

## JOURNAL OF THE SENATE

## Sixtieth Legislative Assembly

\* \* \* \* \*

Bismarck, April 11, 2007

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

The prayer was offered by District Superintendent Mike Boyle, Evangelical Free Church of America, Bismarck.

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

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 Reengrossed HB 1296, Engrossed HB 1311, HB 1359, Reengrossed HB 1395, Engrossed HB 1433, Reengrossed HB 1435, and HB 1488, which motion prevailed.

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

**Reengrossed HB 1296:** Sens. Erbele, Dever, Warner

**Engrossed HB 1311:** Sens. Lyson, Freborg, Triplett

**HB 1359:** Sens. G. Lee, Nething, Bakke

**Reengrossed HB 1395:** Sens. Freborg, Flakoll, Taylor

**Engrossed HB 1433:** Sens. Dever, J. Lee, Heckaman

**Reengrossed HB 1435:** Sens. J. Lee, Kilzer, Warner

**HB 1488:** Sens. Dever, Erbele, Pomeroy

**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 new Conference Committee on SB 2293, which motion prevailed.

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

**SB 2293:** Sens. Lyson, Freborg, Heitkamp

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ANDRIST MOVED** that the conference committee report on Engrossed HB 1089 as printed on SJ page 1338 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. FLAKOLL MOVED** that the conference committee report on Reengrossed HB 1125 as printed on SJ page 1338 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ANDRIST MOVED** that the conference committee report on Engrossed HB 1411 as printed on SJ pages 1365-1366 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. OEHLKE MOVED** that the conference committee report on HB 1380 as printed on SJ page 1340 be adopted, which motion prevailed on a voice vote.

HB 1380, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1380:** A BILL for an Act to amend and reenact section 16.1-01-02.2, subsection 4 of section 16.1-01-04, section 16.1-01-05.1, and subsections 1 and 2 of section 16.1-01-09 of the North Dakota Century Code, relating to general procedures for 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.; Lindaas; 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:** Lyson

HB 1380, as amended, passed and the title was agreed to.

\*\*\*\*\*

**MOTION**

**SEN. HOLMBERG MOVED** that the Senate reconsider the action whereby the Senate did not concur in the House amendments to Engrossed SB 2023, which motion prevailed on a voice vote.

Engrossed SB 2023, as amended, was placed on the Twelfth order.

**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 1380.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1089, HB 1125, HB 1417.

**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 1296:** Sens. Erbele; Dever; Warner

**HB 1311:** Sens. Lyson; Freborg; Triplett

**HB 1395:** Sens. Freborg; Flakoll; Taylor

**HB 1433:** Sens. Dever; J. Lee; Heckaman

**HB 1435:** Sens. J. Lee; Kilzer; Warner

**HB 1488:** Sens. Dever; Erbele; Pomeroy

**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 1359:** Sens. G. Lee; Nething; Bakke

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

**MR. SPEAKER:** The Senate has not adopted the conference committee report and the President has appointed as a new conference committee to act with a like committee from the House on:

**SB 2293:** Sens. Lyson; Freborg; Heitkamp

**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 1166 and HB 1403.

**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 1003, HB 1015, HB 1020, and HB 1463 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1003:** Reps. Wald; Monson; Aarsvold

**HB 1015:** Reps. Pollert; Wieland; Metcalf

**HB 1020:** Reps. Klein; Hawken; Gulleason

**HB 1463:** Reps. Price; Porter; Kaldor

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Boehning to replace Rep. DeKrey on the Conference Committee on SB 2284.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1065, HB 1270, HB 1319, HB 1334, HB 1491, HB 1507, HB 1513, HCR 3034.

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

**MR. PRESIDENT:** The Speaker has signed: HCR 3049.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1010, HB 1056, HB 1060, HB 1088, HB 1092, HB 1136, HB 1147, HB 1157, HB 1219, HB 1315, HB 1348, HB 1402, HB 1422, HB 1446, HB 1456, HB 1492, HB 1501, HB 1505.

**MOTION**

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

**THE SENATE RECONVENED** pursuant to recess taken, with President 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 1003, Reengrossed HB 1015, Engrossed HB 1020, Engrossed HB 1290, and Engrossed HB 1463, which motion prevailed.

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

**Engrossed HB 1003:** Sens. Holmberg, Krebsbach, Robinson

**Reengrossed HB 1015:** Sens. Fischer, Grindberg, Krauter

**Engrossed HB 1020:** Sens. Bowman, Holmberg, Lindaas

**Engrossed HB 1290:** Sens. Erbele, J. Lee, Pomeroy

**Engrossed HB 1463:** Sens. J. Lee, Dever, Warner

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ERBELE MOVED** that the conference committee report on Engrossed HB 1256 as printed on SJ page 1351 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1256, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1256:** A BILL for an Act to create and enact chapter 43-15.2 of the North Dakota Century Code, relating to the creation of a legend prescription drug and device donation and repository program; and to provide an appropriation.

**ROLL CALL**

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

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

Engrossed HB 1256, as amended, passed and the title was agreed to.

\*\*\*\*\*

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. J. LEE MOVED** that the conference committee report on Engrossed HB 1379 as printed on SJ page 1365 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1379 was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1379:** A BILL for an Act to amend and reenact subdivision d of subsection 1 of section 16.1-12-02.2 of the North Dakota Century Code, relating to canvassing of write-in vote thresholds.

**ROLL CALL**

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

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

**NAYS:** Heitkamp

Engrossed HB 1379 passed and the title was agreed to.

\*\*\*\*\*

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. KREBSBACH MOVED** that the conference committee report on Engrossed SB 2019 as printed on SJ pages 1309-1311 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2019, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2019:** A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department and the International Peace Garden; to provide contingent appropriations for the international music camp and boat ramp improvements; to provide for a transfer; to amend and reenact section 54-44.4-02 of the North Dakota Century Code, relating to state procurement; to provide for a report; and to declare an emergency.

**ROLL CALL**

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

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

Reengrossed SB 2019 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. G. LEE MOVED** that the conference committee report on Engrossed SB 2146 as printed on SJ page 1365 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2146, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2146:** A BILL for an Act to amend and reenact subsection 1 of section 39-08-20 of the North Dakota Century Code, relating to proof of insurance.

**ROLL CALL**

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

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

**NAYS:** Lyson

Reengrossed SB 2146 passed and the title was agreed to.

\*\*\*\*\*

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2165 be moved to the top of the Seventh order, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2165:** Your conference committee (Sens. Nething, Andrist, Fiebiger and Reps. Owens, Ruby, Gruchalla), having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

SB 2165 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. NETHING MOVED** that the conference committee report on SB 2165 be adopted, which motion prevailed on a voice vote.

SB 2165 was placed on the Twelfth order.

**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 2019, SB 2146.

**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 1256, HB 1379.

**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 1003:** Sens. Holmberg; Krebsbach; Robinson

**HB 1015:** Sens. Fischer; Grindberg; Krauter

**HB 1020:** Sens. Bowman; Holmberg; Lindaas

**HB 1290:** Sens. Erbele; J. Lee; Pomeroy

**HB 1463:** Sens. J. Lee; Dever; Warner

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2418.

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2418**

Page 1, line 2, remove "and" and after "indebtedness" insert "; to provide for an exception to the moratorium on expansion of long-term care bed capacity; and to provide for reports to the budget section"

Page 2, after line 4, insert:

**"SECTION 3. EXCEPTION TO THE MORATORIUM ON EXPANSION OF LONG-TERM CARE BED CAPACITY.** Notwithstanding North Dakota Century Code section 23-16-01.1, after completion of the veterans' home construction project, the veterans' home may add to the state's licensed nursing facility capacity by converting fourteen licensed basic care beds to licensed nursing facility beds.

**SECTION 4. REPORTS TO THE BUDGET SECTION - VETERANS' HOME CONSTRUCTION PROJECT.** The veterans' home shall provide periodic reports to the budget section regarding the status of the veterans' home construction project during the 2007-08 interim."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment allows the Veterans' Home to add licensed nursing facility beds and provides for periodic reports to the Budget Section from the Veterans' Home regarding the status of its construction project.

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2418**

In addition to the amendments adopted by the House as printed on pages 1448 and 1449 of the House Journal, Reengrossed Senate Bill No. 2418 is further amended as follows:

Page 1, line 5, replace "general" with "permanent oil tax trust"

Page 1, line 8, remove "general fund" and after "appropriation" insert "from the permanent oil tax trust fund"

Page 1, line 10, replace "general fund" with "state"

Page 1, line 11, after the first "project" insert "authorized in this section"

Renumber accordingly

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

In addition, this amendment changes the funding for the state share of the Veterans' Home construction project from the general fund to the permanent oil tax trust fund.

#### **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 1321 and HB 1330 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1321:** Reps. Koppelman; Wrangham; Kaldor

**HB 1330:** Reps. Kempenich; Thoreson; Williams

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

**MR. PRESIDENT:** The House adopted the conference committee report and subsequently passed: HB 1278.

#### **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: SB 2146, SB 2262, and SB 2352.

#### **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: SB 2021 and SB 2093.

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

**MR. PRESIDENT:** The House has adopted the conference committee report on: SB 2100, SB 2137, SB 2161, SB 2341.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. DeKrey to replace Rep. Boehning on the Conference Committee on SB 2284.

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

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

**SB 2293:** Reps. Porter; DeKrey; S. Meyer

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1089, HB 1125, HB 1380, HB 1417.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2111, SB 2125, SB 2154, SB 2204, SB 2236, SB 2247, SB 2274, SB 2276, SB 2277, SB 2411, SCR 4001.

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

**MR. SPEAKER:** The President has signed: SB 2343.

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

**MR. SPEAKER:** The President has signed: SB 2049, SB 2056, SB 2113, SB 2117, SB 2118, SB 2123, SB 2139, SB 2155, SB 2182, SB 2295.

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

The following bill was delivered to the Governor for approval on April 11, 2007: SB 2343.

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

The following bills were delivered to the Governor for approval on April 11, 2007: SB 2049, SB 2056, SB 2113, SB 2117, SB 2118, SB 2123, SB 2139, SB 2155, SB 2182, SB 2295.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on April 10, 2007, I have signed the following: SB 2062, SB 2129, SB 2336, and SB 2338.

**MOTION**

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

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Seventh, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Thursday, April 12, 2007, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

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

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

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

Page 1, after line 3, insert:

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

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

Page 1, remove the overstrike over lines 17 through 21

Renumber accordingly

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

**REPORT OF CONFERENCE COMMITTEE**

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

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

Page 1, line 2, after "revenues" insert "; to repeal section 57-51.1-07.2 of the North Dakota Century Code, relating to the permanent oil tax trust fund; to provide for a legislative council study; to provide for application"

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

Page 2, line 3, remove "sixty percent"

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

Page 2, remove line 5

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

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

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

Page 2, remove line 17

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

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

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

Page 2, remove lines 28 and 29

Page 2, line 30, remove "population"

Page 4, after line 21, insert:

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

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

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

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

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

Renumber accordingly

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

#### **REPORT OF CONFERENCE COMMITTEE**

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

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

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1166, as engrossed:** Your conference committee (Sens. Nething, G. Lee, Bakke and Reps. Owens, Weisz, Delmore) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1001 and place HB 1166 on the Seventh order.

Engrossed HB 1166 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1278, as engrossed:** Your conference committee (Sens. Hacker, Wanzek, Potter and Reps. Vigasaa, Dosch, Thorpe) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1001, adopt amendments as follows, and place HB 1278 on the Seventh order:

That the Senate recede from its amendments as printed on page 1001 of the House Journal and page 762 of the Senate Journal and that Engrossed House Bill No. 1278 be amended as follows:

Page 2, line 11, replace "sixty" with "fifty"

Renumber accordingly



Engrossed HB 1278 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1403, as engrossed:** Your conference committee (Sens. Tollefson, Urlacher, Triplett and Reps. N. Johnson, Nottestad, Gruchalla) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1407-1408 and place HB 1403 on the Seventh order.

Engrossed HB 1403 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**

