

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

* * * * *

Bismarck, April 4, 2007

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

The prayer was offered by Pastor Steve Wisthoff, First Baptist Church, Bismarck.

The roll was called and all members were present except Senators Andrist, O'Connell, and Seymour.

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that Reengrossed SB 2021 and Engrossed SB 2401 be placed immediately after Reengrossed SB 2186 on the Twelfth order, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2186 as printed on SJ pages 1118-1119 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2186: Sens. J. Lee, Erbele, Heckaman.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2021 as printed on SJ pages 1241-1242 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2021: Sens. Krebsbach, Wardner, Tallackson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2401 as printed on SJ page 1229 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2401: Sens. G. Lee, Freborg, Taylor.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. CHRISTMANN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1002, Reengrossed HB 1125, Engrossed HB 1372, and Engrossed HB 1504, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1002: Sens. Christmann, Kilzer, Tallackson

Reengrossed HB 1125: Sens. Flakoll, G. Lee, Taylor

Engrossed HB 1372: Sens. G. Lee, Flakoll, Bakke

Engrossed HB 1504: Sens. Lyson, Nething, Marcellais

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LYSON MOVED that the Senate do concur in the House amendments to SCR 4016 as printed on SJ page 898, which motion prevailed on a voice vote.

SCR 4016, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4016: A concurrent resolution urging Congress to direct the United States Army Corps of Engineers to address and rectify the problems caused by the accumulation of sediment in the Missouri River main stem reservoirs.

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

Engrossed SCR 4016 was declared adopted, and the title was agreed to on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do concur in the House amendments to Engrossed SCR 4022 as printed on SJ page 1044, which motion prevailed on a voice vote.

Engrossed SCR 4022, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4022: A concurrent resolution urging Congress and the President to continue to pursue peace in Iraq and Afghanistan.

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

Reengrossed SCR 4022 was declared adopted, and the title was agreed to on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do concur in the House amendments to Engrossed SCR 4030 as printed on SJ page 898, which motion prevailed on a voice vote.

Engrossed SCR 4030, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4030: A concurrent resolution directing the Legislative Council to study joint powers associations and school district reorganizations, annexations, and dissolutions.

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

Reengrossed SCR 4030 was declared adopted, and the title was agreed to on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to SCR 4032 as printed on SJ page 898, which motion prevailed on a voice vote.

SCR 4032, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4032: A concurrent resolution directing the Legislative Council to study ways in which schools and school districts can better identify high-risk students and provide programs designed to reduce the incidences of high-risk behaviors that can lead to suicide attempts.

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

Engrossed SCR 4032 was declared adopted, and the title was agreed to on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to Reengrossed SB 2070 as printed on SJ page 1112, which motion prevailed on a voice vote.

Reengrossed SB 2070, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2070: A BILL for an Act to provide for application by the department of human services for federal funds for the implementation of an aging and disability resource center; to provide an appropriation; 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, 1 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; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Anderson

ABSENT AND NOT VOTING: Andrist

Reengrossed SB 2070 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. NOTHING MOVED that the conference committee report on SB 2062 as printed on SJ page 1217 be adopted, which motion prevailed on a voice vote.

SB 2062, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2062: A BILL for an Act to create and enact a new section to chapter 43-30 of the North Dakota Century Code, relating to proprietary security 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

Engrossed SB 2062 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LYSON MOVED that the conference committee report on Engrossed SB 2222 as printed on SJ page 1217 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2222, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2222: A BILL for an Act to amend and reenact sections 28-24-01, 28-24-02, 28-24-03, 28-24-04, 28-24-05, 28-24-06, 28-24-07, 28-24-10, 28-24-13, and 28-24-14 of the North Dakota Century Code, relating to redemption of 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

Reengrossed SB 2222 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LYSON MOVED that the conference committee report on SB 2251 as printed on SJ page 1130 be adopted, which motion prevailed on a voice vote.

SB 2251, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2251: A BILL for an Act to amend and reenact section 20.1-04-07 of the North Dakota Century Code, relating to a wild turkey hunting license raffle and auction.

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, 1 NAYS, 0 EXCUSED, 1 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; Nelson; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Nothing

ABSENT AND NOT VOTING: Andrist

Engrossed SB 2251 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. WANZEK MOVED that the conference committee report on Engrossed SB 2389 as printed on SJ page 1149 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2389, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2389: A BILL for an Act to amend and reenact section 65-05-12.2 of the North Dakota Century Code, relating to workers' compensation permanent impairment awards; and to provide for application.

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

ABSENT AND NOT VOTING: Andrist

Reengrossed SB 2389 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. G. LEE MOVED that the conference committee report on Engrossed SB 2406 as printed on SJ page 1149 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2406, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2406: A BILL for an Act to create and enact a new subdivision to subsection 3 of section 39-12-02 of the North Dakota Century Code, relating to overwidth travel permits.

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, 1 NAYS, 0 EXCUSED, 1 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; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

NAYS: Krauter

ABSENT AND NOT VOTING: Andrist

Reengrossed SB 2406 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2070, SCR 4016, SCR 4022, SCR 4030, and SCR 4032.

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 2062, SB 2222, SB 2251, SB 2389, SB 2406.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2021, SB 2186, and SB 2401 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2021: Sens. Krebsbach; Wardner; Tallackson

SB 2186: Sens. J. Lee; Erbele; Heckaman

SB 2401: Sens. G. Lee; Freborg; Taylor

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1002: Sens. Christmann; Kilzer; Tallackson

HB 1125: Sens. Flakoll; G. Lee; Taylor

HB 1372: Sens. G. Lee; Flakoll; Bakke

HB 1504: Sens. Lyson; Nething; Marcellais

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 1402, HB 1507.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2129, SB 2268, SB 2310, SB 2336, SB 2338, SB 2397.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1056, HB 1060, HB 1129, HB 1134, HB 1136, HB 1138, HB 1147, HB 1155, HB 1160, HB 1195, HB 1227, HB 1229, HB 1241, HB 1258, HB 1282, HB 1293, HB 1295, HB 1304, HB 1312, HB 1315, HB 1360, HB 1434, HB 1446, HB 1472, HB 1483.

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

MR. PRESIDENT: The Speaker has signed: HCR 3045, HCR 3065.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 3, 2007, I have signed the following: SB 2029.

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.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Andrist, Chairman)** has carefully examined the Journal of the Sixty-second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1241, after line 5, insert:

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2402."

SEN. WARDNER MOVED that the report be adopted, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that Senate Rule 601(3)(g) no longer be suspended and that the rule be in effect, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that HB 1107, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1311, as engrossed: SEN. HEITKAMP (Natural Resources Committee) MOVED that the amendments on SJ page 1248 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1311: A BILL for an Act to amend and reenact sections 20.1-03-01.2, 20.1-03-01.3, and 20.1-04-15 of the North Dakota Century Code, relating to hunter safety education requirements and the age requirement for the youth pheasant hunting season.

ROLL CALL

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

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

NAYS: Fiebiger; Kilzer; Mathern; Oehlke; Robinson

Engrossed HB 1311, as amended, passed and the title was agreed to.

REPORT OF STANDING COMMITTEE

HB 1006, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1006 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "; and to create and enact a new section to chapter 2-05 of the North Dakota" with a period

Page 1, remove line 3

Page 2, remove lines 15 through 30

Page 3, remove lines 1 through 15

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1006 - Aeronautics Commission - Senate Action

| | EXECUTIVE BUDGET | HOUSE VERSION | SENATE CHANGES | SENATE VERSION |
|--|---------------------|------------------|-------------------|-------------------|
| Salaries and wages | \$803,540 | \$803,540 | | \$803,540 |
| Operating expenses | 1,960,304 | 1,960,304 | | 1,960,304 |
| Capital assets | 734,000 | 734,000 | | 734,000 |
| Grants | 3,575,000 | 3,575,000 | | 3,575,000 |
| Rural airport economic development fund | | 900,000 | (\$900,000) | |
| Transfer from general fund | | <u>900,000</u> | <u>(900,000)</u> | |
| Total all funds | \$7,072,844 | \$8,872,844 | (\$1,800,000) | \$7,072,844 |
| Less estimated income | <u>6,522,844</u> | <u>7,422,844</u> | <u>(900,000)</u> | <u>6,522,844</u> |
| General fund | \$550,000 | \$1,450,000 | (\$900,000) | \$550,000 |
| FTE | 6.00 | 6.00 | 0.00 | 6.00 |

Dept. 412 - Aeronautics Commission - Detail of Senate Changes

| | REMOVES FUNDING FOR THE RURAL AIRPORT ECONOMIC DEVELOPMENT FUND ¹ | TOTAL SENATE CHANGES |
|--|---|----------------------------|
| Salaries and wages | | |
| Operating expenses | | |
| Capital assets | | |
| Grants | | |
| Rural airport economic development fund | (\$900,000) | (\$900,000) |
| Transfer from general fund | <u>(900,000)</u> | <u>(900,000)</u> |
| Total all funds | (\$1,800,000) | (\$1,800,000) |
| Less estimated income | <u>(900,000)</u> | <u>(900,000)</u> |
| General fund | (\$900,000) | (\$900,000) |
| FTE | 0.00 | 0.00 |

¹ This amendment removes Sections 4 through 6 of the engrossed bill providing for:

- A \$900,000 transfer from the general fund to the rural airport economic development fund.
- A \$900,000 special funds appropriation for the rural airport economic development fund.
- The creation of the rural airport economic development fund.

CONSIDERATION OF AMENDMENTS

HB 1006, as engrossed: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1006: A BILL for an Act to provide an appropriation for defraying the expenses of the aeronautics commission.

ROLL CALL

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

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

Engrossed HB 1006, as amended, passed and the title was agreed to.

REPORT OF STANDING COMMITTEE

HB 1012, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1012, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 975 and 976 of the Senate Journal, Engrossed House Bill No. 1012 is amended as follows:

Page 1, line 2, replace the first "and" with "to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to authority of the director of the department of transportation to join the multistate highway transportation agreement;"

Page 1, line 3, after "collections" insert "; and to declare an emergency"

Page 1, line 18, replace "17,591,177" with "31,160,647"

Page 1, line 19, replace "(109,558,341)" with "(108,147,421)"

Page 1, line 21, replace "(\$67,713,282)" with "(\$52,732,892)"

Page 2, line 4, replace "161,128,193" with "174,697,663"

Page 2, line 5, replace "547,310,178" with "548,721,098"

Page 2, line 7, replace "887,295,066" with "902,275,456"

Page 2, after line 14, insert:

"SECTION 5. A new section to chapter 24-02 of the North Dakota Century Code is created and enacted as follows:

Multistate highway transportation agreement. The director may join the multistate highway transportation agreement to promote uniformity among participating jurisdictions in vehicle size and weight standards. The legislative council shall appoint a member of the house standing transportation committee and a member of the senate standing transportation committee as the legislative members representing this state to the cooperating committee formed by the agreement."

Page 2, replace lines 21 through 24 with:

- "1. The first fourteen million dollars received during a biennium must be deposited in the state highway fund.
- 2. Amounts received in excess of the amounts allocated under subsection 1 must be deposited in the state general fund.

SECTION 7. EMERGENCY. Of the funds appropriated in the capital improvements line item in section 3 of this Act, \$25,098,000 relating to fleet services motor vehicle purchases is declared to be an emergency measure."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1012 - Department of Transportation - Senate Action

| | EXECUTIVE BUDGET | HOUSE VERSION | SENATE CHANGES | SENATE VERSION |
|-----------------------|--------------------|--------------------|-------------------|--------------------|
| Salaries and wages | \$127,444,195 | \$127,444,195 | | \$127,444,195 |
| Operating expenses | 179,717,273 | 161,128,193 | \$13,569,470 | 174,697,663 |
| Capital assets | 548,721,098 | 547,310,178 | 1,410,920 | 548,721,098 |
| Grants | <u>51,412,500</u> | <u>51,412,500</u> | | <u>51,412,500</u> |
| Total all funds | \$907,295,066 | \$887,295,066 | \$14,980,390 | \$902,275,456 |
| Less estimated income | <u>887,295,066</u> | <u>887,295,066</u> | <u>14,980,390</u> | <u>902,275,456</u> |
| General fund | \$20,000,000 | \$0 | \$0 | \$0 |
| FTE | 1052.50 | 1052.50 | 0.00 | 1052.50 |

Dept. 801 - Department of Transportation - Detail of Senate Changes

| | RESTORES FUNDING ¹ | TOTAL SENATE CHANGES |
|-----------------------|----------------------------------|----------------------------|
| Salaries and wages | | |
| Operating expenses | \$13,569,470 | \$13,569,470 |
| Capital assets | 1,410,920 | 1,410,920 |
| Grants | | |
| Total all funds | \$14,980,390 | \$14,980,390 |
| Less estimated income | <u>14,980,390</u> | <u>14,980,390</u> |
| General fund | \$0 | \$0 |
| FTE | 0.00 | 0.00 |

¹ This amendment restores funding for the items listed below which were removed by the House. The executive budget had provided funding for these items from the general fund. The Senate is providing funding for these items from the highway fund.

| | HIGHWAY FUND |
|---|-----------------|
| Information technology projects | \$1,788,558 |
| Equipment | 2,021,860 |
| Road patching maintenance and materials | 11,169,972 |
| Total | \$14,980,390 |

The section added by the House providing that the first \$120 million of motor vehicle excise tax collections each biennium be deposited in the general fund and any additional amounts in the highway fund is changed to provide that the first \$14 million of these collections be deposited in the highway fund and any additional amounts in the general fund. This provision is anticipated to reduce 2007-09 biennium general fund revenues by \$14 million.

A section is added authorizing the department to join the Multistate Highway Transportation Agreement.

An emergency clause is added allowing Fleet Services to begin purchasing new vehicles prior to July 1, 2007.

CONSIDERATION OF AMENDMENTS

HB 1012, as engrossed and amended: SEN. WARDNER (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1012: A BILL for an Act to provide an appropriation for defraying the expenses of the department of transportation; to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to authority of the director of the department of transportation to join the multistate highway transportation agreement; to amend and reenact section 57-40.3-10 of the North Dakota Century Code, relating to motor vehicle excise tax collections; and to declare an emergency.

MOTION

SEN. HECKAMAN MOVED that Engrossed HB 1012, as amended, be further amended as follows, which motion prevailed on a verification vote.

In addition to the amendments adopted by the Senate as printed on pages 1262-1263 of the Senate Journal, Engrossed House Bill No. 1012 is amended as follows:

Page 2, after line 7, insert:

"SECTION 4. APPROPRIATION - GRANT TO NELSON COUNTY. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$550,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of providing a grant to Nelson County for phase one of critical road and infrastructure projects, for the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 801 - Department of Transportation

SENATE - A section is added providing \$550,000 from the general fund for providing a grant to Nelson County for Phase 1 of critical road and infrastructure projects.

MOTION

SEN. CHRISTMANN MOVED that Engrossed HB 1012, as further amended, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1399: A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to authority of the director of the department of transportation to join the multistate highway transportation agreement; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 0 YEAS, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1399 lost.

SECOND READING OF HOUSE BILL

HB 1488: A BILL for an Act to amend and reenact section 23-09.3-04 of the North Dakota Century Code, relating to state department of health surveys of basic care facilities; and to provide for a report to the legislative council.

ROLL CALL

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

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

HB 1488, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1491: 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 electronic course delivery; to provide for a legislative council report; and to provide an effective date.

ROLL CALL

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

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

Engrossed HB 1491, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1515: A BILL for an Act to create and enact a new section to chapter 20.1-02 and a new section to chapter 54-17 of the North Dakota Century Code, relating to establishment of a private land open to sportsmen biomass demonstration project and the duty of the industrial commission to establish a biomass incentive and research program.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 37 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Freborg; Hacker; Lee, G.; Lyson

Engrossed HB 1515, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1340: A BILL for an Act to create and enact chapter 10-35 of the North Dakota Century Code, relating to publicly traded corporations; and to amend and reenact section 54-09-08 of the North Dakota Century Code, relating to the secretary of state's general services operating fund.

ROLL CALL

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

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

NAYS: Cook; O'Connell; Potter; Stenehjem; Urlacher

Engrossed HB 1340 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1340.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1006, HB 1311, HB 1488, HB 1491, HB 1515.

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

MR. SPEAKER: The Senate has failed to pass: HB 1399.

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 1218, HB 1309, HB 1322, HB 1344, HB 1392, HB 1429, HB 1461, HB 1465, HB 1499, and HCR 3046.

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 1021 and HB 1403 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1021: Reps. Skarphol; Thoreson; Glassheim

HB 1403: Reps. N. Johnson; Nottestad; Gruchalla

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 1010, HB 1456.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2062.

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

MR. SPEAKER: The President has signed: HCR 3016, HCR 3049, HCR 3059.

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

MR. SPEAKER: The President has signed: SB 2321.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on April 4, 2007: SB 2321.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Seventh, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Thursday, April 5, 2007, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2247, as engrossed: Your conference committee (Sens. Wanzek, Klein, Behm and Reps. Uglen, Brandenburg, Onstad) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 851 and place SB 2247 on the Seventh order.

Engrossed SB 2247 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2274: Your conference committee (Sens. Lyson, Olafson, Marcellais and Reps. Koppelman, Klemin, Griffin) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 827-831 and place SB 2274 on the Seventh order.

SB 2274 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SCR 4001: Your conference committee (Sens. Tollefson, Urlacher, Triplett and Reps. DeKrey, Drovdal, S. Kelsh) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 898, adopt amendments as follows, and place SCR 4001 on the Seventh order:

That the House recede from its amendments as printed on page 898 of the Senate Journal and pages 960 and 961 of the House Journal and that Senate Concurrent Resolution No. 4001 be amended as follows:

Page 1, line 1, replace "nation's outer" with "entire nation"

Page 1, line 2, remove "continental shelf"

Page 1, after line 2, insert:

"WHEREAS, the oil and gas industry has demonstrated that onshore and offshore oil and natural gas resources can be developed in an environmentally responsible manner; and"

Page 2, after line 30, insert:

"WHEREAS, the Arctic National Wildlife Refuge has shown great potential for oil and natural gas production; and"

Page 3, line 2, after "coasts" insert "and in the Arctic National Wildlife Refuge"

Page 3, line 8, replace "nation's outer continental shelf" with "entire nation"

Renumber accordingly

SCR 4001 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1010, as engrossed: Your conference committee (Sens. Holmberg, Fischer, Seymour and Reps. Wieland, Kreidt, Kerzman) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 947-948, adopt amendments as follows, and place HB 1010 on the Seventh order:

That the Senate recede from its amendments as printed on pages 947 and 948 of the House Journal and page 731 of the Senate Journal and that Engrossed House Bill No. 1010 be amended as follows:

Page 1, line 18, replace "113,940" with "137,019"

Page 1, line 22, replace "163,537" with "186,616"

Page 1, line 24, replace "143,537" with "166,616"

Page 2, line 6, replace "569,406" with "592,485"

Page 2, line 9, replace "2,431,546" with "2,454,625"

Page 2, line 11, replace "1,143,228" with "1,166,307"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1010 - Council on the Arts - Conference Committee Action

| | EXECUTIVE BUDGET | HOUSE VERSION | CONFERENCE COMMITTEE CHANGES | CONFERENCE COMMITTEE VERSION | SENATE VERSION | COMPARISON TO SENATE |
|-----------------------|---------------------|------------------|------------------------------------|------------------------------------|-------------------|-------------------------|
| Salaries and wages | \$592,485 | \$569,406 | \$23,079 | \$592,485 | \$592,485 | |
| Operating expenses | 246,862 | 246,862 | | 246,862 | 246,862 | |
| Grants | <u>1,645,278</u> | <u>1,615,278</u> | | <u>1,615,278</u> | <u>1,645,278</u> | (\$30,000) |
| Total all funds | \$2,484,625 | \$2,431,546 | \$23,079 | \$2,454,625 | \$2,484,625 | (\$30,000) |
| Less estimated income | <u>1,288,318</u> | <u>1,288,318</u> | | <u>1,288,318</u> | <u>1,288,318</u> | |
| General fund | \$1,196,307 | \$1,143,228 | \$23,079 | \$1,166,307 | \$1,196,307 | (\$30,000) |
| FTE | 5.00 | 5.00 | 0.00 | 5.00 | 5.00 | 0.00 |

Dept. 709 - Council on the Arts - Detail of Conference Committee Changes

| | RESTORES FUNDING FOR SALARY EQUITY ¹ | TOTAL CONFERENCE COMMITTEE CHANGES |
|-----------------------|--|---|
| Salaries and wages | \$23,079 | \$23,079 |
| Operating expenses | | |
| Grants | | |
| Total all funds | \$23,079 | \$23,079 |
| Less estimated income | | |
| General fund | \$23,079 | \$23,079 |
| FTE | 0.00 | 0.00 |

¹ This amendment restores funding removed by the House for salary equity, the same as the Senate version.

Engrossed HB 1010 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1402, as engrossed: Your conference committee (Sens. Freborg, Lyson, Triplett and Reps. Drovdal, Clark, Hanson) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 845, adopt amendments as follows, and place HB 1402 on the Seventh order:

That the Senate recede from its amendments as printed on page 845 of the House Journal and page 613 of the Senate Journal and that Engrossed House Bill No. 1402 be amended as follows:

Page 1, line 16, replace "five" with "eight" and replace "two" with "four"

Renumber accordingly

Engrossed HB 1402 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1456, as engrossed: Your conference committee (Sens. Lyson, Tollefson, Triplett and Reps. Porter, Brandenburg, S. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1027, adopt amendments as follows, and place HB 1456 on the Seventh order:

That the Senate recede from its amendments as printed on page 1027 of the House Journal and page 780 of the Senate Journal and that Engrossed House Bill No. 1456 be amended as follows:

Page 1, line 1, after "siting" insert "and decommissioning"

Page 1, line 3, after "**SITING**" insert "**AND DECOMMISSIONING**"

Page 1, line 4, after "siting" insert "and decommissioning"

Page 1, line 8, remove "and"

Page 1, line 9, after "siting" insert "and reclamation of wind farm sites; and the decommissioning of wind farm sites"

Renumber accordingly

Engrossed HB 1456 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1507, as engrossed: Your conference committee (Sens. Lyson, Olafson, Fiebiger and Reps. Koppelman, Charging, Griffin) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1048-1049, adopt amendments as follows, and place HB 1507 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1048 and 1049 of the House Journal and page 809 of the Senate Journal and that Engrossed House Bill No. 1507 be amended as follows:

Page 1, line 11, after the underscored period insert "This section may not be used to shield the identity of the individual communicating with the public entity."

Renumber accordingly

Engrossed HB 1507 was placed on the Seventh order of business on the calendar.

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

William R. Horton, Secretary