

JOURNAL OF THE HOUSE

Sixtieth Legislative Assembly

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Bismarck, April 9, 2007

The House convened at 1:00 p.m., with Speaker Delzer presiding.

The prayer was offered by Pastor Rick Watson with Hope Lutheran Church, Surrey.

The roll was called and all members were present.

A quorum was declared by the Speaker.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1012.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1012

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		\$13,569,470
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.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1012

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.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BOEHNING MOVED that the conference committee report on SB 2204 as printed on HJ page 1457 be adopted, which motion prevailed on a voice vote.

SB 2204, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2204: A BILL for an Act to amend and reenact sections 5-01-08, 5-01-09, 5-02-06, and 14-10-06 of the North Dakota Century Code, relating to immunity from criminal liability for consumption of alcoholic beverages by an individual under twenty-one years of age and mitigating factors for other individuals.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 75 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Ekstrom; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Gullerson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Potter; Price; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thorpe; Uglem; Vig; Wald; Wall; Williams; Wolf; Zaiser

NAYS: Bellew; Dosch; Drovdal; Grande; Kasper; Kelsch, R.; Meier, L.; Pollert; Porter; Ruby; Thoreson; Vigesaa; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Belter; Boe

SB 2204, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HATLESTAD MOVED that the conference committee report on SB 2236 as printed on HJ page 1457 be adopted, which motion prevailed on a voice vote.

SB 2236, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2236: A BILL for an Act to amend and reenact sections 40-09-03 and 40-21-07 of the North Dakota Century Code, relating to municipal elections.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gullerson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Wald; Wall; Weisz; Wieland; Williams; Wolf; Zaiser; Speaker Delzer

NAYS: Carlisle; Kasper; Schmidt; Solberg; Thoreson; Vig; Vigesaa; Weiler; Wrangham

ABSENT AND NOT VOTING: Boe

SB 2236, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. CLARK MOVED that the conference committee report on SB 2411 as printed on HJ page 1458 be adopted, which motion prevailed on a voice vote.

SB 2411, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2411: A BILL for an Act to amend and reenact sections 26.1-22.1-09 and 26.1-22.1-14 of the North Dakota Century Code, relating to hobby boiler operator licensing and fees.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 81 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Charging; Clark; Conrad; Dahl; Damschen; Delmore; Dietrich; Dosch; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Gulleon; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wolf; Zaiser

NAYS: Belter; Carlson; DeKrey; Drovdal; Froseth; Grande; Haas; Kasper; Koppelman; Skarphol; Weisz; Wrangham; Speaker Delzer

SB 2411, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DEKREY MOVED that the conference committee report on SCR 4001 as printed on HJ page 1458 be adopted, which motion prevailed on a voice vote.

SCR 4001, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4001: A concurrent resolution urging the President and Congress to make the entire nation available for energy development in an environmentally responsible manner.

The question being on the final passage of the amended bill, which has been read.

SCR 4001, as amended, passed and the title was agreed to on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DIETRICH MOVED that the conference committee report on Engrossed SB 2125 as printed on HJ pages 1456-1457 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2125, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2125: A BILL for an Act to amend and reenact section 43-23.3-01, subsection 1 of section 43-23.3-03, sections 43-23.3-04, 43-23.3-06, 43-23.3-07, 43-23.3-08, and 43-23.3-09, subsection 1 of section 43-23.3-11, sections 43-23.3-13, 43-23.3-14, 43-23.3-15, 43-23.3-16, 43-23.3-17, and 43-23.3-18, subsection 2 of section 43-23.3-22, and section 43-23.3-23 of the North Dakota Century Code, relating to real estate appraisers and the practice of real estate appraisal.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.;

Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser

NAYS: Thorpe; Speaker Delzer

Engrossed SB 2125, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DOSCH MOVED that the conference committee report on Engrossed SB 2154 as printed on HJ page 1457 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2154, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2154: A BILL for an Act to amend and reenact section 26.1-36-37.2 of the North Dakota Century Code, relating to loss ratios.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 64 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Dahl; Damschen; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Grande; Gruchalla; Haas; Hatlestad; Headland; Heller; Herbel; Hofstad; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Monson; Nelson; Nottestad; Owens; Pietsch; Pollert; Porter; Potter; Ruby; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wrangham; Speaker Delzer

NAYS: Amerman; Boe; Boucher; Conrad; DeKrey; Delmore; Froelich; Glassheim; Griffin; Gulleason; Hanson; Hawken; Hunskor; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Myxter; Onstad; Pinkerton; Price; Schmidt; Schneider; Solberg; Vig; Weisz; Wolf; Zaiser

ABSENT AND NOT VOTING: Berg

Engrossed SB 2154 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DOSCH MOVED that the conference committee report on SB 2111 as printed on HJ page 1456 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. UGLEM MOVED that the conference committee report on Engrossed SB 2247 as printed on HJ pages 1457-1458 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KOPPELMAN MOVED that the conference committee report on SB 2274 as printed on HJ page 1458 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WALL MOVED that the conference committee report on Engrossed SB 2277 as printed on HJ page 1458 be adopted, which motion prevailed on a voice vote.

MOTION

REP. MONSON MOVED that HB 1417, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

MOTION

REP. MONSON MOVED that SB 2401, which is on the Fifteenth order of business be moved to the Twelfth order of business, which motion prevailed.

MOTION

REP. MONSON MOVED that HB 1002 be moved to the Fifteenth order of business, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HATLESTAD MOVED that the conference committee report on Engrossed HB 1256 as printed on HJ page 1475 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1256, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1256: A BILL for an Act to create and enact chapter 43-15.2 of the North Dakota Century Code, relating to the creation of a legend prescription drug and device donation and repository program; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gullerson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

Reengrossed HB 1256 passed and the title was agreed to.

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

MR. SPEAKER: The President has signed: SCR 4016, SCR 4022, SCR 4030, SCR 4032.

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

MR. SPEAKER: The President has signed: SB 2062, SB 2070, SB 2129, SB 2268, SB 2310, SB 2336, SB 2338, SB 2397.

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

MR. SPEAKER: The Senate has amended and subsequently failed: HB 1051.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2037, SB 2246.

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

MR. PRESIDENT: The Speaker has signed: HB 1129, HB 1134, HB 1155, HB 1195, HB 1227, HB 1229, HB 1241, HB 1258, HB 1282, HB 1293, HB 1295, HB 1304, HB 1312, HB 1360, HB 1362, HB 1421, HB 1432, HB 1434, HB 1482, HB 1483, HB 1503.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 9, 2007: HB 1129, HB 1134, HB 1155, HB 1195, HB 1227, HB 1229, HB 1241, HB 1258, HB 1282, HB 1293, HB 1295, HB 1304, HB 1312, HB 1360, HB 1362, HB 1421, HB 1432, HB 1434, HB 1482, HB 1483, HB 1503.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1092, HB 1219, HB 1505.

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

MR. PRESIDENT: The Speaker has signed: HB 1128.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on April 9, 2007: HB 1128.

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

MR. PRESIDENT: The Speaker has signed: SB 2037, SB 2222, SB 2246, SB 2251, SB 2389, SB 2406.

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 2125, SB 2154, SB 2204, SB 2236, and SB 2411.

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 1256.

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: SCR 4001.

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

MR. PRESIDENT: The House has adopted the conference committee reports: SB 2111, SB 2247, SB 2274, and SB 2277.

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

MR. SPEAKER: The President has appointed Sen. Flakoll to replace Sen. G. Lee on the Conference Committee on SB 2200.

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 2002, SB 2004, SB 2010.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1017.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1017

In lieu of the amendments adopted by the Senate as printed on page 953 of the Senate Journal, Engrossed House Bill No. 1017 is amended as follows:

Page 1, line 2, after "hearings" insert "; to amend and reenact sections 39-01-16, 39-02-03.1, 39-06-34, 39-06.1-11, 39-06.2-10.6, 39-06.2-10.7, and 39-06.2-10.8, subsection 1 of section 39-20-03.1, section 39-20-03.2, subsection 1 of section 39-20-04, sections 39-20-05 and 39-20-06, and subsection 1 of section 54-57-03 of the North Dakota Century Code, relating to the transfer of administrative hearings from the department of transportation to the office of administrative hearings; to provide for transition; and to provide an effective date"

Page 1, line 14, replace "226,747" with "571,989"

Page 1, line 15, replace "107,500" with "159,442"

Page 1, line 16, replace "334,247" with "731,431"

Page 1, line 21, replace "1,269,674" with "1,614,916"

Page 1, line 22, replace "374,417" with "426,359"

Page 1, line 23, replace "1,644,091" with "2,041,275"

Page 1, after line 23, insert:

"SECTION 4. AMENDMENT. Section 39-01-16 of the North Dakota Century Code is amended and reenacted as follows:

39-01-16. Hearing on alleged violations.

1. Any person having information that a licensed dealer has violated any provisions of this title may file with the director an affidavit specifically ~~setting forth such~~ stating the facts of the violation. Upon receipt of ~~such~~ the affidavit, the director shall investigate the violation alleged in the affidavit. If, after investigation, the director determines that the dealer's license will be revoked or suspended, a notice of intent to revoke or suspend the license must be mailed to the dealer by certified mail. The notice must provide the dealer with an opportunity for a hearing ~~prior to~~

before the effective date of the license revocation or suspension. A record of ~~such hearings~~ the hearing must be made by stenographic notes or use of an electronic recording device.

2. If after ~~such the~~ hearing the ~~director~~ administrative law judge finds the violation charged in the affidavit has been proved by the evidence, an order must be served on the licensee revoking or suspending the dealer's license for a period of time to be determined by the director. ~~Such~~ The action may be appealed to the district court by following the appeal procedure set forth in chapter 28-32, except that the order revoking or suspending the license is ineffective while the appeal is pending.

~~The director has the power to appoint an administrative hearing officer to conduct the hearing, administer oaths, and subpoena and examine witnesses. The administrative hearing officer shall submit the findings to the director for consideration and final decision.~~

3. Any witness called by the prosecution, except a peace officer while on duty, ~~shall~~ must receive the same fees and mileage as a witness in a civil case in district court.

SECTION 5. AMENDMENT. Section 39-02-03.1 of the North Dakota Century Code is amended and reenacted as follows:

39-02-03.1. Director to provide notice and opportunity for hearing ~~prior to~~ before cancellation, revocation, suspension, or rescision of a motor vehicle registration or a certificate of title to a motor vehicle. ~~Whenever, under~~ Under the laws pertaining to the cancellation, revocation, suspension, or rescision of a registration of a motor vehicle or a certificate of title to a motor vehicle, if a determination has been made to cancel, revoke, suspend, or rescind either the registration or certificate of title, or both, the director shall provide the legal and registered owner with notice of ~~such the~~ the cancellation, revocation, suspension, or rescision and the opportunity for a hearing. ~~Such~~ The notice must be sent by registered or certified mail, return receipt requested, not less than ten days ~~prior to~~ before the effective date of the cancellation, revocation, suspension, or rescision.

SECTION 6. AMENDMENT. Section 39-06-34 of the North Dakota Century Code is amended and reenacted as follows:

39-06-34. Director may require reexamination. In addition to other powers set forth in this chapter, the director, having good cause to believe that a licensed operator is incompetent or otherwise not qualified to be licensed, may upon written notice of at least five days to the licensee require the licensee to submit to such physical, mental, or driver's examination as may be deemed necessary. If the director has good cause to believe that the licensed operator presents an immediate danger to the motoring public, the director may immediately, and without prior notice, suspend the operator's license pending the examination. The notice of suspension must provide the operator with the opportunity for a hearing within five days of the receipt of the notice of suspension. When a hearing is requested it must be conducted under section 39-06-33 and the ~~hearing officer's~~ administrative law judge's recommended decision must be rendered within two days of the conclusion of the hearing. Upon the conclusion of such examination the director shall take action as may be appropriate and may suspend or revoke the license of such person or permit the licensee to retain the license, or may issue a license subject to restrictions as permitted under section 39-06-17. Refusal or neglect of the licensee to submit to such examination shall be grounds for suspension or revocation of the license.

SECTION 7. AMENDMENT. Section 39-06.1-11 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-11. Temporary restricted license - Ignition interlock device.

1. Except as provided under subsection 2, if the director has suspended a license under section 39-06.1-10 or has extended a suspension or revocation under section 39-06-43, upon receiving written application from the offender affected, the director may for good cause issue a temporary restricted operator's license valid for the remainder of the suspension period after seven days of the suspension period have passed.

2. If the director has suspended a license under chapter 39-20, or after a violation of section 39-08-01 or equivalent ordinance, upon written application of the offender the director may issue for good cause a temporary restricted license that takes effect after thirty days of the suspension have been served after a first offense under section 39-08-01 or chapter 39-20. The director may not issue a temporary restricted license to any offender whose operator's license has been revoked under section 39-20-04 or suspended upon a second or subsequent offense under section 39-08-01 or chapter 39-20, except that a temporary restricted license may be issued for good cause if the offender has not committed an offense for a period of two years before the date of the filing of a written application that must be accompanied by a report from an addiction facility or if the offender is participating in the drug court program and has not committed an offense for a period of three hundred sixty-five days before the date of the filing of a written application that must be accompanied by a recommendation from the district court. The director may ~~conduct~~ request a hearing for the purposes of obtaining information, reports, and evaluations from courts, law enforcement, and citizens to determine the offender's conduct and driving behavior during the prerequisite period of time. The director may also require that an ignition interlock device be installed in the offender's vehicle.
3. The director may not issue a temporary restricted license for a period of license revocation or suspension imposed under subsection 5 of section 39-06-17, section 39-06-31, or subsection 3.1 of section 39-06.1-10. A temporary restricted license may be issued for suspensions ordered under subsection 7 of section 39-06-32 if it could have been issued had the suspension resulted from in-state conduct.
4. A restricted license issued under this section is solely for the use of a motor vehicle during the licensee's normal working hours and may contain any other restrictions authorized by section 39-06-17. Violation of a restriction imposed according to this section is deemed a violation of section 39-06-17.

SECTION 8. AMENDMENT. Section 39-06.2-10.6 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-10.6. Administrative hearing on request.

1. Before issuing an order of suspension, revocation, or disqualification under section 39-06.2-10, the director shall afford that person an opportunity for a hearing as provided by section 39-20-05, if the person mails a request for the hearing to the director within ten days after the date of issuance of the temporary driver's permit.
2. If the issue to be determined by the hearing concerns license suspension for operating a commercial motor vehicle while having an alcohol concentration of at least four one-hundredths of one percent by weight, the hearing must be before ~~a hearing officer assigned by the director~~ an administrative law judge and at a time and place designated by the director of the office of administrative hearings. The hearing must be recorded and its scope may cover only the issues of whether the arresting officer had reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle in violation of section 39-06.2-10.1, whether the person was lawfully detained, whether the person was tested in accordance with section 39-06.2-10.2, and whether the test results show the person had an alcohol concentration of at least four one-hundredths of one percent by weight. For purposes of this section, a copy of a certified copy of an analytical report of a blood or urine sample from the office of the director of the state crime laboratory or the director's designee, or a certified copy of the checklist and test records from a certified breath test operator establish prima facie the alcohol concentration shown therein. Whether the person was warned that the privilege to drive might be suspended based on the results of the test is not an issue.
3. If the issue to be determined by the hearing concerns license revocation for refusing to submit to a test under section 39-06.2-10.2, the hearing must be before ~~a hearing officer assigned by the director~~ an administrative law

judge at a time and place designated by the director of the office of administrative hearings. The hearing must be recorded. The scope of a hearing for refusing to submit to a test under section 39-06.2-10.2 may cover only the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle in violation of section 39-06.2-10.1, whether the person was lawfully detained, and whether that person refused to submit to the test or tests. The scope of a hearing for refusing to submit to a test under subsection 3 of section 39-06.2-10.4 may cover only the issues of whether the law enforcement officer had reason to believe the person committed a moving traffic violation or was involved in a traffic accident as a driver, whether in conjunction with the violation or the accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol and, whether the person refused to submit to the onsite screening test. Whether the person was warned that the privilege to drive would be revoked or denied for refusal to submit to the test or tests is not an issue.

4. At a hearing under this section, the regularly kept records of the director may be introduced. Those records establish prima facie their contents without further foundation. For purposes of this chapter, the following are deemed regularly kept records of the director: any copy of a certified copy of an analytical report of a blood or urine sample received by the director from the director of the state crime laboratory or the director's designee or a law enforcement officer, a certified copy of the checklist and test records received by the director from a certified breath test operator, and any copy of a certified copy of a certificate of the director of the state crime laboratory or the director's designee relating to approved methods, devices, operators, materials, and checklists used for testing for alcohol concentration received by the director from the director of the state crime laboratory or the director's designee, or the recorder, unless the board of county commissioners has designated a different official to maintain the certificate.
5. At the close of the hearing, the ~~hearing officer~~ administrative law judge shall notify the person of the ~~hearing officer's~~ administrative law judge's findings of fact, conclusions of law, and decision based on the findings and conclusions and shall immediately deliver to the person a copy of the decision. If the ~~hearing officer~~ administrative law judge does not find in favor of the person, the copy of the decision serves as the director's official notification to the person of the revocation, suspension, or denial of driving privileges in this state. If the ~~hearing officer~~ administrative law judge finds, based on a preponderance of the evidence, that the person refused a test under section 39-06.2-10.2 or that the person had an alcohol concentration of at least four one-hundredths of one percent by weight, the ~~hearing officer shall~~ administrative law judge immediately ~~shall~~ take possession of the person's temporary driver's permit issued under this chapter. If the ~~hearing officer~~ administrative law judge does not find against the person, the ~~hearing officer~~ administrative law judge shall sign, date, and mark on the person's permit an extension of driving privileges for the next twenty days and shall return the permit to the person. The ~~hearing officer~~ administrative law judge shall report the findings, conclusions, and decisions to the director within ten days of the conclusion of the hearing. If the ~~hearing officer~~ administrative law judge has determined in favor of the person, the director shall return the person's commercial driver's license by regular mail to the address on file with the director under section 39-06.2-08.
6. If the person who requested a hearing under this section fails to appear at the hearing without justification, the right to the hearing is waived, and the ~~hearing officer's~~ administrative law judge's determination on license revocation, suspension, or denial will be based on the written request for hearing, law enforcement officer's report, and other evidence as may be available. On the date for which the hearing is scheduled, the ~~hearing officer~~ administrative law judge shall mail to the person, by regular mail, at the address on file with the director under section 39-06-20, or at any other address for the person or the person's legal representative supplied in the request for hearing, a copy of the decision which serves as the director's official notification to the person of the revocation, suspension, or denial of driving privileges in this state. Even if the person for whom the hearing is

scheduled fails to appear at the hearing, the hearing is deemed to have been held on the date for which it is scheduled for purposes of appeal under section 39-06.2-10.7.

7. An administrative law judge assigned by the director of the office of administrative hearings to conduct a hearing under this section shall maintain and secure all related documents and evidence to maintain the privacy of records that have been affirmed which contain personal information.

SECTION 9. AMENDMENT. Section 39-06.2-10.7 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-10.7. Judicial review. Any ~~person whose commercial driver's license or privilege has been suspended, revoked, or denied~~ party adversely affected by the decision of the ~~hearing officer~~ administrative law judge under section 39-06.2-10.6 may appeal within seven days after the date of the hearing under section 39-06.2-10.6 as shown by the date of the ~~hearing officer's~~ administrative law judge's decision, section 28-32-42 notwithstanding, by serving on the director and filing a notice of appeal and specifications of error in the district court in the county where the events occurred for which the demand for a test was made, or in the county in which the administrative hearing was held. The court shall set the matter for hearing, and the petitioner shall give twenty days' notice of the hearing to the director ~~and to the hearing officer who rendered the decision.~~ Neither the director nor the. The court may not stay the decision pending decision on appeal. Within twenty days after receipt of the notice of appeal, the director ~~or the hearing officer who rendered the decision~~ shall file in the office of the clerk of court to which the appeal is taken a certified transcript of the testimony and all other proceedings. It is the record on which the appeal must be determined. ~~No~~ The court may not hear additional evidence ~~may be heard~~. The court shall affirm the decision of the ~~director or hearing officer~~ administrative law judge unless ~~the court~~ the court finds the evidence insufficient to warrant the conclusion reached by the ~~director or hearing officer~~ administrative law judge. The court may direct that the matter be returned to the ~~director or hearing officer~~ administrative law judge for rehearing and the presentation of additional evidence.

SECTION 10. AMENDMENT. Section 39-06.2-10.8 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-10.8. Temporary driver's permit. A temporary driver's permit extends driving privileges for twenty-five days, unless earlier terminated by the decision of a ~~hearing officer~~ an administrative law judge under section 39-06.2-10.6. The law enforcement officer must sign and note the date of issuance on the temporary driver's permit. The temporary driver's permit serves as the director's official notification to the driver of the director's intent to revoke, suspend, or deny driving privileges in this state. ~~No~~ A temporary driver's permit may not be issued for the period covered by an out-of-service order.

SECTION 11. AMENDMENT. Subsection 1 of section 39-20-03.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The law enforcement officer shall immediately take possession of the person's operator's license if it is then available and shall immediately issue to that person a temporary operator's permit if the person then has valid operating privileges, extending driving privileges for the next twenty-five days, or until earlier terminated by the decision of a ~~hearing officer~~ an administrative law judge under section 39-20-05. The law enforcement officer shall sign and note the date on the temporary operator's permit. The temporary operator's permit serves as the director's official notification to the person of the director's intent to revoke, suspend, or deny driving privileges in this state.

SECTION 12. AMENDMENT. Section 39-20-03.2 of the North Dakota Century Code is amended and reenacted as follows:

39-20-03.2. Action following test result or on refusing test by nonresident operator. If a person licensed in another state refuses in this state to submit to a test provided under section 39-20-01 or 39-20-14, or who submits to a test under section 39-20-01, 39-20-02, or 39-20-03 and the test results show the person to have an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least

two one-hundredths of one percent by weight at the time of performance of a test within two hours after driving or being in physical control of a motor vehicle, the following procedures apply:

1. Without taking possession of the person's out-of-state operator's license, the law enforcement officer shall issue to the person a notification of the test results and a temporary operator's permit extending nonresident operating privileges in this state for twenty-five days from the date of issuance or until earlier terminated by the decision of ~~a hearing officer~~ an administrative law judge under section 39-20-05. The temporary permit must be signed and dated by the officer and serves as the director's official notification to the person of the director's intent to revoke, suspend, or deny driving privileges in this state, and of the hearing procedures under this chapter.
2. If the test was administered by saliva or urine sample or by drawing blood, the law enforcement officer, on reviewing the alcohol concentration analysis showing the person had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, shall mail or issue to the person a notification of the test results, a temporary operator's permit extending nonresident operating privileges in this state for twenty-five days from the date of mailing or issuance or until earlier terminated by the decision of ~~a hearing officer~~ an administrative law judge under section 39-20-05, and notice of the intent to revoke, suspend, or deny driving privileges in this state, together with the notice provided under section 39-06.1-07 of the procedures available under this chapter. The temporary operator's permit must be signed and dated by the officer.
3. The law enforcement officer, within five days of issuing the temporary operator's permit, shall forward to the director a certified written report in the form required by the director and a certified copy of the operational checklist and test records of a breath test and a copy of the certified copy of the analytical report for a blood, saliva, or urine test for all tests administered at the direction of the officer. If the person was issued a temporary operator's permit because of the person's refusal to submit to a test under sections 39-20-01 and 39-20-14, the report must include information as provided in section 39-20-04. If the person was issued a temporary operator's permit because of the results of a test, the report must show that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01, or equivalent ordinance, that the person was lawfully arrested, that the person was tested for alcohol concentration under this chapter, and that the results of the test show that the person had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight.

SECTION 13. AMENDMENT. Subsection 1 of section 39-20-04 of the North Dakota Century Code is amended and reenacted as follows:

1. If a person refuses to submit to testing under section 39-20-01 or 39-20-14, none may be given, but the law enforcement officer shall immediately take possession of the person's operator's license if it is then available and shall immediately issue to that person a temporary operator's permit, if the person then has valid operating privileges, extending driving privileges for the next twenty-five days or until earlier terminated by a decision of ~~a hearing officer~~ an administrative law judge under section 39-20-05. The law enforcement officer shall sign and note the date on the temporary operator's permit. The temporary operator's permit serves as the director's official notification to the person of the director's intent to revoke driving privileges in this state and of the hearing procedures under this chapter. The director, upon the receipt of that person's operator's license and a certified written report of the law enforcement officer in the form required by the director, forwarded by the officer within five days after issuing the temporary operator's permit, showing that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01 or

equivalent ordinance or, for purposes of section 39-20-14, had reason to believe that the person committed a moving traffic violation or was involved in a traffic accident as a driver, and in conjunction with the violation or accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol, that the person was lawfully arrested if applicable, and that the person had refused to submit to the test or tests under section 39-20-01 or 39-20-14, shall revoke that person's license or permit to drive and any nonresident operating privilege for the appropriate period under this section, or if the person is a resident without a license or a permit to operate a motor vehicle in this state, the director shall deny to the person the issuance of a license or permit for the appropriate period under this section after the date of the alleged violation, subject to the opportunity for a prerevocation hearing and postrevocation review as provided in this chapter. In the revocation of the person's operator's license the director shall give credit for time in which the person was without an operator's license after the day of the person's refusal to submit to the test except that the director may not give credit for time in which the person retained driving privileges through a temporary operator's permit issued under this section or section 39-20-03.2. The period of revocation or denial of issuance of a license or permit under this section is:

- a. One year if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has not previously been suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.
- b. Three years if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has been once previously suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.
- c. Four years if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has at least twice previously been suspended, revoked, or issuance denied under this chapter, or for a violation of section 39-08-01 or equivalent ordinance, or any combination of the same, and the suspensions, revocations, or denials resulted from at least two separate arrests.

SECTION 14. AMENDMENT. Section 39-20-05 of the North Dakota Century Code is amended and reenacted as follows:

39-20-05. Administrative hearing on request.

1. Before issuing an order of suspension, revocation, or denial under section 39-20-04 or 39-20-04.1, the director shall afford that person an opportunity for a hearing if the person mails or communicates by other means authorized by the director a request for the hearing to the director within ten days after the date of issuance of the temporary operator's permit. The hearing must be held within thirty days after the date of issuance of the temporary operator's permit. If ~~no~~ a hearing is not requested within the time limits in this section, and ~~no~~ an affidavit is not submitted within the time limits under subsection 2 of section 39-20-04, the expiration of the temporary operator's permit serves as the director's official notification to the person of the revocation, suspension, or denial of driving privileges in this state.
2. If the issue to be determined by the hearing concerns license suspension for operating a motor vehicle while having an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, the hearing must be before ~~a hearing officer assigned by the director~~ an administrative law judge and at a time and place designated by the director of the office of administrative hearings. The hearing must be recorded and its scope may cover only the issues of whether the arresting officer had reasonable grounds to believe the person had been driving or was in actual physical control of a vehicle in violation of section 39-08-01 or equivalent ordinance or, with respect to a

person under twenty-one years of age, the person had been driving or was in actual physical control of a vehicle while having an alcohol concentration of at least two one-hundredths of one percent by weight; whether the person was placed under arrest, unless the person was under twenty-one years of age and the alcohol concentration was less than eight one-hundredths of one percent by weight, then arrest is not required and is not an issue under any provision of this chapter; whether the person was tested in accordance with section 39-20-01 or 39-20-03 and, if applicable, section 39-20-02; and whether the test results show the person had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight. For purposes of this section, a copy of a certified copy of an analytical report of a blood, urine, or saliva sample from the director of the state crime laboratory or the director's designee or a certified copy of the checklist and test records from a certified breath test operator establish prima facie the alcohol concentration shown therein. Whether the person was informed that the privilege to drive might be suspended based on the results of the test is not an issue.

3. If the issue to be determined by the hearing concerns license revocation for refusing to submit to a test under section 39-20-01 or 39-20-14, the hearing must be before ~~a hearing officer assigned by the director~~ an administrative law judge at a time and place designated by the director of the office of administrative hearings. The hearing must be recorded. The scope of a hearing for refusing to submit to a test under section 39-20-01 may cover only the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a vehicle in violation of section 39-08-01 or equivalent ordinance or, with respect to a person under twenty-one years of age, the person had been driving or was in actual physical control of a vehicle while having an alcohol concentration of at least two one-hundredths of one percent by weight; whether the person was placed under arrest; and whether that person refused to submit to the test or tests. The scope of a hearing for refusing to submit to a test under section 39-20-14 may cover only the issues of whether the law enforcement officer had reason to believe the person committed a moving traffic violation or was involved in a traffic accident as a driver, whether in conjunction with the violation or the accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol and, whether the person refused to submit to the onsite screening test. Whether the person was informed that the privilege to drive would be revoked or denied for refusal to submit to the test or tests is not an issue.
4. At a hearing under this section, the regularly kept records of the director may be introduced. Those records establish prima facie their contents without further foundation. For purposes of this chapter, the following are deemed regularly kept records of the director: any copy of a certified copy of an analytical report of a blood, urine, or saliva sample received by the director from the director of the state crime laboratory or the director's designee or a law enforcement officer, a certified copy of the checklist and test records received by the director from a certified breath test operator, and any copy of a certified copy of a certificate of the director of the state crime laboratory or the director's designee relating to approved methods, devices, operators, materials, and checklists used for testing for alcohol concentration received by the director from the director of the state crime laboratory, the director's designee, or the recorder, unless the board of county commissioners has designated a different official to maintain the certificate.
5. At a hearing under this section, the administrative law judge may introduce records, conduct examinations, and present evidence relating to the issues to be determined at the hearing. The department may be represented by legal counsel at any hearing under this section.
6. At the close of the hearing, the ~~hearing officer~~ administrative law judge shall notify the person of the ~~hearing officer's~~ administrative law judge's findings of fact, conclusions of law, and decision based on the findings and conclusions and shall immediately deliver to the person a copy of the decision. If the ~~hearing officer~~ administrative law judge does not find in

favor of the person, the copy of the decision serves as the director's official notification to the person of the revocation, suspension, or denial of driving privileges in this state. If the ~~hearing officer~~ administrative law judge finds, based on a preponderance of the evidence, that the person refused a test under section 39-20-01 or 39-20-14 or that the person had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, the ~~hearing officer shall~~ administrative law judge immediately ~~shall~~ take possession of the person's temporary operator's permit issued under this chapter. If the ~~hearing officer~~ administrative law judge does not find against the person, the ~~hearing officer~~ administrative law judge shall sign, date, and mark on the person's permit an extension of driving privileges for the next twenty days and shall return the permit to the person. The ~~hearing officer~~ administrative law judge shall report the findings, conclusions, and decisions to the director within ten days of the conclusion of the hearing. If the ~~hearing officer~~ administrative law judge has determined in favor of the person, the director shall return the person's operator's license by regular mail to the address on file with the director under section 39-06-20.

6. 7. If the person who requested a hearing under this section fails to appear at the hearing without justification, the right to the hearing is waived, and the ~~hearing officer's~~ administrative law judge's determination on license revocation, suspension, or denial will be based on the written request for hearing, law enforcement officer's report, and other evidence as may be available. The ~~hearing officer shall~~ administrative law judge, on the date for which the hearing is scheduled, ~~shall~~ mail to the person, by regular mail, at the address on file with the director under section 39-06-20, or at any other address for the person or the person's legal representative supplied in the request for hearing, a copy of the decision which serves as the director's official notification to the person of the revocation, suspension, or denial of driving privileges in this state. Even if the person for whom the hearing is scheduled fails to appear at the hearing, the hearing is deemed to have been held on the date for which it is scheduled for purposes of appeal under section 39-20-06.

SECTION 15. AMENDMENT. Section 39-20-06 of the North Dakota Century Code is amended and reenacted as follows:

39-20-06. Judicial review. Any ~~person whose operator's license or privilege has been suspended, revoked, or denied~~ party adversely affected by the decision of the ~~hearing officer~~ administrative law judge under section 39-20-05 may appeal within seven days after the date of the hearing under section 39-20-05 as shown by the date of the ~~hearing officer's~~ administrative law judge's decision, section 28-32-42 notwithstanding, by serving on the director and filing a notice of appeal and specifications of error in the district court in the county where the events occurred for which the demand for a test was made, or in the county in which the administrative hearing was held. The court shall set the matter for hearing, and the petitioner shall give twenty days' notice of the hearing to the director ~~and to the hearing officer who rendered the decision.~~ Neither the director nor the ~~hearing officer who rendered the decision.~~ The court may not stay the decision pending decision on appeal. Within twenty days after receipt of the notice of appeal, the director ~~or the hearing officer who rendered the decision~~ shall file in the office of the clerk of court to which the appeal is taken a certified transcript of the testimony and all other proceedings. It is the record on which the appeal must be determined. ~~No~~ The court may not hear additional evidence ~~may be heard.~~ The court shall affirm the decision of the ~~director or hearing officer~~ administrative law judge unless ~~it~~ the court finds the evidence insufficient to warrant the conclusion reached by the ~~director or hearing officer~~ administrative law judge. The court may direct that the matter be returned to the ~~director or hearing officer~~ administrative law judge for rehearing and the presentation of additional evidence.

SECTION 16. AMENDMENT. Subsection 1 of section 54-57-03 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding the authority granted in chapter 28-32 allowing agency heads or other persons to preside in an administrative proceeding, all adjudicative proceedings of administrative agencies under chapter 28-32, except those of the public service commission, the industrial commission, the insurance commissioner, workforce safety and insurance, the state engineer, ~~the department of transportation,~~ job service North Dakota, and

the labor commissioner, must be conducted by the office of administrative hearings in accordance with the adjudicative proceedings provisions of chapter 28-32 and any rules adopted pursuant to chapter 28-32. ~~But, appeals~~ Appeals hearings pursuant to section 61-03-22 and drainage appeals from water resource boards to the state engineer pursuant to chapter 61-32 must be conducted by the office of administrative hearings. ~~Additionally, hearings~~ Hearings of the department of corrections and rehabilitation for the parole board in accordance with chapter 12-59; regarding parole violations; job discipline and dismissal appeals to the board of higher education; Individuals With Disabilities Education Act and section 504 due process hearings of the superintendent of public instruction; and chapter 37-19.1 veterans' preferences hearings for any agency must be conducted by the office of administrative hearings in accordance with applicable laws.

SECTION 17. TRANSITION. The office of administrative hearings shall consider first hiring as employees all full-time department of transportation hearing officer employees who currently conduct hearings for the department of transportation.

SECTION 18. EFFECTIVE DATE. Sections 4 through 17 of this Act become effective on August 1, 2008."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1017 - Office of Administrative Hearings - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$1,269,674	\$1,269,674	\$345,242	\$1,614,916
Operating expenses	<u>424,417</u>	<u>374,417</u>	<u>51,942</u>	<u>426,359</u>
Total all funds	\$1,694,091	\$1,644,091	\$397,184	\$2,041,275
Less estimated income	<u>1,694,091</u>	<u>1,644,091</u>	<u>397,184</u>	<u>2,041,275</u>
General fund	\$0	\$0	\$0	\$0
FTE	8.00	8.00	5.00	13.00

Dept. 140 - Office of Administrative Hearings - Detail of Senate Changes

	ADDS FUNDING FOR DEPARTMENT OF TRANSPORTATION HEARINGS ¹	TOTAL SENATE CHANGES
Salaries and wages	\$345,242	\$345,242
Operating expenses	<u>51,942</u>	<u>51,942</u>
Total all funds	\$397,184	\$397,184
Less estimated income	<u>397,184</u>	<u>397,184</u>
General fund	\$0	\$0
FTE	5.00	5.00

¹ The Senate added funding relating to the transfer of Department of Transportation hearings to the Office of Administrative Hearings effective August 1, 2008.

The Senate incorporated the provisions of Senate Bill No. 2375, which transfers Department of Transportation hearings responsibility to the Office of Administrative Hearings, into House Bill No. 1017. The effective date of the transfer is August 1, 2008.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1015.

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1015

In lieu of the amendments adopted by the Senate as printed on pages 949-951 of the Senate Journal, Reengrossed House Bill No. 1015 is amended as follows:

Page 1, line 2, replace the third "and" with a comma

Page 1, line 3, after "12.1-32-07" insert ", and section 19-03.1-45"

Page 1, line 4, replace "and" with a comma and after "fees" insert ", and drug treatment"

Page 1, line 5, remove "and" and after "approval" insert "; to provide for a transfer; to provide for a legislative council study; and to declare an emergency"

Page 1, line 22, replace "8,138,211" with "11,582,019"

Page 1, line 23, replace "99,780,064" with "20,511,564"

Page 2, line 3, replace "109,095,173" with "33,270,481"

Page 2, line 5, replace "112,930,827" with "37,106,135"

Page 2, line 12, replace "35,213,361" with "38,657,169"

Page 2, line 13, replace "179,331,778" with "100,063,278"

Page 2, line 16, replace "237,996,004" with "162,171,312"

Page 2, line 18, replace "214,066,511" with "138,241,819"

Page 3, after line 17, insert:

"SECTION 6. AMENDMENT. Section 19-03.1-45 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-45. ~~Mandatory drug~~ Drug abuse assessment and treatment - Presentence investigation - Certified drug abuse treatment programs.

1. ~~When~~ If a person located in Walsh, Pembina, or Grand Forks Counties has pled guilty or has been found guilty of a felony violation of subsection 6 of section 19-03.1-23 ~~and, if that person has not previously pled guilty or been found guilty of any offense involving the use, possession, manufacture, or delivery of a controlled substance or of any other felony offense of this or another state or the federal government, and if the court imposes probation,~~ the court shall impose a period of probation of not less than eighteen months in conjunction with a suspended execution of a sentence of imprisonment, a sentence to probation, or an order deferring imposition of sentence.
2. Upon a plea or finding of guilt of a person subject to the provisions of subsection 1, the court shall order a presentence investigation to be conducted by the department. The presentence investigation shall include a drug and alcohol evaluation conducted by a licensed addiction counselor.
3. If the licensed addiction counselor recommends treatment, the court shall require the person to participate in an addiction program licensed by the department of human services as a condition of the probation. The court shall commit the person to treatment through a licensed addiction program until determined suitable for discharge by the court. The term of treatment shall not exceed eighteen months and may include an aftercare plan. During the commitment and while subject to probation, the person shall be supervised by the department.
4. If the person fails to participate in, or has a pattern of intentional conduct that demonstrates the person's refusal to comply with or participate in the treatment program, as established by judicial finding, the person shall be subject to revocation of the probation. Notwithstanding subsection 2 of section 12.1-32-02, the amount of time participating in the treatment program under this section is not "time spent in custody" and will not be a credit against any sentence to term of imprisonment.
5. The cost for all drug abuse assessments and certified drug abuse treatment programs shall be initially paid by the department. The court shall order the person to reimburse the department for the assessment and treatment expenses in accordance with the procedures of section 12.1-32-08. The department shall handle the collection of costs from the

offenders in the same manner as it collects court costs, fees, and supervision fees.

6. In this section:
 - a. "Department" means the department of corrections and rehabilitation; and
 - b. "Licensed addiction counselor" is a person licensed pursuant to section 43-45-05.1.
7. ~~The provisions of this section shall be implemented as a pilot project in Pembina, Walsh, and Grand Forks Counties effective three months from the date of receipt of a federal grant for methamphetamine treatment being applied for by the department of human services. The department shall collaborate management of the pilot project with the department of human services to ensure services under the federal grant program for one half of the offenders mandated by the court to submit to mandatory treatment, not to exceed twenty three individuals. The department shall hire a program manager to manage the pilot project, collect statistics regarding the operation of the program, track participants in the program, and provide a report to the attorney general, the legislative council for distribution during the November 2006 legislative council meeting, and the sixtieth legislative assembly detailing the number of participants in the program, the cost of the program, relapse statistics, and other data concerning the effectiveness of the program."~~

Page 3, replace lines 23 through 31 with:

"SECTION 8. GRANT PROGRAMS. The total general fund appropriation line item in section 3 of this Act includes \$2,000,000 to be used by the field services division to provide grants to North Dakota organizations for research-based programs to prevent criminal behavior and incarceration. The grant awards must range from \$25,000 to \$500,000.

SECTION 9. RECIDIVISM RISK REDUCTION. The total general fund appropriation line item in section 3 of this Act includes \$5,000,000 to be used by the prisons division for treatment and programming related to recidivism risk reduction.

SECTION 10. TRANSFER TO THE STATE PENITENTIARY LAND FUND. The director of the office of management and budget shall transfer on July 1, 2007, \$42,000,000 from the general fund to the state penitentiary land fund established in North Dakota Century Code section 54-23.3-04 to be used for future correctional facilities as authorized by the legislative assembly. All income earned on the fund must be deposited in the state penitentiary land fund."

Page 4, remove lines 1 through 16

Page 5, line 3, replace "\$88,332,091" with "\$3,999,591"

Page 5, remove line 8

Page 5, line 9, replace "70,000" with "\$70,000"

Page 5, line 10, replace "1,498,091" with "2,165,591"

Page 5, line 12, replace "88,332,091" with "3,999,591"

Page 5, after line 15, insert:

"SECTION 15. LEGISLATIVE COUNCIL STUDY - RETIREMENT CRITERIA FOR STATE CORRECTIONAL OFFICERS AND PEACE OFFICERS. The legislative council shall consider studying, during the 2007-08 interim, retirement program criteria and benefits for correctional officers and peace officers employed by state agencies, including the feasibility and desirability of allowing these employees to retire with full retirement benefits at age fifty-five or the "rule of 85".

SECTION 16. EMERGENCY. Section 11 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1015 - Department of Corrections and Rehabilitation - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Field Services	\$35,953,086	\$35,213,361	\$3,443,808	\$38,657,169
Prisons Division	140,093,278	179,331,778	(79,268,500)	100,063,278
Juvenile Community Services	8,895,140	8,895,140		8,895,140
Youth Correctional Center	14,608,184	14,555,725		14,555,725
Total all funds	\$199,549,688	\$237,996,004	(\$75,824,692)	\$162,171,312
Less estimated income	26,853,489	23,929,493		23,929,493
General fund	\$172,696,199	\$214,066,511	(\$75,824,692)	\$138,241,819*
FTE	706.79	700.29	8.00	708.29

* In addition, \$42,000,000 is transferred from the general fund to the State Penitentiary land fund for a total general fund impact of \$180,241,819.

Dept. 530 - Department of Corrections and Rehabilitation - Detail of Senate Changes

	PREVENTION GRANTS ¹	FUNDING FOR RECIDIVISM RISK REDUCTION ²	REMOVES FUNDING FOR PRISON EXPANSION ³	RESTORES FUNDING FOR CHAPLAINS ⁴	ADDS FUNDING FOR ADDITIONAL FTE ⁵	PROVIDES FUNDING FOR ADDITIONAL TRANSITION SERVICES ⁶
Field Services	\$2,000,000				\$471,411	\$448,950
Prisons Division		\$5,000,000	(\$85,000,000)	\$64,000		
Juvenile Community Services						
Youth Correctional Center						
Total all funds	\$2,000,000	\$5,000,000	(\$85,000,000)	\$64,000	\$471,411	\$448,950
Less estimated income						
General fund	\$2,000,000	\$5,000,000	(\$85,000,000)	\$64,000	\$471,411	\$448,950
FTE	0.00	0.00	0.00	2.00	3.00	0.00

	RESTORES PAROLE AND PROBATION OFFICERS ⁷	RESTORES FUNDING FOR DEFERRED MAINTENANCE ⁸	ADDS FUNDING FOR TEEN CHALLENGE ⁹	TOTAL SENATE CHANGES
Field Services	\$423,447		\$100,000	\$3,443,808
Prisons Division		\$667,500		(79,268,500)
Juvenile Community Services				
Youth Correctional Center				
Total all funds	\$423,447	\$667,500	\$100,000	(\$75,824,692)
Less estimated income				
General fund	\$423,447	\$667,500	\$100,000	(\$75,824,692)
FTE	3.00	0.00	0.00	8.00

¹ This amendment provides funding for grants to organizations to conduct programs to prevent criminal behavior and incarceration.

² This amendment provides funding to the Prisons Division for treatment and programming related to recidivism risk reduction.

³ This amendment removes all funding associated with any new building and demolition projects.

⁴ This amendment restores funding removed by the House to convert 2 temporary chaplains to full-time equivalent positions.

⁵ This amendment provides funding for 3 FTE positions to assist with the special offender workload.

⁶ This amendment adds funding for 20 additional beds for transition for male inmates.

⁷ This amendment restores funding removed by the House for 3 FTE parole and probation officers, including operating expenses.

⁸ This amendment restores funding removed by the House for deferred maintenance.

⁹ This amendment adds funding for Teen Challenge.

A section is added requiring the prevention grants to be awarded to research-based programs and limiting the grant awards from \$25,000 up to \$500,000.

A section is added requiring that \$5,000,000 added to the Prisons Division be used for treatment and programs related to recidivism risk reduction.

A section is added directing the Legislative Council to consider a study of the retirement criteria for state correctional officers and peace officers.

A section is added that amends North Dakota Century Code Section 19-03.1-45 relating to drug abuse assessment and treatment.

A section is added providing for a transfer from the general fund of \$42,000,000 to the State Penitentiary land fund.

A section is added providing for an emergency for Section 11.

ANNOUNCEMENT

SPEAKER DELZER ANNOUNCED that the House stand in recess until 4:00 p.m..

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Delzer presiding.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 1467, before line 7, insert:

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

MR. PRESIDENT: The Speaker has signed: HB 1171, HB 1279, HB 1332, HB 1375.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 9, 2007: HB 1171, HB 1279, HB 1332, HB 1375."

REP. KRETSCHMAR MOVED that the report be adopted, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. R. KELSCH MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2401, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2401: Reps. R. Kelsch, Sukut, Hunskor

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PORTER MOVED that the House do not concur in the Senate amendments to Engrossed HB 1469 as printed on HJ page 1284 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1469: Reps. DeKrey, Porter, Solberg.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SVEDJAN MOVED that the House do not concur in the Senate amendments to Engrossed HB 1001 as printed on HJ pages 1471-1473 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1001: Reps. Carlson, Carlisle, Kroeber.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SVEDJAN MOVED that the House do not concur in the Senate amendments to Engrossed HB 1009 as printed on HJ page 1391 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1009: Reps. Monson, Wald, Aarsvold.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SVEDJAN MOVED that the House do not concur in the Senate amendments to Engrossed HB 1012 as printed on HJ pages 1479-1480 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1012: Reps. Carlson, Weisz, Williams.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SVEDJAN MOVED that the House do not concur in the Senate amendments to Engrossed HB 1019 as printed on HJ pages 1404-1406 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1019: Reps. Monson, Carlson, Gulleon.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do not concur in the Senate amendments to Engrossed HB 1243 as printed on HJ pages 1450-1451 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1243: Reps. Klemin, Dahl, Onstad.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SVEDJAN MOVED that the House do not concur in the Senate amendments to Reengrossed HB 1395 as printed on HJ page 1407 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Reengrossed HB 1395: Reps. R. Kelsch, Monson, Hanson.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PRICE MOVED that the House do not concur in the Senate amendments to Reengrossed HB 1435 as printed on HJ page 1409 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Reengrossed HB 1435: Reps. Pollert, Price, Kaldor.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PORTER MOVED that the House do not concur in the Senate amendments to Engrossed HB 1515 as printed on HJ pages 1438-1439 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1515: Reps. Porter, Monson, S. Kelsh.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. SVEDJAN MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Reengrossed SB 2020, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Reengrossed SB 2020: Reps. Wald, Klein, Aarsvold

APPOINTMENT OF CONFERENCE COMMITTEE

REP. SVEDJAN MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2023, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2023: Reps. Skarphol, Svedjan, Williams

MOTION

REP. BERG MOVED that Rep. Belter replace Rep. Carlisle on the House Conference Committee on SB 2178, which motion prevailed.

MOTION

REP. BERG MOVED that the House Conference Committee on Reengrossed SB 2103 be dissolved and that a new conference committee be appointed, which motion prevailed.

THE SPEAKER APPOINTED as a new Conference Committee on:

Reengrossed SB 2103: Reps. DeKrey, Klemin, Delmore

MOTION

REP. BERG MOVED that Rep. Hanson replace Rep. Hunskor on the House Conference Committee on HB 1149, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PRICE MOVED that the House do not concur in the Senate amendments to HB 1488 as printed on HJ page 1438 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1488: Reps. Kreidt, Damschen, Schneider.

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 1001, HB 1009, HB 1012, HB 1019, HB 1243, HB 1395, HB 1435, HB 1469, HB 1488, and HB 1515 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1001: Reps. Carlson; Carlisle; Kroeber
HB 1009: Reps. Monson; Wald; Aarsvold
HB 1012: Reps. Carlson; Weisz; Williams
HB 1019: Reps. Monson; Carlson; Gulleston
HB 1243: Reps. Klemin; Dahl; Onstad
HB 1395: Reps. R. Kelsch; Monson; Hanson
HB 1435: Reps. Pollert; Price; Kaldor
HB 1469: Reps. DeKrey; Porter; Solberg
HB 1488: Reps. Kreidt; Damschen; Schneider
HB 1515: Reps. Porter; Monson; S. Kelsh

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

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

SB 2020: Reps. Wald; Klein; Aarsvold
SB 2023: Reps. Skarphol; Svedjan; Williams

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

MR. SPEAKER: The President has signed: SB 2228.

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 2103: Reps. DeKrey; Klemin; Delmore

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 2103: Reps. DeKrey; Klemin; Delmore

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

MR. PRESIDENT: The Speaker has appointed Rep. Hanson to replace Rep. Hunskor on the Conference Committee on HB 1149.

MOTION

REP. MONSON MOVED that the House be on the Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, April 10, 2007, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2002: Your conference committee (Sens. Krebsbach, Lindaas, Wardner and Reps. Thoreson, Carlisle, Clark) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1121-1122 and place SB 2002 on the Seventh order.

SB 2002 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2004: Your conference committee (Sens. Fischer, Holmberg, Seymour and Reps. Skarphol, Kempenich, Glassheim) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1122 and place SB 2004 on the Seventh order.

SB 2004 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2010, as engrossed: Your conference committee (Sens. Holmberg, Christmann, Tallackson and Reps. Carlisle, Carlson, Williams) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1127-1129 and place SB 2010 on the Seventh order.

Engrossed SB 2010 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1379, as engrossed: Your conference committee (Sens. J. Lee, Oehlke, Nelson and Reps. Kasper, Karls, Schneider) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 845 and place HB 1379 on the Seventh order.

Engrossed HB 1379 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1403, as engrossed: Your conference committee (Sens. Tollefson, Urlacher, Triplett and Reps. N. Johnson, Nottestad, Gruchalla) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1407-1408 and place HB 1403 on the Seventh order.

Engrossed HB 1403 was placed on the Seventh order of business on the calendar.

The House stood adjourned pursuant to Representative Monson's motion.

Buell J. Reich, Chief Clerk

