

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

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Bismarck, April 5, 2007

The Senate convened at 8:30 a.m., with President Dalrymple presiding.

The prayer was offered by Pastor Jeff Olson, Bible Baptist Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

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 1004, Engrossed HB 1007, Engrossed HB 1016, Engrossed HB 1018, and Engrossed HB 1021, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1004: Sens. Kilzer, Holmberg, Mathern

Engrossed HB 1007: Sens. Kilzer, Bowman, Mathern

Engrossed HB 1016: Sens. Grindberg, Holmberg, Robinson

Engrossed HB 1018: Sens. Grindberg, Holmberg, Robinson

Engrossed HB 1021: Sens. Christmann, Fischer, Robinson

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2200 as printed on SJ pages 1154-1183 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 2200: Sens. Freborg, Flakoll, Taylor.

SECOND READING OF HOUSE BILL

HB 1457: A BILL for an Act to amend and reenact section 57-51.1-07.2 of the North Dakota Century Code, relating to the balance of the permanent oil tax trust 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 NOT PASS, the roll was called and there were 17 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Bowman; Cook; Heckaman; Heitkamp; Krauter; Lindaas; Marcellais; Nelson; Nothing; O'Connell; Pomeroy; Taylor; Wanzek; Warner

NAYS: Andrist; Christmann; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Mathern; Oehlke; Olafson; Potter; Robinson; Seymour; Stenehjem; Tallackson; Tollefson; Triplett; Urlacher; Wardner

Engrossed HB 1457 lost.

MOTION

SEN. CHRISTMANN MOVED that Reengrossed HB 1487, as amended, be placed at the top of the Fourteenth order, which motion prevailed.

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; to provide an appropriation; and to declare an emergency.

REQUEST

SEN. GRINDBERG REQUESTED that the Senate divide Reengrossed HB 1487, as amended, which request was granted on a voice vote.

DIVISION A: Sections 1 and 4 of the bill.

DIVISION B: Sections 2 and 3 of the bill.

ANNOUNCEMENT

PRESIDENT DALRYMPLE ANNOUNCED that Senate rules require a recorded roll call vote on Divisions A and B of Reengrossed HB 1487, as amended.

ROLL CALL

The question being on the adoption of Division A of Reengrossed HB 1487, as amended, 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

Division A of Reengrossed HB 1487, as amended, passed.

ROLL CALL

The question being on the adoption of Division B of Reengrossed HB 1487, as amended, the roll was called and there were 28 YEAS, 19 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Erbele; Fiebiger; Flakoll; Freborg; Hacker; Heckaman; Heitkamp; Horne; Klein; Krauter; Lee, G.; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Warner

NAYS: Bowman; Christmann; Cook; Dever; Fischer; Grindberg; Holmberg; Kilzer; Krebsbach; Lee, J.; Lyson; Nething; Oehlke; Olafson; Stenehjerm; Tollefson; Urlacher; Wanzek; Wardner

Division B of Reengrossed HB 1487, as amended, passed.

ROLL CALL

The question being on the final passage of the amended bill, which includes Divisions A and B, 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 HB 1487, 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 1487.

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

MR. SPEAKER: The Senate has failed to pass: HB 1457.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2200 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2200: Sens. Freborg; Flakoll; Taylor

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 1004: Sens. Kilzer; Holmberg; Mathern

HB 1007: Sens. Kilzer; Bowman; Mathern

HB 1016: Sens. Grindberg; Holmberg; Robinson

HB 1018: Sens. Grindberg; Holmberg; Robinson

HB 1021: Sens. Christmann; Fischer; Robinson

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

MR. PRESIDENT: The House has adopted the conference committee reports and subsequently passed: HB 1092, HB 1219, and HB 1513.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2406.

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

MR. PRESIDENT: The House has adopted the conference committee reports: SB 2222, SB 2251, and SB 2389.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2062.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2070, SCR 4016, SCR 4022, SCR 4030, SCR 4032.

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

MR. SPEAKER: The President has signed: SB 2055, SB 2067, SB 2101, SB 2105, SB 2135, SB 2163, SB 2171, SB 2183, SB 2232, SB 2238, SB 2248.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1362, HB 1421, HB 1432, HB 1482, HB 1492, HB 1501, HB 1503, HCR 3003, HCR 3021, HCR 3028.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1218, HB 1309, HB 1322, HB 1340, HB 1344, HB 1392, HB 1429, HB 1461, HB 1465, HB 1499, HCR 3046.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 5, 2007: SB 2055, SB 2067, SB 2101, SB 2105, SB 2135, SB 2163, SB 2171, SB 2183, SB 2232, SB 2238, SB 2248.

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.

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 1029 and Engrossed HB 1403, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1029: Sens. Cook, Oehlke, Horne

Engrossed HB 1403: Sens. Tollefson, Urlacher, Triplett

MOTION

SEN. CHRISTMANN MOVED that Engrossed HB 1049, as amended, and Engrossed HB 1243, as amended, be placed at the top of the Fourteenth order, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1049: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for sales of natural gas and other fuels for heating purposes; to amend and reenact subsection 1 of section 57-39.2-02.1, section 57-39.2-03.6, subsection 44 of section 57-39.2-04, and section 57-43.2-02.3 of the North Dakota Century Code, relating to a sales and use tax rate reduction and exemption for coal sold for use as heating fuel and a special fuels tax rate reduction and exemption for sales of natural gas and for special fuels sold for use as heating fuel; to repeal section 57-39.2-03.6 of the North Dakota Century Code, relating to the imposition and rate of sales and use taxes on sales of natural gas; and to provide an effective date.

MOTION

SEN. COOK MOVED that Engrossed HB 1049, as amended, be further amended as follows, which motion prevailed on a voice vote.

That the amendments to Engrossed House Bill No. 1049 as printed on pages 925 and 926 of the Senate Journal be amended as follows:

Page 925 of the Senate Journal, remove line 51

Page 926 of the Senate Journal, line 7, remove "**and coal**"

Page 926 of the Senate Journal, line 12, remove ". Notwithstanding any other provisions of this chapter, the rate of"

Page 926 of the Senate Journal, remove line 13

Page 926 of the Senate Journal, line 14, remove "retail of coal that is exempt from the coal severance tax is two percent"

Renumber accordingly

HB 1049: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for sales of natural gas and other fuels for heating purposes; to amend and reenact subsection 1 of section 57-39.2-02.1, section 57-39.2-03.6, subsection 44 of section 57-39.2-04, and section 57-43.2-02.3 of the North Dakota Century Code, relating to a sales and use tax exemption for coal sold for use as heating fuel and a special fuels tax rate reduction and exemption for sales of natural gas and for special fuels sold for use as heating fuel; to repeal section 57-39.2-03.6 of the North Dakota Century Code, relating to the imposition and rate of sales and use taxes on sales of natural gas; and to provide an effective date.

ROLL CALL

The question being on the final passage of the further 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; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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: Lindaas

Engrossed HB 1049, as further amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1243: A BILL for an Act to amend and reenact section 16.1-10-04 of the North Dakota Century Code, relating to publication of false information in political advertisements; and to provide a penalty.

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 34 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lyson; Mathern; Nething; Oehlke; Olafson; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Urlacher; Wanzek; Wardner; Warner

NAYS: Anderson; Bakke; Behm; Fiebiger; Heitkamp; Horne; Marcellais; Nelson; O'Connell; Pomeroy; Potter; Triplett

ABSENT AND NOT VOTING: Lindaas

Engrossed HB 1243, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. OLAFSON MOVED that the conference committee report on SB 2236 as printed on SJ pages 1148-1149 be adopted, which motion prevailed on a voice vote.

SB 2236, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2236: A BILL for an Act to amend and reenact sections 40-09-03 and 40-21-07 of the North Dakota Century Code, relating to municipal elections.

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; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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: Lindaas

Engrossed SB 2236 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. NETHING MOVED that the conference committee report on Engrossed SB 2037 as printed on SJ pages 1248-1249 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2037, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2037: A BILL for an Act to amend and reenact subdivision h of subsection 2 of section 12-60-24 and sections 54-35-15.2, 54-59-05, 54-59-11, 54-59-19, 54-59-20, and 54-59-21 of the North Dakota Century Code, relating to criminal history record checks, powers and duties of the information technology committee and the information technology department, information technology plans, the information technology department annual report, and access to the criminal justice information sharing 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; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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: Lindaas

Reengrossed SB 2037 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KLEIN MOVED that the conference committee report on Engrossed SB 2125 as printed on SJ page 1248 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2125, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2125: A BILL for an Act to amend and reenact section 43-23.3-01, subsection 1 of section 43-23.3-03, sections 43-23.3-04, 43-23.3-06, 43-23.3-07, 43-23.3-08, and 43-23.3-09, subsection 1 of section 43-23.3-11, sections 43-23.3-13, 43-23.3-14, 43-23.3-15, 43-23.3-16, 43-23.3-17, and 43-23.3-18, subsection 2 of section 43-23.3-22, and section 43-23.3-23 of the North Dakota Century Code, relating to real estate appraisers and the practice of real estate appraisal.

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; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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: Lindaas; Stenehjerm

Reengrossed SB 2125 passed and the title was agreed to.

MOTION

SEN. LYSON MOVED that SB 2204 be moved to the bottom of the Seventh order, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ERBELE MOVED that the conference committee report on Engrossed SB 2277 as printed on SJ page 1250 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2277, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2277: A BILL for an Act to amend and reenact sections 28-23-01, 28-23-02, 28-23-04, 28-23-05, 28-23-06, 28-23-07, 28-23-09, 28-23-11, 28-23-12, 28-23-13, and 28-23-14 of the North Dakota Century Code, relating to sales under execution.

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; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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: Lindaas

Reengrossed SB 2277 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. HACKER MOVED that the conference committee report on SB 2411 as printed on SJ page 1250 be adopted, which motion prevailed on a voice vote.

SB 2411, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2411: A BILL for an Act to amend and reenact sections 26.1-22.1-09 and 26.1-22.1-14 of the North Dakota Century Code, relating to hobby boiler operator licensing and fees.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 2 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.; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Olafson; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Oehlke; Stenehjem

ABSENT AND NOT VOTING: Lindaas

Engrossed SB 2411 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ANDRIST MOVED that the conference committee report on SB 2111 as printed on SJ page 1148 be adopted, which motion prevailed on a voice vote.

SB 2111, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2111: A BILL for an Act to amend and reenact section 39-22-17 of the North Dakota Century Code, relating to motor vehicle dealer plates.

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; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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: Lindaas

Engrossed SB 2111 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LYSON MOVED that the conference committee report on SB 2274 as printed on SJ page 1266 be adopted, which motion prevailed on a voice vote.

SB 2274, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2274: A BILL for an Act to amend and reenact sections 32-09.1-07, 32-09.1-09, 32-09.1-14, and 32-09.1-15 of the North Dakota Century Code, relating to garnishment proceedings.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 2 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.; Lyson; Marcellais; Nelson; Nething;

O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Mathern; Potter

ABSENT AND NOT VOTING: Lindaas

Engrossed SB 2274 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. WANZEK MOVED that the conference committee report on Engrossed SB 2247 as printed on SJ page 1266 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2247, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2247: A BILL for an Act to create and enact a new section to chapter 60-02.1 and a new section to chapter 60-10 of the North Dakota Century Code, relating to licensure and bonding exemptions for roving grain buyers; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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.; 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: Lindaas

Reengrossed SB 2247 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. TOLLEFSON MOVED that the conference committee report on SCR 4001 as printed on SJ pages 1266-1267 be adopted.

REQUEST

SEN. FLAKOLL REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on SCR 4001, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on SCR 4001, the roll was called and there were 33 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lyson; Marcellais; Nething; Oehlke; Olafson; Seymour; Stenehjerm; Tallackson; Tollefson; Urlacher; Wanzek; Wardner; Warner

NAYS: Anderson; Bakke; Fiebiger; Heckaman; Horne; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Taylor; Triplett

ABSENT AND NOT VOTING: Lindaas

The conference committee report on SCR 4001 was adopted.

SCR 4001, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4001: A concurrent resolution urging the President and Congress to make the entire nation available for energy development in an environmentally responsible manner.

RWQUEST

SEN. FLAKOLL REQUESTED a recorded roll call vote on the motion to adopt SCR 4001, as amended, which request was granted.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, the roll was called and there were 35 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Anderson; Bakke; Fiebiger; Heckaman; Mathern; Nelson; Pomeroy; Potter; Robinson; Taylor; Triplett

ABSENT AND NOT VOTING: Lindaas

Engrossed SCR 4001 was declared adopted, and the title was agreed to on a roll call vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KLEIN MOVED that the conference committee report on Engrossed SB 2154 as printed on SJ page 1249 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. HOLMBERG MOVED that the conference committee report on Engrossed HB 1010 as printed on SJ page 1267 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1010, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1010: A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts.

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; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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: Lindaas

Engrossed HB 1010, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. COOK MOVED that the conference committee report on Engrossed HB 1348 as printed on SJ page 1250 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1348 was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1348: A BILL for an Act to amend and reenact subsection 1 of section 57-43.2-03 of the North Dakota Century Code, relating to the special fuels special excise tax; and to provide an effective date.

ROLL CALL

The question being on the final passage of the 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; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne;

Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Dever

ABSENT AND NOT VOTING: Lindaas

Engrossed HB 1348 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. FREBORG MOVED that the conference committee report on Engrossed HB 1402 as printed on SJ pages 1267-1268 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1402, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1402: A BILL for an Act to create and enact a new subsection to section 20.1-02-05 and a new section to chapter 20.1-08 of the North Dakota Century Code, relating to authority of the game and fish director to issue hunting licenses to a nonprofit organization and to establish once-in-a-lifetime hunting opportunities for terminally ill children.

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; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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: Lindaas

Engrossed HB 1402, as amended, passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that HB 1507 be moved to the bottom of the Seventh order, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LYSON MOVED that the conference committee report on Engrossed HB 1456 as printed on SJ page 1268 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1456, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1456: A BILL for an Act to provide for a legislative council study of wind farm siting and decommissioning.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Christmann; Dever; Olafson; Stenehjem

ABSENT AND NOT VOTING: Lindaas

Engrossed HB 1456, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. HACKER MOVED that the conference committee report on Engrossed HB 1088 as printed on SJ page 1250 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. OLAFSON MOVED that the conference committee report on Engrossed HB 1157 as printed on SJ page 1250 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. J. LEE MOVED that the conference committee report on HB 1422 as printed on SJ page 1250 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LYSON MOVED that the conference committee report on SB 2204 as printed on SJ page 1249 be adopted, which motion prevailed on a voice vote.

SB 2204, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2204: A BILL for an Act to amend and reenact sections 5-01-08, 5-01-09, 5-02-06, and 14-10-06 of the North Dakota Century Code, relating to immunity from criminal liability for consumption of alcoholic beverages by an individual under twenty-one years of age and mitigating factors for other individuals.

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; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; 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: Lindaas

Engrossed SB 2204 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 1049.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1243.

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 1029: Sens. Cook; Oehlke; Horne

HB 1403: Sens. Tollefson; Urlacher; Triplett

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

MR. SPEAKER: The Senate has adopted the conference committee report on: SB 2154.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2037, SB 2111, SB 2125, SB 2236, SB 2247, SB 2274, SB 2277, SB 2411, SCR 4001.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2204.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1088, HB 1157, HB 1422.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1010, HB 1348, HB 1402, HB 1456.

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 1505.

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 2012: Reps. Pollert; Bellew; Metcalf

SB 2014: Reps. Bellew; Kreidt; Ekstrom

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

MR. SPEAKER: The President has signed: SB 2001, SB 2006, SB 2007.

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

MR. SPEAKER: The President has signed: HB 1056, HB 1060, HB 1129, HB 1134, HB 1136, HB 1138, HB 1147, HB 1155, HB 1160, HB 1195, HB 1227, HB 1229, HB 1241, HB 1258, HB 1282, HB 1293, HB 1295, HB 1304, HB 1312, HB 1315, HB 1360, HB 1362, HB 1421, HB 1432, HB 1434, HB 1446, HB 1472, HB 1482, HB 1483, HB 1492, HB 1501, HB 1503.

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

MR. SPEAKER: The President has signed: HCR 3003, HCR 3021, HCR 3028.

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

MR. SPEAKER: The President has signed: SB 2108, SB 2115, SB 2128, SB 2136, SB 2148, SB 2168, SB 2169, SB 2176, SB 2193, SB 2194.

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

MR. PRESIDENT: The Speaker has signed: HCR 3003, HCR 3016, HCR 3028, HCR 3059.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2222, SB 2251, SB 2389, SB 2406.

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

MR. PRESIDENT: The Speaker has signed: SB 2062, SB 2070, SB 2129, SB 2268, SB 2310, SB 2336, SB 2338, SB 2397, SCR 4016, SCR 4022, SCR 4030, SCR 4032.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 5, 2007: SB 2001, SB 2006, SB 2007.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 5, 2007: SB 2108, SB 2115, SB 2128, SB 2136, SB 2148, SB 2168, SB 2169, SB 2176, SB 2193, SB 2194.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 4, 2007, I have signed the following: SB 2066, SB 2077, SB 2081, SB 2134, SB 2195, SB 2196, SB 2217, SB 2234, SB 2241, SB 2255, SB 2266, SB 2350, and SB 2415.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 5, 2007, I have signed the following: SB 2055, SB 2067, SB 2101, SB 2105, SB 2135, SB 2171, SB 2183, SB 2210, SB 2214, SB 2232, SB 2238, and SB 2321.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 4:15 p.m., which motion prevailed.

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

SECOND READING OF HOUSE BILL

HB 1460: A BILL for an Act to amend and reenact section 65-02-03.1 of the North Dakota Century Code, relating to the workforce safety and insurance board membership; and to provide for application and transition.

MOTION

SEN. HACKER MOVED that Engrossed HB 1460, 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 pages 965-967 of the Senate Journal, Engrossed House Bill No. 1460 is amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to employee awards and incentive spending authority; to"

Page 1, line 2, after the semicolon insert "and"

Page 1, line 3, remove "; to provide an effective date; and to provide an expiration date"

Page 1, remove lines 5 through 23

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 19

Page 3, line 26, overstrike ", at least one of which must be a participant in"

Page 3, line 27, overstrike "the risk management program, at least two" and insert immediately thereafter ". Two" and overstrike "which" and insert immediately thereafter "the employer members"

Page 3, line 28, after "premiums" insert ", which at the time of the member's initial appointment were" and overstrike ", at least" and insert immediately thereafter an underscored semicolon

Page 3, line 29, overstrike "which" and insert immediately thereafter "the employer members" and overstrike "of" and insert immediately thereafter ", which at the time of the member's initial appointment was at least"

Page 3, line 30, overstrike ", at least" and insert immediately thereafter an underscored semicolon and overstrike "which" and insert immediately thereafter "the employer members"

Page 3, line 31, overstrike "of" and insert immediately thereafter ", which at the time of the member's initial appointment was", overstrike the comma and insert immediately thereafter an underscored semicolon, and overstrike "at"

Page 4, line 1, overstrike "least one" and insert immediately thereafter "two of the employer members must be" and overstrike "representative" and insert immediately thereafter "representatives"

Page 4, line 2, overstrike the first "representative" and insert immediately thereafter "representatives"

Page 4, line 4, overstrike "; at least one member must have"

Page 4, line 5, overstrike "received workforce safety and insurance benefits; and at least" and insert immediately thereafter ". Of the three employee members,"

Page 4, line 6, after "labor" insert "and one other member must have received workforce safety and insurance wage-loss benefits at some time during the ten years before the member's initial appointment"

Page 4, line 15, overstrike "Board members" and insert immediately thereafter "A board member whose initial appointment was before August 1, 2007,"

Page 4, line 16, remove the overstrike over "~~three~~" and insert immediately thereafter "consecutive terms and a board member whose initial appointment was after July 31, 2007, may not serve more than"

Page 4, line 22, overstrike "the"

Page 4, line 25, replace "greater North Dakota chamber of commerce" with "a coordinating committee appointed by the governor, composed of representatives from the associated"

general contractors of North Dakota, the North Dakota petroleum council, the greater North Dakota chamber of commerce, the North Dakota motor carriers association, the North Dakota healthcare association, the national federation of independent business, the lignite energy council, and other statewide business interests. The governor may reject a list of potential candidates and request the coordinating committee to submit a new list of potential candidates"

Page 4, line 26, remove "working together with other business organizations in the state"

Page 5, after line 9, insert:

"SECTION 2. A new section to chapter 65-02 of the North Dakota Century Code is created and enacted as follows:

Spending authority - Limited. Notwithstanding any other law enacted by the sixtieth legislative assembly, any statement of legislative intent, any statement of purpose of amendment, or other provision of law, the organization may not expend funds for the purpose of providing workers' compensation education or training for public officials other than the director and members of the board, or for providing awards, other than service awards or other awards or incentives allowed under law and applicable to executive branch agencies."

Page 5, line 11, replace "Under section 1 of this Act, a board" with "The board member serving on August 1, 2007, as the representative of the risk management program shall serve the remainder of the appointed term as the employer at-large representative. The employee board member serving on August 1, 2007, as the employee who has received workforce safety and insurance benefits shall continue to serve through the expiration of the member's appointed term, regardless of the member's wage-loss benefit history."

Page 5, remove lines 12 through 18

Renumber accordingly

HB 1460: A BILL for an Act to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to employee awards and incentive spending authority; to amend and reenact section 65-02-03.1 of the North Dakota Century Code, relating to the workforce safety and insurance board membership; and to provide for application and transition.

MOTION

SEN. POTTER MOVED that Engrossed HB 1460, as further amended, be floor amended as follows:

In lieu of the amendments adopted by the Senate as printed on pages 965-967 of the Senate Journal, Engrossed House Bill No. 1460 is amended as follows:

Page 1, line 2, after the semicolon insert "and"

Page 1, line 3, remove "; to provide an effective date; and to provide an expiration date"

Page 1, line 10, overstrike "Six" and insert immediately thereafter "Four"

Page 1, line 11, overstrike the comma and insert immediately thereafter ". At the time of appointment," and overstrike "which" and insert immediately thereafter "the employer representatives"

Page 1, line 12, overstrike ", at least two of which" and insert immediately thereafter ". At the time of appointment, one employer representative", overstrike "employers" and insert immediately thereafter "an employer", and after "with" insert "an"

Page 1, line 13, overstrike "premiums" and insert immediately thereafter "premium", overstrike "at least", and overstrike "of"

Page 1, line 14, overstrike "which" and insert immediately thereafter "employer representative"

Page 1, line 15, overstrike "at least" and insert immediately thereafter "and" and overstrike "of which" and insert immediately thereafter "employer representative"

Page 1, line 16, overstrike ", and at"

Page 1, line 17, overstrike "least one" and insert immediately thereafter ". One employer representative must be an"

Page 1, line 20, overstrike "Three" and insert immediately thereafter "Four", overstrike "; at" and insert immediately thereafter ". At", and overstrike "one member" and insert immediately thereafter "two employee representatives"

Page 1, line 21, overstrike "; and at least one member" and insert immediately thereafter ". One employee representative"

Page 1, line 22, overstrike "represent" and insert immediately thereafter "be a representative of"

Page 1, line 23, after the first "member" insert "represents and"

Page 2, line 1, overstrike "One member is a member" and insert immediately thereafter "Two members are members" and overstrike "a resident" and insert immediately thereafter "residents"

Page 2, line 11, after "consecutive" insert "full"

Page 2, line 12, remove "a." and overstrike "A departing member representing an employer must be replaced by a"

Page 2, overstrike lines 13 and 14

Page 2, line 15, overstrike "departing member." and insert immediately thereafter "a." and overstrike "appoint" and insert immediately thereafter "select"

Page 2, line 17, overstrike "the"

Page 2, line 20, replace "greater North Dakota chamber of commerce" with "an organization that is statewide in scope and which represents the interest of businesses"

Page 2, line 21, remove "working together with other business organizations"

Page 2, line 27, remove "two"

Page 2, line 29, overstrike "member" and insert immediately thereafter "members"

Page 3, line 5, replace "the greater North Dakota" with "an organization that is statewide in scope and which represents the interest of businesses in"

Page 3, remove line 6

Page 3, remove lines 20 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 9

Page 5, line 10, replace "Section 1 of this" with "This"

Page 5, line 11, replace "section 1 of" with "the consecutive terms limitations under"

Page 5, line 13, remove "section 1 of"

Page 5, line 14, after the period insert "Under this Act, the initial terms of the two new employee representatives begin on August 1, 2007, and may be shorter than four years to ensure staggered terms that expire December 31 of an even-numbered year."

Page 5, remove lines 15 through 18

Renumber accordingly

REQUEST

SEN. HACKER REQUESTED a recorded roll call vote on the motion to adopt the proposed floor amendments to Engrossed HB 1460, as further amended, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed floor amendments to Engrossed HB 1460, as further amended, the roll was called and there were 20 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Lindaas

The proposed floor amendments to Engrossed HB 1460, as further amended, failed.

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 28 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Nething; Oehlke; Olafson; Stenehjerm; Tallackson; Tollefson; Urlacher; Wanzek; Wardner; Warner

NAYS: Anderson; Bakke; Behm; Fiebiger; Heckaman; Heitkamp; Horne; Krauter; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Seymour; Taylor; Triplett

ABSENT AND NOT VOTING: Lindaas

Engrossed HB 1460, as further amended, passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that HB 1466 be moved to the top of the Fourteenth order, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1466: A BILL for an Act to create and enact chapter 14-02.7 of the North Dakota Century Code, relating to the prohibition of the performance of abortions, except to save the life of the mother; to provide a penalty; and to provide an effective date.

MOTION

SEN. ERBELE MOVED that HB 1466 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to the prohibition of the performance of abortions; to provide a penalty; and to provide an effective date."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 12.1-31 of the North Dakota Century Code is created and enacted as follows:

Abortion - Affirmative defenses.**1. As used in this section:**

- a. "Abortion" means the use or prescription of any substance, device, instrument, medicine, or drug to intentionally terminate the pregnancy of an individual known to be pregnant. The term does not include an act made with the intent to increase the probability of a live birth; preserve the life or health of a child after live birth; or remove a dead, unborn child who died as a result of a spontaneous miscarriage, an

accidental trauma, or a criminal assault upon the pregnant female or her unborn child.

- b. "Physician" means an individual licensed to practice medicine under chapter 43-17.
 - c. "Professional judgment" means a medical judgment that would be made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.
2. It is a class C felony for a person, other than the pregnant female upon whom the abortion was performed, to perform an abortion.
3. The following are affirmative defenses under this section:
- a. That the abortion was necessary in professional judgment and was intended to prevent the death of the pregnant female.
 - b. That the abortion was to terminate a pregnancy that resulted from gross sexual imposition, sexual abuse of a ward, or incest, as those offenses are defined in chapter 12.1-20.
 - c. That the individual was acting within the scope of that individual's regulated profession and under the direction of or at the direction of a physician.

SECTION 2. EFFECTIVE DATE. This Act becomes effective on the date the legislative council approves by motion the recommendation of the attorney general to the legislative council that it is reasonably probable that this Act would be upheld as constitutional."

Renumber accordingly

MOTION

SEN. J. LEE MOVED that the proposed floor amendments to HB 1466 be laid on the table.

REQUEST

SEN. J. LEE REQUESTED a verification vote on the motion to lay the proposed floor amendments to HB 1466 on the table, which request was granted.

REQUEST

SEN. ERBELE REQUESTED a recorded roll call vote on the motion to table the proposed floor amendments to HB 1466, which request was granted.

ROLL CALL

The question being on the motion to table the proposed floor amendments to HB 1466, the roll was called and there were 19 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bakke; Erbele; Fiebiger; Fischer; Grindberg; Heckaman; Holmberg; Horne; Krebsbach; Lee, J.; Nelson; Oehlke; Pomeroy; Potter; Seymour; Taylor; Tollefson; Triplett; Warner

NAYS: Anderson; Andrist; Behm; Bowman; Christmann; Cook; Dever; Flakoll; Freborg; Hacker; Heitkamp; Kilzer; Klein; Krauter; Lee, G.; Lyson; Marcellais; Mathern; Nething; O'Connell; Olafson; Robinson; Stenehjelm; Tallackson; Urlacher; Wanzek; Wardner

ABSENT AND NOT VOTING: Lindaas

The motion to table the proposed floor amendments to HB 1466 failed.

The question being on the motion to adopt the proposed floor amendments to HB 1466, proposed floor amendments were adopted on a voice vote.

HB 1466: A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to the prohibition of the performance of abortions; to provide a penalty; and to provide an effective date.

MOTION

SEN. POTTER MOVED that HB 1466, as amended, be further amended as follows, which motion prevailed on a verification vote.

In lieu of the amendments adopted by the Senate as printed on page _____ of the Senate Journal, House Bill No. 1466 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to calling of a special session if Roe v. Wade is overturned.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-35 of the North Dakota Century Code is created and enacted as follows:

Legislative assembly to convene - Abortion. The attorney general shall notify the legislative council if the United States supreme court issues a decision that would allow the legislative assembly to impose restrictions on abortions which are more restrictive than those contained in title 14. Upon receipt of a notification under this section, the legislative council shall issue a call for the legislative assembly to convene as provided under section 54-35-16 if there are at least three natural days available under the constitution to allow the legislative assembly to enact legislation."

Renumber accordingly

HB 1466: A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to calling of a special session if Roe v. Wade is overturned.

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 41 YEAS, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Fiebiger; Freborg; Krebsbach; Lee, J.; Lyson; Triplett

HB 1466, as further amended, passed and the title was agreed to.

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 1006, HB 1044, and HB 1487 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1006: Reps. Kempenich; Thoreson; Kroeber

HB 1044: Reps. Carlson; Belter; Williams

HB 1487: Reps. Carlson; R. Kelsch; Williams

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 2011: Reps. Thoreson; Kempenich; Williams

SB 2013: Reps. Monson; Wald; Carlson

SB 2017: Reps. Klein; Wald; Aarsvold

SB 2021: Reps. Wald; Klein; Aarsvold

SB 2022: Reps. Carlisle; Kempenich; Kroeber

SB 2030: Reps. R. Kelsch; L. Meier; Mueller

SB 2046: Reps. Klein; Monson; Guleson

SB 2057: Reps. Monson; Hawken; Guleson

SB 2060: Reps. Dahl; Weiler; Wolf

SB 2072: Reps. Vigesaa; N. Johnson; Amerman

SB 2103: Reps. Carlisle; Kempenich; Glassheim

SB 2152: Reps. Weisz; Nelson; Potter
SB 2161: Reps. Carlisle; Carlson; Williams
SB 2172: Reps. Owens; Grande; Schmidt
SB 2178: Reps. Skarphol; Carlisle; Glassheim
SB 2225: Reps. Carlson; Kempenich; Kroeber
SB 2243: Reps. Wieland; Nelson; Kerzman
SB 2260: Reps. Carlisle; Carlson; Kroeber
SB 2313: Reps. Monson; Hawken; Guleson
SB 2341: Reps. Carlisle; Thoreson; Glassheim

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1460, HB 1466.

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 8:00 a.m., Friday, April 6, 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** (11 YEAS, 2 NAYS, 1 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 1084-1087 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 25, replace "790,778" with "714,789"

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

Page 2, line 28, replace "5,331,670" with "5,329,693"

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 17, replace "8,579,719" with "8,503,730"

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

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 7. 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	<u>\$13,918,501</u>	<u>\$14,053,117</u>	<u>\$74,012</u>	<u>\$14,127,129</u>
Legislative Council				
Total all funds	\$8,298,218	\$8,579,719	(\$75,989)	\$8,503,730
Less estimated income				
General fund	<u>\$8,298,218</u>	<u>\$8,579,719</u>	<u>(\$75,989)</u>	<u>\$8,503,730</u>
Bill Total				
Total all funds	\$22,216,719	\$22,632,836	(\$1,977)	\$22,630,859
Less estimated income				
General fund	<u>\$22,216,719</u>	<u>\$22,632,836</u>	<u>(\$1,977)</u>	<u>\$22,630,859</u>

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	<u>3,910,827</u>	<u>3,910,827</u>		<u>3,910,827</u>
Total all funds	\$13,918,501	\$14,053,117	\$74,012	\$14,127,129
Less estimated income				
General fund	<u>\$13,918,501</u>	<u>\$14,053,117</u>	<u>\$74,012</u>	<u>\$14,127,129</u>
FTE	0.00	0.00	0.00	0.00

Dept. 150 - Legislative Assembly - Detail of Senate Changes

	REDUCES FUNDING FOR COMPUTERS ¹	ADDS MILEAGE FUNDING ²	REMOVES FUNDING FOR PILOT PROJECT ³	ADDS FUNDING FOR LEGISLATIVE PAY ⁴	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	<u>(\$100,000)</u>	<u>\$19,476</u>	<u>(\$10,000)</u>	<u>\$164,536</u>	<u>\$74,012</u>
FTE	0.00	0.00	0.00	0.00	0.00

- ¹ Funding added by the House for Legislative Assembly computer equipment is reduced to provide a total of \$300,000 from the general fund.
- ² Funding is added for legislator mileage reimbursement during legislative sessions in accordance with provisions of House Bill No. 1107.
- ³ The funding and section added by the House providing for a personal communicator device pilot project are removed.
- ⁴ 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	<u>57,000</u>	<u>57,000</u>		<u>57,000</u>
Total all funds	\$8,298,218	\$8,579,719	(\$75,989)	\$8,503,730
Less estimated income				
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 ¹	ADDS MILEAGE FUNDING ²	REMOVES NEW FISCAL POSITION ³	ADDS FUNDING FOR LEGISLATIVE PAY ⁴	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					
Total all funds	\$18,000	\$23,500	(\$140,614)	\$23,125	(\$75,989)
Less estimated income					
General fund	\$18,000	\$23,500	(\$140,614)	\$23,125	(\$75,989)
FTE	0.00	0.00	(1.00)	0.00	(1.00)

- ¹ Funding provided for salary equity adjustments is increased from the House version to provide a total of \$148,000.
- ² Funding is added for legislator mileage reimbursement for travel during the interim in accordance with provisions of House Bill No. 1107.
- ³ The new fiscal staff position added by the House is removed.
- ⁴ 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.

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 1015, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Reengrossed HB 1015, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 949-951 of the Senate Journal, Reengrossed House Bill No. 1015 is amended as follows:

Page 1, line 2, replace the third "and" with a comma

Page 1, line 3, after "12.1-32-07" insert ", and section 19-03.1-45"

Page 1, line 4, replace "and" with a comma and after "fees" insert ", and drug treatment"

Page 1, line 5, remove "and" and after "approval" insert "; to provide for a transfer; and to provide for a legislative council study"

Page 1, line 22, replace "8,138,211" with "11,582,019"

Page 1, line 23, replace "99,780,064" with "20,511,564"

Page 2, line 3, replace "109,095,173" with "33,270,481"

Page 2, line 5, replace "112,930,827" with "37,106,135"

Page 2, line 12, replace "35,213,361" with "38,657,169"

Page 2, line 13, replace "179,331,778" with "100,063,278"

Page 2, line 16, replace "237,996,004" with "162,171,312"

Page 2, line 18, replace "214,066,511" with "138,241,819"

Page 3, after line 17, insert:

"SECTION 6. AMENDMENT. Section 19-03.1-45 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-45. ~~Mandatory drug~~ Drug abuse assessment and treatment - Presentence investigation - Certified drug abuse treatment programs.

1. ~~When~~ If a person located in Walsh, Pembina, or Grand Forks Counties has pled guilty or has been found guilty of a felony violation of subsection 6 of section 19-03.1-23 ~~and, if~~ that person has not previously pled guilty or been found guilty of any offense involving the use, possession, manufacture, or delivery of a controlled substance or of any other felony offense of this or another state or the federal government, and if the court imposes probation, the court shall impose a period of probation of not less than eighteen months in conjunction with a suspended execution of a sentence of imprisonment, a sentence to probation, or an order deferring imposition of sentence.
2. Upon a plea or finding of guilt of a person subject to the provisions of subsection 1, the court shall order a presentence investigation to be conducted by the department. The presentence investigation shall include a drug and alcohol evaluation conducted by a licensed addiction counselor.
3. If the licensed addiction counselor recommends treatment, the court shall require the person to participate in an addiction program licensed by the department of human services as a condition of the probation. The court shall commit the person to treatment through a licensed addiction program until determined suitable for discharge by the court. The term of treatment shall not exceed eighteen months and may include an aftercare plan. During the commitment and while subject to probation, the person shall be supervised by the department.
4. If the person fails to participate in, or has a pattern of intentional conduct that demonstrates the person's refusal to comply with or participate in the treatment program, as established by judicial finding, the person shall be subject to revocation of the probation. Notwithstanding subsection 2 of section 12.1-32-02, the amount of time participating in the treatment program under this section is not "time spent in custody" and will not be a credit against any sentence to term of imprisonment.
5. The cost for all drug abuse assessments and certified drug abuse treatment programs shall be initially paid by the department. The court shall order the person to reimburse the department for the assessment and treatment expenses in accordance with the procedures of section

12.1-32-08. The department shall handle the collection of costs from the offenders in the same manner as it collects court costs, fees, and supervision fees.

6. In this section:
 - a. "Department" means the department of corrections and rehabilitation; and
 - b. "Licensed addiction counselor" is a person licensed pursuant to section 43-45-05.1.
7. ~~The provisions of this section shall be implemented as a pilot project in Pembina, Walsh, and Grand Forks Counties effective three months from the date of receipt of a federal grant for methamphetamine treatment being applied for by the department of human services. The department shall collaborate management of the pilot project with the department of human services to ensure services under the federal grant program for one half of the offenders mandated by the court to submit to mandatory treatment, not to exceed twenty three individuals. The department shall hire a program manager to manage the pilot project, collect statistics regarding the operation of the program, track participants in the program, and provide a report to the attorney general, the legislative council for distribution during the November 2006 legislative council meeting, and the sixtieth legislative assembly detailing the number of participants in the program, the cost of the program, relapse statistics, and other data concerning the effectiveness of the program."~~

Page 3, replace lines 23 through 31 with:

"SECTION 8. GRANT PROGRAMS. The total general fund appropriation line item in section 3 of this Act includes \$2,000,000 to be used by the field services division to provide grants to North Dakota organizations for research-based programs to prevent criminal behavior and incarceration. The grant awards must range from \$25,000 to \$500,000.

SECTION 9. RECIDIVISM RISK REDUCTION. The total general fund appropriation line item in section 3 of this Act includes \$5,000,000 to be used by the prisons division for treatment and programming related to recidivism risk reduction.

SECTION 10. TRANSFER TO THE STATE PENITENTIARY LAND FUND. The director of the office of management and budget shall transfer on July 1, 2007, \$42,000,000 from the general fund to the state penitentiary land fund established in North Dakota Century Code section 54-23.3-04 to be used for future correctional facilities as authorized by the legislative assembly. All income earned on the fund must be deposited in the state penitentiary land fund."

Page 4, remove lines 1 through 16

Page 5, line 3, replace "\$88,332,091" with "\$3,999,591"

Page 5, remove line 8

Page 5, line 9, replace "70,000" with "\$70,000"

Page 5, line 10, replace "1,498,091" with "2,165,591"

Page 5, line 12, replace "88,332,091" with "3,999,591"

Page 5, after line 15, insert:

"SECTION 15. LEGISLATIVE COUNCIL STUDY - RETIREMENT CRITERIA FOR STATE CORRECTIONAL OFFICERS AND PEACE OFFICERS. The legislative council shall consider studying, during the 2007-08 interim, retirement program criteria and benefits for correctional officers and peace officers employed by state agencies, including the feasibility and desirability of allowing these employees to retire with full retirement benefits at age fifty-five or the "rule of 85".

SECTION 16. EMERGENCY. Section 11 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1015 - Department of Corrections and Rehabilitation - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Field Services	\$35,953,086	\$35,213,361	\$3,443,808	\$38,657,169
Prisons Division	140,093,278	179,331,778	(79,268,500)	100,063,278
Juvenile Community Services	8,895,140	8,895,140		8,895,140
Youth Correctional Center	<u>14,608,184</u>	<u>14,555,725</u>		<u>14,555,725</u>
Total all funds	\$199,549,688	\$237,996,004	(\$75,824,692)	\$162,171,312
Less estimated income	<u>26,853,489</u>	<u>23,929,493</u>		<u>23,929,493</u>
General fund	\$172,696,199	\$214,066,511	(\$75,824,692)	\$138,241,819*
FTE	706.79	700.29	8.00	708.29

* In addition, \$42,000,000 is transferred from the general fund to the State Penitentiary land fund for a total general fund impact of \$180,241,819.

Dept. 530 - Department of Corrections and Rehabilitation - Detail of Senate Changes

	PREVENTION GRANTS ¹	FUNDING FOR RECIDIVISM RISK REDUCTION ²	REMOVES FUNDING FOR PRISON EXPANSION ³	RESTORES FUNDING FOR CHAPLAINS ⁴	ADDS FUNDING FOR ADDITIONAL FTE ⁵	PROVIDES FUNDING FOR ADDITIONAL TRANSITION SERVICES ⁶
Field Services	\$2,000,000				\$471,411	\$448,950
Prisons Division		\$5,000,000	(\$85,000,000)	\$64,000		
Juvenile Community Services						
Youth Correctional Center						
Total all funds	\$2,000,000	\$5,000,000	(\$85,000,000)	\$64,000	\$471,411	\$448,950
Less estimated income						
General fund	\$2,000,000	\$5,000,000	(\$85,000,000)	\$64,000	\$471,411	\$448,950
FTE	0.00	0.00	0.00	2.00	3.00	0.00
	RESTORES PAROLE AND PROBATION OFFICERS ⁷	RESTORES FUNDING FOR DEFERRED MAINTENANCE ⁸	ADDS FUNDING FOR TEEN CHALLENGE ⁹	TOTAL SENATE CHANGES		
Field Services	\$423,447		\$100,000	\$3,443,808		
Prisons Division		\$667,500		(79,268,500)		
Juvenile Community Services						
Youth Correctional Center						
Total all funds	\$423,447	\$667,500	\$100,000	(\$75,824,692)		
Less estimated income						
General fund	\$423,447	\$667,500	\$100,000	(\$75,824,692)		
FTE	3.00	0.00	0.00	8.00		

¹ This amendment provides funding for grants to organizations to conduct programs to prevent criminal behavior and incarceration.

² This amendment provides funding to the Prisons Division for treatment and programming related to recidivism risk reduction.

³ This amendment removes all funding associated with any new building and demolition projects.

⁴ This amendment restores funding removed by the House to convert 2 temporary chaplains to full-time equivalent positions.

⁵ This amendment provides funding for 3 FTE positions to assist with the special offender workload.

⁶ This amendment adds funding for 20 additional beds for transition for male inmates.

⁷ This amendment restores funding removed by the House for 3 FTE parole and probation officers, including operating expenses.

⁸ This amendment restores funding removed by the House for deferred maintenance.

⁹ This amendment adds funding for Teen Challenge.

A section is added requiring the prevention grants to be awarded to research-based programs and limiting the grant awards from \$25,000 up to \$500,000.

A section is added requiring that \$5,000,000 added to the Prisons Division be used for treatment and programs related to recidivism risk reduction.

A section is added directing the Legislative Council to consider a study of the retirement criteria for state correctional officers and peace officers.

A section is added that amends North Dakota Century Code Section 19-03.1-45 relating to drug abuse assessment and treatment.

A section is added providing for a transfer from the general fund of \$42,000,000 to the State Penitentiary land fund.

A section is added providing for an emergency for Section 11.

REPORT OF STANDING COMMITTEE

HB 1017, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1017, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on page 953 of the Senate Journal, Engrossed House Bill No. 1017 is amended as follows:

Page 1, line 2, after "hearings" insert "; to amend and reenact sections 39-01-16, 39-02-03.1, 39-06-34, 39-06.1-11, 39-06.2-10.6, 39-06.2-10.7, and 39-06.2-10.8, subsection 1 of section 39-20-03.1, section 39-20-03.2, subsection 1 of section 39-20-04, sections 39-20-05 and 39-20-06, and subsection 1 of section 54-57-03 of the North Dakota Century Code, relating to the transfer of administrative hearings from the department of transportation to the office of administrative hearings; to provide for transition; and to provide an effective date"

Page 1, line 14, replace "226,747" with "571,989"

Page 1, line 15, replace "107,500" with "159,442"

Page 1, line 16, replace "334,247" with "731,431"

Page 1, line 21, replace "1,269,674" with "1,614,916"

Page 1, line 22, replace "374,417" with "426,359"

Page 1, line 23, replace "1,644,091" with "2,041,275"

Page 1, after line 23, insert:

"SECTION 4. AMENDMENT. Section 39-01-16 of the North Dakota Century Code is amended and reenacted as follows:

39-01-16. Hearing on alleged violations.

1. Any person having information that a licensed dealer has violated any provisions of this title may file with the director an affidavit specifically ~~setting forth such~~ stating the facts of the violation. Upon receipt of ~~such~~ the affidavit, the director shall investigate the violation alleged in the affidavit. If, after investigation, the director determines that the dealer's license will be revoked or suspended, a notice of intent to revoke or suspend the license must be mailed to the dealer by certified mail. The notice must provide the dealer with an opportunity for a hearing ~~prior to~~ before the effective date of the license revocation or suspension. A record of ~~such hearings~~ the hearing must be made by stenographic notes or use of an electronic recording device.
2. If after ~~such the~~ hearing the ~~director~~ administrative law judge finds the violation charged in the affidavit has been proved by the evidence, an order must be served on the licensee revoking or suspending the dealer's license for a period of time to be determined by the director. ~~Such~~ The action may be appealed to the district court by following the appeal procedure set forth in chapter 28-32, except that the order revoking or suspending the license is ineffective while the appeal is pending.

~~The director has the power to appoint an administrative hearing officer to conduct the hearing, administer oaths, and subpoena and examine witnesses. The administrative hearing officer shall submit the findings to the director for consideration and final decision.~~

3. Any witness called by the prosecution, except a peace officer while on duty, ~~shall~~ must receive the same fees and mileage as a witness in a civil case in district court.

SECTION 5. AMENDMENT. Section 39-02-03.1 of the North Dakota Century Code is amended and reenacted as follows:

39-02-03.1. Director to provide notice and opportunity for hearing prior to before cancellation, revocation, suspension, or rescision of a motor vehicle registration or a certificate of title to a motor vehicle. ~~Whenever, under~~ Under the laws pertaining to the cancellation, revocation, suspension, or rescision of a registration of a motor vehicle or a certificate of title to a motor vehicle, if a determination has been made to cancel, revoke, suspend, or rescind either the registration or certificate of title, or both, the director shall provide the legal and registered owner with notice of ~~such the~~ cancellation, revocation, suspension, or rescision and the opportunity for a hearing. ~~Such~~ The notice must be sent by registered or certified mail, return receipt requested, not less than ten days ~~prior to~~ before the effective date of the cancellation, revocation, suspension, or rescision.

SECTION 6. AMENDMENT. Section 39-06-34 of the North Dakota Century Code is amended and reenacted as follows:

39-06-34. Director may require reexamination. In addition to other powers set forth in this chapter, the director, having good cause to believe that a licensed operator is incompetent or otherwise not qualified to be licensed, may upon written notice of at least five days to the licensee require the licensee to submit to such physical, mental, or driver's examination as may be deemed necessary. If the director has good cause to believe that the licensed operator presents an immediate danger to the motoring public, the director may immediately, and without prior notice, suspend the operator's license pending the examination. The notice of suspension must provide the operator with the opportunity for a hearing within five days of the receipt of the notice of suspension. When a hearing is requested it must be conducted under section 39-06-33 and the ~~hearing officer's~~ administrative law judge's recommended decision must be rendered within two days of the conclusion of the hearing. Upon the conclusion of such examination the director shall take action as may be appropriate and may suspend or revoke the license of such person or permit the licensee to retain the license, or may issue a license subject to restrictions as permitted under section 39-06-17. Refusal or neglect of the licensee to submit to such examination shall be grounds for suspension or revocation of the license.

SECTION 7. AMENDMENT. Section 39-06.1-11 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-11. Temporary restricted license - Ignition interlock device.

1. Except as provided under subsection 2, if the director has suspended a license under section 39-06.1-10 or has extended a suspension or revocation under section 39-06-43, upon receiving written application from the offender affected, the director may for good cause issue a temporary restricted operator's license valid for the remainder of the suspension period after seven days of the suspension period have passed.
2. If the director has suspended a license under chapter 39-20, or after a violation of section 39-08-01 or equivalent ordinance, upon written application of the offender the director may issue for good cause a temporary restricted license that takes effect after thirty days of the suspension have been served after a first offense under section 39-08-01 or chapter 39-20. The director may not issue a temporary restricted license to any offender whose operator's license has been revoked under section 39-20-04 or suspended upon a second or subsequent offense under section 39-08-01 or chapter 39-20, except that a temporary restricted license may be issued for good cause if the offender has not committed an offense for a period of two years before the date of the filing of a written application that must be accompanied by a report from an addiction facility

or if the offender is participating in the drug court program and has not committed an offense for a period of three hundred sixty-five days before the date of the filing of a written application that must be accompanied by a recommendation from the district court. The director may ~~conduct~~ request a hearing for the purposes of obtaining information, reports, and evaluations from courts, law enforcement, and citizens to determine the offender's conduct and driving behavior during the prerequisite period of time. The director may also require that an ignition interlock device be installed in the offender's vehicle.

3. The director may not issue a temporary restricted license for a period of license revocation or suspension imposed under subsection 5 of section 39-06-17, section 39-06-31, or subsection 3.1 of section 39-06.1-10. A temporary restricted license may be issued for suspensions ordered under subsection 7 of section 39-06-32 if it could have been issued had the suspension resulted from in-state conduct.
4. A restricted license issued under this section is solely for the use of a motor vehicle during the licensee's normal working hours and may contain any other restrictions authorized by section 39-06-17. Violation of a restriction imposed according to this section is deemed a violation of section 39-06-17.

SECTION 8. AMENDMENT. Section 39-06.2-10.6 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-10.6. Administrative hearing on request.

1. Before issuing an order of suspension, revocation, or disqualification under section 39-06.2-10, the director shall afford that person an opportunity for a hearing as provided by section 39-20-05, if the person mails a request for the hearing to the director within ten days after the date of issuance of the temporary driver's permit.
2. If the issue to be determined by the hearing concerns license suspension for operating a commercial motor vehicle while having an alcohol concentration of at least four one-hundredths of one percent by weight, the hearing must be before ~~a hearing officer assigned by the director~~ an administrative law judge and at a time and place designated by the director of the office of administrative hearings. The hearing must be recorded and its scope may cover only the issues of whether the arresting officer had reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle in violation of section 39-06.2-10.1, whether the person was lawfully detained, whether the person was tested in accordance with section 39-06.2-10.2, and whether the test results show the person had an alcohol concentration of at least four one-hundredths of one percent by weight. For purposes of this section, a copy of a certified copy of an analytical report of a blood or urine sample from the office of the director of the state crime laboratory or the director's designee, or a certified copy of the checklist and test records from a certified breath test operator establish prima facie the alcohol concentration shown therein. Whether the person was warned that the privilege to drive might be suspended based on the results of the test is not an issue.
3. If the issue to be determined by the hearing concerns license revocation for refusing to submit to a test under section 39-06.2-10.2, the hearing must be before ~~a hearing officer assigned by the director~~ an administrative law judge at a time and place designated by the director of the office of administrative hearings. The hearing must be recorded. The scope of a hearing for refusing to submit to a test under section 39-06.2-10.2 may cover only the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle in violation of section 39-06.2-10.1, whether the person was lawfully detained, and whether that person refused to submit to the test or tests. The scope of a hearing for refusing to submit to a test under subsection 3 of section 39-06.2-10.4 may cover only the issues of whether the law enforcement officer had reason to believe the person committed a moving traffic violation or was involved in a traffic accident as a driver, whether in conjunction with the violation or the

accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol and, whether the person refused to submit to the onsite screening test. Whether the person was warned that the privilege to drive would be revoked or denied for refusal to submit to the test or tests is not an issue.

4. At a hearing under this section, the regularly kept records of the director may be introduced. Those records establish prima facie their contents without further foundation. For purposes of this chapter, the following are deemed regularly kept records of the director: any copy of a certified copy of an analytical report of a blood or urine sample received by the director from the director of the state crime laboratory or the director's designee or a law enforcement officer, a certified copy of the checklist and test records received by the director from a certified breath test operator, and any copy of a certified copy of a certificate of the director of the state crime laboratory or the director's designee relating to approved methods, devices, operators, materials, and checklists used for testing for alcohol concentration received by the director from the director of the state crime laboratory or the director's designee, or the recorder, unless the board of county commissioners has designated a different official to maintain the certificate.
5. At the close of the hearing, the ~~hearing officer~~ administrative law judge shall notify the person of the ~~hearing officer's~~ administrative law judge's findings of fact, conclusions of law, and decision based on the findings and conclusions and shall immediately deliver to the person a copy of the decision. If the ~~hearing officer~~ administrative law judge does not find in favor of the person, the copy of the decision serves as the director's official notification to the person of the revocation, suspension, or denial of driving privileges in this state. If the ~~hearing officer~~ administrative law judge finds, based on a preponderance of the evidence, that the person refused a test under section 39-06.2-10.2 or that the person had an alcohol concentration of at least four one-hundredths of one percent by weight, the ~~hearing officer shall~~ administrative law judge immediately shall take possession of the person's temporary driver's permit issued under this chapter. If the ~~hearing officer~~ administrative law judge does not find against the person, the ~~hearing officer~~ administrative law judge shall sign, date, and mark on the person's permit an extension of driving privileges for the next twenty days and shall return the permit to the person. The ~~hearing officer~~ administrative law judge shall report the findings, conclusions, and decisions to the director within ten days of the conclusion of the hearing. If the ~~hearing officer~~ administrative law judge has determined in favor of the person, the director shall return the person's commercial driver's license by regular mail to the address on file with the director under section 39-06.2-08.
6. If the person who requested a hearing under this section fails to appear at the hearing without justification, the right to the hearing is waived, and the ~~hearing officer's~~ administrative law judge's determination on license revocation, suspension, or denial will be based on the written request for hearing, law enforcement officer's report, and other evidence as may be available. On the date for which the hearing is scheduled, the ~~hearing officer~~ administrative law judge shall mail to the person, by regular mail, at the address on file with the director under section 39-06-20, or at any other address for the person or the person's legal representative supplied in the request for hearing, a copy of the decision which serves as the director's official notification to the person of the revocation, suspension, or denial of driving privileges in this state. Even if the person for whom the hearing is scheduled fails to appear at the hearing, the hearing is deemed to have been held on the date for which it is scheduled for purposes of appeal under section 39-06.2-10.7.
7. An administrative law judge assigned by the director of the office of administrative hearings to conduct a hearing under this section shall maintain and secure all related documents and evidence to maintain the privacy of records that have been affirmed which contain personal information.

SECTION 9. AMENDMENT. Section 39-06.2-10.7 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-10.7. Judicial review. Any person whose commercial driver's license or privilege has been suspended, revoked, or denied party adversely affected by the decision of the ~~hearing officer~~ administrative law judge under section 39-06.2-10.6 may appeal within seven days after the date of the hearing under section 39-06.2-10.6 as shown by the date of the ~~hearing officer's~~ administrative law judge's decision, section 28-32-42 notwithstanding, by serving on the director and filing a notice of appeal and specifications of error in the district court in the county where the events occurred for which the demand for a test was made, or in the county in which the administrative hearing was held. The court shall set the matter for hearing, and the petitioner shall give twenty days' notice of the hearing to the director and to the ~~hearing officer who rendered the decision.~~ ~~Neither the director nor the~~ The court may not stay the decision pending decision on appeal. Within twenty days after receipt of the notice of appeal, the director or the hearing officer who rendered the decision shall file in the office of the clerk of court to which the appeal is taken a certified transcript of the testimony and all other proceedings. It is the record on which the appeal must be determined. No The court may not hear additional evidence may be heard. The court shall affirm the decision of the ~~director or hearing officer~~ administrative law judge unless it the court finds the evidence insufficient to warrant the conclusion reached by the ~~director or hearing officer~~ administrative law judge. The court may direct that the matter be returned to the ~~director or hearing officer~~ administrative law judge for rehearing and the presentation of additional evidence.

SECTION 10. AMENDMENT. Section 39-06.2-10.8 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-10.8. Temporary driver's permit. A temporary driver's permit extends driving privileges for twenty-five days, unless earlier terminated by the decision of a ~~hearing officer~~ an administrative law judge under section 39-06.2-10.6. The law enforcement officer must sign and note the date of issuance on the temporary driver's permit. The temporary driver's permit serves as the director's official notification to the driver of the director's intent to revoke, suspend, or deny driving privileges in this state. ~~No~~ A temporary driver's permit may not be issued for the period covered by an out-of-service order.

SECTION 11. AMENDMENT. Subsection 1 of section 39-20-03.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The law enforcement officer shall immediately take possession of the person's operator's license if it is then available and shall immediately issue to that person a temporary operator's permit if the person then has valid operating privileges, extending driving privileges for the next twenty-five days, or until earlier terminated by the decision of a ~~hearing officer~~ an administrative law judge under section 39-20-05. The law enforcement officer shall sign and note the date on the temporary operator's permit. The temporary operator's permit serves as the director's official notification to the person of the director's intent to revoke, suspend, or deny driving privileges in this state.

SECTION 12. AMENDMENT. Section 39-20-03.2 of the North Dakota Century Code is amended and reenacted as follows:

39-20-03.2. Action following test result or on refusing test by nonresident operator. If a person licensed in another state refuses in this state to submit to a test provided under section 39-20-01 or 39-20-14, or who submits to a test under section 39-20-01, 39-20-02, or 39-20-03 and the test results show the person to have an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight at the time of performance of a test within two hours after driving or being in physical control of a motor vehicle, the following procedures apply:

1. Without taking possession of the person's out-of-state operator's license, the law enforcement officer shall issue to the person a notification of the test results and a temporary operator's permit extending nonresident operating privileges in this state for twenty-five days from the date of issuance or until earlier terminated by the decision of a ~~hearing officer~~ an administrative law judge under section 39-20-05. The temporary permit must be signed and dated by the officer and serves as the director's official notification to the person of the director's intent to revoke, suspend, or deny

driving privileges in this state, and of the hearing procedures under this chapter.

2. If the test was administered by saliva or urine sample or by drawing blood, the law enforcement officer, on reviewing the alcohol concentration analysis showing the person had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, shall mail or issue to the person a notification of the test results, a temporary operator's permit extending nonresident operating privileges in this state for twenty-five days from the date of mailing or issuance or until earlier terminated by the decision of a ~~hearing officer~~ an administrative law judge under section 39-20-05, and notice of the intent to revoke, suspend, or deny driving privileges in this state, together with the notice provided under section 39-06.1-07 of the procedures available under this chapter. The temporary operator's permit must be signed and dated by the officer.
3. The law enforcement officer, within five days of issuing the temporary operator's permit, shall forward to the director a certified written report in the form required by the director and a certified copy of the operational checklist and test records of a breath test and a copy of the certified copy of the analytical report for a blood, saliva, or urine test for all tests administered at the direction of the officer. If the person was issued a temporary operator's permit because of the person's refusal to submit to a test under sections 39-20-01 and 39-20-14, the report must include information as provided in section 39-20-04. If the person was issued a temporary operator's permit because of the results of a test, the report must show that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01, or equivalent ordinance, that the person was lawfully arrested, that the person was tested for alcohol concentration under this chapter, and that the results of the test show that the person had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight.

SECTION 13. AMENDMENT. Subsection 1 of section 39-20-04 of the North Dakota Century Code is amended and reenacted as follows:

1. If a person refuses to submit to testing under section 39-20-01 or 39-20-14, none may be given, but the law enforcement officer shall immediately take possession of the person's operator's license if it is then available and shall immediately issue to that person a temporary operator's permit, if the person then has valid operating privileges, extending driving privileges for the next twenty-five days or until earlier terminated by a decision of a ~~hearing officer~~ an administrative law judge under section 39-20-05. The law enforcement officer shall sign and note the date on the temporary operator's permit. The temporary operator's permit serves as the director's official notification to the person of the director's intent to revoke driving privileges in this state and of the hearing procedures under this chapter. The director, upon the receipt of that person's operator's license and a certified written report of the law enforcement officer in the form required by the director, forwarded by the officer within five days after issuing the temporary operator's permit, showing that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01 or equivalent ordinance or, for purposes of section 39-20-14, had reason to believe that the person committed a moving traffic violation or was involved in a traffic accident as a driver, and in conjunction with the violation or accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol, that the person was lawfully arrested if applicable, and that the person had refused to submit to the test or tests under section 39-20-01 or 39-20-14, shall revoke that person's license or permit to drive and any nonresident operating privilege for the appropriate period under this section, or if the person is a resident without a license or a permit to operate a motor vehicle in this state, the director shall deny to the person the issuance of a license or permit for the appropriate period under this section after the date of the alleged violation,

subject to the opportunity for a prerevocation hearing and postrevocation review as provided in this chapter. In the revocation of the person's operator's license the director shall give credit for time in which the person was without an operator's license after the day of the person's refusal to submit to the test except that the director may not give credit for time in which the person retained driving privileges through a temporary operator's permit issued under this section or section 39-20-03.2. The period of revocation or denial of issuance of a license or permit under this section is:

- a. One year if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has not previously been suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.
- b. Three years if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has been once previously suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.
- c. Four years if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has at least twice previously been suspended, revoked, or issuance denied under this chapter, or for a violation of section 39-08-01 or equivalent ordinance, or any combination of the same, and the suspensions, revocations, or denials resulted from at least two separate arrests.

SECTION 14. AMENDMENT. Section 39-20-05 of the North Dakota Century Code is amended and reenacted as follows:

39-20-05. Administrative hearing on request.

1. Before issuing an order of suspension, revocation, or denial under section 39-20-04 or 39-20-04.1, the director shall afford that person an opportunity for a hearing if the person mails or communicates by other means authorized by the director a request for the hearing to the director within ten days after the date of issuance of the temporary operator's permit. The hearing must be held within thirty days after the date of issuance of the temporary operator's permit. If ~~no~~ a hearing is not requested within the time limits in this section, and ~~no~~ an affidavit is not submitted within the time limits under subsection 2 of section 39-20-04, the expiration of the temporary operator's permit serves as the director's official notification to the person of the revocation, suspension, or denial of driving privileges in this state.
2. If the issue to be determined by the hearing concerns license suspension for operating a motor vehicle while having an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, the hearing must be before ~~a hearing officer assigned by the director~~ an administrative law judge and at a time and place designated by the director of the office of administrative hearings. The hearing must be recorded and its scope may cover only the issues of whether the arresting officer had reasonable grounds to believe the person had been driving or was in actual physical control of a vehicle in violation of section 39-08-01 or equivalent ordinance or, with respect to a person under twenty-one years of age, the person had been driving or was in actual physical control of a vehicle while having an alcohol concentration of at least two one-hundredths of one percent by weight; whether the person was placed under arrest, unless the person was under twenty-one years of age and the alcohol concentration was less than eight one-hundredths of one percent by weight, then arrest is not required and is not an issue under any provision of this chapter; whether the person was tested in accordance with section 39-20-01 or 39-20-03 and, if applicable, section 39-20-02; and whether the test results show the person had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by

weight. For purposes of this section, a copy of a certified copy of an analytical report of a blood, urine, or saliva sample from the director of the state crime laboratory or the director's designee or a certified copy of the checklist and test records from a certified breath test operator establish prima facie the alcohol concentration shown therein. Whether the person was informed that the privilege to drive might be suspended based on the results of the test is not an issue.

3. If the issue to be determined by the hearing concerns license revocation for refusing to submit to a test under section 39-20-01 or 39-20-14, the hearing must be before ~~a hearing officer assigned by the director~~ an administrative law judge at a time and place designated by the director of the office of administrative hearings. The hearing must be recorded. The scope of a hearing for refusing to submit to a test under section 39-20-01 may cover only the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a vehicle in violation of section 39-08-01 or equivalent ordinance or, with respect to a person under twenty-one years of age, the person had been driving or was in actual physical control of a vehicle while having an alcohol concentration of at least two one-hundredths of one percent by weight; whether the person was placed under arrest; and whether that person refused to submit to the test or tests. The scope of a hearing for refusing to submit to a test under section 39-20-14 may cover only the issues of whether the law enforcement officer had reason to believe the person committed a moving traffic violation or was involved in a traffic accident as a driver, whether in conjunction with the violation or the accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol and, whether the person refused to submit to the onsite screening test. Whether the person was informed that the privilege to drive would be revoked or denied for refusal to submit to the test or tests is not an issue.
4. At a hearing under this section, the regularly kept records of the director may be introduced. Those records establish prima facie their contents without further foundation. For purposes of this chapter, the following are deemed regularly kept records of the director: any copy of a certified copy of an analytical report of a blood, urine, or saliva sample received by the director from the director of the state crime laboratory or the director's designee or a law enforcement officer, a certified copy of the checklist and test records received by the director from a certified breath test operator, and any copy of a certified copy of a certificate of the director of the state crime laboratory or the director's designee relating to approved methods, devices, operators, materials, and checklists used for testing for alcohol concentration received by the director from the director of the state crime laboratory, the director's designee, or the recorder, unless the board of county commissioners has designated a different official to maintain the certificate.
5. At a hearing under this section, the administrative law judge may introduce records, conduct examinations, and present evidence relating to the issues to be determined at the hearing. The department may be represented by legal counsel at any hearing under this section.
6. At the close of the hearing, the ~~hearing officer~~ administrative law judge shall notify the person of the ~~hearing officer's~~ administrative law judge's findings of fact, conclusions of law, and decision based on the findings and conclusions and shall immediately deliver to the person a copy of the decision. If the ~~hearing officer~~ administrative law judge does not find in favor of the person, the copy of the decision serves as the director's official notification to the person of the revocation, suspension, or denial of driving privileges in this state. If the ~~hearing officer~~ administrative law judge finds, based on a preponderance of the evidence, that the person refused a test under section 39-20-01 or 39-20-14 or that the person had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, the ~~hearing officer shall~~ administrative law judge immediately shall take possession of the person's temporary operator's permit issued under this chapter. If the ~~hearing officer~~ administrative law judge does not find against the person, the ~~hearing officer~~ administrative law judge shall sign,

date, and mark on the person's permit an extension of driving privileges for the next twenty days and shall return the permit to the person. The ~~hearing officer~~ administrative law judge shall report the findings, conclusions, and decisions to the director within ten days of the conclusion of the hearing. If the ~~hearing officer~~ administrative law judge has determined in favor of the person, the director shall return the person's operator's license by regular mail to the address on file with the director under section 39-06-20.

- 6- 7. If the person who requested a hearing under this section fails to appear at the hearing without justification, the right to the hearing is waived, and the ~~hearing officer's~~ administrative law judge's determination on license revocation, suspension, or denial will be based on the written request for hearing, law enforcement officer's report, and other evidence as may be available. The ~~hearing officer shall~~ administrative law judge, on the date for which the hearing is scheduled, shall mail to the person, by regular mail, at the address on file with the director under section 39-06-20, or at any other address for the person or the person's legal representative supplied in the request for hearing, a copy of the decision which serves as the director's official notification to the person of the revocation, suspension, or denial of driving privileges in this state. Even if the person for whom the hearing is scheduled fails to appear at the hearing, the hearing is deemed to have been held on the date for which it is scheduled for purposes of appeal under section 39-20-06.

SECTION 15. AMENDMENT. Section 39-20-06 of the North Dakota Century Code is amended and reenacted as follows:

39-20-06. Judicial review. Any ~~person whose operator's license or privilege has been suspended, revoked, or denied~~ party adversely affected by the decision of the ~~hearing officer~~ administrative law judge under section 39-20-05 may appeal within seven days after the date of the hearing under section 39-20-05 as shown by the date of the ~~hearing officer's~~ administrative law judge's decision, section 28-32-42 notwithstanding, by serving on the director and filing a notice of appeal and specifications of error in the district court in the county where the events occurred for which the demand for a test was made, or in the county in which the administrative hearing was held. The court shall set the matter for hearing, and the petitioner shall give twenty days' notice of the hearing to the director and to the ~~hearing officer who rendered the decision. Neither the director nor the~~ hearing officer. The court may not stay the decision pending decision on appeal. Within twenty days after receipt of the notice of appeal, the director ~~or the hearing officer who rendered the decision~~ shall file in the office of the clerk of court to which the appeal is taken a certified transcript of the testimony and all other proceedings. It is the record on which the appeal must be determined. ~~No~~ The court may not hear additional evidence ~~may be heard~~. The court shall affirm the decision of the ~~director or hearing officer~~ administrative law judge unless ~~if~~ the court finds the evidence insufficient to warrant the conclusion reached by the ~~director or hearing officer~~ administrative law judge. The court may direct that the matter be returned to the ~~director or hearing officer~~ administrative law judge for rehearing and the presentation of additional evidence.

SECTION 16. AMENDMENT. Subsection 1 of section 54-57-03 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding the authority granted in chapter 28-32 allowing agency heads or other persons to preside in an administrative proceeding, all adjudicative proceedings of administrative agencies under chapter 28-32, except those of the public service commission, the industrial commission, the insurance commissioner, workforce safety and insurance, the state engineer, ~~the department of transportation~~, job service North Dakota, and the labor commissioner, must be conducted by the office of administrative hearings in accordance with the adjudicative proceedings provisions of chapter 28-32 and any rules adopted pursuant to chapter 28-32. ~~But, appeals~~ Appeals hearings pursuant to section 61-03-22 and drainage appeals from water resource boards to the state engineer pursuant to chapter 61-32 must be conducted by the office of administrative hearings. ~~Additionally, hearings~~ Hearings of the department of corrections and rehabilitation for the parole board in accordance with chapter 12-59; regarding parole violations; job discipline and dismissal appeals to the board of higher education; Individuals With Disabilities Education Act and section 504 due process hearings of the superintendent of public instruction; and chapter 37-19.1 veterans' preferences hearings for any

agency must be conducted by the office of administrative hearings in accordance with applicable laws.

SECTION 17. TRANSITION. The office of administrative hearings shall consider first hiring as employees all full-time department of transportation hearing officer employees who currently conduct hearings for the department of transportation.

SECTION 18. EFFECTIVE DATE. Sections 4 through 17 of this Act become effective on August 1, 2008."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1017 - Office of Administrative Hearings - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$1,269,674	\$1,269,674	\$345,242	\$1,614,916
Operating expenses	<u>424,417</u>	<u>374,417</u>	<u>51,942</u>	<u>426,359</u>
Total all funds	\$1,694,091	\$1,644,091	\$397,184	\$2,041,275
Less estimated income	<u>1,694,091</u>	<u>1,644,091</u>	<u>397,184</u>	<u>2,041,275</u>
General fund	\$0	\$0	\$0	\$0
FTE	8.00	8.00	5.00	13.00

Dept. 140 - Office of Administrative Hearings - Detail of Senate Changes

	ADDS FUNDING FOR DEPARTMENT OF TRANSPORTATION HEARINGS ¹	TOTAL SENATE CHANGES
Salaries and wages	\$345,242	\$345,242
Operating expenses	<u>51,942</u>	<u>51,942</u>
Total all funds	\$397,184	\$397,184
Less estimated income	<u>397,184</u>	<u>397,184</u>
General fund	\$0	\$0
FTE	5.00	5.00

¹ The Senate added funding relating to the transfer of Department of Transportation hearings to the Office of Administrative Hearings effective August 1, 2008.

The Senate incorporated the provisions of Senate Bill No. 2375, which transfers Department of Transportation hearings responsibility to the Office of Administrative Hearings, into House Bill No. 1017. The effective date of the transfer is August 1, 2008.

REPORT OF STANDING COMMITTEE

HB 1106, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1106 was placed on the Sixth order on the calendar.

In lieu of the amendments to Engrossed House Bill No. 1106 as printed on pages 1015 and 1016 of the Senate Journal, Engrossed House Bill No. 1106 is amended as follows:

Page 1, line 1, after the first "1" insert "and subdivision a of subsection 7"

Page 1, line 3, replace "and" with "to provide for application;" and after "date" insert "; and to declare an emergency"

Page 1, line 8, replace "forty" with "thirty"

Page 1, after line 11, insert:

"SECTION 2. AMENDMENT. Subsection 1 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

1. Each member of the legislative assembly is entitled to receive as compensation for services the sum of one hundred ~~thirty~~ thirty-five dollars for each calendar day during any organizational, special, or regular legislative session and for each day that member attends a meeting of a legislative committee between the organizational session and the regular session as authorized by legislative rule.

SECTION 3. AMENDMENT. Subdivision a of subsection 7 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

7. a. In addition, each member is entitled to receive during the term for which the member was elected, as compensation for the execution of public duties during the biennium, the sum of three hundred ~~fifty~~ sixty-four dollars a month, which is payable every six months or monthly, at the member's option.

SECTION 4. AMENDMENT. Subdivision a of subsection 7 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

7. a. In addition, each member is entitled to receive during the term for which the member was elected, as compensation for the execution of public duties during the biennium, the sum of three hundred ~~sixty-four~~ seventy-eight dollars a month, which is payable every six months or monthly, at the member's option."

Page 1, line 16, replace "twenty-five" with "four"

Page 1, replace lines 20 and 21 with:

"SECTION 6. AMENDMENT. Subsection 1 of section 54-35-10 of the North Dakota Century Code is amended and reenacted as follows:

1. The members of the council and the members of any committee of the council are entitled to be compensated for the time spent in attendance at sessions of the council and of its committees at the rate of one hundred ~~four~~ eight dollars per day and must also be paid for expenses incurred in attending said meetings and in the performance of their official duties in the amounts provided by law for other state officers.

SECTION 7. APPLICATION. A member of the sixtieth legislative assembly will continue to receive compensation at the rate provided in subsection 1 of section 54-03-20, subdivision a of subsection 7 of section 54-03-20, and subsection 1 of section 54-35-10 as of the day before the effective date of sections 1, 3, and 5 of this Act and will continue to receive compensation at that rate until that member files with the legislative council a written request for compensation at the rate provided on the effective date of any portion of this Act as requested by that member. A member who cast an affirmative vote as recorded on the roll call vote on the final passage of this Act is deemed to have filed the written request for the compensation provided by this Act unless the member files a statement with the legislative council declining the new rate.

SECTION 8. EFFECTIVE DATE. Sections 1, 3, and 5 of this Act become effective on July 1, 2007, and sections 2, 4, and 6 of this Act become effective on July 1, 2008.

SECTION 9. EMERGENCY. Sections 1, 3, and 5 of this Act are declared to be an emergency measure."

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2002: Your conference committee (Sens. Krebsbach, Lindaas, Wardner and Reps. Thoreson, Carlisle, Clark) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1121-1122 and place SB 2002 on the Seventh order.

SB 2002 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2004: Your conference committee (Sens. Fischer, Holmberg, Seymour and Reps. Skarphol, Kempenich, Glassheim) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1122 and place SB 2004 on the Seventh order.

SB 2004 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2010, as engrossed: Your conference committee (Sens. Holmberg, Christmann, Tallackson and Reps. Carlisle, Carlson, Williams) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1127-1129 and place SB 2010 on the Seventh order.

Engrossed SB 2010 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2016, as engrossed: Your conference committee (Sens. Grindberg, Wardner, Lindaas and Reps. Carlson, Skarphol, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1067-1070, adopt amendments as follows, and place SB 2016 on the Seventh order:

That the House recede from its amendments as printed on pages 1067-1070 of the Senate Journal and pages 1177-1179 of the House Journal and that Engrossed Senate Bill No. 2016 be amended as follows:

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 medical services and hospitals.

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 Conference Committee Action

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

Senate Bill No. 2016 - Adjutant General - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$4,466,546	\$4,466,546		\$4,466,546	\$4,466,546	
Operating expenses	3,898,828	3,898,828		3,898,828	3,898,828	
Capital assets	1,250,667	1,250,667	(\$320,000)	930,667	930,667	
Grants	329,514	329,514	120,000	449,514	449,514	
Civil Air Patrol	160,163	160,163		160,163	160,163	
Tuition, recruiting, and retention	2,407,500	2,407,500		2,407,500	2,407,500	
Air Guard contract	9,480,731	9,480,731		9,480,731	9,480,731	
Army Guard contract	66,433,863	66,433,863		66,433,863	66,433,863	
Veterans' Cemetery	<u>354,922</u>	<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	\$88,582,734	\$0
Less estimated income	<u>74,802,833</u>	<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	\$13,779,901	\$0
FTE	176.00	176.00	0.00	176.00	176.00	0.00

Dept. 540 - Adjutant General - Detail of Conference Committee Changes

REMOVES FUNDING FOR PAYOFF OF SPECIAL ASSESSMENTS ¹	PROVIDES FUNDING FOR PAYMENT OF SPECIAL ASSESSMENTS ²	PROVIDES FUNDING FOR ARMORY LEASE PAYMENTS OR MAINTENANCE ³	TOTAL CONFERENCE COMMITTEE CHANGES
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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

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

² 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.

³ 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 - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$7,494,122	\$7,494,122	\$300,000	\$7,794,122	\$7,794,122	
Operating expenses	3,829,400	3,829,400	(100,000)	3,829,400	3,829,400	
Capital assets	1,525,347	1,525,347		1,525,347	1,525,347	
Grants	40,794,635	40,794,635		40,794,635	40,794,635	
Radio communications	<u>980,000</u>	<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	\$54,923,504	\$0
Less estimated income	<u>46,891,559</u>	<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	\$8,031,945	\$0
FTE	56.00	56.00	0.00	56.00	56.00	0.00

Dept. 542 - Department of Emergency Services - Detail of Conference Committee Changes

	PROVIDES FUNDING FOR SALARY EQUITY AND PAY GRADE ADJUSTMENTS ¹	REMOVES FUNDING FOR MAPPING PROJECT ²	TOTAL CONFERENCE COMMITTEE 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

¹ 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.

² 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.

Engrossed SB 2016 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2019, as engrossed: Your conference committee (Sens. Krebsbach, Holmberg, Seymour and Reps. Wald, Martinson, Aarsvold) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1081-1082, adopt amendments as follows, and place SB 2019 on the Seventh order:

That the House recede from its amendments as printed on pages 1081 and 1082 of the Senate Journal and pages 1184-1186 of the House Journal and that Engrossed Senate Bill No. 2019 be amended as follows:

Page 1, line 3, replace "marina construction" with "boat ramp improvements"

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

Page 2, line 10, replace "3,680,736" with "3,318,236"

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

Page 2, line 14, replace "9,964,070" with "3,476,070"

Page 2, line 15, replace "6,408,806" with "(79,194)"

Page 2, line 25, replace "6,608,806" with "120,806"

Page 2, line 26, replace "12,931,070" with "6,443,070"

Page 3, line 6, replace "13,352,979" with "12,990,479"

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

Page 3, line 9, replace "30,932,952" with "24,444,952"

Page 3, line 10, replace "19,836,389" with "13,348,389"

Page 3, line 20, replace "20,036,389" with "13,548,389"

Page 3, line 21, replace "34,502,806" with "28,014,806"

Page 3, line 28, after the period insert "Of the \$381,750, \$109,750 is for boat ramp improvements at Fort Stevenson state park and may only be spent if the corps of engineers does not begin construction of the marina at Fort Stevenson by March 31, 2008."

Page 4, remove lines 5 through 13

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 8. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in section 3 of this Act includes \$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"

Page 5, line 27, replace "7" with "6"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2019 - Summary of Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Parks and Recreation Department						
Total all funds	\$24,099,952	\$30,932,952	(\$6,488,000)	\$24,444,952	\$30,544,952	(\$6,100,000)
Less estimated income	<u>13,128,389</u>	<u>19,836,389</u>	<u>(6,488,000)</u>	<u>13,348,389</u>	<u>19,448,389</u>	<u>(6,100,000)</u>
General fund	\$10,971,563	\$11,096,563	\$0	\$11,096,563	\$11,096,563	\$0
International Peace Garden						
Total all funds	\$3,169,854	\$3,569,854	\$0	\$3,569,854	\$3,569,854	\$0
Less estimated income	<u>200,000</u>	<u>200,000</u>	<u>0</u>	<u>200,000</u>	<u>200,000</u>	<u>0</u>
General fund	\$3,169,854	\$3,369,854	\$0	\$3,369,854	\$3,369,854	\$0
Bill Total						
Total all funds	\$27,269,806	\$34,502,806	(\$6,488,000)	\$28,014,806	\$34,114,806	(\$6,100,000)
Less estimated income	<u>13,128,389</u>	<u>20,036,389</u>	<u>(6,488,000)</u>	<u>13,548,389</u>	<u>19,648,389</u>	<u>(6,100,000)</u>
General fund	\$14,141,417	\$14,466,417	\$0	\$14,466,417	\$14,466,417	\$0

Senate Bill No. 2019 - Parks and Recreation Department - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Capital assets		\$6,833,000	(\$6,125,500)	\$707,500	\$6,707,500	(\$6,000,000)
Administration	\$2,110,099	2,110,099		2,110,099	2,110,099	
Natural resources	13,352,979	13,352,979	(362,500)	12,990,479	13,090,479	(100,000)
Recreation	<u>8,636,874</u>	<u>8,636,874</u>	<u>0</u>	<u>8,636,874</u>	<u>8,636,874</u>	<u>0</u>
Total all funds	\$24,099,952	\$30,932,952	(\$6,488,000)	\$24,444,952	\$30,544,952	(\$6,100,000)
Less estimated income	<u>13,128,389</u>	<u>19,836,389</u>	<u>(6,488,000)</u>	<u>13,348,389</u>	<u>19,448,389</u>	<u>(6,100,000)</u>
General fund	\$10,971,563	\$11,096,563	\$0	\$11,096,563	\$11,096,563	\$0
FTE	50.50	50.50	0.00	50.50	50.50	0.00

Dept. 750 - Parks and Recreation Department - Detail of Conference Committee Changes

	PROVIDES FUNDING FOR ICELANDIC STATE PARK ¹	REDUCES FUNDING FOR EXTRAORDINARY REPAIRS ²	REMOVES FUNDING FOR FORT STEVENSON MARINA ³	TOTAL CONFERENCE COMMITTEE CHANGES
Capital assets	\$474,500		(\$6,600,000)	(\$6,125,500)
Administration				
Natural resources		(\$362,500)		(362,500)
Recreation				
Total all funds	\$474,500	(\$362,500)	(\$6,600,000)	(\$6,488,000)
Less estimated income	<u>112,000</u>	<u>0</u>	<u>(6,600,000)</u>	<u>(6,488,000)</u>
General fund	\$362,500	(\$362,500)	\$0	\$0
FTE	0.00	0.00	0.00	0.00

¹ This amendment adds funding for expansion of the Heritage Center at Icelandic State Park.

² This amendment reduces general fund support for extraordinary repairs by \$362,500 to \$950,000.

³ This amendment removes funding for the marina at Fort Stevenson State Park.

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 6 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 funding for the Fort Stevenson marina and provides a contingency appropriation of \$109,750 for boat ramp improvements at Fort Stevenson if the Corps of Engineers does not begin construction of the marina by March 31, 2008.

Senate Bill No. 2019 - International Peace Garden - Conference Committee Action

The conference committee did not change the Senate version.

Engrossed SB 2019 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2109, as engrossed: Your conference committee (Sens. J. Lee, Dever, Warner and Reps. Pietsch, Price, Potter) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 832, adopt amendments as follows, and place SB 2109 on the Seventh order:

That the House recede from its amendments as printed on page 832 of the Senate Journal and page 911 of the House Journal and that Engrossed Senate Bill No. 2109 be amended as follows:

Page 1, line 4, after the semicolon insert "to provide for a legislative council study;"

Page 1, line 8, remove the overstrike over "~~during the~~"

Page 1, line 9, remove the overstrike over "~~period between August 1,~~", after "2005" insert "2007", remove the overstrike over "~~, and July 31,~~", after "2007" insert "2009", and remove the overstrike over the fourth overstruck comma

Page 2, line 3, remove the overstrike over "~~during the period between August 1,~~", after "2005" insert "2007", and remove the overstrike over "~~, and~~"

Page 2, line 4, remove the overstrike over "~~July 31,~~" and after "2007" insert "2009"

Page 2, after line 7, insert:

"SECTION 3. LEGISLATIVE COUNCIL STUDY - LONG-TERM CARE. During the 2007-08 interim, the legislative council shall study the state's long-term care system including capacity, geographical boundaries for determining capacity, the need for home and community-based services, a methodology to identify areas of the state which are in need of additional skilled nursing facility beds, access, workforce, reimbursement, and payment incentives. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

ReNUMBER accordingly

Engrossed SB 2109 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2262, as engrossed: Your conference committee (Sens. Nething, Olafson, Nelson and Reps. Boehning, Kretschmar, Onstad) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 849-986, adopt amendments as follows, and place SB 2262 on the Seventh order:

That the House recede from its amendments as printed on page 867 of the Senate Journal and pages 849 and 986 of the House Journal and that Engrossed Senate Bill No. 2262 be amended as follows:

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

Page 2, line 8, replace "A minor" with "An individual under the age of twenty-one"

Page 2, line 9, replace "minor" with "individual" and replace "minor's" with "individual's"

Page 2, line 10, replace "minor" with "individual"

Page 2, line 19, after "state" insert "before any harm to others or damage to property occurs"

Page 2, after line 19, insert:

"**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed SB 2262 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2352, as engrossed: Your conference committee (Sens. Dever, Erbele, Heckaman and Reps. Hofstad, Porter, Kaldor) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1043-1044, adopt amendments as follows, and place SB 2352 on the Seventh order:

That the House recede from its amendments as printed on pages 1043 and 1044 of the Senate Journal and on pages 1105 and 1106 of the House Journal and that Engrossed Senate Bill No. 2352 be amended as follows:

Page 1, line 1, replace "provide for" with "create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to" and after "tattooing" insert ", branding, subdermal implantation, scarifying,"

Page 1, replace lines 4 through 9 with:

"**SECTION 1.** A new section to chapter 12.1-31 of the North Dakota Century Code is created and enacted as follows:

Tattooing, branding, subdermal implants, scarifying, and body piercing - Minors.

1. As used in this section:

- a. "Brand" means the use of heat, cold, or any chemical compound to imprint permanent markings on an individual's skin.
- b. "Pierce" means the puncture of any part of an individual's body, except for noncartilaginous perimeter or lobe of the ear, to insert studs, pins, rings, chains, or other jewelry or adornment.
- c. "Scarify" means to cut, tear, or abrade an individual's skin for the purpose of creating permanent mark or design on the skin.
- d. "Subdermal implant" means to insert a foreign object beneath the skin to decorate an individual's body. The term does not include implantations for medical purposes.
- e. "Tattoo" means to mark the skin of an individual by insertion of permanent colors through puncture of the skin."

Page 1, line 10, after "tattoo" insert ", brand, subdermal implant, scarify,"

Page 1, line 11, after "tattooing" insert ", branding, subdermal implanting, scarifying,"

Page 1, line 15, after the second underscored comma insert "branding, self-branding, scarifying, self-scarifying, subdermal implantation, self-subdermal implantation,"

Page 1, line 17, after "tattooing" insert ", branding, subdermal implantation, scarifying,"

Page 1, line 18, after "tattooing" insert ", branding, subdermal implantation, scarifying,"

Renumber accordingly

Engrossed SB 2352 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1219, as engrossed: Your conference committee (Sens. Nething, Lyson, Nelson and Reps. Klemin, Koppelman, Delmore) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1100 and place HB 1219 on the Seventh order.

Engrossed HB 1219 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1092, as engrossed: Your conference committee (Sens. Nething, Lyson, Nelson and Reps. Kretschmar, Dahl, Delmore) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 907-908 and place HB 1092 on the Seventh order.

Engrossed HB 1092 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1505, as engrossed: Your conference committee (Sens. Dever, Erbele, Heckaman and Reps. Hofstad, Porter, Kaldor) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 982-983B, adopt further amendments as follows, and place HB 1505 on the Seventh order:

That the House accede to the Senate amendments as printed on page 983 of the House Journal and page 748 of the Senate Journal and that Engrossed House Bill No. 1505 be further amended as follows:

Page 1, line 13, remove "on June thirtieth"

Renumber accordingly

Engrossed HB 1505 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1513, as engrossed: Your conference committee (Sens. Urlacher, Tollefson, Heitkamp and Reps. Hofstad, DeKrey, Solberg) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 931, adopt amendments as follows, and place HB 1513 on the Seventh order:

That the Senate recede from its amendments as printed on page 931 of the House Journal and page 718 of the Senate Journal and that Engrossed House Bill No. 1513 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to an emergency municipal, tribal, and rural water system drinking water grant program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 61-02 of the North Dakota Century Code is created and enacted as follows:

Emergency municipal, tribal, and rural water system drinking water grant program. The commission may establish an emergency municipal, tribal, and rural water assistance program for municipalities, tribes, and rural water systems, whose primary source of water is the Missouri River, Lake Sakakawea, or Lake Oahe. The commission may establish procedures, cost-share guidelines, and other criteria for municipalities, tribes, and rural water systems that request emergency assistance due to low water conditions on the Missouri River, Lake Sakakawea, or Lake Oahe. The purpose of this program is to provide emergency grant funds to municipalities, tribes, and rural water systems facing a critical need or health risk as a result of the inability of the water intake system for the municipal, tribal, or rural water system to supply an adequate quantity of quality water to the people served by the municipal, tribal, or rural water system."

Renumber accordingly

Engrossed HB 1513 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