

## JOURNAL OF THE SENATE

## Sixtieth Legislative Assembly

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Bismarck, March 30, 2007

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

The prayer was offered by Pastor Andrew Schank, Cornerstone Baptist Church, Beulah.

The roll was called and all members were present except Senators Grindberg, Robinson, Tallackson, and Tollefson.

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 HB 1379 and Engrossed HB 1394, which motion prevailed.

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

**HB 1379:** Sens. J. Lee, Oehlke, Nelson

**Engrossed HB 1394:** Sens. Oehlke, Dever, Horne

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FLAKOLL MOVED** that the Senate do not concur in the House amendments to SB 2323 as printed on SJ pages 1070-1071 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2323: Sens. Erbele, Wanzek, Heckaman.

**FIRST READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3065:** A concurrent resolution recognizing the placement of North Dakota's first marker on the Great Western Cattle Trail.

Was read the first time.

**MOTION**

**SEN. CHRISTMANN MOVED** that the rules be suspended, that HCR 3065 not be printed, not be referred to committee, be read in title only, be printed in the Journal, and be placed on the calendar for immediate second reading and final passage, which motion prevailed.

Reps. Haas, D. Johnson, S. Meyer and Sens. Bowman, Krauter, Urlacher introduced:  
(Approved by the Delayed Bills Committee)

**HOUSE CONCURRENT RESOLUTION NO. 3065**

A concurrent resolution recognizing the placement of North Dakota's first marker on the Great Western Cattle Trail.

**WHEREAS**, the Great Western Cattle Trail was blazed in 1874 by John T. Lytle; and

**WHEREAS**, by 1879, the Great Western Cattle Trail was the principal thoroughfare for Texas longhorns bound for the northern markets; and

**WHEREAS**, by the time of the last drive, in 1893, the Great Western Cattle Trail had served approximately seven million cattle, hundreds of trail bosses, chuckwagons, and remudas; achieved almost mythical stature on the American frontier; and solidified its place in the history of Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, and the province of Saskatchewan; and

**WHEREAS**, in 2003, Rotary clubs launched a project to mark the entire Great Western Cattle Trail with concrete posts placed every 6 to 10 miles; and

**WHEREAS**, on May 1, 2008, Rotary District 5580 will proudly place the state's first marker in Medora, North Dakota;

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

That the North Dakota Legislative Assembly is proud to recognize the cooperative efforts of the Rotary clubs and districts and the citizens of the multiple states stretching from southern Texas to the far northern reaches of the Dakotas and Saskatchewan and is equally proud to commemorate the placement of North Dakota's first trail marker and thereby acknowledge for all time the legendary role of the Great Western Cattle Trail in the history of our states and our people; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward a copy of this resolution to the governor of Rotary District 5580.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3065:** A concurrent resolution recognizing the placement of North Dakota's first marker on the Great Western Cattle Trail.

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

HCR 3065 was declared adopted and the title was agreed to on a voice vote.

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**MOTION**

**SEN. CHRISTMANN MOVED** that Engrossed HB 1273, as amended, be moved to the bottom of the Fourteenth order, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1375:** A BILL for an Act to create and enact section 16.1-08.1-02.1 of the North Dakota Century Code, relating to state political party convention statements; and to amend and reenact subsection 11 of section 16.1-08.1-01, sections 16.1-08.1-03.2 and 16.1-08.1-03.3, subsections 1 and 4 of section 16.1-08.1-03.9, subsections 2, 3, 4, and 5 of section 16.1-08.1-03.11, section 16.1-08.1-05, and subsection 1 of section 16.1-08.1-06 of the North Dakota Century Code, relating to campaign finance.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; 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; Seymour; Stenehjerm; Taylor; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Grindberg; Robinson; Tallackson; Tollefson

HB 1375 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1311:** A BILL for an Act to amend and reenact section 20.1-04-15 of the North Dakota Century Code, relating to the age requirement for the youth pheasant hunting season.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 21 YEAS, 22 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Behm; Christmann; Cook; Dever; Erbele; Fischer; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Lyson; Olafson; Pomeroy; Potter; Stenehjerm; Taylor; Triplett; Urlacher; Wanzek; Wardner

**NAYS:** Anderson; Andrist; Bakke; Bowman; Fiebiger; Flakoll; Freborg; Heckaman; Horne; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Seymour; Warner

**ABSENT AND NOT VOTING:** Grindberg; Robinson; Tallackson; Tollefson

Engrossed HB 1311 lost.

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**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HB 1375, HCR 3065.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2323 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2323:** Sens. Erbele; Wanzek; Heckaman

**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 1379:** Sens. J. Lee; Oehlke; Nelson

**HB 1394:** Sens. Oehlke; Dever; Horne

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed unchanged: SB 2156, SB 2187, SB 2298.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed unchanged: SCR 4034.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2090, SB 2178, SB 2183, SB 2225, SB 2397.

#### **HOUSE AMENDMENTS TO SENATE BILL NO. 2090**

Page 1, line 1, replace "section" with "sections 23-12-10 and"

Page 1, line 2, after "to" insert "smoking restrictions on the capitol grounds and to the"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 23-12-10 of the North Dakota Century Code is amended and reenacted as follows:

#### **23-12-10. Smoking restrictions - Exceptions - Retaliation - Application.**

1. In order to protect the public health and welfare and to recognize the need for individuals to breathe smoke-free air, smoking is prohibited in all enclosed areas of:
  - a. Public places; and
  - b. Places of employment.
2. The following areas are exempt from subsection 1:
  - a. Private residences, except when operating as a child care facility subject to licensure by the department of human services and when any child cared for under that license is present in that facility.
  - b. Hotel and motel rooms, and other places of lodging, that are rented to guests and are designated as smoking rooms.
  - c. Retail tobacco stores, provided that smoke from these places does not infiltrate into areas where smoking is prohibited under this section.
  - d. Outdoor areas of places of employment, except a sports arena.
  - e. Any area that is not commonly accessible to the public and which is part of an owner-operated business having no employee other than the owner-operator.

- f. Bars.
  - g. Any place of public access rented or leased for private functions from which the general public and children are excluded and arrangements for the function are under the control of the function sponsor.
  - h. Separately enclosed areas in truckstops which are accessible only to adults.
3. Smoking is prohibited in the following outdoor areas of the state capitol grounds:
- a. Within one hundred feet [30.48 meters] of the main public entrances on the north, east, and west sides of the state capitol building;
  - b. With respect to the main public entrance on the south side of the state capitol building, within the greater of one hundred feet [30.48 meters] or the area designated by the office of management and budget as a smoke-free area in the policy that became effective on October 3, 2005; and
  - c. Within one hundred feet [30.48 meters] of the public entrances of all other buildings on the state capitol grounds.
4. The prohibition in subdivision a of subsection 3, with respect to the main public entrance on the east side of the state capitol building, does not apply to the enclosed structure, and the area immediately adjacent to the structure, designated as a smoking area, as it existed on January 1, 2007, which is located near the east entrance.
5. Smoking as part of a traditional American Indian spiritual or cultural ceremony is not prohibited.
4. 6. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or other person because that person asserts or exercises any rights afforded by this section or reports or attempts to prosecute a violation of this section.
5. 7. This section may not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws."

Page 1, line 17, remove the overstrike over "~~Provided further, all moneys and other property in the capitol building fund~~"

Page 1, line 18, remove the overstrike over "~~are hereby dedicated and reserved to the exclusive purpose of the~~"

Page 1, remove the overstrike over lines 19 through 21

Page 1, line 23, after "exceed" insert "one hundred thousand dollars or"

Page 1, line 24, after the comma insert "whichever amount is less,"

Page 2, line 2, overstrike "but shall not exceed", remove "one hundred", and overstrike "thousand dollars per"

Page 2, line 3, overstrike "biennium"

Renumber accordingly

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2178**

In lieu of the amendments adopted by the House as printed on pages 983 and 984 of the House Journal, Engrossed Senate Bill No. 2178 is 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 application"

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

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. 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, after "**DATE**" insert "- **EXPIRATION DATE**"

Page 4, line 23, after "2007" insert ", and before July 1, 2009, and is thereafter ineffective" and 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

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2183**

In lieu of the amendments adopted by the House as printed on page 932 of the House Journal, Engrossed Senate Bill No. 2183 is amended as follows:

Page 1, line 10, after "fund" insert "and is appropriated on a continuing basis to the insurance commissioner" and remove ", subject to legislative"

Page 1, line 11, remove "appropriation"

Page 1, line 19, after "occurred" insert "from an injury sustained"

Renumber accordingly

#### **HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2225**

Page 1, line 4, remove "pull"

Page 1, line 5, remove "tabs and"

Page 1, line 19, remove the overstrike over "~~four and~~"

Page 1, line 20, remove the overstrike over "~~one-half~~", remove "three", and after "and" insert "three percent on the gross proceeds from the sale at retail of"

Renumber accordingly

# HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2397

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 57-51.1-03 of the North Dakota Century Code, relating to an oil extraction tax rate reduction for oil produced from new horizontal wells drilled and completed in the Bakken formation; and to provide an effective date.

## BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new subsection to section 57-51.1-03 of the North Dakota Century Code is created and enacted as follows:

The first seventy-five thousand barrels of oil produced during the first eighteen months after completion, from a horizontal well drilled and completed in the Bakken formation after June 30, 2007, and before July 1, 2008, is subject to a reduced tax rate of two percent of the gross value at the well of the oil extracted under this chapter. A well eligible for a reduced tax rate under this subsection is eligible for the exemption for horizontal wells under subsection 3, if the exemption under subsection 3 is effective during all or part of the first twenty-four months after completion.

**SECTION 2. EFFECTIVE DATE.** This Act becomes effective on July 1, 2007."

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2023.

# HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2023

Page 2, line 19, replace "957,860" with "612,067"

Page 2, line 20, replace "3,850,795" with "3,457,765"

Page 2, line 21, replace "4,808,655" with "4,069,832"

Page 2, line 22, replace "11,823,274" with "11,084,451"

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

This amendment decreases the deficiency appropriation for the Department of Corrections and Rehabilitation by \$738,823, from \$4,808,655 to \$4,069,832 and the total general fund deficiency fund by \$738,823, from \$11,823,274 to \$11,084,451. The following is a summary of the general fund deficiency appropriations as provided for in Senate Bill No. 2023:

| AGENCY | SENATE BILL NO. 2023<br>AS INTRODUCED<br>(EXECUTIVE<br>BUDGET VERSION) | ENGROSSED<br>SENATE BILL NO. 2023<br>(SENATE VERSION) | ENGROSSED<br>SENATE BILL NO. 2023 WITH<br>PROPOSED AMENDMENTS |
|--------|------------------------------------------------------------------------|-------------------------------------------------------|---------------------------------------------------------------|
|        |                                                                        |                                                       |                                                               |

## HOUSE AMENDMENTS

|                                                 |              |              |              |
|-------------------------------------------------|--------------|--------------|--------------|
| Department of Public Instruction                | \$275,000    | \$275,000    | \$275,000    |
| Attorney General                                | 167,170      | 167,170      | 167,170      |
| Adjutant General                                | 4,300,000    | 4,100,000    | 4,100,000    |
| Department of Agriculture                       | 114,000      | 58,130       | 58,130       |
| University of North Dakota                      | 560,476      | 2,069,727    | 2,069,727    |
| North Dakota State University                   | 289,092      | 289,092      | 289,092      |
| Forest Service                                  | 55,500       | 55,500       | 55,500       |
| Department of Corrections<br>and Rehabilitation | 4,808,655    | 4,808,655    | 4,069,832    |
| Total                                           | \$10,569,893 | \$11,823,274 | \$11,084,451 |

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

**MR. PRESIDENT:** The House has failed to pass: SB 2141.

**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 1456 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1456:** Reps. Porter; Brandenburg; S. Kelsh

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

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

**SB 2137:** Reps. Klemin; Kretschmar; Pinkerton

**SB 2344:** Reps. Wall; D. Johnson; Hanson

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

**MR. SPEAKER:** Your signature is respectfully requested on: SCR 4035.

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

**MR. SPEAKER:** The President has signed: SB 2042.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on March 30, 2007: SB 2042.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 29, 2007, I have signed the following: SB 2145.

**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 Pro Tem J. Lee presiding.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2002, SB 2004, SB 2005, Engrossed SB 2008, Engrossed SB 2010, and SB 2090 be moved directly following SB 2094 on the Twelfth order, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. CHRISTMANN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1089, Engrossed HB 1166, HB 1198, Engrossed HB 1270, and Engrossed HB 1445, which motion prevailed.

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

**Engrossed HB 1089:** Sens. Andrist, Nething, Potter

**Engrossed HB 1166:** Sens. Nething, G. Lee, Bakke

**HB 1198:** Sens. G. Lee, Flakoll, Taylor

**Engrossed HB 1270:** Sens. Flakoll, Freborg, Bakke

**Engrossed HB 1445:** Sens. G. Lee, Nething, Fiebiger

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to SB 2094 as printed on SJ page 1041 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2094: Sens. Hacker, Andrist, Heitkamp.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to SB 2002 as printed on SJ pages 1121-1122 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2002: Sens. Krebsbach, Wardner, Lindaas.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to SB 2004 as printed on SJ page 1122 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2004: Sens. Fischer, Holmberg, Seymour.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to SB 2005 as printed on SJ page 1123 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2005: Sens. Grindberg, Krebsbach, Tallackson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2008 as printed on SJ pages 1125-1127 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 2008: Sens. Christmann, Kilzer, Krauter.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2010 as printed on SJ pages 1127-1129 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 2010: Sens. Holmberg, Christmann, Tallackson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. DEVER MOVED** that the Senate do not concur in the House amendments to SB 2090 as printed on SJ pages 1135-1136 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2090: Sens. Dever, Oehlke, Nelson.

**MOTION**

**SEN. FREBORG MOVED** that the Senate reconsider its action whereby Engrossed HB 1311 failed to pass, which motion prevailed on a verification vote.

**MOTION**

**SEN. CHRISTMANN MOVED** that Engrossed HB 1311 be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed HB 1311 was rereferred.

**SECOND READING OF HOUSE BILL**

**HB 1296:** A BILL for an Act to create and enact chapter 23-40 of the North Dakota Century Code, relating to distribution of insurance premiums tax collections to emergency medical services operations; to amend and reenact section 18-04-04.1 and subsection 1 of section 26.1-03-17 of the North Dakota Century Code, relating to the insurance premiums tax collections; to provide for a report; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the further amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; 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; Seymour; Stenehjem; Taylor; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Fiebiger; Grindberg; Robinson; Tallackson; Tollefson

Reengrossed HB 1296, as further amended, passed and the title was agreed to.

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#### **SECOND READING OF HOUSE BILL**

**HB 1372:** A BILL for an Act to provide an appropriation for a teacher mentoring program.

#### **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 31 YEAS, 11 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Cook; Dever; Fischer; Flakoll; Freborg; Heckaman; Heitkamp; Horne; Klein; Krauter; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Seymour; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Andrist; Bowman; Christmann; Erbele; Hacker; Holmberg; Kilzer; Krebsbach; Olafson; Stenehjem; Urlacher

**ABSENT AND NOT VOTING:** Fiebiger; Grindberg; Robinson; Tallackson; Tollefson

Engrossed HB 1372, as amended, passed and the title was agreed to.

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#### **SECOND READING OF HOUSE BILL**

**HB 1417:** A BILL for an Act to create and enact chapter 51-33 of the North Dakota Century Code, relating to security freezes on consumer credit reports; to provide a penalty; to provide an effective date; and to declare an emergency.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; 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; Seymour; Stenehjem; Taylor; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Fiebiger; Grindberg; Robinson; Tallackson; Tollefson

Engrossed HB 1417, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### **SECOND READING OF HOUSE BILL**

**HB 1504:** A BILL for an Act to create and enact a new section to chapter 12-63 of the North Dakota Century Code, relating to tribal police officers; and to amend and reenact subsection 3 of section 12-63-01 of the North Dakota Century Code, relating to the definition of peace officer for purposes of the peace officer standards and training board.

#### **MOTION**

**SEN. LYSON MOVED** that Engrossed HB 1504, as amended, be further amended as follows:

In lieu of the amendments adopted by the Senate as printed on page 934 of the Senate Journal, Engrossed House Bill No. 1504 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 12-63 of the North Dakota Century Code, relating to tribal peace officers.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 12-63 of the North Dakota Century Code is created and enacted as follows:

**Tribal peace officers.** The board may issue a peace officer license or a part-time peace officer license to a tribal police officer of a federally recognized Indian tribe in this state who meets the requirements of this chapter and the rules adopted by the board and has paid the prescribed license fee if there is an agreement between the state or a political subdivision and the tribe in accordance with chapter 54-40.2 for tribal police officers to perform law enforcement services. A peace officer who is a member of a police force of a tribal government and who is licensed under this section may exercise the powers of a peace officer of this state within the exterior boundaries of the reservation in accordance with the terms and conditions of the agreement between the state or political subdivision and the tribe. The state or political subdivision is not liable for any act or omission of a tribal peace officer exercising peace officer powers authorized by this section. Nothing in this section diminishes or expands the jurisdiction of any tribe or the state."

Renumber accordingly

**HB 1504:** A BILL for an Act to create and enact a new section to chapter 12-63 of the North Dakota Century Code, relating to tribal peace officers.

**REQUEST**

**SEN. WARNER REQUESTED** a recorded roll call vote on the motion to adopt the proposed floor amendments to Engrossed HB 1504, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the proposed floor amendments to Engrossed HB 1504, the roll was called and there were 23 YEAS, 19 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson; Bakke; Behm; Heckaman; Heitkamp; Horne; Krauter; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Oehlke; Pomeroy; Potter; Seymour; Taylor; Triplett; Warner

**ABSENT AND NOT VOTING:** Fiebiger; Grindberg; Robinson; Tallackson; Tollefson

The proposed floor amendments to Engrossed HB 1504, as amended, were adopted.

**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 37 YEAS, 5 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Behm; Horne; Marcellais; Mathern; Triplett

**ABSENT AND NOT VOTING:** Fiebiger; Grindberg; Robinson; Tallackson; Tollefson

Engrossed HB 1504, as further amended, passed and the title was agreed to.

\*\*\*\*\*

**MOTION**

**SEN. CHRISTMANN MOVED** that Engrossed HB 1001, Engrossed HB 1014, and Engrossed HB 1106, which are on the Sixth order, and Engrossed HB 1017, as amended, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed HB 1001, Engrossed HB 1014, Engrossed HB 1106, and Engrossed HB 1017, as amended, were rereferred.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1504.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1296, HB 1372.

**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 1417.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2002, SB 2004, SB 2005, SB 2008, SB 2010, SB 2090, and SB 2094 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2002:** Sens. Krebsbach; Wardner; Lindaas

**SB 2004:** Sens. Fischer; Holmberg; Seymour

**SB 2005:** Sens. Grindberg; Krebsbach; Tallackson

**SB 2008:** Sens. Christmann; Kilzer; Krauter

**SB 2010:** Sens. Holmberg; Christmann; Tallackson

**SB 2090:** Sens. Dever; Oehlke; Nelson

**SB 2094:** Sens. Hacker; Andrist; Heitkamp

**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 1089:** Sens. Andrist; Nothing; Potter

**HB 1166:** Sens. Nothing; G. Lee; Bakke

**HB 1198:** Sens. G. Lee; Flakoll; Taylor

**HB 1270:** Sens. Flakoll; Freborg; Bakke

**HB 1445:** Sens. G. Lee; Nothing; Fiebiger

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2013.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2013**

Page 1, line 4, after "transfers" insert "; to provide for a legislative council study; to provide legislative intent" and remove "and subsection 5 of section 15.1-27-07"

Page 1, line 5, after "Code" insert "and section 28 of chapter 167 of the 2005 Session Laws"

Page 1, line 6, replace "per student payments for kindergarten students" with "contingent distributions of per student payments"

Page 3, line 11, replace "6,075,986" with "4,845,986"

Page 3, line 21, replace "104,969,811" with "103,739,811"

Page 3, line 23, replace "75,193,139" with "73,963,139"

Page 4, line 3, replace "\$105,779" with "\$292,221"

Page 4, line 6, replace "\$113,302" with "\$284,698"

Page 4, line 7, replace "(363,103)" with "(288,103)"

Page 4, line 8, replace "476,405" with "3,405"

Page 4, line 17, replace "76,533,765" with "74,830,765"

Page 4, line 18, replace "29,633,567" with "29,708,567"

Page 4, line 19, replace "106,167,332" with "104,539,332"

Page 4, line 30, replace "20,968,294" with "19,738,294"

Page 5, line 6, replace "1,037,313,033" with "1,036,083,033"

Page 5, line 8, replace "711,636,726" with "710,406,726"

Page 5, line 19, replace "5,141,381" with "4,743,381"

Page 5, line 22, replace "6,805,664" with "6,407,664"

Page 5, line 23, replace "964,162" with "1,039,162"

Page 5, line 24, replace "5,841,502" with "5,368,502"

Page 6, line 2, replace "724,374,140" with "722,671,140"

Page 6, line 3, replace "329,366,186" with "329,441,186"

Page 6, line 4, replace "1,053,740,326" with "1,052,112,326"

Page 7, remove lines 3 through 8

Page 7, after line 25, insert:

**"SECTION 12. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in section 3 of this Act includes \$100,000 for the one-time funding item 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 school for the deaf 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.

Deferred maintenance - School for the deaf

\$100,000

**SECTION 13. LEGISLATIVE COUNCIL STUDY - SERVICES TO STUDENTS WHO ARE DEAF OR HEARING-IMPAIRED.** The legislative council shall consider studying, during the 2007-08 interim, the provision of services to children and adults who are deaf or hearing-impaired, including the role of the North Dakota school for the deaf in the provision of educational and rehabilitative services, the short-term and long-term viability of existing state facilities, and alternative approaches that might enhance the scope and breadth of service availability. The study, if conducted, must include the feasibility of combining the administration and delivery of services of the school for the deaf with other area school districts, educational associations governed by joint powers agreements, special education units, and North Dakota vision services - school for the blind. The study should examine alternative uses for the buildings on the school for the deaf campus beyond the scope of the school's present mission. 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 14. LEGISLATIVE INTENT - REPORT TO THE SIXTY-FIRST LEGISLATIVE ASSEMBLY.** It is the intent of the legislative assembly that the school for the deaf collaborate with Lake Region state college on the college's wind energy project and determine the feasibility of the school for the deaf accessing any available energy, including identifying any related costs. The school for the deaf should provide a report on the status of this collaboration to the appropriations committees of the sixty-first legislative assembly.

**SECTION 15. ADULT EDUCATION PER STUDENT FUNDING STUDY.** The commission on education improvement shall consider studying, during the 2007-08 interim, changes to the state school aid formula to provide per student payments to school districts offering an adult education program.

**SECTION 16. AMENDMENT.** Section 28 of chapter 167 of the 2005 Session Laws is amended and reenacted as follows:

**SECTION 28. CONTINGENCY.** If any moneys appropriated for per student payments and transportation payments in the grants - state school aid line item in House Bill No. 1013, as approved by the fifty-ninth legislative assembly, remain after payment of all statutory obligations for per student and transportation payments during the biennium beginning July 1, 2005, and ending June 30, 2007, and after the superintendent of public instruction has fulfilled any directives contained in section 27 of this Act, the superintendent shall distribute the remaining moneys as follows:

1. The superintendent of public instruction shall use the first \$450,000, or so much of that amount as may be necessary, to provide additional payments to school districts serving English language learners in accordance with section 15.1-27-12.
2. The superintendent of public instruction shall use the next \$1,000,000, or so much of that amount as may be necessary, for the purpose of providing additional per student payments to school districts participating in eligible educational associations in accordance with section 32 of this Act.
3. The superintendent of public instruction shall use the next \$25,748, or so much of that amount as may be necessary, for the purpose of reimbursing eligible school districts that received reduced amounts of state aid. For the purposes of this subsection, an eligible school district is one that received a reduction in state aid during the 2005-07 biennium because the district's general fund levy fell below one hundred forty mills as the result of an accounting oversight.
4. The superintendent of public instruction shall use the next \$200,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school districts offering an adult education program during the 2005-07 biennium.
5.
  - a. The superintendent of public instruction shall use the next \$2,000,000, or so much of that sum as may be necessary, for the purpose of providing payments to school districts that are members of eligible educational associations, for the biennium beginning July 1, 2007, and ending June 30, 2009.
  - b. Each year of the biennium, the superintendent of public instruction shall distribute fifty percent of the moneys appropriated to eligible school districts on a per student basis. The superintendent shall make the distribution at the same time and in the same manner as other state aid payments under section 15.1-27-01.
  - c. For purposes of this subsection, an "eligible educational association" is one that is governed by a joint powers agreement that the superintendent of public instruction has reviewed and verified as meeting the requirements of section 15.1-07-28.
6. The superintendent of public instruction shall use the next \$500,000, or so much of that amount as may be necessary, for the purpose of funding the rewrite of the state school aid computer system.
7. The superintendent of public instruction shall use the next \$650,000, or so much of that amount as may be necessary, for the purpose of funding the rewrite of the teacher licensure application used by the department and the education standards and practices board. The education standards and practices board will pay the remaining \$80,000 of the anticipated total project cost.
8. The superintendent of public instruction shall use the next \$77,000, or so much of that amount as may be necessary, for providing funding to the education standards and practices board for providing payments to recipients of national board certification and scholarships to individuals seeking national board certification in accordance with Senate Bill No. 2057 as approved by the sixtieth legislative assembly.
9. The superintendent of public instruction shall use the next \$400,000, or so much of that amount as may be necessary, to purchase automated external defibrillators and place one in each public and nonpublic school in the state.

10. The superintendent of public instruction shall use the next \$395,000, or so much of that sum as may be necessary, for the purpose of providing a grant to the north central council of school television for licensing of education television programs for classroom use by North Dakota elementary and secondary schools, assisting with the North Dakota studies project, and other operating expenses.
11. The superintendent of public instruction shall use the next \$50,000, or so much of that sum as may be necessary, for the purpose of providing a grant for the Atlantik-Brucke teacher exchange program.
12. The superintendent of public instruction shall use the remainder of the moneys to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district."

Page 8, remove lines 1 through 28

Page 8, line 29, replace "Section" with "Sections", after "4" insert "and 16", and replace "is" with "are"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2013 - Summary of House Action

|                                        | EXECUTIVE<br>BUDGET | SENATE<br>VERSION | HOUSE<br>CHANGES | HOUSE<br>VERSION |
|----------------------------------------|---------------------|-------------------|------------------|------------------|
| Department of Public Instruction       |                     |                   |                  |                  |
| Total all funds                        | \$1,037,666,173     | \$1,037,313,033   | (\$1,230,000)    | \$1,036,083,033  |
| Less estimated income                  | 326,080,447         | 325,676,307       |                  | 325,676,307      |
| General fund                           | \$711,585,726       | \$711,636,726     | (\$1,230,000)    | \$710,406,726    |
| State Library                          |                     |                   |                  |                  |
| Total all funds                        | \$5,861,312         | \$5,861,312       | \$0              | \$5,861,312      |
| Less estimated income                  | 1,881,600           | 1,881,600         |                  | 1,881,600        |
| General fund                           | \$3,979,712         | \$3,979,712       | \$0              | \$3,979,712      |
| School for the Deaf                    |                     |                   |                  |                  |
| Total all funds                        | \$6,805,664         | \$6,805,664       | (\$398,000)      | \$6,407,664      |
| Less estimated income                  | 964,162             | 964,162           | 75,000           | 1,039,162        |
| General fund                           | \$5,841,502         | \$5,841,502       | (\$473,000)      | \$5,368,502      |
| Vision Services - School for the Blind |                     |                   |                  |                  |
| Total all funds                        | \$3,636,873         | \$3,760,317       | \$0              | \$3,760,317      |
| Less estimated income                  | 844,117             | 844,117           |                  | 844,117          |
| General fund                           | \$2,792,756         | \$2,916,200       | \$0              | \$2,916,200      |
| Bill Total                             |                     |                   |                  |                  |
| Total all funds                        | \$1,053,970,022     | \$1,053,740,326   | (\$1,628,000)    | \$1,052,112,326  |
| Less estimated income                  | 329,770,326         | 329,366,186       | 75,000           | 329,441,186      |
| General fund                           | \$724,199,696       | \$724,374,140     | (\$1,703,000)    | \$722,671,140    |

#### Senate Bill No. 2013 - Department of Public Instruction - House Action

|                                      | EXECUTIVE<br>BUDGET | SENATE<br>VERSION | HOUSE<br>CHANGES | HOUSE<br>VERSION |
|--------------------------------------|---------------------|-------------------|------------------|------------------|
| Salaries and wages                   | \$11,811,194        | \$11,407,054      |                  | \$11,407,054     |
| Operating expenses                   | 21,088,294          | 20,968,294        | (\$1,230,000)    | 19,738,294       |
| Grants - State school aid            | 724,165,879         | 726,165,879       |                  | 726,165,879      |
| Grants - Special education contracts | 17,500,000          | 17,500,000        |                  | 17,500,000       |
| Grants - Transportation              | 33,500,000          | 33,500,000        |                  | 33,500,000       |
| Grants - Other grants                | 227,530,806         | 227,701,806       |                  | 227,701,806      |
| JPA incentives                       | 2,000,000           |                   |                  |                  |
| Transportation efficiency            | 30,000              | 30,000            |                  | 30,000           |
| National board certification         | 40,000              | 40,000            |                  | 40,000           |
| Total all funds                      | \$1,037,666,173     | \$1,037,313,033   | (\$1,230,000)    | \$1,036,083,033  |
| Less estimated income                | 326,080,447         | 325,676,307       |                  | 325,676,307      |
| General fund                         | \$711,585,726       | \$711,636,726     | (\$1,230,000)    | \$710,406,726    |
| FTE                                  | 98.25               | 94.75             | 0.00             | 94.75            |

#### Dept. 201 - Department of Public Instruction - Detail of House Changes

|                                      | REMOVES<br>FUNDING FOR<br>COMPUTER<br>SYSTEM REWRITE<br>PROJECTS <sup>1</sup> | TOTAL<br>HOUSE<br>CHANGES |
|--------------------------------------|-------------------------------------------------------------------------------|---------------------------|
| Salaries and wages                   |                                                                               |                           |
| Operating expenses                   | (\$1,230,000)                                                                 | (\$1,230,000)             |
| Grants - State school aid            |                                                                               |                           |
| Grants - Special education contracts |                                                                               |                           |
| Grants - Transportation              |                                                                               |                           |
| Grants - Other grants                |                                                                               |                           |
| JPA incentives                       |                                                                               |                           |
| Transportation efficiency            |                                                                               |                           |
| National board certification         |                                                                               |                           |
| Total all funds                      | (\$1,230,000)                                                                 | (\$1,230,000)             |
| Less estimated income                |                                                                               |                           |
| General fund                         | (\$1,230,000)                                                                 | (\$1,230,000)             |
| FTE                                  | 0.00                                                                          | 0.00                      |

<sup>1</sup> This amendment removes funding from the general fund for the state school aid rewrite project (\$500,000) and the teachers' licensure application rewrite project (\$730,000) and provides that those projects be funded from the 2005-07 per student and transportation aid contingent distributions.

This amendment also:

- Adds a section to the bill identifying one-time funding for the 2007-09 biennium.
- Adds a section providing that the Commission on Education Improvement consider studying changes to the state school aid formula to provide per student payments to school districts offering an adult education program.
- Removes Section 8 of the engrossed bill relating to English language learners.
- Removes Section 14 of the engrossed bill relating to full-day kindergarten.

#### Senate Bill No. 2013 - School for the Deaf - House Action

|                       | EXECUTIVE<br>BUDGET | SENATE<br>VERSION | HOUSE<br>CHANGES | HOUSE<br>VERSION |
|-----------------------|---------------------|-------------------|------------------|------------------|
| Salaries and wages    | \$5,141,381         | \$5,141,381       | (\$398,000)      | \$4,743,381      |
| Operating expenses    | 1,514,283           | 1,514,283         |                  | 1,514,283        |
| Capital assets        | <u>150,000</u>      | <u>150,000</u>    |                  | <u>150,000</u>   |
| Total all funds       | \$6,805,664         | \$6,805,664       | (\$398,000)      | \$6,407,664      |
| Less estimated income | <u>964,162</u>      | <u>964,162</u>    | <u>75,000</u>    | <u>1,039,162</u> |
| General fund          | \$5,841,502         | \$5,841,502       | (\$473,000)      | \$5,368,502      |
| FTE                   | 48.44               | 48.44             | (4.50)           | 43.94            |

#### Dept. 252 - School for the Deaf - Detail of House Changes

|                       | REMOVES<br>VACANT FTE<br>POSITIONS <sup>1</sup> | REDUCES<br>FUNDING FOR<br>SALARIES AND<br>WAGES <sup>2</sup> | FUNDING<br>SOURCE<br>CHANGE | TOTAL<br>HOUSE<br>CHANGES |
|-----------------------|-------------------------------------------------|--------------------------------------------------------------|-----------------------------|---------------------------|
| Salaries and wages    | (\$323,000)                                     | (\$75,000)                                                   |                             | (\$398,000)               |
| Operating expenses    |                                                 |                                                              |                             |                           |
| Capital assets        |                                                 |                                                              |                             |                           |
| Total all funds       | (\$323,000)                                     | (\$75,000)                                                   |                             | (\$398,000)               |
| Less estimated income |                                                 |                                                              | <u>\$75,000</u>             | <u>75,000</u>             |
| General fund          | (\$323,000)                                     | (\$75,000)                                                   | (\$75,000)                  | (\$473,000)               |
| FTE                   | (4.50)                                          | 0.00                                                         | 0.00                        | (4.50)                    |

<sup>1</sup> This amendment removes 4.5 vacant FTE positions.

<sup>2</sup> This amendment reduces funding for the salaries and wages line item by \$75,000 from the general fund relating to anticipated attrition.

This amendment also:

- Adds a section to the bill identifying one-time funding for the 2007-09 biennium.

- Adds a section to the bill to provide for a Legislative Council study of services to students who are deaf or hearing-impaired.
- Add a section to the bill to provide legislative intent that the School for the Deaf collaborate with Lake Region State College on the college's wind energy project.

**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 1011, HB 1256, and HB 1505 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1011:** Reps. Kempenich; Skarphol; Williams

**HB 1256:** Reps. Hatlestad; Weisz; Conrad

**HB 1505:** Reps. Hofstad; Porter; Kaldor

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

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

**SB 2003:** Reps. Carlisle; Skarphol; Kroeber

**SB 2009:** Reps. Klemin; Wald; Gulleson

**SB 2016:** Reps. Carlson; Skarphol; Glassheim

**SB 2018:** Reps. Martinson; Hawken; Gulleson

**SB 2019:** Reps. Wald; Martinson; Aarsvold

**SB 2037:** Reps. Kasper; Ruby; Thorpe

**SB 2062:** Reps. Klemin; Hawken; Onstad

**SB 2093:** Reps. Grande; Dahl; Wolf

**SB 2180:** Reps. Clark; Hofstad; Solberg

**SB 2204:** Reps. Boehning; Kingsbury; Griffin

**SB 2222:** Reps. Kretschmar; Kingsbury; S. Meyer

**SB 2262:** Reps. Boehning; Kretschmar; Onstad

**SB 2274:** Reps. Koppelman; Klemin; Griffin

**SB 2284:** Reps. Koppelman; Heller; S. Meyer

**SB 2288:** Reps. Porter; Damschen; S. Kelsh

**SB 2352:** Reps. Hofstad; Porter; Kaldor

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2156, SB 2187, SB 2298, SCR 4034.

**MOTION**

**SEN. CHRISTMANN MOVED** that the absent members 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 9:45 a.m., Monday, April 2, 2007, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2111:** Your conference committee (Sens. Andrist, G. Lee, Bakke and Reps. Dosch, Vigasaa, Thorpe) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 667 and place SB 2111 on the Seventh order.

SB 2111 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2236:** Your conference committee (Sens. Olafson, Hacker, Anderson and Reps. Hatlestad, Kaldor, Klemin) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 667, adopt amendments as follows, and place SB 2236 on the Seventh order:

That the House recede from its amendments as printed on page 667 of the Senate Journal and page 793 of the House Journal and that Senate Bill No. 2236 be amended as follows:

Page 1, line 11, after "both" insert "in the same election"

Page 2, line 15, after "both" insert "in the same election"

Page 2, line 17, after "both" insert "in the same election"

Renumber accordingly

SB 2236 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2389, as engrossed:** Your conference committee (Sens. Wanzek, Hacker, Behm and Reps. Vigesaa, Nottestad, Boe) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 756-759 and place SB 2389 on the Seventh order.

Engrossed SB 2389 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2406, as engrossed:** Your conference committee (Sens. G. Lee, Andrist, Bakke and Reps. Ruby, Price, Schmidt) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 745, adopt amendments as follows, and place SB 2406 on the Seventh order:

That the House recede from its amendments as printed on page 745 of the Senate Journal and pages 849 and 850 of the House Journal and that Engrossed Senate Bill No. 2406 be amended as follows:

Page 1, line 7, replace "three" with "five"

Renumber accordingly

Engrossed SB 2406 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**

