

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

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Bismarck, April 20, 2007

The Senate convened at 8:00 a.m., with President Dalrymple presiding.

The prayer was offered by Senator Kilzer.

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

A quorum was declared by the President.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. J. LEE MOVED that the conference committee report on Reengrossed SB 2186 as printed on SJ pages 1483-1484 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2186, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2186: A BILL for an Act to create and enact a new section to chapter 50-09 and a new section to chapter 50-11.1 of the North Dakota Century Code, relating to transition assistance for child care and early childhood workforce development; to provide for a report to the legislative council; to provide for legislative council studies; 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 39 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Christmann; Dever; Kilzer; Lee, G.; Lyson; Stenehjem; Tollefson

ABSENT AND NOT VOTING: Nelson

Reengrossed SB 2186 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 2186.

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1127 and HB 1462.

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 1126 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1126: Reprs. Klemin; Boehning; S. Meyer

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 1359.

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

MR. PRESIDENT: The Speaker has appointed Rep. Schneider to replace Rep. Kaldor on the Conference Committee on SB 2379.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2152.

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

MR. PRESIDENT: The Speaker has signed: SB 2094, SB 2109, SB 2225, SB 2284, SB 2313, SB 2323, SB 2344, SCR 4040.

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

MR. PRESIDENT: The Speaker has signed: HB 1107, HB 1154, HB 1290, HB 1303, HB 1488.

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

MR. SPEAKER: The President has signed: SB 2205, SB 2312, SB 2366.

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

MR. SPEAKER: The President has signed: SB 2313.

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

MR. SPEAKER: The President has signed: SCR 4040.

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

MR. SPEAKER: The President has signed: HB 1197.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 20, 2007: SB 2205, SB 2312, SB 2366.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on April 20, 2007: SB 2313.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on April 20, 2007: SCR 4040.

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.

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 1106 and HB 1233 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1106: Reps. Haas; Grande; Potter

HB 1233: Reps. Brandenburg; Headland; S. Kelsh

REPORT OF CONFERENCE COMMITTEE

SB 2165: Your conference committee (Sens. Nething, G. Lee, Fiebiger and Reps. Ruby, Owens, Myxter), having been unable to agree, recommends that the committee be discharged.

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.

MOTION

SEN. NETHING MOVED that the Senate reconsider its action whereby the Senate did not concur in the House amendments to SB 2165 as printed on SJ page 730, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NOTHING MOVED that the Senate do concur in the House amendments to SB 2165 as printed on SJ page 730, which motion prevailed on a voice vote.

SB 2165, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2165: A BILL for an Act to amend and reenact section 39-20-01.1 of the North Dakota Century Code, relating to the chemical test of a driver in an accident.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 12 YEAS, 34 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Heitkamp; Krauter; Lindaas; Lyson; Marcellais; Mathern; Tallackson; Warner

NAYS: Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2165 lost.

REPORT OF CONFERENCE COMMITTEE

SB 2309, as engrossed: Your conference committee (Sens. G. Lee, Flakoll, Taylor and Reps. L. Meier, Wall, Hunskor) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 897-898, adopt amendments as follows, and place SB 2309 on the Seventh order:

That the House recede from its amendments as printed on pages 897 and 898 of the Senate Journal and page 1030 of the House Journal and that Engrossed Senate Bill No. 2309 be amended as follows:

Page 1, line 17, remove "**- Higher education admission**"

Page 1, line 18, remove "**requirements**"

Page 1, line 19, replace "2012-13" with "2008-09"

Page 1, line 20, remove "or be admitted to an institution of higher education in this state"

Page 1, line 22, replace "years" with "units"

Page 1, line 23, replace "Three years" with "Two units"

Page 1, line 24, replace "Three years" with "Two units"

Page 2, line 1, replace "years" with "units" and replace "or" with ", which may include one-half unit of North Dakota studies and one-half unit of"

Page 2, line 2, replace "year" with "unit" and after "education" insert ", which may include up to one-half unit of health"

Page 2, line 3, replace "year" with "unit"

Page 2, replace lines 5 through 14 with:

- "2. The superintendent of public instruction shall work with each school district to identify course offerings that meet the requirements of subdivisions a through f of subsection 1.
3. Before September first of each year, each school district shall file a copy of its graduation requirements with the superintendent of public instruction.

4. A school district may not reduce its graduation requirements below those in existence on June 30, 2007."

Renumber accordingly

Engrossed SB 2309 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. G. LEE MOVED that the conference committee report on Engrossed SB 2309 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2309, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2309: A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to high school coursework requirements; and to amend and reenact section 15.1-21-02.1 of the North Dakota Century Code, relating to high school graduation requirements.

ROLL CALL

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

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

NAYS: Anderson; Andrist; Triplett; Warner

ABSENT AND NOT VOTING: Nelson

Reengrossed SB 2309 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

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

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

Page 1, line 1, replace "provide for" with "create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to", after "tattooing" insert ", branding, subdermal implantation, scarifying,", and after "minors" insert "; to amend and reenact the new section to chapter 23-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1505, as approved by the sixtieth legislative assembly, relating to the regulation of tattooing, body piercing, branding, subdermal implants, and scarification"

Page 1, replace lines 4 through 10 with:

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

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

1. As used in this section:
 - a. "Brand" means the use of heat, cold, or any chemical compound to imprint permanent markings on an individual's skin.
 - b. "Pierce" means the puncture of any part of an individual's body to insert studs, pins, rings, chains, or other jewelry or adornment.

- c. "Scarify" means to cut, tear, or abrade an individual's skin for the purpose of creating a permanent mark or design on the skin.
 - d. "Subdermal implant" means to insert a foreign object beneath the skin to decorate an individual's body.
 - e. "Tattoo" means to mark the skin of an individual by insertion of permanent colors through puncture of the skin.
2. It is a class B misdemeanor for a person, other than a licensed health care professional acting within that professional's scope of practice, to tattoo, brand, subdermal implant, scarify, or pierce an individual who is"

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

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

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

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

Page 1, after line 19, insert:

"SECTION 2. AMENDMENT. The new section to chapter 23-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1505, as approved by the sixtieth legislative assembly, is amended and reenacted as follows:

Tattooing, body piercing, branding, subdermal implants, and scarification - Permit - Fee - Adoption of rules - Exemptions - Injury reports.

1. A person may not operate a facility providing tattooing, body piercing, branding, subdermal implant, ~~and~~ or scarification services without a permit issued by the department under this section. The holder of a permit shall display the permit in a conspicuous place at the facility for which the permit is issued. A permit issued under this section expires annually. An applicant for a permit shall submit an application for a permit to the department, on a form provided by the department, with a permit fee established by the department. The application must include the name and complete mailing address and street address of the facility and any other information reasonably required by the department for the administration of this section.
2. The health council shall adopt rules to regulate any person that receives compensation for engaging in the practice of tattooing, body piercing, branding, subdermal implants, or scarification. The rules must establish health and safety requirements and limitations with respect to the age of an individual who may receive a tattoo, body piercing, or scarification and may prohibit any practice that the health council deems unsafe or a threat to public health.
3. A facility is exempt from subsection 1 if the facility provides body piercing that is limited to the piercing of the noncartilaginous perimeter or lobe of the ear and the facility does not provide tattooing, branding, scarification, or subdermal implants. A person is exempt from regulation under subsection 2 if the person's practice under this section is limited to piercing of the noncartilaginous perimeter or lobe of the ear. A licensed health care professional acting within that professional's scope of practice and the associated medical facility are exempt from this section.
4. If a customer of a facility regulated under this section reports to the facility an injury the customer or operator of the facility believes to have resulted from the tattooing, body piercing, branding, subdermal implanting, or scarification provided at the facility, the operator of the facility shall provide the customer with written information on how to report the alleged injury to the state department of health. If a licensed health care professional treats a patient for an injury the professional determines, in the exercise of professional judgment, occurred as a result of a service regulated under this section, the professional shall report the circumstances to the state

department of health. A licensed health care professional is immune from liability for making or not making a report under this subsection.

5. The fees established by the department must be based on the cost of conducting routine and complaint inspections and enforcement actions and preparing and sending license renewals. Fees 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 fee for any facility that is subject to local jurisdiction."

Renumber accordingly

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. DEVER MOVED that the conference committee report on Engrossed SB 2352 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2352, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2352: A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to limitations on tattooing, branding, subdermal implantation, scarifying, and body piercing of minors; to amend and reenact the new section to chapter 23-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1505, as approved by the sixtieth legislative assembly, relating to the regulation of tattooing, body piercing, branding, subdermal implants, and scarification; and to provide a penalty.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Nelson

Reengrossed SB 2352 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that Engrossed SB 2392 be moved to the top of the Seventh order, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2392, as engrossed: Your conference committee (Sens. Cook, Hacker, Anderson and Reps. Boehning, Dahl, Griffin) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 867 and place SB 2392 on the Seventh order.

Engrossed SB 2392 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. COOK MOVED that the conference committee report on Engrossed SB 2392 be adopted, which motion prevailed on a voice vote.

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 1106, Engrossed HB 1126, and Engrossed HB 1233, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1106: Sens. Christmann, Holmberg, Seymour

Engrossed HB 1126: Sens. Lyson, Olafson, Fiebiger

Engrossed HB 1233: Sens. Tollefson, Oehlke, Anderson

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 2309, SB 2352.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report on: SB 2392.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report on: SB 2165.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2165 and wishes to inform you that the Senate does now concur with the House amendments to SB 2165 and subsequently failed to pass the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2165.

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 1106: Sens. Christmann; Holmberg; Seymour

HB 1126: Sens. Lyson; Olafson; Fiebiger

HB 1233: Sens. Tollefson; Oehlke; Anderson

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 1263, HB 1435.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has appointed Rep. Porter to replace Rep. Keiser on the Conference Committee on SB 2419.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1127, HB 1462.

MOTION

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

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

REPORT OF CONFERENCE COMMITTEE

SB 2009, as engrossed: Your conference committee (Sens. Bowman, Fischer, Krauter and Reps. Klein, Wald, Guleson) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1063-1067, adopt amendments as follows, and place SB 2009 on the Seventh order:

That the House recede from its amendments as printed on pages 1063-1067 of the Senate Journal and pages 1169-1173 of the House Journal and that Engrossed Senate Bill No. 2009 be amended as follows:

Page 1, line 2, replace "19-18-04" with "4-37-02"

Page 1, line 3, replace "pesticide registration" with "to the agriculture in the classroom council"

Page 1, line 4, remove "fees" and replace "and to provide an effective date" with "to provide for a legislative council study; to provide for a performance audit; to provide for a report to the budget section; and to declare an emergency"

Page 1, line 23, replace "1,196,923" with "1,209,097"

Page 1, line 24, replace "1,442,058" with "458,508"

Page 2, line 1, replace "150,000" with "75,000"

Page 2, line 4, replace "200,000" with "1,050,000"

Page 2, remove line 5

Page 2, line 6, replace "3,147,656" with "2,926,280"

Page 2, line 7, replace "1,604,602" with "1,746,439"

Page 2, line 8, replace "1,543,054" with "1,179,841"

Page 2, line 14, replace "6,980,440" with "6,992,614"

Page 2, line 15, replace "5,697,933" with "4,714,383"

Page 2, line 17, replace "1,924,225" with "1,849,225"

Page 2, line 19, replace "200,000" with "1,050,000"

Page 2, line 20, replace "50,000" with "25,000"

Page 2, line 21, replace "17,157,300" with "16,935,924"

Page 2, line 22, replace "11,091,134" with "11,232,971"

Page 2, line 23, replace "6,066,166" with "5,702,953"

Page 2, line 26, replace "\$3,042,109" with "\$3,142,109"

Page 3, line 4, replace "\$889,684" with "\$1,019,684"

Page 3, line 8, replace "\$318,138" with "\$259,000"

Page 3, after line 10, insert:

"SECTION 8. TRANSFER - APPROPRIATION. The office of management and budget shall transfer \$150,000 from the general fund to the environment and rangeland protection fund during the period beginning July 1, 2007, and ending June 30, 2009.

SECTION 9. TRANSFER - APPROPRIATION. The North Dakota state university extension service shall provide \$50,000 from the pesticide enforcement fund to the agriculture commissioner for deposit in the environment and rangeland protection fund for the endangered species program during the period beginning July 1, 2007, and ending June 30, 2009.

SECTION 10. INTENT - EMERGENCY COMMISSION REQUEST. The agriculture commissioner may request from the emergency commission additional full-time equivalent positions for the state meat inspection program if demand for the program increases sufficient to require the positions during the period beginning July 1, 2007, and ending June 30, 2009."

Page 3, after line 12, insert:

"SECTION 12. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The general fund appropriation in Senate Bill No. 2338 includes \$90,836 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The agriculture commissioner 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.

Animal tracking data base

\$90,836

SECTION 13. SPECIAL REVENUE - REPORT TO BUDGET SECTION. All revenues from inspection and grading services provided by state meat inspectors and graders must be allocated to the state meat inspection program. The agriculture commissioner shall report annually to the budget section regarding the revenues and expenditures for the state meat inspection program.

SECTION 14. ENDANGERED SPECIES PROGRAM - REPORT TO BUDGET SECTION. The agriculture commissioner shall report annually to the budget section regarding the status of the endangered species program.

SECTION 15. LEGISLATIVE COUNCIL STUDY - TRANSFER OF PROGRAM.

The legislative council shall consider studying, during the 2007-08 interim, the transfer of predator control from the agriculture commissioner to the game and fish department. The study should include a review of the South Dakota predator control program. 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 16. PERFORMANCE AUDIT - WILDLIFE SERVICES.

The state auditor shall conduct a performance audit of the services provided pursuant to the cooperative agreement between the agriculture commissioner and the United States department of agriculture wildlife services during the biennium beginning July 1, 2007, and ending June 30, 2009. The performance audit must include a review of all funding sources, including grants from the agriculture commissioner, game and fish funds, and federal funds, for the wildlife damage management program in North Dakota for the 2003-05, 2005-07, and 2007-09 bienniums. The results of the performance audit must be presented to the legislative audit and fiscal review committee and filed with the appropriations committees during the sixty-first legislative assembly."

Page 3, replace lines 19 through 31 with:

"SECTION 18. AMENDMENT. Section 4-37-02 of the North Dakota Century Code is amended and reenacted as follows:

4-37-02. Agriculture in the classroom council. An agriculture in the classroom council is established. The council consists of sixteen members to be appointed by the agriculture commissioner. One member must be the agriculture commissioner or the commissioner's designee, and one member must be the superintendent of public instruction or the superintendent's designee. Agriculture in the classroom grant recipients are nonvoting members of the council.

SECTION 19. EMERGENCY. The sum of \$130,000 included in the wildlife services line item in section 3 of this Act is declared to be an emergency measure."

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 19

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2009 - Summary of Conference Committee Action**

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Office of Management and Budget						
Total all funds	\$0	\$0	\$150,000	\$150,000	\$150,000	\$0
Less estimated income						
General fund	\$0	\$0	\$150,000	\$150,000	\$150,000	\$0
Department of Agriculture						
Total all funds	\$16,309,662	\$17,157,300	(\$221,376)	\$16,935,924	\$16,829,686	\$106,238
Less estimated income	10,878,945	11,091,134	141,837	11,232,971	11,064,913	168,058
General fund	\$5,430,717	\$6,066,166	(\$363,213)	\$5,702,953	\$5,764,773	(\$61,820)
Bill Total						
Total all funds	\$16,309,662	\$17,157,300	(\$71,376)	\$17,085,924	\$16,979,686	\$106,238
Less estimated income	10,878,945	11,091,134	141,837	11,232,971	11,064,913	168,058
General fund	\$5,430,717	\$6,066,166	(\$213,213)	\$5,852,953	\$5,914,773	(\$61,820)

Senate Bill No. 2009 - Office of Management and Budget - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Transfer to the EARP fund			\$150,000	\$150,000	\$150,000	
Total all funds	\$0	\$0	\$150,000	\$150,000	\$150,000	\$0
Less estimated income						
General fund	\$0	\$0	\$150,000	\$150,000	\$150,000	\$0

FTE 0.00 0.00 0.00 0.00 0.00 0.00

Dept. 110 - Office of Management and Budget - Detail of Conference Committee Changes

	TRANSFER TO THE EARP FUND 1	TOTAL CONFERENCE COMMITTEE CHANGES
Transfer to the EARP fund	\$150,000	\$150,000
Total all funds	\$150,000	\$150,000
Less estimated income		
General fund	\$150,000	\$150,000
FTE	0.00	0.00

1 This amendment provides a transfer of \$150,000 from the general fund to the environment and rangeland protection fund.

Senate Bill No. 2009 - Department of Agriculture - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$6,662,302	\$6,980,440	\$12,174	\$6,992,614	\$6,799,926	\$192,688
Operating expenses	5,518,433	5,697,933	(983,550)	4,714,383	5,650,833	(936,450)
Capital assets	5,000	5,000		5,000	5,000	
Grants	1,774,225	1,924,225	(75,000)	1,849,225	1,849,225	
Board of Animal Health	2,299,702	2,299,702		2,299,702	2,299,702	
Crop Harmonization Board	50,000	50,000	(25,000)	25,000	25,000	
Wildlife Services		200,000	850,000	1,050,000	200,000	850,000
Total all funds	\$16,309,662	\$17,157,300	(\$221,376)	\$16,935,924	\$16,829,686	\$106,238
Less estimated income	10,878,945	11,091,134	141,837	11,232,971	11,064,913	168,058
General fund	\$5,430,717	\$6,066,166	(\$363,213)	\$5,702,953	\$5,764,773	(\$61,820)
FTE	67.00	67.00	0.50	67.50	66.00	1.50

Dept. 602 - Department of Agriculture - Detail of Conference Committee Changes

	REDUCES SALARY EQUITY FUNDING 1	REDUCES FUNDING FOR MOTOR POOL EXPENSES 2	REDUCES FUNDING FOR DAIRY COALITION GRANT 3	REMOVES FUNDING FOR 1 MEAT INSPECTION FTE POSITION 4	ENDANGERED SPECIES PROGRAM 5	REDUCES FUNDING SUPPORT FROM THE EARP FUND 6
Salaries and wages	(\$59,138)			(\$83,688)	\$155,000	
Operating expenses		(\$25,000)		(48,550)	95,000	(\$75,000)
Capital assets						
Grants			(\$75,000)			
Board of Animal Health						
Crop Harmonization Board						(25,000)
Wildlife Services						
Total all funds	(\$59,138)	(\$25,000)	(\$75,000)	(\$132,238)	\$250,000	(\$100,000)
Less estimated income	(24,689)			(63,474)	200,000	(100,000)
General fund	(\$34,449)	(\$25,000)	(\$75,000)	(\$68,764)	\$50,000	\$0
FTE	0.00	0.00	0.00	(1.00)	1.50	0.00

	CHANGES FUNDING SOURCE FOR WILDLIFE SERVICES 7	MOVES WILDLIFE SERVICES FUNDING FROM OPERATING LINE TO WILDLIFE SERVICES LINE 8	REMOVES WILDLIFE SERVICES FROM OPERATING LINE 9	REDUCES FUNDING FOR WILDLIFE SERVICES 10	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages					\$12,174
Operating expenses			(\$930,000)		(983,550)
Capital assets					
Grants					(75,000)
Board of Animal Health					(25,000)
Crop Harmonization Board					850,000
Wildlife Services		\$930,000		(\$80,000)	850,000
Total all funds	\$0	\$930,000	(\$930,000)	(\$80,000)	(\$221,376)
Less estimated income	\$130,000	680,000	(680,000)		141,837
General fund	(\$130,000)	\$250,000	(\$250,000)	(\$80,000)	(\$363,213)
FTE	0.00	0.00	0.00	0.00	0.50

1 This amendment reduces the salary equity funding added by the Senate from \$318,138 to \$259,000.

2 This amendment reduces funding for motor pool expenses by \$25,000. The House reduced motor pool operating expenses by \$50,000.

3 This amendment reduces the grant to the North Dakota Dairy Coalition added by the Senate from \$150,000 to \$75,000.

- 4 This amendment removes funding for salary and operating funds for 1 FTE position included in the executive budget for the state meat inspection program. The House removed 2 FTE positions. The conference committee did not remove a position that is to be a half-time inspector and half-time grader.
- 5 This amendment provides funding of \$200,000 from the environment and rangeland protection fund and \$50,000 from the general fund for an endangered species program, including 1.5 FTE positions and operating expenses.
- 6 This amendment reduces funding from the environment and rangeland protection fund for SafeSend (\$25,000), crop harmonization (\$25,000), and farmer's market (\$50,000), the same as the House version.
- 7 This amendment changes the funding source from the general fund to the game and fish fund for Wildlife Services for a total of \$240,000 from the general fund and \$810,000 from the game and fish fund.
- 8 This amendment moves the funding for Wildlife Services from the operating line item to the Wildlife Services line item.
- 9 This amendment removes funding for Wildlife Services from the operating line item.
- 10 This amendment reduces general fund support for Wildlife Services by \$80,000, to \$240,000.

Adds a section of legislative intent allowing the department to request from the Emergency Commission additional FTE positions for the meat inspection program if demands increase during the 2007-09 biennium.

Provides an emergency of \$130,000 for Wildlife Services funding.

A section is added identifying one-time funding for the Agriculture Commissioner and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.

A section is added providing for a transfer of \$50,000 from the North Dakota State University Extension Service to the environment and rangeland protection fund.

A section is added to amend Section 4-37-02 of the North Dakota Century Code relating to the membership of the Agriculture in the Classroom Council.

A section is added to provide legislative intent that all special fund revenues from inspection and grading services provided by the state meat inspectors and graders be allocated to the state meat inspection program and to provide for an annual report to the Budget Section regarding the state meat inspection program.

A section is added to provide for a Legislative Council study in the 2007-09 biennium relating to transferring predator control services from the Agriculture Commissioner to the Game and Fish Department.

A section is added requiring the commissioner to report annually to the Budget Section on the status of the endangered species program.

A section is added requiring a performance audit of all funding sources related to the cooperative agreement between Wildlife Services and the Agriculture Commissioner.

Engrossed SB 2009 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BOWMAN MOVED that the conference committee report on Engrossed SB 2009 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2009, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to amend and reenact sections 4-01-21 and 4-37-02 of the North Dakota Century Code, relating to the salary of the agriculture commissioner and to the agriculture in the classroom council; to provide for transfers; to provide for legislative intent; to provide for a legislative council study; to provide for a performance audit; to provide for a report to the budget section; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Nelson; Seymour

Reengrossed SB 2009 passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SB 2046: Your conference committee (Sens. Krebsbach, J. Lee, Nelson and Reps. Klein, Monson, Guleson) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1197-1198, adopt amendments as follows, and place SB 2046 on the Seventh order:

That the House recede from its amendments as printed on pages 1197 and 1198 of the Senate Journal and pages 1188-1190 of the House Journal and that Senate Bill No. 2046 be amended as follows:

Page 1, line 10, remove "and" and after "appropriation" insert "; to provide an effective date; and to provide an expiration date"

Page 2, line 24, replace "2007" with "2008"

Page 2, line 25, replace "2007" with "2008"

Page 3, line 4, overstrike "seventy-five" and insert immediately thereafter "twenty-five"

Page 6, line 22, replace "2007" with "2008"

Page 7, line 24, replace "to the fund sixteen and five-tenths percent per annum of the salary of the" with "the employer contributions required by section 15-39.1-09 on the salary of the retired member both before and after the retired member reaches the annual hour limit."

Page 7, remove lines 25 through 28

Page 8, line 30, replace "to the fund sixteen and five-tenths percent per annum of" with "the employer contributions required by section 15-39.1-09 on"

Page 10, line 5, replace "This" with "Sections 1, 6, 10, 11, 12, and 15 of this" and replace "applies" with "apply"

Page 10, line 6, after "2007" insert "; and sections 2, 3, 4, 5, 7, 8, 9, and 13 apply to salaries earned on and after July 1, 2008"

Page 10, after line 10, insert:

"SECTION 16. EFFECTIVE DATE. Sections 1, 6, 10, 11, 12, 14, and 15 of this Act become effective on July 1, 2007, and sections 2, 3, 4, 5, 7, 8, 9, and 13 of this Act become effective on July 1, 2008.

SECTION 17. EXPIRATION DATE. Section 3 of this Act is effective until the ratio of the actuarial value of assets to the actuarial accrued liability of the teachers' fund for retirement increases to ninety percent based upon the actuarial value of assets and expires on the July first that follows the first valuation that shows a ninety percent funded ratio. The board of trustees of the teachers' fund for retirement shall notify the legislative council of the expiration date of section 3 of this Act."

Re-number accordingly

SB 2046 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KREBSBACH MOVED that the conference committee report on SB 2046 be adopted, which motion prevailed on a voice vote.

SB 2046, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2046: A BILL for an Act to create and enact two new subsections to section 15-39.1-04 of the North Dakota Century Code, relating to definitions under the teachers' fund for retirement; to amend and reenact subsection 9 of section 15-39.1-04, subsection 1 of section 15-39.1-09, section 15-39.1-10, subdivision c of subsection 1 of section 15-39.1-10.3, sections 15-39.1-10.6, 15-39.1-11, 15-39.1-12, and 15-39.1-15, subsection 1 of section 15-39.1-19.1, sections 15-39.1-19.2 and 15-39.1-20, and subsection 2 of section 15-39.1-33 of the North Dakota Century Code, relating to the incorporation of federal law changes, employer contributions and service credit purchases, eligibility for and determination of benefits, vesting, early retirement, returning to teaching, and accepting a refund from the fund under the teachers' fund for retirement; to provide for application; to provide an appropriation; to provide an effective date; and to provide an expiration date.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Nelson; Seymour

Engrossed SB 2046 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2256, as engrossed: Your conference committee (Sens. Olafson, Lyson, Fiebiger and Reps. Klemin, Dahl, Griffin) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1545-1546, adopt amendments as follows, and place SB 2256 on the Seventh order:

That the House recede from its amendments as printed on page 1385 of the Senate Journal and pages 1545 and 1546 of the House Journal and that Engrossed Senate Bill No. 2256 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact the new section to chapter 12.1-20 of the North Dakota Century Code as created by section 1 of House Bill No. 1472, as approved by the sixtieth legislative assembly, relating to sexual offenders on school property.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. The new section to chapter 12.1-20 of the North Dakota Century Code as created by section 1 of House Bill No. 1472, as approved by the sixtieth legislative assembly, is amended and reenacted as follows:

Sexual offender presence near schools prohibited.

1. Except for purposes of voting in a school building used as a public polling place or attending an open meeting under chapter 44-04 in a school building, a sexual offender, as defined in section 12.1-32-15, who has pled guilty or been found guilty of or has been adjudicated delinquent of a class A misdemeanor or felony sexual offense against a minor or is required to register under section 12.1-32-15 or equivalent law of another state may not knowingly enter upon the real property comprising a public or nonpublic elementary, middle, or high school unless provided by this section or allowed on school property through compliance with a written policy adopted by the school board of a public school or governing body of a nonpublic school. The school board or governing body shall provide a copy of the policy to local law enforcement upon request.

2. If a school board or a governing body does not have a written policy on sexual offenders on school property, subsection 1 does not apply under the following circumstances:
 - a. The offender is a parent or guardian of a student attending the school and the offender, with the written permission of the school board or governing body of the school, or designee of the board or body, is attending a conference at the school with school personnel to discuss the progress of the student academically or socially, participating in a child review conference in which evaluation and placement decisions may be made regarding special education services, or attending a conference to discuss other student issues, including retention and promotion.
 - b. The offender is a parent, guardian, or relative of a student attending or participating in a function at the school and the offender has requested advance permission from the school board or governing body, or designee of the board or body, and received permission allowing the offender's presence at the school function.
 - c. The offender is a student at the school with the written permission of the school board or governing body, or designee of the board or body.
 - d. The school board or governing body, or designee of the board or body, allows the offender on school property under other circumstances on a case-by-case basis.
3. An individual who violates this section is guilty of a class A misdemeanor."

Renumber accordingly

Engrossed SB 2256 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. OLAFSON MOVED that the conference committee report on Engrossed SB 2256 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2256, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2256: A BILL for an Act to amend and reenact the new section to chapter 12.1-20 of the North Dakota Century Code as created by section 1 of House Bill No. 1472, as approved by the sixtieth legislative assembly, relating to sexual offenders on school property.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 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; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Grindberg; Nelson; Seymour

Reengrossed SB 2256 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2288, as engrossed: Your conference committee (Sens. Wanzek, Erbele, Taylor and Reps. Porter, Damschen, S. Kelsh) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1077-1078, adopt amendments as follows, and place SB 2288 on the Seventh order:

That the House recede from its amendments as printed on pages 1077 and 1078 of the Senate Journal and pages 954 and 955 of the House Journal and that Engrossed Senate Bill No. 2288 be amended as follows:

Page 1, line 2, replace "an" with "a renewable" and remove "independence research"

Page 1, line 12, after "4-14.1-08" insert "and may not distribute any payment that would create a negative ethanol production incentive fund balance. If the incentive fund balance is insufficient to pay all valid incentive requests received in any quarter, the funds available must be paid out on a pro rata basis and obligations may not be carried forward"

Page 1, line 17, after the boldfaced period insert "**State board of higher education -**", after "The" insert "state board of higher education is encouraged to establish or name a", and replace "consists of a" with "or centers at an institution or institutions under the control of the board"

Page 1, remove line 18

Page 1, line 19, remove "state university extension service faculty"

Page 1, line 21, after the underscored boldfaced period insert "If established or named by the state board of higher education, the biomass energy center or centers shall:"

Page 1, line 22, replace "The North Dakota agricultural experiment station shall complete" with "Complete"

Page 2, line 1, replace "The North Dakota agricultural experiment station shall conduct" with "Conduct"

Page 2, line 3, replace "The North Dakota agricultural experiment station shall determine" with "Determine"

Page 2, line 5, replace "The North Dakota agricultural experiment station and North Dakota state university" with "Complete"

Page 2, line 6, remove "extension service shall complete"

Page 2, line 8, replace "The" with "If established or named by the state board of higher education, the" and after "center" insert "or centers"

Page 2, line 10, after "center" insert "or centers"

Page 2, line 13, replace "North Dakota agricultural experiment station and North" with "biomass energy center or centers"

Page 2, line 14, remove "Dakota state university extension service"

Page 2, line 15, remove "House Bill No. 1020 (2007) includes four hundred"

Page 2, remove lines 16 through 18

Page 2, line 29, replace "ten" with "seven" and after "million" insert "five hundred thousand"

Page 3, remove lines 1 through 13

Page 3, line 14, replace "**Energy independence research**" with "**Renewable energy**"

Page 3, line 15, after the first "the" insert "renewable" and remove "independence research"

Page 3, line 16, after "the" insert "renewable" and remove "independence"

Page 3, line 17, after "The" insert "renewable" and remove "independence research"

Page 3, line 19, after "member" insert "with a substantial interest in the agriculture industry" and replace "agriculture commissioner" with "governor"

Page 3, remove lines 28 through 30

Page 4, remove lines 1 through 4

Page 4, line 12, replace "Five" with "Four"

Page 4, line 16, after the underscored period insert "Any grants, loans, or other financial assistance must be matched on a dollar-for-dollar basis."

Page 4, line 17, remove "appointed by the governor"

Page 4, line 21, after "council" insert "or industrial commission"

Page 4, line 23, replace the first "council" with "commission" and after the second "council" insert "or industrial commission"

Page 4, line 24, remove "are not public records subject to section 44-04-18 and section 6"

Page 4, line 25, remove "of article XI of the Constitution of North Dakota, and"

Page 4, line 27, after "2." insert "a."

Page 4, line 29, after "contain" insert "any", after "council" insert "or industrial commission", and remove "the following"

Page 4, line 30, replace "a." with "(1)"

Page 5, line 1, replace "b." with "(2)"

Page 5, line 3, replace "c." with "(3)"

Page 5, line 5, replace "d." with "(4)"

Page 5, line 8, replace "e." with "(5)"

Page 5, after line 8, insert:

b. The fact that a request has been made is exempt.

Page 5, line 9, replace "A request under" with "The information submitted pursuant to" and after "council" insert "or the industrial commission"

Page 5, line 12, after "council" insert "or industrial commission"

Page 5, line 13, after "council" insert "or industrial commission"

Page 5, line 21, after the underscored boldfaced period insert:

1.

Page 5, line 22, replace "1." with "a."

Page 5, line 28, replace "2." with "b."

Page 5, line 30, replace "3." with "c."

Page 6, line 1, replace "4." with "d."

Page 6, line 3, replace "5." with "e."

Page 6, line 5, replace "6." with "f."

Page 6, line 10, replace "7." with "g."

Page 6, line 13, replace "8." with "h."

Page 6, after line 14, insert:

2. The industrial commission shall contract with the department of commerce to provide technical assistance to the renewable energy council and the industrial commission to carry out and effectuate the purposes of this chapter, including pursuit of aid, grants, or contributions of money or other things of value from any source for any purpose consistent with this chapter. The department may contract with a public or private third party to provide any or all of the technical assistance necessary to implement the purposes of this chapter.

Page 6, line 15, replace "**Energy independence**" with "**Renewable energy**" and after "The" insert "renewable"

Page 6, line 16, remove "independence" and after the second "the" insert "renewable"

Page 6, line 17, remove "independence"

Page 6, line 23, after the third "the" insert "renewable"

Page 6, line 24, remove "independence"

Renumber accordingly

Engrossed SB 2288 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. WANZEK MOVED that the conference committee report on Engrossed SB 2288 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2288, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2288: A BILL for an Act to provide for a biomass energy center; to create and enact a new chapter to title 54 of the North Dakota Century Code, relating to a renewable energy council and development fund; to amend and reenact sections 4-14.1-09 and 39-04-39 of the North Dakota Century Code, relating to ethanol and renewable fuels incentives and distribution of motor vehicle registration fees; to provide an appropriation; and to provide a continuing 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 36 YEAS, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Behm; Bowman; Christmann; Cook; Dever; Freborg; Lyson; Urlacher

ABSENT AND NOT VOTING: Grindberg; Nelson; Seymour

Reengrossed SB 2288 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2293: Your conference committee (Sens. Tollefson, Urlacher, Triplett 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 1, after "new" insert "section to chapter 20.1-03 and a new"

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

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

Page 1, after line 4, insert:

"SECTION 1. A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

One-time hunter education exemption. An individual eighteen years of age or older may receive a one-time exemption from section 20.1-03-01.2 for up to one

license year for any license not issued by lottery if the license is purchased directly from the department. A license issued under this section is valid only when that individual is accompanied afield and under the direct supervision of a licensed adult who is in compliance with section 20.1-03-01.2."

Page 1, after line 10, insert:

"SECTION 3. EXPIRATION DATE. Section 1 of this Act is effective through July 31, 2009, and after that date is ineffective."

Renumber accordingly

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. TOLLEFSON MOVED that the conference committee report on SB 2393 be adopted, which motion failed on a verification vote.

REPORT OF CONFERENCE COMMITTEE

SB 2014: Your conference committee (Sens. Fischer, Krebsbach, Robinson and Reps. Bellew, Kreidt, Ekstrom) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1193-1194 and place SB 2014 on the Seventh order.

SB 2014 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. FISCHER MOVED that the conference committee report on SB 2014 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. J. LEE MOVED that the conference committee report on Engrossed HB 1463 as printed on SJ page 1484 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

HB 1359: Your conference committee (Sens. G. Lee, Nething, Bakke and Reps. Weisz, Owens, Schmidt) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1406-1407, adopt amendments as follows, and place HB 1359 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1406 and 1407 of the House Journal and page 911 of the Senate Journal and that House Bill No. 1359 be amended as follows:

Page 1, line 2, after "trucks" insert "and trailers; to provide for a legislative council study; and to provide for a contingent effective date"

Page 1, line 8, after the second "truck" insert "or trailer"

Page 1, after line 10, insert:

"SECTION 2. LEGISLATIVE COUNCIL - EXEMPTION FROM FEDERAL MOTOR CARRIER SAFETY REGULATIONS STUDY. The legislative council shall consider studying, during the 2007-08 interim, federal motor carrier safety regulations and exemptions for interstate and intrastate transportation in relation to this state's laws and exemptions. This study shall include a review of any industry-specific applications of regulations and possible exemptions to current transportation activities within this state. 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 3. CONTINGENT EFFECTIVE DATE. Section 1 of this Act becomes effective on the earlier of October 1, 2008, or on approval of this state's application for exemption from rear-end protection requirements for vehicles in section 1 of this Act by the federal motor carrier safety administration, unless the superintendent of the highway patrol does not complete and submit an application for exemption for vehicles in section 1 of this Act by July 1, 2007, then section 1 of this Act becomes effective on August 1, 2007."

Renumber accordingly

HB 1359 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. G. LEE MOVED that the conference committee report on HB 1359 be adopted, which motion prevailed on a voice vote.

HB 1359, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

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

ROLL CALL

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

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

NAYS: Fiebiger; Potter

ABSENT AND NOT VOTING: Nelson

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

REPORT OF CONFERENCE COMMITTEE

HB 1263, as engrossed: Your conference committee (Sens. Hacker, Wanzek, Potter and Reps. Klemin, Boehning, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1079, adopt amendments as follows, and place HB 1263 on the Seventh order:

That the Senate recede from its amendments as printed on page 1079 of the House Journal and page 853 of the Senate Journal and that Engrossed House Bill No. 1263 be amended as follows:

Page 1, line 7, overstrike "one" and insert immediately thereafter "four"

Page 1, line 8, overstrike "three" and insert immediately thereafter "four"

Renumber accordingly

Engrossed HB 1263 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. HACKER MOVED that the conference committee report on Engrossed HB 1263 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1263, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1263: A BILL for an Act to amend and reenact section 53-06.1-10.1 of the North Dakota Century Code, relating to raffles.

ROLL CALL

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

YEAS: Bakke; Behm; Christmann; Cook; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Klein; Krauter; Krebsbach; Lee, J.; Marcellais; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Anderson; Andrist; Bowman; Dever; Freborg; Kilzer; Lee, G.; Lindaas; Lyson; Mathern; Nething

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1263, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1435, as reengrossed: Your conference committee (Sens. J. Lee, Kilzer, Warner and Reps. Pollert, Price, Kaldor) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1404-1409, adopt amendments as follows, and place HB 1435 on the Seventh order:

That the Senate recede from its amendments as printed on page 1409 of the House Journal and pages 808 and 809 and page 965 of the Senate Journal and that Reengrossed House Bill No. 1435 be amended as follows:

Page 1, line 1, replace "amend and reenact subsection 1 of section 23-07-17.1 of the North Dakota" with "provide for an immunization program and immunization task force; to provide for reports to the legislative council"

Page 1, line 2, remove "Century Code, relating to child immunizations"

Page 1, remove lines 4 through 16

Page 2, line 4, after the period insert "The department shall distribute the vaccines in accordance with the department's protocol established in consultation with the immunization task force.

3. The state department of health and local public health units shall attempt to access federal and third-party payer funds before using funds from the immunization program. If the funds appropriated to the state department of health for the 2007-09 biennium for the immunization program are insufficient, the state department of health shall request a transfer of spending authority from the state contingencies appropriation.

SECTION 2. STATE DEPARTMENT OF HEALTH - IMMUNIZATION TASK FORCE - REPORTS TO LEGISLATIVE COUNCIL.

1. The state health officer shall appoint an immunization task force to meet during the 2007-08 interim to establish a protocol on how to transition from a universal select immunization program to a provider choice immunization program and to recommend to the state department of health that this protocol be implemented. The protocol must seek to retain the state's high rates of vaccinations using the most cost-effective protocol.
2. The task force must consist of at least seven members, including at least three members representing local public health districts, three members representing private health care providers, and representatives of the state department of health. The state health officer shall appoint the task force members representing local public health units from a list of names submitted by an organization representing public health administrators. The state health officer shall appoint the task force members representing private health care providers from a list of names submitted by the North Dakota medical association.
3. During the 2007-08 interim, the task force shall provide periodic reports to the legislative council regarding the impact of the immunization program transition on the local public health units. During the 2007-08 interim, the state health officer shall provide periodic reports to the legislative council regarding the fiscal impact of the immunization program transition."

Page 2, line 5, remove "- **LEGISLATIVE**"

Page 2, line 6, remove "**COUNCIL REPORT**"

Page 2, line 7, replace "\$2,500,000" with "\$2,000,000"

Page 2, line 10, replace "\$1,000,000" with "\$500,000"

Page 2, line 12, replace "2" with "1" and remove "The department shall report to the legislative council as"

Page 2, remove line 13

Renumber accordingly

Reengrossed HB 1435 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. J. LEE MOVED that the conference committee report on Reengrossed HB 1435 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1435, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1435: A BILL for an Act to provide for an immunization program and immunization task force; to provide for reports to the legislative council; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Nelson

Reengrossed HB 1435, as amended, 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 2009, SB 2046, SB 2256, SB 2288.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: SB 2014.

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

MR. SPEAKER: The Senate has not adopted the conference committee report on: SB 2293.

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 1263, HB 1359, HB 1435.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1463.

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 1321 and HB 1504.

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

MR. PRESIDENT: The House has adopted the conference committee report and failed to pass: HB 1469.

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 2180.

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

MR. PRESIDENT: The Speaker has appointed Rep. Owens to replace Rep. Ruby on the Conference Committee on HB 1017.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has appointed Rep. Klemin to replace Rep. DeKrey on the Conference Committee on SB 2260.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2152.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 7:00 p.m., which motion prevailed.

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

REPORT OF CONFERENCE COMMITTEE

SB 2008, as engrossed: Your conference committee (Sens. Christmann, Kilzer, Krauter and Reps. Kempenich, Thoreson, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1125-1127, adopt amendments as follows, and place SB 2008 on the Seventh order:

That the House recede from its amendments as printed on pages 1125-1127 of the Senate Journal and pages 1167-1169 of the House Journal and that Engrossed Senate Bill No. 2008 be amended as follows:

Page 1, line 2, remove the first "and", replace "section" with "sections", and after "49-01-05" insert ", 64-02-10, 64-02-13, and 64-02-13.1"

Page 1, line 3, after "commissioners" insert "and testing of weighing and measuring devices; to provide for a legislative council study; to provide for a report to the legislative assembly; and to provide for a report to the budget section"

Page 1, line 21, replace "642,032" with "558,150"

Page 1, line 22, replace "220,048" with "227,703"

Page 1, line 23, replace "49,473" with "69,473"

Page 2, line 2, replace "(945,000)" with "(45,000)"

Page 2, remove line 3

Page 2, line 4, replace "1,639,061" with "1,582,834"

Page 2, line 6, replace "570,830" with "514,603"

Page 2, line 12, replace "5,764,864" with "5,680,982"

Page 2, line 13, replace "1,628,201" with "1,635,856"

Page 2, line 14, replace "137,984" with "157,984"

Page 2, line 17, replace "Agriculture rail rate and service fund" with "Rail rate complaint case"

Page 2, line 18, replace "12,939,049" with "12,882,822"

Page 2, line 20, replace "4,933,667" with "4,877,440"

Page 2, line 25, remove "agriculture" and replace "and service fund" with "complaint case"

Page 3, after line 7, insert:

"SECTION 6. AMENDMENT. Section 64-02-10 of the North Dakota Century Code is amended and reenacted as follows:

64-02-10. Fees to test or calibrate weighing and measuring devices. The commission shall collect the following fees to:

- | | |
|---------------------------------------|----------|
| 1. Test railroad track or truck scale | \$171.00 |
| 2. Test livestock and vehicle scale | 171.00 |

3.	Test livestock scale if the sales ring or buying station scale owner transports to the scale and furnishes all test weights and manpower needed to properly test the scale	96.00
4.	Test auxiliary beam on livestock, motor truck, and motor truck dump scale	24.00
5.	Test overhead monorail, track, hopper, dormant, deck, and hanging scale	53.00
6.	Test movable platform scale	11.00
7.	Test counter or computing scale	11.00
8.	Test hanging scale of fifty pound [22.68 kilogram] capacity or less	11.00
9.	Test a retail motor fuel device	11.00
10.	Test or calibrate weighing and measuring standards, per metrologist, per quarter hour or fraction thereof	17.00
11.	Test mobile delivery gasoline and fuel oil meter	24.00
12.	Test gasoline, LPG, or fuel oil meter on common carrier pipelines, or any other meter used in loading railway cars, transports, or other conveyances	53.00
13.	Test propane, ag chemical, or liquid fertilizer meter	39.00
14.	Test crane scale	107.00
15.	Test or calibrate weighing and measuring devices other than the above and those set by rule; per inspector per quarter hour or fraction thereof	11.00
16.	Witnessing any of the above tests	Fifty percent of the applicable fee

When a rejected weighing or measuring device has been reconditioned or replaced by new equipment, it must be retested and certified before being put into use except as otherwise provided by rule. The fee for retest and certification is the same as for the first test and certification.

When a test of a weighing or measuring device is required in addition to the regularly scheduled ~~annual~~ test, the commission shall charge a fee equal to the cost of operating the motor vehicle used in conducting the test. The mileage charges, as determined by the commission, must be in addition to the regular test fee and calculated to cover the costs of the additional travel. Where a test has been requested and the person requesting it fails to appear or to have the weighing or measuring device ready for testing at the arranged time, there is a charge of ten dollars a quarter hour for the time between the arranged time and the time at which the test can begin.

SECTION 7. AMENDMENT. Section 64-02-13 of the North Dakota Century Code is amended and reenacted as follows:

64-02-13. Commission to test weighing or measuring devices annually. The commission may test or calibrate weighing or measuring devices ~~annually~~. The owner of any weighing or measuring device used in this state is responsible for its accuracy and condition, ~~and may have it tested annually, but must have it tested at least every fifteen months.~~ The public service commission shall determine the frequency of required testing for each category of weighing and measuring device, which may not exceed twenty-four months. If upon testing the weighing or measuring

device is within the permitted tolerance, it must be sealed. Inspections and testing of farm milk bulk tank equipment may be made only by the state dairy department under section 4-30-18. Inspections and testing of oil and gas production meters and measuring devices may be made only by or under the direction of the industrial commission under section 38-08-04. If upon complaint the commission finds the weighing or measuring device is within the permitted tolerance, the cost of the test, unless waived by the commission, must be paid by the complainant; and in all other cases the cost of testing must be paid by the owner of the equipment.

SECTION 8. AMENDMENT. Section 64-02-13.1 of the North Dakota Century Code is amended and reenacted as follows:

64-02-13.1. Exception from annual regularly scheduled test of weighing or measuring device. A weighing or measuring device used to conduct sales by a transient vendor is exempt from this chapter.

SECTION 9. LEGISLATIVE COUNCIL STUDY - REAL ESTATE AUCTIONS.

The legislative council shall consider studying, during the 2007-08 interim, the practices and laws relating to the sale of real estate by auctioneers. The study must include a review of the sale of multiple parcels of property at a single sale. The legislative council shall report its finding and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

SECTION 10. GEOGRAPHIC INFORMATION SYSTEM INITIATIVE - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The public service commission shall provide a report to the sixty-first legislative assembly regarding the status of the department's geographic information system initiative.

SECTION 11. METROLOGY PROGRAM - REPORT TO BUDGET SECTION.

The public service commission and facility management division shall develop a schedule for metrology services to be conducted within the current metrology facility and when the facility can be used for other functions during the 2007-09 biennium. The public service commission and facility management division shall provide a report regarding the facility use agreement and the future of the metrology laboratory to the office of management and budget and budget section by July 1, 2008.

SECTION 12. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in section 3 of this Act includes \$89,484 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The public service commission 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.

Weights and measures equipment	\$39,000
Videoconferencing equipment	20,000
Prover	30,484
Total	\$89,484"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2008 - Public Service Commission - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$5,764,864	\$5,764,864	(\$83,882)	\$5,680,982	\$5,680,982	
Operating expenses	1,628,201	1,628,201	7,655	1,635,856	1,584,065	\$51,791
Capital assets	107,500	137,984	20,000	157,984	118,984	39,000
Grants	8,000	8,000		8,000	8,000	
Abandoned mined lands contractual services	4,500,000	4,500,000		4,500,000	4,500,000	
Agriculture rail rate and service fund	900,000	900,000	(900,000)			
Rail rate complaint case			900,000	900,000	495,000	405,000
Total all funds	\$12,908,565	\$12,939,049	(\$56,227)	\$12,882,822	\$12,387,031	\$495,791
Less estimated income	<u>8,005,382</u>	<u>8,005,382</u>		<u>8,005,382</u>	<u>7,600,382</u>	<u>405,000</u>
General fund	\$4,903,183	\$4,933,667	(\$56,227)	\$4,877,440	\$4,786,649	\$90,791

FTE	42.00	42.00	(1.00)	41.00	41.00	0.00
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Dept. 408 - Public Service Commission - Detail of Conference Committee Changes

	REMOVES 1 FTE WEIGHTS AND MEASURES INSPECTOR POSITION 1	ADDS FUNDING FOR METROLOGY PROGRAM 2	CHANGES FUNDING TO RAIL RATE COMPLAINT CASE 3	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$83,882)			(\$83,882)
Operating expenses	(36,945)	\$44,600		7,655
Capital assets		20,000		20,000
Grants				
Abandoned mined lands contractual services				
Agriculture rail rate and service fund			(\$900,000)	(900,000)
Rail rate complaint case			<u>900,000</u>	<u>900,000</u>
Total all funds	(\$120,827)	\$64,600	\$0	(\$56,227)
Less estimated income				
General fund	(\$120,827)	\$64,600	\$0	(\$56,227)
FTE	(1.00)	0.00	0.00	(1.00)

¹ The House removed 1 FTE weights and measures inspector position and related funding for salaries and wages, travel, and equipment. The conference committee agreed to eliminate the position but restored \$39,000 for equipment and \$18,791 for travel costs.

² The House provided \$31,600 of additional funding for costs to continue the state metrology program and provided that the \$30,000 of funding in the budget to have weights and measures equipment calibrated by Minnesota for National Institute of Standards and Technology-recognized services instead be applied to costs necessary to maintain the state program. The conference committee appropriated an additional \$33,000 for operating costs to maintain the weights and measures program.

³ The conference committee authorized \$800,000 from the beginning farmer revolving loan fund and \$100,000 from other funds for a rail rate complaint case rather than the agriculture rail rate and service fund.

The House added a section identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding. The conference committee agreed with the House action.

The House added a section providing for the Legislative Assembly to provide a report to the 61st Legislative Assembly regarding the department's geographic information system initiative. The conference committee agreed with the House action.

The conference committee added a section providing for the Legislative Council to consider studying the practices and laws relating to the sale of real estate by auctioneers.

The conference committee added a section providing for the Public Service Commission to develop a plan for the use of the metrology laboratory building and to provide a report to the Budget Section and the Office of Management and Budget regarding the future of the metrology program.

The conference committee changed the requirement that weighing and measuring devices be tested every 15 months to a frequency as determined by the Public Service Commission, not to exceed 24 months. The required frequency for testing may vary depending on the type of weights and measures device.

Engrossed SB 2008 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. CHRISTMANN MOVED that the conference committee report on Engrossed SB 2008 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2008, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2008: A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; to amend and reenact sections 49-01-05, 64-02-10, 64-02-13, and 64-02-13.1 of the North Dakota Century Code, relating to the salary of public service commissioners and testing of weighing and measuring devices; to provide for a

legislative council study; to provide for a report to the legislative assembly; and to provide for a report to the budget section.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist; Nelson; Tallackson

Reengrossed SB 2008 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1321, as engrossed: Your conference committee (Sens. Cook, Hacker, Warner and Reps. Koppelman, Wrangham, Kaldor) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1340-1341 and place HB 1321 on the Seventh order.

Engrossed HB 1321 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. COOK MOVED that the conference committee report on Engrossed HB 1321 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

HB 1504, as engrossed: Your conference committee (Sens. Lyson, Nelson, Marcellais and Reps. Kasper, Weiler, Potter) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1327, adopt amendments as follows, and place HB 1504 on the Seventh order:

That the Senate recede from its amendments as printed on page 1327 of the House Journal and pages 1141 and 1142 of the Senate Journal and that Engrossed House Bill No. 1504 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 12-63 of the North Dakota Century Code, relating to tribal police 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 police officers.

1. 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 is eligible for a peace officer license or part-time peace officer license.
2. The board shall issue a peace officer license or part-time peace officer license to a tribal police officer who is eligible for a peace officer license or part-time peace officer license under this section and who has paid the prescribed license fee if:
 - a. The tribal police officer has been appointed as a special deputy in accordance with section 11-15-02;
 - b. The tribal police officer is employed by the state or a political subdivision; or
 - c. There is an agreement between the state or a political subdivision and the tribe for tribal police officers to perform law enforcement services.

3. A tribal police 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, or off the reservation, in accordance with the terms and conditions of the special deputy appointment, the employment agreement, or the agreement between the state or political subdivision and the tribe.
4. A tribal police officer who has a peace officer license under this section is subject to this chapter and the rules adopted by the board, including requirements for license renewal or reinstatement, annual sidearm qualification, and continuing education.
5. The state or political subdivision is not liable for any act or omission of a tribal police officer exercising peace officer powers authorized by an agreement between the state or a political subdivision and a tribe.
6. This section does not diminish or expand the jurisdiction of any tribe or the state."

Renumber accordingly

Engrossed HB 1504 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LYSON MOVED that the conference committee report on Engrossed HB 1504 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1504, as amended, was placed on the Fourteenth order.

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.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist; Nelson; Tallackson

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

REPORT OF CONFERENCE COMMITTEE

SB 2017, as engrossed: Your conference committee (Sens. Christmann, Grindberg, Lindaas and Reps. Wald, Porter, Aarsvold) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1200-1201, adopt amendments as follows, and place SB 2017 on the Seventh order:

That the House recede from its amendments as printed on pages 1200 and 1201 of the Senate Journal and pages 1180 and 1181 of the House Journal and that Engrossed Senate Bill No. 2017 be amended as follows:

Page 1, line 2, after "department" insert "; to provide for a statement of legislative intent; to provide for a report to the legislative council; to provide for a study"

Page 2, line 2, replace "(871,688)" with "488,062"

Page 2, line 3, replace "1,058,372" with "1,558,372"

Page 2, after line 6, insert:

"Recruitment and retention study

30,000"

Page 2, line 7, replace "0" with "240,000"

Page 2, line 8, replace "4,530,302" with "6,660,052"

Page 2, line 18, replace "5,292,434" with "6,652,184"

Page 2, line 19, replace "12,286,351" with "12,786,351"

Page 2, after line 24, insert:
 "Recruitment and retention study 30,000"

Page 2, line 25, replace "800,000" with "1,040,000"

Page 2, line 26, replace "55,731,361" with "57,861,111"

Page 2, after line 31, insert:

"SECTION 5. CONTINGENT APPROPRIATION - GRANTS. The grants line item in section 3 of this Act includes \$109,750 for a grant to the parks and recreation department for boat ramp improvements at Fort Stevenson state park. The \$109,750 may be spent only if the corps of engineers does not begin construction of a marina at Fort Stevenson state park by March 31, 2008.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the sixtieth legislative assembly that \$100,000 contained in the grants line item in section 3 of this Act be used to carry out a grant program to encourage hunting by youth. The director of the game and fish department may provide grants under this program to local communities to fund shooting ranges and other related activities to encourage hunting by youth.

SECTION 7. GAME AND FISH DEPARTMENT TO STUDY RECRUITMENT AND RETENTION OF HUNTERS IN NORTH DAKOTA - REPORT TO LEGISLATIVE COUNCIL. The game and fish department shall study the recruitment and retention of hunters in North Dakota. The study must include identification of programs to recruit and retain hunters in this state. The department shall report its findings to the budget section by December 31, 2008."

Page 3, line 1, replace "\$800,000" with "\$1,040,000"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2017 - Game and Fish Department - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$19,033,535	\$19,033,535		\$19,033,535	\$19,033,535	
Operating expenses	11,690,087	11,690,087		11,690,087	11,690,087	
Capital assets	3,284,241	3,284,241		3,284,241	3,284,241	
Grants	5,252,184	5,292,434	\$1,359,750	6,652,184	6,992,434	(\$340,250)
Land habitat and deer depredation	12,286,351	12,786,351	500,000	12,786,351	14,286,351	(1,500,000)
Noxious weed control	450,000	450,000		450,000	450,000	
Grants, gifts, and donations	500,000	500,000		500,000	500,000	
Nongame wildlife conservation	120,000	120,000		120,000	120,000	
Lonetree Reservoir	1,594,713	1,594,713		1,594,713	1,594,713	
Wildlife Services	680,000	680,000		680,000	680,000	
Ramp improvements and marina development		800,000	240,000	1,040,000	800,000	240,000
Recruitment and retention study			30,000	30,000	30,000	
Total all funds	\$54,891,111	\$55,731,361	\$2,129,750	\$57,861,111	\$59,461,361	(\$1,600,250)
Less estimated income	54,891,111	55,731,861	2,129,750	57,861,111	59,461,361	(1,600,250)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	155.00	155.00	0.00	155.00	155.00	0.00

Dept. 720 - Game and Fish Department - Detail of Conference Committee Changes

RECRUITMENT	YOUTH	INCREASES FUNDING FOR RAMP	ADDS FUNDING FOR LAND
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	AND RETENTION STUDY ¹	HUNTING GRANT PROGRAM ²	SWEETBRIAR DAM PROJECT ³	BOAT RAMP IMPROVEMENTS ⁴	IMPROVEMENTS AND MARINA DEVELOPMENT ⁵	HABITAT AND DEER DEPREDEATION ⁶
Salaries and wages						
Operating expenses						
Capital assets						
Grants		\$100,000	\$1,000,000	\$259,750		
Land habitat and deer depredation						\$500,000
Noxious weed control						
Grants, gifts, and donations						
Nongame wildlife conservation						
Lonetree Reservoir						
Wildlife Services						
Ramp improvements and marina development					\$240,000	
Recruitment and retention study	\$30,000					
Total all funds	\$30,000	\$100,000	\$1,000,000	\$259,750	\$240,000	\$500,000
Less estimated income	<u>30,000</u>	<u>100,000</u>	<u>1,000,000</u>	<u>259,750</u>	<u>240,000</u>	<u>500,000</u>
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

TOTAL
CONFERENCE
COMMITTEE
CHANGES

Salaries and wages	
Operating expenses	
Capital assets	
Grants	\$1,359,750
Land habitat and deer depredation	500,000
Noxious weed control	
Grants, gifts, donations	
Nongame wildlife conservation	
Lonetree Reservoir	
Wildlife Services	
Ramp improvements and marina development	240,000
Recruitment and retention study	<u>30,000</u>
Total all funds	\$2,129,750
Less estimated income	<u>2,129,750</u>
General fund	\$0
FTE	0.00

¹ This amendment provides funding for a study on recruitment and retention of hunters in North Dakota.

² This amendment provides funding for a grant program to local communities to fund shooting ranges and other related activities to encourage hunting by youth.

³ This amendment provides \$1,000,000 from the game and fish fund to the State Water Commission for the Sweetbriar Dam project. The funding from the game and fish fund is contingent upon other funding being made available for the project by the State Water Commission.

⁴ This amendment provides funding to the Parks and Recreation Department from the game and fish fund for maintenance, operating, and extraordinary repairs relating to boat ramps at various state parks.

⁵ This amendment increases funding for ramp improvements and marina development from \$800,000, as provided by the Senate, to \$1,040,000.

⁶ This amendment increases the land habitat and deer depredation line item by \$500,000.

A section is added providing legislative intent relating to the grant program to encourage youth hunting.

A section is added directing the Game and Fish Department to conduct a study on recruitment and retention of hunters in North Dakota.

A section is added relating to a contingent appropriation of \$109,750 for a grant to the Parks and Recreation Department for boat ramp improvements at Fort Stevenson State Park if the Corps of Engineers does not begin construction of the marina by March 31, 2008.

Engrossed SB 2017 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. CHRISTMANN MOVED that the conference committee report on Engrossed SB 2017 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2017, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2017: A BILL for an Act to provide an appropriation for defraying the expenses of the game and fish department; to provide for a statement of legislative intent; to provide for a report to the legislative council; to provide for a study; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist; Nelson; Tallackson

Reengrossed SB 2017 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to SB 2015 as printed on SJ pages 1472-1482, which motion prevailed on a voice vote.

SB 2015, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2015: A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide an exemption; to create and enact a new section to chapter 6-09 and a new section to chapter 55-10 of the North Dakota Century Code, relating to earnings and profits of the Bank of North Dakota and historical sites; to amend and reenact sections 15-69-02, 15-69-03, 15-69-04, 15-69-05, 24-02-37, and 39-04-39 of the North Dakota Century Code, relating to centers of excellence, state highway fund, and registration fees; to provide an appropriation; to provide for reports to the budget section; to create a legislative council medical assistance committee; to provide legislative intent; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 8 YEAS, 36 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Heckaman; Krauter; Lindaas; Mathern; O'Connell; Robinson; Seymour

NAYS: Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebigler; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Marcellais; Nething; Oehlke; Olafson; Pomeroy; Potter; Stenehjelm; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist; Nelson; Tallackson

Reengrossed SB 2015 lost.

MOTION

SEN. CHRISTMANN MOVED that the Majority Leader be authorized to replace members of any conference committee scheduled to meet on Saturday, April 21, 2007 and Sunday, April 22, 2007, who do not attend the meeting or unable to reach an agreement, which motion prevailed.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently failed to pass: SB 2015.

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 2008, SB 2017.

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 1504.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1321.

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 2046 and SB 2352.

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 2014.

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 Speaker has appointed Rep. Pinkerton to replace Rep. Schmidt on the Conference Committee on SB 2172.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has appointed Rep. Damschen to replace Rep. DeKrey on the Conference Committee on SB 2293.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2180.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1263, HB 1359, HB 1435, HB 1463.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Seventh, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Monday, April 23, 2007, which motion prevailed.

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

William R. Horton, Secretary

