective dates; to provide an expiration date; and to declare an emergency.

MOTION

SEN. POTTER MOVED that Engrossed HB 1018, as amended, be floor amended as follows:

In addition to the amendments adopted by the Senate as printed on pages 999-1015 of the Senate Journal, Engrossed House Bill No. 1018 is further amended as follows:

Page 4, after line 19, insert:

"SECTION 12. APPROPRIATION - TOURISM MARKETING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$753,948, or so much of the sum as may be necessary, to the department of commerce for the purpose of tourism marketing and promotion activities for the biennium beginning July 1, 2007, and ending June 30, 2009."

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 601 - Department of Commerce

SENATE - This amendment appropriates \$753,948, in addition to the \$3,000,000 added in the Senate Appropriations amendments, for tourism marketing and promotion to provide the same level of funding recommended in the executive budget.

REQUEST

SEN. POTTER REQUESTED a verification vote on the motion to adopt the proposed floor amendments to Engrossed HB 1018, as amended, which request was granted.

REQUEST

SEN. STENEHJEM REQUESTED a recorded roll call vote on the motion to adopt the proposed floor amendments to Engrossed HB 1018, as amended, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed floor amendments to Engrossed HB 1018, as amended, the roll was called and there were 22 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Fiebiger; Heckaman; Heitkamp; Horne; Krauter; Lindaas; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Seymour; Taylor; Triplett; Warner

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Olafson; Stenehjem; Tollefson; Urlacher; Wanzek; Wardner

ABSENT AND NOT VOTING: Tallackson

The proposed floor amendments to Engrossed HB 1018, as amended, failed.

ROLL CALL

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

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebig; 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; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson

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

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1004, HB 1007, HB 1018.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1005, HB 1009, HB 1016.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2011, SB 2013, SB 2014, SB 2017, SB 2020, SB 2022, SB 2030, SB 2046, SB 2057, SB 2152, SB 2243, SB 2313, and SB 2341 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2011: Sens. Bowman; Holmberg; Lindaas
SB 2013: Sens. Holmberg; Wardner; Robinson
SB 2014: Sens. Fischer; Krebsbach; Robinson
SB 2017: Sens. Christmann; Grindberg; Lindaas
SB 2020: Sens. Fischer; Holmberg; Robinson
SB 2022: Sens. Krebsbach; Wardner; Krauter
SB 2030: Sens. G. Lee; Flakoll; Taylor
SB 2046: Sens. Krebsbach; J. Lee; Nelson
SB 2057: Sens. Flakoll; G. Lee; Bakke
SB 2152: Sens. Erbele; Dever; Warner
SB 2243: Sens. Wardner; Bowman; Tallackson
SB 2313: Sens. Flakoll; Freborg; Taylor
SB 2341: Sens. Grindberg; Krebsbach; Seymour

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 1154: Sens. Dever; Erbele; Pomeroy
HB 1256: Sens. Erbele; J. Lee; Heckaman
HB 1390: Sens. Dever; Erbele; Pomeroy
HB 1417: Sens. Andrist; Wanzek; Heitkamp
HB 1505: Sens. Dever; Erbele; Heckaman

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2246, SB 2401.

HOUSE AMENDMENTS TO SENATE BILL NO. 2246

Page 1, line 2, remove "and allowances for meals"

Page 1, line 9, remove the overstrike over "~~five~~" and remove "six"

Page 1, line 12, remove the overstrike over "~~seven~~"

Page 1, line 13, remove "eight"

Page 1, line 14, remove the overstrike over "~~twelve~~"

Page 1, line 15, remove "fourteen"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes the increase for reimbursement of meals for state and political subdivision officers and employees.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2401

Page 1, line 8, replace "Sixty" with "Fifty-one and one-half"

Page 1, line 10, replace "Eighty" with "Sixty-eight and one-half"

Page 1, after line 20, insert:

"3. If any moneys provided for transportation payments in the grants - transportation line item in Senate Bill No. 2013, as approved by the sixtieth legislative assembly, remain after application of the formula provided for in this section, the superintendent of public instruction shall prorate the remaining amounts according to the percentage of the total transportation formula amount to which each school district is entitled."

Page 1, line 21, replace "3." with "4."

Renumber accordingly

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

MR. PRESIDENT: The House has amended and subsequently failed: SB 2202, SB 2249.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2001, SB 2006, SB 2007, SB 2135, SB 2163, SB 2183, SB 2205, SB 2224, SB 2232, SB 2238, SB 2248.

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

MR. SPEAKER: The President has signed: HB 1216, HB 1217.

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

MR. SPEAKER: The President has signed: SB 2029.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on April 3, 2007: SB 2029.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 12:30 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Dalrymple presiding.

SECOND READING OF HOUSE BILL

HB 1019: A BILL for an Act to provide an appropriation for defraying the expenses of the state board for career and technical education; to create and enact a new section to chapter 15-20.1 of the North Dakota Century Code, relating to an elementary student entrepreneurship grant program; and to provide legislative intent.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Pomeroy; Tallackson

Engrossed HB 1019, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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

MOTION

SEN. BOWMAN MOVED that Engrossed HB 1020 be floor amended as follows, which motion prevailed on a verification vote.

In lieu of the amendments adopted by the Senate as printed on pages 953-957 of the Senate Journal, Engrossed House Bill No. 1020 is amended as follows:

Page 1, line 5, replace "for a study; to authorize hemp seed procurement" with "legislative intent; to provide for a report to the sixty-first legislative assembly"

Page 3, line 7, replace "4,214,956" with "3,914,956"

Page 3, line 8, replace "(207,238)" with "(99,438)"

Page 3, line 9, replace "4,007,718" with "3,815,518"

Page 3, line 11, replace "3,163,685" with "2,971,485"

Page 3, line 19, replace "11,002,726" with "11,142,654"

Page 3, line 20, replace "10,965,630" with "11,072,603"

Page 3, line 21, replace "37,096" with "70,051"

Page 3, line 24, replace "10,276,066" with "11,905,735"

Page 3, line 25, replace "(2,951,489)" with "(1,534,949)"

Page 3, line 26, replace "13,227,555" with "13,440,684"

Page 4, line 2, replace "(155,724)" with "(455,724)"

Page 4, line 3, replace "762,491" with "812,491"

Page 4, line 5, replace "3,364,839" with "3,114,839"

Page 4, line 7, replace "2,767,775" with "2,517,775"

Page 4, line 12, replace "19,478,742" with "19,282,626"

Page 4, line 13, replace "9,972,373" with "11,495,886"

Page 4, line 14, replace "29,451,115" with "30,778,512"

Page 4, line 24, replace "41,757,455" with "41,457,455"

Page 4, line 25, replace "630,000" with "737,800"

Page 4, line 26, replace "42,387,455" with "42,195,255"

Page 4, line 28, replace "18,521,831" with "18,329,631"

Page 5, line 6, replace "27,455,663" with "27,595,591"

Page 5, line 7, replace "26,255,663" with "26,362,636"

Page 5, line 8, replace "1,200,000" with "1,232,955"

Page 5, line 11, replace "85,732,779" with "87,362,448"

Page 5, line 12, replace "41,711,157" with "43,127,697"

Page 5, line 13, replace "44,021,622" with "44,234,751"

Page 5, line 20, replace "3,774,816" with "3,474,816"

Page 5, line 21, replace "3,034,369" with "3,084,369"

Page 5, line 23, replace "24,870,515" with "24,620,515"

Page 5, line 25, replace "11,154,084" with "10,904,084"

Page 5, line 30, replace "76,090,929" with "75,894,813"

Page 6, line 1, replace "108,258,940" with "109,782,453"

Page 6, line 2, replace "184,349,869" with "185,677,266"

Page 7, replace lines 29 through 31 with:

"SECTION 9. LEGISLATIVE INTENT - BEEF RESEARCH FACILITY. It is the intent of the sixtieth legislative assembly that before proceeding with a beef research facility, a documented agreement as to the location of the facility must be provided to the main research center from applicable city and county government officials.

SECTION 10. LEGISLATIVE INTENT - OPERATING POOL FUNDING. It is the intent of the sixtieth legislative assembly that the appropriation from the permanent oil tax trust fund as provided in subdivision 4 of section 3 of this Act is to be available only for providing funding for operations of the Dickinson research center and the amount provided is to be limited to the lesser of \$750,000 or the amount actual oil revenues are less than budgeted for the research center for the biennium beginning July 1, 2007, and ending June 30, 2009.

SECTION 11. LEGISLATIVE INTENT - USE OF LIVESTOCK FACILITIES. It is the intent of the sixtieth legislative assembly that the agricultural experiment station consider options to ensure that the use of the livestock facilities at Dickinson, Hettinger, Carrington, and Streeter are being maximized.

SECTION 12. NATIONAL CATTLEMEN'S BEEF ASSOCIATION FUNDING - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The agricultural experiment station shall provide a report to the sixty-first legislative assembly regarding the funding received during the biennium beginning July 1, 2007, and ending June 30, 2009, from the national cattlemen's beef association."

Page 8, remove lines 1 through 6

Page 8, line 18, replace "\$9,032,750" with "\$8,432,750"

Page 8, remove line 26

Page 8, remove line 31

Page 9, line 3, replace "9,782,750" with "9,182,750"

Page 9, line 5, replace "\$10,107,750" with "\$8,430,834" and replace "\$1,101,000" with "\$1,051,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1020 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Transportation Institute				
Total all funds	\$27,479,547	\$27,455,663	\$139,928	\$27,595,591
Less estimated income	<u>26,255,663</u>	<u>26,255,663</u>	<u>106,973</u>	<u>26,362,636</u>
General fund	\$1,223,884	\$1,200,000	\$32,955	\$1,232,955
Branch research centers				
Total all funds	\$24,374,515	\$24,870,515	(\$250,000)	\$24,620,515
Less estimated income	<u>13,716,431</u>	<u>13,716,431</u>		<u>13,716,431</u>
General fund	\$10,658,084	\$11,154,084	(\$250,000)	\$10,904,084
NDSU Extension Service				
Total all funds	\$41,322,455	\$42,387,455	(\$192,200)	\$42,195,255
Less estimated income	<u>23,865,624</u>	<u>23,865,624</u>		<u>23,865,624</u>
General fund	\$17,456,831	\$18,521,831	(\$192,200)	\$18,329,631
Northern Crops Institute				
Total all funds	\$2,598,111	\$2,673,111	\$0	\$2,673,111
Less estimated income	<u>1,479,719</u>	<u>1,479,719</u>		<u>1,479,719</u>
General fund	\$1,118,392	\$1,193,392	\$0	\$1,193,392
Main Research Station				
Total all funds	\$86,698,779	\$85,732,779	\$1,629,669	\$87,362,448
Less estimated income	<u>41,261,157</u>	<u>41,711,157</u>	<u>1,416,540</u>	<u>43,127,697</u>
General fund	\$45,437,622	\$44,021,622	\$213,129	\$44,234,751
Agronomy Seed Farm				
Total all funds	\$1,230,346	\$1,230,346	\$0	\$1,230,346
Less estimated income	<u>1,230,346</u>	<u>1,230,346</u>		<u>1,230,346</u>
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$183,703,753	\$184,349,869	\$1,327,397	\$185,677,266
Less estimated income	<u>107,808,940</u>	<u>108,258,940</u>	<u>1,523,513</u>	<u>109,782,453</u>
General fund	\$75,894,813	\$76,090,929	(\$196,116)	\$75,894,813

House Bill No. 1020 - Transportation Institute - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Transportation Institute	<u>\$27,479,547</u>	<u>\$27,455,663</u>	<u>\$139,928</u>	<u>\$27,595,591</u>
Total all funds	\$27,479,547	\$27,455,663	\$139,928	\$27,595,591
Less estimated income	<u>26,255,663</u>	<u>26,255,663</u>	<u>106,973</u>	<u>26,362,636</u>
General fund	\$1,223,884	\$1,200,000	\$32,955	\$1,232,955
FTE	43.40	43.40	0.00	43.40

Dept. 627 - Transportation Institute - Detail of Senate Changes

	RESTORES FUNDING FOR OPERATIONS ¹	ADDS FUNDING FOR ADDITIONAL 1 PERCENT SALARY INCREASE ²	TOTAL SENATE CHANGES
Transportation Institute	<u>\$23,000</u>	<u>\$116,928</u>	<u>\$139,928</u>
Total all funds	\$23,000	\$116,928	\$139,928
Less estimated income		<u>106,973</u>	<u>106,973</u>
General fund	\$23,000	\$9,955	\$32,955
FTE	0.00	0.00	0.00

¹ The Senate restored funding for operations of the Upper Great Plains Transportation Institute.

² This amendment provides for the Upper Great Plains Transportation Institute to receive a 5 percent salary increase effective July 1, 2007, and a 5 percent increase effective July 1, 2008.

House Bill No. 1020 - Branch Research Centers - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Dickinson Research Center	\$6,077,229	\$6,077,229		\$6,077,229
Central Grasslands Research Center	2,267,506	2,267,506		2,267,506
Hettinger Research Center	2,441,212	2,441,212		2,441,212
Langdon Research Center	1,697,293	1,697,293		1,697,293
North Central Research Center	3,524,816	3,774,816	(\$300,000)	3,474,816
Williston Research Center	2,884,369	3,034,369	50,000	3,084,369
Carrington Research Center	<u>5,482,090</u>	<u>5,578,090</u>		<u>5,578,090</u>
Total all funds	\$24,374,515	\$24,870,515	(\$250,000)	\$24,620,515

Less estimated income	<u>13,716,431</u>	<u>13,716,431</u>	<u> </u>	<u>13,716,431</u>
General fund	\$10,658,084	\$11,154,084	(\$250,000)	\$10,904,084
FTE	95.26	96.86	0.00	96.85

Dept. 628 - Branch Research Centers - Detail of Senate Changes

	PROVIDES ADDITIONAL FUNDING FOR IRRIGATION RESEARCH POSITION ¹	REMOVES FUNDING FOR EQUIPMENT STORAGE FACILITY ²	TOTAL SENATE CHANGES
Dickinson Research Center			
Central Grasslands			
Research Center			
Hettinger Research Center			
Langdon Research Center			
North Central Research Center		(\$300,000)	(\$300,000)
Williston Research Center	\$50,000		50,000
Carrington Research Center			
Total all funds	<u>\$50,000</u>	<u>(\$300,000)</u>	<u>(\$250,000)</u>
Less estimated income	<u> </u>	<u> </u>	<u> </u>
General fund	\$50,000	(\$300,000)	(\$250,000)
FTE	0.00	0.00	0.00

¹ The Senate provided an additional \$50,000 for costs associated with an irrigation research position at the Williston Research Center which was added by the House. This amendment provides additional funding for salaries and operating costs needed for the position.

² The Senate removed funding added by the House for an equipment storage and maintenance shop facility at the North Central Research Center.

House Bill No. 1020 - NDSU Extension Service - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Extension Service	\$40,692,455	\$41,757,455	(\$300,000)	\$41,457,455
Soil Conservation Committee	<u>630,000</u>	<u>630,000</u>	<u>107,800</u>	<u>737,800</u>
Total all funds	\$41,322,455	\$42,387,455	(\$192,200)	\$42,195,255
Less estimated income	<u>23,865,624</u>	<u>23,865,624</u>	<u> </u>	<u>23,865,624</u>
General fund	\$17,456,831	\$18,521,831	(\$192,200)	\$18,329,631
FTE	257.86	260.46	0.00	260.46

Dept. 630 - NDSU Extension Service - Detail of Senate Changes

	ADDS FUNDING FOR SOIL CONSERVATION GRANTS ¹	ADDS FUNDING FOR SMITHSONIAN SOIL EXHIBIT ²	REMOVES FUNDING FOR PARENTING RESOURCE CENTERS ³	TOTAL SENATE CHANGES
Extension Service			(\$300,000)	(\$300,000)
Soil Conservation Committee	<u>\$100,000</u>	<u>\$7,800</u>	<u> </u>	<u>107,800</u>
Total all funds	<u>\$100,000</u>	<u>\$7,800</u>	<u>(\$300,000)</u>	<u>(\$192,200)</u>
Less estimated income	<u> </u>	<u> </u>	<u> </u>	<u> </u>
General fund	\$100,000	\$7,800	(\$300,000)	(\$192,200)
FTE	0.00	0.00	0.00	0.00

¹ The Senate added \$100,000 for soil conservation grants.

² The Senate added \$7,800 for costs relating to the Smithsonian soil exhibit.

³ The Senate removed funding added by the House for statewide parenting resource centers.

House Bill No. 1020 - Northern Crops Institute - Senate Action

The Senate did not change the House version.

House Bill No. 1020 - Main Research Station - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Main Research Station	<u>\$86,698,779</u>	<u>\$85,732,779</u>	<u>\$1,629,669</u>	<u>\$87,362,448</u>

Total all funds	\$86,698,779	\$85,732,779	\$1,629,669	\$87,362,448
Less estimated income	<u>41,261,157</u>	<u>41,711,157</u>	<u>1,416,540</u>	<u>43,127,697</u>
General fund	\$45,437,622	\$44,021,622	\$213,129	\$44,234,751
FTE	348.08	348.88	0.00	348.88

Dept. 640 - Main Research Station - Detail of Senate Changes

	REMOVES FUNDING FOR INDUSTRIAL HEMP RESEARCH ¹	ADDS FUNDING FOR ADDITIONAL 1 PERCENT SALARY INCREASE ²	ADDS FUNDING FOR A STUDY ³	ADDS AUTHORITY FOR BEEF RESEARCH FACILITY ⁴	TOTAL SENATE CHANGES
Main Research Station	<u>(\$300,000)</u>	<u>\$829,669</u>	<u>\$100,000</u>	<u>\$1,000,000</u>	<u>\$1,629,669</u>
Total all funds	(\$300,000)	\$829,669	\$100,000	\$1,000,000	\$1,629,669
Less estimated income	_____	<u>416,540</u>	_____	<u>1,000,000</u>	<u>1,416,540</u>
General fund	(\$300,000)	\$413,129	\$100,000	\$0	\$213,129
FTE	0.00	0.00	0.00	0.00	0.00

¹ The Senate removed funding added by the House for conducting industrial hemp research at the Main Research Center and removed Sections 9 and 10 of Engrossed House Bill No. 1020 relating to a hemp procurement study and authorization.

² This amendment provides for agriculture research and extension agencies to receive a 5 percent salary increase effective July 1, 2007, and a 5 percent increase effective July 1, 2008. The Main Research Center will allocate the funding between the Main Research Center, branch research centers, North Dakota State University Extension Service, Northern Crops Institute, and Agronomy Seed Farm.

³ This amendment adds funding for a study and development of plans for the Agricultural Research Center.

⁴ This amendment provides spending authority for a beef research facility.

The Senate added a section of intent providing that if the Main Research Center proceeds with a beef research center in Fargo, appropriate city and county officials agree to the location of the facility.

The Senate provided that the operating pool of \$750,000 from the permanent oil tax trust fund be used for operating costs at the Dickinson Research Center and be limited to the amount oil revenues are less than budgeted for the biennium.

The Senate added a section of intent that the livestock facilities at Dickinson, Hettinger, Carrington, and Streeter be examined to ensure the use of the facilities are being maximized.

The Senate provided for the Agricultural Experiment Station to provide a report to the 61st Legislative Assembly regarding funding received from the National Cattlemen's Beef Association.

House Bill No. 1020 - Agronomy Seed Farm - Senate Action

The Senate did not change the House version.

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

ROLL CALL

The question being on the final passage of the further 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; 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; Robinson; Seymour; Stenehjelm; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Potter

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1020, as further amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1021: A BILL for an Act to provide an appropriation for defraying the expenses of the information technology department; to create and enact a new section to chapter 15.1-02, a new section to chapter 23-01, and a new section to chapter 54-59 of the North Dakota Century Code, relating to the superintendent of public instruction, creation of a health information technology steering committee, and the borrowing authority of the information technology department; and to declare an emergency.

ROLL CALL

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

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; 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

NAYS: Cook

Engrossed HB 1021, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1044: A BILL for an Act to amend and reenact section 57-51-15 of the North Dakota Century Code, relating to allocation of oil and gas gross production tax revenues; to provide for application; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Bowman; Christmann; 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; Robinson; Seymour; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Behm; Cook; Potter

ABSENT AND NOT VOTING: Stenehjem

Engrossed HB 1044, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the further amended bill, which has been read, and has committee recommendation of DO PASS, 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; 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

ABSENT AND NOT VOTING: Stenehjem

HB 1330, as further amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1351: A BILL for an Act to amend and reenact section 50-24.1-07 of the North Dakota Century Code, relating to claims against medical assistance recipients' estates.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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

ABSENT AND NOT VOTING: Stenehjem

Engrossed HB 1351, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1359: A BILL for an Act to create and enact a new section to chapter 39-21 of the North Dakota Century Code, relating to rear-end protection of trucks; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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

HB 1359, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1360: A BILL for an Act to amend and reenact section 60-10-02 of the North Dakota Century Code, relating to investment of the credit-sale contract indemnity fund; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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

HB 1360 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1392: A BILL for an Act to amend and reenact subsection 2 of section 58-03-14 of the North Dakota Century Code, relating to the penalty for violation of zoning regulations in townships.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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

HB 1392, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1395: A BILL for an Act to provide financial assistance to tribally controlled community colleges; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 36 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Heckaman; Heitkamp; Horne; Klein; Krauter; Lee, G.; Lindaas; Lyson; Marcellais; Mathern; Nelson; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Bowman; Christmann; Cook; Dever; Grindberg; Hacker; Holmberg; Kilzer; Krebsbach; Lee, J.; Nething

Reengrossed HB 1395, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1403: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an individual and corporate income tax credit for operation of a microbusiness; and to provide an effective date.

ROLL CALL

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

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; 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

NAYS: Cook

Engrossed HB 1403, as further amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1404: A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to creating a legislative council medical assistance committee; to provide a continuing appropriation; to provide an appropriation; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 45 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Holmberg; O'Connell

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

Engrossed HB 1404, as amended, lost.

SECOND READING OF HOUSE BILL

HB 1433: A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to diabetes treatment management services for state employees and their families; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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

Engrossed HB 1433, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1434: A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to a state department of health viral hepatitis education and vaccination program; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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 HB 1434 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1435: A BILL for an Act to provide an appropriation; and to provide for a report to the legislative council.

ROLL CALL

The question being on the final passage of the further amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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 HB 1435, as further amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1446: A BILL for an Act to amend and reenact section 57-17-06 of the North Dakota Century Code, relating to the amount of an excess levy that may be approved for townships; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 36 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Fiebiger; Fischer; Flakoll; 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; Triplett; Wardner; Warner

NAYS: Christmann; Cook; Dever; Erbele; Freborg; Grindberg; Hacker; Stenehjerm; Tollefson; Urlacher; Wanzek

Engrossed HB 1446 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1463: A BILL for an Act to amend and reenact subsection 3 of section 50-24.1-02.6 and section 50-29-04 of the North Dakota Century Code, relating to medical assistance eligibility for minors and eligibility under the state children's health insurance program; to provide a contingent appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, 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

Engrossed HB 1463, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1465: A BILL for an Act to create and enact a new subsection to section 39-01-01 of the North Dakota Century Code, relating to the definition of motor-powered recreational vehicles; and to amend and reenact sections 39-22-05.1, 39-22.3-01, 39-22.3-02, 39-22.3-03, 39-22.3-04, 39-22.3-05, 39-22.3-06, 39-22.3-07, 39-22.3-08, 39-22.3-09, and 39-22.3-10 of the North Dakota Century Code, relating to deposit of dealer enforcement funds and the licensing of motor-powered recreational vehicle dealers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Marcellais; Mathern; Nelson; Nething; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Wanzek; Wardner; Warner

NAYS: Christmann; Cook; Dever; Hacker; Klein; Lyson; O'Connell; Oehlke; Urlacher

HB 1465, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1474: A BILL for an Act to create and enact a new section to chapter 57-15, a new subsection to section 57-15-06.7, and a new subsection to section 57-15-10 of the North Dakota Century Code, relating to a county or city property tax levy for support of services of nonprofit organizations eligible for grants from the domestic violence and sexual assault prevention fund; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 21 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Fiebiger; Fischer; Flakoll; Heitkamp; Horne; Krauter; Lee, J.; Lindaas; Marcellais; Mathern; Nelson; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Warner

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lyson; Nething; O'Connell; Oehlke; Olafson; Stenehjerm; Tollefson; Triplett; Urlacher; Wanzek; Wardner

HB 1474 lost.

SECOND READING OF HOUSE BILL

HB 1483: A BILL for an Act to amend and reenact section 54-44.4-07 of the North Dakota Century Code, relating to procurement of environmentally preferable products; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 27 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Erbele; Fiebiger; Heckaman; Heitkamp; Holmberg; Horne; Klein; Krauter; Lindaas; Lyson; Marcellais; Mathern; Nelson; O'Connell; Olafson; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Wanzek; Warner

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Fischer; Flakoll; Freborg; Grindberg; Hacker; Kilzer; Krebsbach; Lee, G.; Lee, J.; Nething; Oehlke; Stenehjerm; Tollefson; Urlacher; Wardner

Reengrossed HB 1483 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1019, HB 1044, HB 1351, HB 1359, HB 1392, HB 1395, HB 1403, HB 1433, HB 1435, HB 1463, HB 1465.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1360, HB 1434, HB 1446, HB 1483.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1021, HB 1330.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently failed: HB 1404.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has failed to pass: HB 1474.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2021.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2021

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

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

Page 1, remove lines 19 through 23

Page 2, remove lines 1 through 3

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

Page 2, after line 12, insert:

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

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

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2021 - Summary of House Action

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

Senate Bill No. 2021 - Labor Commissioner - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages		\$966,399	(\$966,399)	
Operating expenses		<u>105,920</u>	<u>(105,920)</u>	

Total all funds	\$0	\$1,072,319	(\$1,072,319)	\$0
Less estimated income		<u>1,072,319</u>	<u>(1,072,319)</u>	
General fund	\$0	\$0	\$0	\$0
FTE	0.00	5.00	(5.00)	0.00

Dept. 406 - Labor Commissioner - Detail of House Changes

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

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

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

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

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

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

This amendment also:

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

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1056, HB 1060, HB 1129, HB 1136, HB 1138, HB 1147, HB 1227, HB 1241, and HB 1472.

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1134, HB 1155, HB 1160, HB 1195, HB 1229, HB 1258, HB 1282, HB 1293, HB 1295, HB 1304, HB 1312, and HB 1315.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1002, HB 1125, and HB 1372 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1002: Reps. Carlisle; Thoreson; Kroeber

HB 1125: Reps. Hawken; Martinson; Guleson

HB 1372: Reps. Haas; Karls; Hanson

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

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

SB 2002: Reps. Thoreson; Carlisle; Williams

SB 2004: Reps. Skarphol; Kempenich; Glassheim

SB 2005: Reps. Skarphol; Thoreson; Glassheim

SB 2008: Reps. Kempenich; Thoreson; Kroeber

SB 2010: Reps. Carlisle; Carlson; Williams

SB 2100: Reps. Hatlestad; Porter; Schneider

SB 2323: Reps. D. Johnson; Klein; Mueller

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2402.

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

MR. SPEAKER: The President has signed: SCR 4026, SCR 4034, SCR 4035.

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

MR. SPEAKER: The President has signed: HB 1171, HB 1279, HB 1332, HB 1375, HCR 3045, HCR 3065.

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

MR. SPEAKER: The President has signed: SB 2066, SB 2077, SB 2081, SB 2134, SB 2195, SB 2196, SB 2210, SB 2214, SB 2217, SB 2234, SB 2241, SB 2255, SB 2266, SB 2350, SB 2415.

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

MR. PRESIDENT: The Speaker has signed: HB 1216, HB 1217.

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

MR. PRESIDENT: Your signature is respectfully requested on: HCR 3016, HCR 3049, HCR 3059.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 3, 2007: SB 2066, SB 2077, SB 2081, SB 2134, SB 2195, SB 2196, SB 2210, SB 2214, SB 2217, SB 2234, SB 2241, SB 2255, SB 2266, SB 2350, SB 2415.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on April 3, 2007: SCR 4026, SCR 4034, SCR 4035.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 4:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Dalrymple presiding.

SECOND READING OF HOUSE BILL

HB 1487: A BILL for an Act to create and enact a new section to chapter 15-62.2 of the North Dakota Century Code, relating to a financial assistance grant program; to amend and reenact section 15-62.1-03 of the North Dakota Century Code, relating to rates of interest for student loans; and to provide an appropriation.

MOTION

SEN. TAYLOR MOVED that Reengrossed HB 1487, as amended, be further amended as follows, which motion prevailed on a voice vote.

In lieu of the amendments adopted by the Senate as printed on page 763 of the Senate Journal, Reengrossed House Bill No. 1487 is amended as follows:

Page 1, line 1, replace "a low-interest student loan" with "and enact a new section to chapter 15-62.2 of the North Dakota Century Code, relating to a financial assistance grant"

Page 1, line 3, replace "a transfer; to provide a continuing" with "an"

Page 1, replace lines 17 through 24 with:

"SECTION 2. A new section to chapter 15-62.2 of the North Dakota Century Code is created and enacted as follows

Financial assistance - Students enrolled in two-year institutions. The state board of higher education shall administer a program for the purpose of providing grants to resident students attending two-year institutions of higher education under the control of the state board of higher education. Grants available under this section may be in any amount up to one thousand dollars per year and are payable to resident students who demonstrate financial need.

SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$3,000,000, or so much of the sum as may be necessary, to the state board of higher education for the purpose of providing grants to resident students attending certain two-year institutions of higher education, for the biennium beginning July 1, 2007, and ending June 30, 2009. The state board of higher education may distribute no more than \$1,500,000 in grants under section 2 during each year of the biennium."

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 3

Renumber accordingly

REQUEST

SEN. GRINDBERG REQUESTED that Reengrossed SB 1487, as further amended, be divided.

MOTION

SEN. CHRISTMANN MOVED that Reengrossed HB 1487, as amended, be laid over one legislative day so that the correct version of the bill is available, which motion prevailed.

Reengrossed SB 1487, as further amended, was placed on the Fourteenth order.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do concur in the House amendments to Engrossed SB 2268 as printed on SJ pages 1041-1043, which motion prevailed on a voice vote.

Engrossed SB 2268, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2268: A BILL for an Act to create and enact chapter 26.1-33.3 of the North Dakota Century Code, relating to viatical settlement contracts; to amend and reenact subdivision a of subsection 21 of section 10-04-02 of the North Dakota Century Code, relating to the definition of viatical settlement contract; to repeal chapter 26.1-33.2 of the North Dakota Century Code, relating to viatical settlement contracts; 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; 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; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

Reengrossed SB 2268 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do concur in the House amendments to SB 2310 as printed on SJ page 984, which motion prevailed on a voice vote.

SB 2310, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2310: A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to legislative authority to accept and expend donations; to provide a continuing appropriation; and to declare an emergency.

ROLL CALL

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

YEAS: Anderson; 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

ABSENT AND NOT VOTING: Andrist

Engrossed SB 2310 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to Engrossed SB 2336 as printed on SJ page 1043, which motion prevailed on a voice vote.

Engrossed SB 2336, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2336: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 14-09-09.7 and a new subsection to section 14-09-09.7 of the North Dakota Century Code, relating to liability for children's health insurance coverage or other medical support; to amend and reenact section 14-09-08.10, subsection 3 of section 14-09-08.11, section 14-09-08.15, and subsection 3 of section 14-09-09.10 of the North Dakota Century Code, relating to liability for children's health insurance coverage or other medical support; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; 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

ABSENT AND NOT VOTING: Andrist

Reengrossed SB 2336 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FLAKOLL MOVED that the Senate do concur in the House amendments to SB 2338 as printed on SJ page 1071, which motion prevailed on a voice vote.

SB 2338, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2338: A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to the state board of animal health; to provide an appropriation; and to declare an emergency.

ROLL CALL

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

YEAS: Anderson; 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; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

Engrossed SB 2338 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to Engrossed SB 2129 as printed on SJ page 1112, which motion prevailed on a voice vote.

Engrossed SB 2129, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

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

ROLL CALL

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

YEAS: Anderson; 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; Stenehjelm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

Reengrossed SB 2129 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. URLACHER MOVED that the Senate do concur in the House amendments to Engrossed SB 2397 as printed on SJ page 1138, which motion prevailed on a voice vote.

Engrossed SB 2397, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2397: A BILL for an Act to create and enact a new subsection to section 57-51.1-03 of the North Dakota Century Code, relating to an oil extraction tax rate reduction for oil produced from new horizontal wells drilled and completed in the Bakken formation; 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 35 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Marcellais; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Seymour; Stenehjem; Tallackson; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Behm; Fiebiger; Heckaman; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Potter; Robinson; Taylor

ABSENT AND NOT VOTING: Andrist

Reengrossed SB 2397 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1020.

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 2129, SB 2268, SB 2310, SB 2336, SB 2338, and SB 2397.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2276.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2276

Page 1, line 6, replace the first underscored comma with "and" and remove the second underscored comma

Page 1, line 7, remove "suicide, and pregnancy"

Page 1, line 13, replace "\$440,000" with "\$100,000"

Renumber accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2276

In addition to the amendments adopted by the House as printed on page 1075 of the House Journal, Reengrossed Senate Bill No. 2276 is further amended as follows:

Page 1, line 10, after the underscored period insert "Funding appropriated for the purpose of this section may not be used for costs associated with an initiated measure."

Renumber accordingly

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1362, HB 1421, HB 1432, HB 1482, HB 1492, HB 1501, HB 1503, HCR 3003, HCR 3021, and HCR 3028.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1088, HB 1157, HB 1422.

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

MR. PRESIDENT: The House has adopted the conference committee report on: HB 1348.

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

MR. PRESIDENT: The Speaker has signed: SB 2001, SB 2006, SB 2007, SB 2135, SB 2163, SB 2183, SB 2205, SB 2224, SB 2232, SB 2238, SB 2248, SB 2402.

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, Seventh, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Wednesday, April 4, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1311, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1311 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 20.1-03-01.2, 20.1-03-01.3, and"

Page 1, line 2, after "to" insert "hunter safety education requirements and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 20.1-03-01.2 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-01.2. Instruction required before issuance of hunting license - Age limits - Penalty. ~~No person~~ An individual born after December 31, 1961, except as provided in section 20.1-03-01.3, may not be issued ~~any~~ a hunting license in this state unless that ~~person~~ individual submits or exhibits the certificate of completion earned by that ~~person~~ individual for successful completion of the hunter safety education course of instruction required by sections 20.1-03-01.1 through 20.1-03-01.3 or the ~~person~~ individual submits or exhibits a prior North Dakota hunting license issued to that ~~person~~ individual with that ~~person's~~ individual's hunter education certificate number on the license. A certificate of completion issued by ~~any other~~ another state or province of Canada is valid for all purposes. ~~Any person~~ An individual who purchases a hunting license without successfully completing ~~the~~ a hunter safety education course of instruction required by sections 20.1-03-01.1 through 20.1-03-01.3 is guilty of a class 2 noncriminal offense.

SECTION 2. AMENDMENT. Section 20.1-03-01.3 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-01.3. Exemptions Exemption. Sections 20.1-03-01.1 through 20.1-03-01.3 do not apply to:

- 1- ~~Persons under twelve years of age who hunt only with their parent or legal guardian.~~
- 2- ~~Persons~~ individuals who hunt exclusively on land of which they are the record title owner or operator."

Page 1, line 12, after "under" insert ", who have completed a certified state or provincial hunter safety education course,"

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2037, as engrossed: Your conference committee (Sens. Nething, Lyson, Marcellais and Reps. Kasper, Ruby, Thorpe) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 983, adopt amendments as follows, and place SB 2037 on the Seventh order:

That the House recede from its amendments as printed on page 983 of the Senate Journal and page 1002 of the House Journal and that Engrossed Senate Bill No. 2037 be amended as follows:

Page 2, line 12, remove ", legislative," and overstrike "or judicial"

Page 3, line 7, remove ", legislative, or judicial"

Page 5, line 1, remove the second underscored comma

Page 5, line 2, remove "legislative, or judicial"

Page 5, line 7, remove ", legislative, or judicial"

Renumber accordingly

Engrossed SB 2037 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2125, as engrossed: Your conference committee (Sens. Klein, Hacker, Heitkamp and Reps. Dietrich, Clark, Zaiser) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 826, adopt further amendments as follows, and place SB 2125 on the Seventh order:

That the Senate accede to the House amendments as printed on page 826 of the Senate Journal and pages 911 and 912 of the House Journal and that Engrossed Senate Bill No. 2125 be further amended as follows:

Page 4, line 6, after "~~property~~" insert ". The board's requirements may not exceed the appraisal foundation qualification criteria. The board shall review periodically the appraisal foundation appraisal qualification criteria to ensure the board's rules do not exceed the appraisal qualification criteria"

Page 4, line 9, after the underscored period insert "The board's requirements may not exceed the appraisal foundation qualification criteria. The board shall review periodically the appraisal foundation appraisal qualification criteria to ensure the board's rules do not exceed the appraisal qualification criteria."

Renumber accordingly

Engrossed SB 2125 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2154, as engrossed: Your conference committee (Sens. Klein, Wanzek, Heitkamp and Reps. Dosch, Kasper, Thorpe) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 883 and place SB 2154 on the Seventh order.

Engrossed SB 2154 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2204: Your conference committee (Sens. Lyson, Olafson, Fiebiger and Reps. Boehning, Kingsbury, Griffin) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 796, adopt amendments as follows, and place SB 2204 on the Seventh order:

That the House recede from its amendments as printed on page 796 of the Senate Journal and pages 878 and 879 of the House Journal and that Senate Bill No. 2204 be amended as follows:

Page 2, line 13, replace "called 911" with "contacted law enforcement or emergency medical services"

Page 2, line 15, replace "or" with an underscored comma

Page 2, line 17, after "scene" insert ", or was the individual in need of medical assistance"

Page 2, line 28, replace "called 911" with "contacted law enforcement or emergency medical services"

Page 2, line 30, replace "or" with an underscored comma

Page 3, line 1, after "scene" insert ", or was the individual in need of medical assistance"

Page 3, line 9, replace "the police" with "law enforcement"

Page 4, line 26, replace "the police" with "law enforcement"

Page 5, line 16, replace "the police" with "law enforcement"

Renumber accordingly

SB 2204 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2277, as engrossed: Your conference committee (Sens. Erbele, Wanzek, Heckaman and Reps. Wall, Vig, Heller) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 851-852 and place SB 2277 on the Seventh order.

Engrossed SB 2277 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2411: Your conference committee (Sens. Hacker, Andrist, Behm and Reps. Clark, Dietrich, Thorpe) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 759, adopt amendments as follows, and place SB 2411 on the Seventh order:

That the House recede from its amendments as printed on page 759 of the Senate Journal and page 863 of the House Journal and that Senate Bill No. 2411 be amended as follows:

Page 2, line 2, after the underscored period insert "A hobby boiler operating license issued under this section is valid for six years."

Page 2, line 11, remove "conditional"

Page 2, line 12, after the underscored period insert "An individual who is not a resident of this state and who holds a boiler operator license or credential in another state or Canadian province is exempt from licensure as a hobby boiler operator in this state."

Renumber accordingly

SB 2411 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1088, as engrossed: Your conference committee (Sens. Hacker, Andrist, Potter and Reps. Dosch, Dietrich, Amerman) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 858 and place HB 1088 on the Seventh order.

Engrossed HB 1088 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1157, as engrossed: Your conference committee (Sens. Olafson, Hacker, Warner and Reps. N. Johnson, Griffin, Hatlestad) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 0948-0948 and place HB 1157 on the Seventh order.

Engrossed HB 1157 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1348, as engrossed: Your conference committee (Sens. Cook, Tollefson, Anderson and Reps. Headland, Froseth, Froelich) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1109-1112 and place HB 1348 on the Seventh order.

Engrossed HB 1348 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1422: Your conference committee (Sens. J. Lee, Dever, Warner and Reps. Weisz, Hofstad, Potter) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1068-1070 and place HB 1422 on the Seventh order.

HB 1422 was placed on the Seventh order of business on the calendar.

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

William R. Horton, Secretary