

## JOURNAL OF THE SENATE

## Sixtieth Legislative Assembly

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Bismarck, April 13, 2007

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

The prayer was offered by Pastor David R. Jostrom, North Dakota Teen Challenge, Mandan.

The roll was called and all members were present.

A quorum was declared by the President.

## MOTION

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

## REPORT OF SELECT COMMITTEE

**MR. PRESIDENT:** Your **Select Committee (Sen. Freborg, Chairman)**, appointed to consider the nomination to the North Dakota State Board of Higher Education, do advise and consent to the appointment of Duaine Espegard.

## MOTION

**SEN. FREBORG MOVED** that the report be adopted.

## ROLL CALL

The question being "will the Senate advise and consent to the appointment of Duaine Espegard to the North Dakota State Board of Higher Education", the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

The Senate advises and consents to the appointment of Duaine Espegard to the North Dakota State Board of Higher Education.

## MOTION

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

## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. FLAKOLL MOVED** that the conference committee report on Engrossed SB 2057 as printed on SJ page 1394 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2057, as amended, was placed on the Eleventh order.

## SECOND READING OF SENATE BILL

**SB 2057:** A BILL for an Act to amend and reenact subsection 3 of section 15.1-13-01 and section 15.1-18.1-02 of the North Dakota Century Code, relating to the definition of the profession of teaching and national board for professional teaching standards certification; to provide a statement of legislative intent; 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, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; 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:** Kilzer

Reengrossed SB 2057 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. NETHING MOVED** that the conference committee report on Reengrossed SB 2103 as printed on SJ page 1394 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2103, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2103:** A BILL for an Act to create and enact a new section to chapter 12.1-34 of the North Dakota Century Code, relating to the cost of acute forensic medical examinations for alleged victims of sexual assault; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2103 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. G. LEE MOVED** that the conference committee report on Engrossed SB 2309 as printed on SJ pages 1394-1395 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 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** 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; Urlacher; Wanzek; Wardner

**NAYS:** Anderson; Nelson; Triplett; Warner

Reengrossed SB 2309 passed and the title was agreed to.

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**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 2057, SB 2103, SB 2309.

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

**MR. PRESIDENT:** The House has adopted the conference committee reports and subsequently failed to pass: HB 1198 and HB 1372.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Potter to replace Rep. Schneider on the Conference Committee on HB 1433.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Kaldor to replace Rep. Schneider 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 Rep. Kaldor to replace Rep. Schneider on the Conference Committee on HB 1488.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1215, HB 1351, HB 1420, HCR 3010.

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

**MR. SPEAKER:** The President has signed: HB 1215, HB 1351, HB 1420, HCR 3010.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1166, HB 1278, HB 1403.

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

**MR. PRESIDENT:** The Speaker has signed: HCR 3034.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1065, HB 1089, HB 1125, HB 1256, HB 1270, HB 1334, HB 1379, HB 1380, HB 1491, HB 1507, HB 1513.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on April 11, 2007, I have signed the following: SB 2228, SB 2246, SB 2251, SB 2389, and SB 2406.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on April 12, 2007, I have signed the following: SB 2037, SB 2049, SB 2056, SB 2113, SB 2117, SB 2118, SB 2123, SB 2139, SB 2155, SB 2182, SB 2222, SB 2295, and SB 2343.

**MOTION**

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

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

**MOTION**

**SEN. ERBELE MOVED** that the Senate reconsider its action whereby Reengrossed SB 2225, as amended, failed to pass, which motion prevailed on a verification vote.

**SECOND READING OF SENATE BILL**

**SB 2225:** A BILL for an Act to amend and reenact subsections 1 and 10 of section 53-06.1-01, subsection 2 of section 53-06.1-12, subsections 15, 16, and 17 of section 57-39.2-01, section 57-39.2-02.1, and subsections 5, 6, and 7 of section 57-40.2-01 of the North Dakota Century Code, relating to the excise tax upon gross proceeds of licensed gaming organizations for bingo cards and elimination of sales and use taxes for bingo cards; and to provide an 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2225 passed and the title was agreed to.

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**MOTION**

**SEN. SEYMOUR MOVED** that the Senate reconsider its action whereby SB 2090, as amended, passed, which motion lost on a verification vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. COOK MOVED** that the conference committee report on Engrossed HB 1029 as printed on SJ page 1395 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. OEHLKE MOVED** that the conference committee report on Engrossed HB 1243 as printed on SJ page 1395 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. DEVER MOVED** that the conference committee report on Engrossed HB 1390 as printed on SJ page 1395 be adopted, which motion prevailed on a voice vote.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate Conference Committees on HB 1198 and Engrossed HB 1372 be dissolved, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2243 and Engrossed SB 2401 be placed at the bottom of the Seventh order, which motion prevailed.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. URLACHER MOVED** that the conference committee report on Engrossed HB 1146 as printed on SJ pages 1395-1396 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1146, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1146:** A BILL for an Act to create and enact a new section to chapter 47-05 of the North Dakota Century Code, relating to severance of the right of access for hunting access from the surface estate; to provide for a legislative council study; 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 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 1146, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2243:** Your conference committee (Sens. Wardner, Bowman, Tallackson and Reps. Wieland, Nelson, Kerzman) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1198-1199, adopt amendments as follows, and place SB 2243 on the Seventh order:

That the House recede from its amendments as printed on pages 1198 and 1199 of the Senate Journal and pages 1225 and 1226 of the House Journal and that Senate Bill No. 2243 be amended as follows:

Page 1, line 1, after "Act" insert "to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to community service supervision fees; and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 29-26-22 of the North Dakota Century Code is amended and reenacted as follows:

**29-26-22. Judgment for fines and court - Court administration fee - Community service supervision fee - Special fund funds - Docketing and enforcement.**

1. In all criminal cases except infractions, upon a plea or finding of guilt, the court shall impose a court administration fee in lieu of the assessment of court costs. The court administration fee must include a fee of one hundred twenty-five dollars for a class B misdemeanor, two hundred dollars for a class A misdemeanor, four hundred dollars for a class C felony, six hundred fifty dollars for a class B felony, and nine hundred dollars for a class A or AA felony.
2. In addition, in all criminal cases except infractions, the court administration fee must include one hundred dollars. Of the additional one hundred dollar court administration fee, the first seven hundred fifty thousand dollars collected per biennium must be deposited in the indigent defense administration fund, which must be used to contract for indigent defense services in this state, and the next four hundred sixty thousand dollars collected per biennium must be deposited in the court facilities improvement and maintenance fund. After the minimum thresholds have been collected, one-half of the additional court administration fee must be deposited in each fund.
3. In addition to any court administration fees that may be imposed under subsections 1 and 2, the court shall impose upon each defendant who receives a sentence that includes community service a community service supervision fee of fifty dollars. The community service supervision fee must be deposited in the community service supervision fund. The fees deposited in this fund must be used to provide community service supervision grants subject to legislative appropriations.
4. A court may waive the administration fee or community service supervision fee upon a showing of indigency as provided in section 25-03.1-13. District court administration fees, exclusive of amounts deposited in the indigent defense administration fund and the court facilities and improvement fund, and forfeitures must be deposited in the state general fund. A judgment that the defendant pay a fine or ~~court administration fee fees~~, or both, may be docketed and if docketed constitutes a lien upon the real estate of the defendant in like manner as a judgment for money rendered in a civil action. The court may allow the defendant to pay any assessed administration fee or community service supervision fee in installments. When a defendant is assessed administration fees or a community service supervision fee, the court may not impose at the same time an alternative sentence to be served if the fees are not paid.

**SECTION 2. COMMUNITY SERVICE SUPERVISION PROGRAM.** In addition to the funds appropriated in section 3 of this Act, the department of corrections and rehabilitation shall use \$100,000 of the funds appropriated in the field services line item in section 3 of House Bill No. 1015, as approved by the sixtieth legislative assembly, for the purpose of providing matching grants for community service supervision of offenders, for the biennium beginning July 1, 2007, and ending June 30, 2009. The funds made available under this Act of \$225,000 must be granted on a per case basis and require a local program match of one dollar for each two dollars provided by the department. The department may not use these funds for any other purpose."

Page 1, line 5, replace "general" with "community service supervision" and replace "\$380,000" with "125,000"

Page 1, line 7, after "providing" insert "matching"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment establishes a community service supervision fee and a community service supervision fund. The amendment requires the Department of Corrections and Rehabilitation to use the funds deposited in the community service supervision fund and \$100,000 of its 2007-09 appropriation for providing matching grants for community service supervision of offenders. The grants require a 50 percent local match.

SB 2243 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. WARDNER MOVED** that the conference committee report on SB 2243 be adopted, which motion prevailed on a voice vote.

SB 2243, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2243:** A BILL for an Act to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to community service supervision fees; and to provide an appropriation to the department of corrections and rehabilitation to provide funding for community service supervision grants.

**ROLL CALL**

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

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

Engrossed SB 2243 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2401, as engrossed:** Your conference committee (Sens. G. Lee, Freborg, Taylor and Reps. R. Kelsch, Sukut, Hunskor) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1229 and place SB 2401 on the Seventh order.

Engrossed SB 2401 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 2401 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2401, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2401:** A BILL for an Act to provide school district transportation grants.

**ROLL CALL**

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

**YEAS:** O'Connell

**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; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

Reengrossed SB 2401 lost.

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**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 2090, SB 2225, SB 2243.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently failed: SB 2401.

**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 1146.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1029, HB 1243, HB 1390.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House respectfully requests the return of: SB 2352.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report on: HB 1149.

**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 1290 and HB 1487.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report on: SB 2057, SB 2060.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2057, SB 2060.

#### 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., Monday, April 16, 2007, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2344, as engrossed:** Your conference committee (Sens. G. Lee, Freborg, Bakke and Reps. Wall, D. Johnson, Hanson) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 909-910, adopt amendments as follows, and place SB 2344 on the Seventh order:

That the House recede from its amendments as printed on pages 909 and 910 of the Senate Journal and pages 1030 and 1031 of the House Journal and that Engrossed Senate Bill No. 2344 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 sections 15-10-17.4 and 15.1-35-08 of the North Dakota Century Code, relating to the provision of food and catering services by institutions of higher education and school districts.

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

**SECTION 1. AMENDMENT.** Section 15-10-17.4 of the North Dakota Century Code is amended and reenacted as follows:

##### 15-10-17.4. Contract - Preparation and provision of meals - Policy.

1. An institution under the control of the state board of higher education may enter a contract to prepare and provide meals, snacks, or other food services for persons or programs not affiliated with the institution and may provide catering services for an event if the event is organized predominantly for persons affiliated with the institution, the event is held predominantly for persons enrolled in the institution, or the event is held under the auspices of the institution, provided the institution first establishes a policy regarding such ~~contracts~~ services and specifically ~~addressing~~ addresses issues related to competition with private sector entities.
2. The limitations provided under subsection 1 do not apply to an institution under the control of the state board of higher education if no private sector entity located in the same city as the institution is capable and willing to meet the facility or personnel requirements necessary to:

- a. Prepare and provide the meals, snacks, or other food services for a specific event; or
  - b. Provide the catering services for a specific event.
3. ~~An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide meals, snacks, or other food services for persons or programs not affiliated with the institution~~ the services permitted under this section.
  4. Nothing in this section may be construed to limit the activities of a private sector entity that provides meals, snacks, or other food services to an institution of higher education under the provisions of a contract.

**SECTION 2. AMENDMENT.** Section 15.1-35-08 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-35-08. Contract - Preparation and provision of meals.**

1. The board of a school district may prepare and provide meals, snacks, or other food services for any events or programs occurring on or off school property, provided the events or programs:
  - a. Are hosted by or under the auspices of the school district; or
  - b. Involve child care centers participating in the Child and Adult Care Food Program [Pub. L. 108-265; 118 Stat. 729; 42 U.S.C. 1766 et seq.].
2. a. The board of a school district may enter into a contract to prepare and provide meals, snacks, or other food services for persons or programs ~~not affiliated with the school district~~ other than those in subsection 1, provided any person that wishes to enter a contract with the board under this ~~section~~ subdivision first demonstrates to the satisfaction of the board that there are no private entities able and willing to enter into such a contract.
- ~~2. b. The board of a school district may not advertise to the general public its willingness to provide meals, snacks, or other food services for persons or programs not affiliated with the district under this section.~~
- ~~3. An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide meals, snacks, or other food services for persons or programs not affiliated with the institution."~~

Re-number accordingly

Engrossed SB 2344 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1149:** Your conference committee (Sens. Lyson, Freborg, Triplett and Reps. Damschen, DeKrey, Hunsakor) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 844 and place HB 1149 on the Seventh order.

HB 1149 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1290, as engrossed:** Your conference committee (Sens. Erbele, G. Lee, Pomeroy and Reps. Price, Uglem, Conrad) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1283-1284, adopt amendments as follows, and place HB 1290 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1283 and 1284 of the House Journal and page 1092 of the Senate Journal and that Engrossed House Bill No. 1290 be amended as follows:

Page 2, line 5, replace "in the" with "from special funds"



Page 2, line 6, remove "general fund in the state treasury, not otherwise appropriated," and replace "\$100,000" with "\$75,000"

Page 2, line 7, after the comma insert "from the health care trust fund and \$25,000, or so much of the sum as may be necessary, from gifts, grants, donations, and other special fund sources"

ReNUMBER accordingly

Engrossed HB 1290 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1487, as reengrossed:** Your conference committee (Sens. Flakoll, G. Lee, Taylor and Reps. Carlson, R. Kelsch, Williams) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1448, adopt amendments as follows, and place HB 1487 on the Seventh order:

That the Senate recede from its amendments as printed on page 1448 of the House Journal and page 1244 of the Senate Journal and that Reengrossed House Bill No. 1487 be amended as follows:

Page 1, line 1, remove "to create a low-interest student loan program;"

Page 1, line 2, remove the second "to"

Page 1, line 3, remove "provide a transfer; to provide a continuing appropriation;"

Page 1, remove lines 17 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 3

Page 3, line 4, replace "Section 1 of this" with "This"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### House Bill No. 1487 - Summary of Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
University System office						
Total all funds	\$0	\$0	\$0	\$0	\$3,000,000	(\$3,000,000)
Less estimated income						
General fund	\$0	\$0	\$0	\$0	\$3,000,000	(\$3,000,000)
Bank of North Dakota						
Total all funds	\$0	\$3,100,000	(\$3,100,000)	\$0	\$0	\$0
Less estimated income						
General fund	\$0	3,100,000	(3,100,000)	\$0	\$0	\$0
Bill Total						
Total all funds	\$0	\$3,100,000	(\$3,100,000)	\$0	\$3,000,000	(\$3,000,000)
Less estimated income						
General fund	\$0	3,100,000	(3,100,000)	\$0	\$3,000,000	(\$3,000,000)

##### House Bill No. 1487 - University System office - Conference Committee Action

This amendment does not include the \$3 million general fund appropriation to the State Board of Higher Education for providing grants to resident students attending certain two-year higher education institutions as included in the Senate version of the bill.

##### House Bill No. 1487 - Bank of North Dakota - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Low-interest student		\$3,100,000	(\$3,100,000)			

loan fund						
Total all funds	\$0	\$3,100,000	(\$3,100,000)	\$0	\$0	\$0
Less estimated income		<u>3,100,000</u>	<u>(3,100,000)</u>			
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

**Dept. 471 - Bank of North Dakota - Detail of Conference Committee Changes**

	REMOVES PROVISIONS RELATING TO THE CREATION OF A LOW-INTEREST STUDENT LOAN FUND <sup>1</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Low-interest student loan fund	<u>(\$3,100,000)</u>	<u>(\$3,100,000)</u>
Total all funds	(\$3,100,000)	(\$3,100,000)
Less estimated income	<u>(3,100,000)</u>	<u>(3,100,000)</u>
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> This amendment removes the provisions of the bill creating a low-interest student loan program and the transfer of \$3.1 million from the student loan trust fund to the Bank of North Dakota for the new low-interest student loan fund, same as the Senate version.

The bill retains the section amending North Dakota Century Code Section 15-62.1-03 to provide the Bank of North Dakota with the ability to offer both a fixed and variable rate option for student loans guaranteed by the state without federal coinsurance, same as the Senate version.

Reengrossed HB 1487 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**