

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

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Bismarck, April 17, 2007

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

The prayer was offered by Pastor Donna Dohrmann, Lutheran Church of the Cross, 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 new Conference Committee on Engrossed SB 2309, which motion prevailed.

THE PRESIDENT APPOINTED as a new Conference Committee on:

Engrossed SB 2309: Sens. G. Lee, Flakoll, Taylor

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 1460, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1460: Sens. Klein, Hacker, Potter

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. DEVER MOVED that the conference committee report on HB 1488 as printed on SJ page 1423 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. CHRISTMANN MOVED that the conference committee report on Engrossed HB 1107 as printed on SJ page 1423 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1107 was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1107: A BILL for an Act to amend and reenact subsections 1 and 5 of section 54-06-09 of the North Dakota Century Code, relating to mileage and travel expense reimbursement for state officials and employees.

ROLL CALL

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

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

Engrossed HB 1107 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. OEHLKE MOVED that the conference committee report on Engrossed HB 1394 as printed on SJ page 1423 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1394 was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1394: A BILL for an Act to amend and reenact section 23-15-01 of the North Dakota Century Code, relating to the sale of fireworks.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 8 YEAS, 39 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Behm; Flakoll; Hacker; Heitkamp; Klein; Lee, G.; Potter; Stenehjem

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

Engrossed HB 1394 lost.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ERBELE MOVED that the conference committee report on Engrossed HB 1290 as printed on SJ pages 1408-1409 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1290, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1290: A BILL for an Act to provide for the state department of health to contract for an evaluation of the state trauma system; to provide for a legislative council report; 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; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Engrossed HB 1290, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. FLAKOLL MOVED that the conference committee report on Engrossed SB 2313 as printed on SJ pages 1422-1423 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2313, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2313: A BILL for an Act to provide for the purchase and distribution of automated external defibrillators to schools.

ROLL CALL

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

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

Reengrossed SB 2313 passed and the title was agreed to.

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 2313.

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 1107, HB 1290.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1488.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently failed: HB 1394.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has appointed as a new conference committee to act with a like committee from the House on:

SB 2309: Sens. G. Lee; 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 1460: Sens. Klein; Hacker; Potter

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 1263 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1263: Reps. Klemin; Boehning; Delmore

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 2243.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has not adopted the conference committee report on: HB 1004.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has not adopted the conference committee report on: SB 2352.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2090, SB 2103.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: HB 1029, HB 1146, HB 1243, HB 1390.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1317, HB 1445, HB 1487.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2090, SB 2103.

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.

MOTION

SEN. CHRISTMANN MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Klein, Chairman)**, appointed to consider the nominations to the North Dakota Gaming Commission, do advise and consent to the reappointment of Lois Altenburg.

MOTION

SEN. KLEIN MOVED that the report be adopted.

ROLL CALL

The question being "will the Senate advise and consent to the reappointment of Lois Altenburg to the North Dakota Gaming Commission", 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

The Senate advises and consents to the reappointment of Lois Altenburg to the North Dakota Gaming Commission.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Klein, Chairman)**, appointed to consider the nominations to the North Dakota Gaming Commission, do advise and consent to the reappointment of Blake Krabseth.

MOTION

SEN. KLEIN MOVED that the report be adopted.

ROLL CALL

The question being "will the Senate advise and consent to the reappointment of Blake Krabseth to the North Dakota Gaming Commission", 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

The Senate advises and consents to the reappointment of Blake Krabseth to the North Dakota Gaming Commission.

MOTION

SEN. CHRISTMANN MOVED that the Confirmation Session be dissolved, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. CHRISTMANN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1263, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1263: Sens. Hacker, Wanzek, Potter

MOTION

SEN. CHRISTMANN MOVED that SB 2293 be placed at the bottom of the Seventh order, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. HACKER MOVED that the conference committee report on SB 2094 as printed on SJ pages 1421-1422 be adopted, which motion prevailed on a voice vote.

SB 2094, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2094: A BILL for an Act to amend and reenact sections 46-02-15 and 46-02-20 of the North Dakota Century Code, relating to resident bidder preference for public printing and services provided by in-plant print shops.

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, 2 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; Urlacher; Wanzek; Wardner

NAYS: Triplett; Warner

Engrossed SB 2094 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. NETHING MOVED that the conference committee report on Engrossed SB 2284 as printed on SJ page 1422 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2284, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2284: A BILL for an Act to amend and reenact subsection 4 of section 28-22-03.1 of the North Dakota Century Code, relating to exemption from process for proceeds of a wrongful death or personal bodily injury recovery; and to provide for a legislative council study.

ROLL CALL

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

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

Reengrossed SB 2284 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ERBELE MOVED that the conference committee report on SB 2323 as printed on SJ page 1423, which motion prevailed on a voice vote.

SB 2323, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2323: A BILL for an Act to amend and reenact section 19-18-04 of the North Dakota Century Code, relating to pesticide registration 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2323 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. CHRISTMANN MOVED that the conference committee report on Engrossed SB 2017 as printed on SJ pages 1419-1421 be adopted, which motion failed on a verification vote.

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 2094, SB 2284, SB 2323.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has not adopted the conference committee report on: SB 2017.

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 1263: Sens. Hacker; Wanzek; Potter

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 1303.

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 1154.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has not adopted the conference committee report on: HB 1311.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee report on: SB 2225.

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 2094, SB 2344.

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 2109.

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 2256: Reps. Klemin; Dahl; Griffin

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2243.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1107, HB 1290, HB 1488.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 17, 2007, I have signed the following: SB 2326.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Seventh, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Wednesday, April 18, 2007, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2152, as engrossed: Your conference committee (Sens. Erbele, Dever, Warner and Reps. Weisz, Nelson, Potter) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1110, adopt amendments as follows, and place SB 2152 on the Seventh order:

That the House recede from its amendments as printed on page 1110 of the Senate Journal and pages 1191 and 1192 of the House Journal and that Engrossed Senate Bill No. 2152 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 subsection to section 43-28.1-03 and a new section to chapter 43-28.1 of the North Dakota Century Code, relating to selection and eligibility for loan repayment under the dentists' loan repayment program and for new practice grants; to provide for a legislative council study; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 43-28.1-03 of the North Dakota Century Code is created and enacted as follows:

For the purposes of a dentist selected for loan payment who practices within fifteen miles [24.14 kilometers] of the city limits of Bismarck, Fargo, or Grand Forks, to qualify to receive a yearly disbursement under this chapter during that year of obligated service, the dentist must have:

- a. Received dental medical payments of at least twenty thousand dollars in the form of medical assistance reimbursement; or
- b. Practiced at least two full workdays per week at a public health clinic or at a nonprofit dental clinic that uses a sliding fee schedule to bill the nonprofit dental clinic's patients.

SECTION 2. A new section to chapter 43-28.1 of the North Dakota Century Code is created and enacted as follows:

New practices - Grants.

1. A dentist who graduated from an accredited dental school within the previous five years and is licensed to practice in North Dakota may submit an application to the state health council for a grant for the purpose of establishing a dental practice in a city in the state which has a population that does not exceed seven thousand five hundred.
2. The state health council may award a maximum of two grants per year and shall establish the criteria for the grant program under subsection 1 which must include:
 - a. A maximum grant award of fifty thousand dollars per applicant;
 - b. A requirement that the community must provide a fifty percent match for a grant;
 - c. A requirement that a dentist who receives a grant under this section must use the funds for buildings, equipment, and operating expenses;
 - d. A provision that the grant must be distributed in equal amounts over a five-year period; and
 - e. A requirement that a dentist selected for a grant under this section must commit to practice in the community for a minimum of five years.

SECTION 3. LEGISLATIVE COUNCIL STUDY - COMMUNITY HEALTH TRUST FUND. The legislative council shall consider studying, during the 2007-08 interim, the historic and anticipated uses of funds from the community health trust fund, including a cost-benefit evaluation of past expenditures from the fund, the feasibility and desirability of establishing a strategic plan for future use of the fund, and the sustainability of the fund. 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. APPROPRIATION. There is appropriated out of any moneys in the community health trust fund in the state treasury, not otherwise appropriated, the sum of \$60,000, or so much of the sum as may be necessary, to the state department of health for the purpose of funding the new practice grant program, for the biennium beginning July 1, 2007, and ending June 30, 2009."

ReNUMBER accordingly

Engrossed SB 2152 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2293: Your conference committee (Sens. Lyson, Freborg, Heitkamp and Reps. Porter, DeKrey, S. Meyer) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 755-756, adopt amendments as follows, and place SB 2293 on the Seventh order:

That the House recede from its amendments as printed on pages 755 and 756 of the Senate Journal and page 859 of the House Journal and that Senate Bill No. 2293 be amended as follows:

Page 1, line 10, after "license" insert ", if the resident has complied with the hunter education requirements of section 20.1-03-01.2"

Renumber accordingly

SB 2293 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1154, as engrossed: Your conference committee (Sens. Dever, Erbele, Pomeroy and Reps. Pietsch, Porter, Schneider) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 982, adopt amendments as follows, and place HB 1154 on the Seventh order:

That the Senate recede from its amendments as printed on page 982 of the House Journal and page 650 of the Senate Journal and that Engrossed House Bill No. 1154 be amended as follows:

Page 1, line 18, after the second underscored boldfaced period insert:

"1."

Page 1, line 21, replace "expired" with "expire" and remove "on June thirtieth"

Page 2, line 2, after the underscored period insert:

"2. The permit fee established by the department must be based on the cost of conducting routine and complaint inspections and enforcement actions and the cost of preparing and sending license renewals. Any fee collected under this section must be deposited in the department's operating fund in the state treasury and any expenditure from the fund is subject to appropriation by the legislative assembly. The department shall waive all or a portion of the permit fee for any tanning facility that is subject to local jurisdiction.

3. The department shall accept city or county enforcement of this chapter if the department determines the city or county requirements meet or exceed the requirements of this chapter and any rules adopted under this chapter."

Page 5, line 5, replace "an individual requires medical attention due to use of a" with "a customer of a tanning facility reports a sunburn injury to that facility resulting from the use of its tanning device, the owner shall provide the customer with written information on how to report the alleged injury to the state department of health. If a health care provider treats a patient for a sunburn injury and determines, in the exercise of professional judgment, that the injury occurred as a result of using a tanning device at a tanning facility, the health care provider shall report the circumstances of the injury to the state department of health. A health care provider making or not making a report in good faith pursuant to this section is immune from liability for making or not making a report."

Page 5, remove lines 6 through 9

Renumber accordingly

Engrossed HB 1154 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

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

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

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

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

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

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

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

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

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

Page 1, remove lines 17 through 19

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

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

Page 1, overstrike line 22

Page 1, after line 22, insert:

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

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

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

9. Before February first of each year, the county director of tax equalization in each county shall provide to all assessors of agricultural property within the county a schedule of modifiers that must be used to adjust agricultural property assessments within the county and directions regarding how those modifiers must be applied by assessors. Before the schedule of modifiers is provided to assessors within the county, the county director of tax equalization shall obtain the approval of the state supervisor of assessments for use of the schedule within the county.

10. For any county that has not fully implemented use of soil type and soil classification data from detailed or general soil surveys for any taxable year after 2009, the tax commissioner shall direct the state treasurer to withhold

five percent of that county's allocation each month from the state aid distribution fund under section 57-39.2-26.1 until that county has fully implemented use of soil type or soil classification data from detailed and general soil surveys. The amount withheld from the allocation must be withheld entirely from the portion of the allocation which may be retained by the county and may not reduce allocations to any political subdivisions within the county.

SECTION 3. REPORT TO LEGISLATIVE COUNCIL. During the 2007-08 interim, each county that has not fully implemented use of soil type and soil classification data from detailed and general soil surveys for property tax assessment purposes shall report to the legislative council the reason for failure to implement use of that information and the anticipated date when the county will have fully implemented use of that information."

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

Renumber accordingly

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

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

William R. Horton, Secretary