

JOURNAL OF THE SENATE

Sixty-second Legislative Assembly

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Bismarck, April 4, 2011

The Senate convened at 1:00 p.m., with President Wrigley presiding.

The prayer was offered by Pastor Keith Ritchie, Cornerstone Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that HB 1416 be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1416 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that SB 2232 be placed at the top of the Twelfth order, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NOTHING MOVED that the Senate do concur in the House amendments to Engrossed SB 2232 as printed on SJ page 794, which motion prevailed on a voice vote.

Engrossed SB 2232, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2232: A BILL for an Act to create and enact a new section to chapter 44-04, a new subsection to section 44-04-18.7, and a new section to chapter 54-40.3 of the North Dakota Century Code, relating to the exemption of medical treatment information in an emergency response record, the exemption of crime scene images, and to joint powers agreements between political subdivisions for a joint emergency services communications system; to amend and reenact sections 32-12.2-12 and 44-04-17.1, subsections 2 and 3 of section 44-04-18, subsection 2 of section 44-04-18.1, subsection 1 of section 44-04-18.3, subsection 3 of section 44-04-18.7, and subsections 2, 3, 4, and 6 of section 44-04-20 of the North Dakota Century Code, relating to state agency loss control committee meetings, the definition of information technology resources, fees and access to electronic records, exempt personal information of a public employee, release of personnel records of employees of the department of corrections and rehabilitation, definition of criminal intelligence information, and public meeting notices posted on a website of a public entity; 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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed SB 2232 passed and the emergency clause was declared carried.

MOTION

SEN. CHRISTMANN MOVED that SB 2232 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2027, SB 2104, SB 2107, SB 2112, SB 2114, SB 2232, and SB 2244.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DEVER MOVED that the Senate do not concur in the House amendments to Engrossed SB 2187 as printed on SJ page 1052 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2187: Sens. Dever, Sorvaag, Nelson.

CONSIDERATION OF AMENDMENTS

HB 1232, as engrossed: SEN. DEVER (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 1097-1098 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1232: A BILL for an Act to amend and reenact sections 24-06-28 and 24-06-29 of the North Dakota Century Code, relating to obstructions and traffic safety hazards on section line roads.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 29 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Burckhard; Dotzenrod; Erbele; Freborg; Heckaman; Klein; Laffen; Larsen; Lee, G.; Luick; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schneider; Sorvaag; Taylor; Uglem; Wanzek; Wardner; Warner

NAYS: Berry; Christmann; Cook; Dever; Fischer; Flakoll; Grindberg; Hogue; Holmberg; Kilzer; Krebsbach; Lee, J.; Lyson; Marcellais; Schaible; Sitte; Stenehjerm; Triplett

Engrossed HB 1232, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1057, as engrossed: SEN. OEHLKE (Finance and Taxation Committee) MOVED that the amendments on SJ pages 1062-1063 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1057: A BILL for an Act to amend and reenact section 57-38-01.26 of the North Dakota Century Code, relating to the angel fund investment tax credit; to provide for a legislative management study; to provide an effective date; and to provide an expiration date.

MOTION

SEN. GRINDBERG MOVED that Engrossed HB 1057, as amended, be amended as follows.

In lieu of the amendments adopted by the Senate as printed on pages 1062 and 1063 of the Senate Journal, Engrossed House Bill No. 1057 is amended as follows:

Page 1, line 1, remove "to create and enact a new subsection to section 57-38-57 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to angel fund investment disclosure;"

Page 1, line 4, after the first "provide" insert "for"

Page 1, line 4, remove "report to the"

Page 1, line 4, after "management" insert "study"

Page 1, line 13, overstrike "invested" and insert immediately thereafter "remitted"

Page 1, line 13, overstrike "in" and insert immediately thereafter "to"

Page 1, line 15, after the period insert "The investment used to calculate the credit under this section may not be used to calculate any other income tax deduction or credit allowed by law."

Page 1, line 21, overstrike "four" and insert immediately thereafter "nineteen"

Page 2, line 10, after the underscored period insert "Early-stage and mid-stage entities do not include those that have more than twenty-five percent of their revenue from income-producing real estate."

Page 3, line 1, replace "paid for the investment" with "remitted"

Page 3, line 3, replace "on which full consideration" with "the payment"

Page 3, after line 4, insert:

"j. Invest only in primary sector businesses, as defined in section 57-38-30.5."

Page 5, remove lines 14 through 18

Page 5, line 19, remove "**REPORT TO THE**"

Page 5, line 19, after "**MANAGEMENT**" insert "**STUDY - TRANSFERABILITY OF TAX CREDITS**"

Page 5, line 19, remove "and"

Page 5, replace lines 20 and 21 with "interim, the legislative management shall consider studying the transferability of tax credits. The study must include an analysis of the tax policy reasons for implementing transferable credits, a review of the effectiveness of transferable credits in terms of potential annual state revenue losses and benefits, the use and effectiveness of transferable tax credits in other states, the impact on the sellers and purchasers of transferable credits, and the administration of transferable credits. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Page 5, line 23, replace "four" with "two"

Page 5, remove line 24

Renumber accordingly

REQUEST

SEN. GRINDBERG REQUESTED a verification vote on the motion to adopt the proposed amendments to Engrossed HB 1057, as amended, which request was granted.

The proposed amendments to Engrossed HB 1057, as amended, were adopted on a verification vote.

ROLL CALL

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

YEAS: Andrist; Berry; Bowman; Christmann; Dever; Dotzenrod; Erbele; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Burckhard; Cook; Fischer

Engrossed HB 1057, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1278, as reengrossed: SEN. OEHLKE (Transportation Committee) MOVED that the amendments on SJ page 1098 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**.

REQUEST

SEN. NODLAND REQUESTED a verification vote, which request was granted.

The question being on the motion to adopt the amendments to Reengrossed HB 1278, the motion failed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1278: A BILL for an Act to amend and reenact subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to the imposition of fees by cities for certain vehicle and traffic violations.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 34 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heckaman; Kilzer; Laffen; Lee, J.; Mathern; Murphy; Nelson; Nodland; Robinson; Schneider; Taylor; Wardner

NAYS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Klein; Krebsbach; Larsen; Lee, G.; Luick; Lyson; Marcellais; Miller; Nething; O'Connell; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjem; Triplett; Uglem; Wanzek; Warner

Reengrossed HB 1278 lost.

CONSIDERATION OF AMENDMENTS

HB 1447, as engrossed: SEN. SORVAAG (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 1098 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1447: A BILL to provide for a legislative management study of voting residency laws and consolidation of elections.

ROLL CALL

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele;

Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Sitte; Sorvaag; Stenehjerm; Taylor; Uglem; Wanzek; Wardner; Warner

NAYS: Marcellais; Mathern; Schneider; Triplett

Engrossed HB 1447, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1013: A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; to provide for distributions from permanent funds; to amend and reenact sections 15-01-02, 57-51-15, 57-62-03, 57-62-03.1, 57-62-04, 57-62-05, and 57-62-06 of the North Dakota Century Code, relating to the powers of the board of university and school lands, the duties of the commissioner of university and school lands, the apportionment of oil and gas gross production tax proceeds, the energy development impact office, and the duties of the energy development impact director; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed HB 1013 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1269: A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to mental disability and firearm possession; to amend and reenact sections 25-03.1-43 and 62.1-02-01 of the North Dakota Century Code, relating to possession of firearms in this state and confidential records; to provide an appropriation; and to provide a contingent effective date.

ROLL CALL

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed HB 1269, as amended, passed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3045: A concurrent resolution directing the Legislative Management to study the feasibility and desirability of requiring private or public employers or both to use the federal E-Verify program for new hires.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3045 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3015: A concurrent resolution reaffirming North Dakota's sovereignty under the 10th Amendment to the Constitution of the United States and to demand the federal government halt its practice of assuming powers and imposing mandates on the states for purposes not enumerated in the Constitution of the United States.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3015 was declared adopted on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. G. LEE MOVED that the Senate do concur in the House amendments to Engrossed SB 2244 as printed on SJ pages 679-680, which motion prevailed on a voice vote.

Engrossed SB 2244, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2244: A BILL for an Act to amend and reenact subdivisions a and b of subsection 3 of section 39-06-14 and section 39-32-02 of the North Dakota Century Code, relating to operator's licenses and intrastate exemptions for drivers of commercial motor vehicles.

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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed SB 2244 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. G. LEE MOVED that the Senate do concur in the House amendments to SB 2112 as printed on SJ page 753, which motion prevailed on a voice vote.

SB 2112, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2112: A BILL for an Act to create and enact three new subsections to section 39-06.2-02 and section 39-06.2-08.1 of the North Dakota Century Code, relating to commercial driver's licenses; to amend and reenact subsection 25 of section 39-06.2-02, subdivision b of subsection 4 of section 39-06.2-07, and subsections 1 and 5 of section 39-06.2-08 of the North Dakota Century Code, relating to commercial driver's licenses.

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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2112 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. G. LEE MOVED that the Senate do concur in the House amendments to SB 2107 as printed on SJ page 679, which motion prevailed on a voice vote.

SB 2107, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2107: A BILL for an Act to amend and reenact sections 37-17.1-23 and 39-10-03.2 of the North Dakota Century Code, relating to the disaster or emergency loan funding process and removal of department of emergency services from blue light rulemaking.

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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2107 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do concur in the House amendments to SB 2027 as printed on SJ page 831, which motion prevailed on a voice vote.

SB 2027, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2027: A BILL for an Act to amend and reenact section 48-01.2-03 of the North Dakota Century Code, relating to specifying materials used in a public improvement.

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: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2027 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do concur in the House amendments to SB 2114 as

printed on SJ page 742, which motion prevailed on a voice vote.

SB 2114, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2114: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to background checks for potential workforce safety and insurance job applicants; to amend and reenact subsection 3 of section 65-04-32, subdivision h of subsection 8 of section 65-05-07, section 65-05-20.1, subsection 2 of section 65-05-28, subsection 4 of section 65-05.1-04, subdivision b of subsection 2 of section 65-05.1-06.1, and subsection 1 of section 65-05.1-08 of the North Dakota Century Code, relating to service of administrative orders by regular mail, nonpayment of weight loss and smoking programs unless ordered by the organization, eligibility for the scholarship program, travel reimbursements for injured workers, work trial and work search, payment of mileage during training programs, and eligibility for the revolving loan fund; and to provide for application.

ROLL CALL

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2114 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do concur in the House amendments to SB 2104 as printed on SJ page 695, which motion prevailed on a voice vote.

SB 2104, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2104: A BILL for an Act to amend and reenact section 6-01-17 and subdivision a of subsection 1 of section 13-04.1-11 of the North Dakota Century Code, relating to a yearly assessment of banks and interstate branches and investigation and examination authority of money brokers; to provide an effective date; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2104 passed and the emergency clause was declared carried.

MOTION

SEN. CHRISTMANN MOVED that the Senate reconsider its action whereby Engrossed HB 1025 passed, which motion prevailed on a verification vote.

MOTION

SEN. CHRISTMANN MOVED that Engrossed HB 1025 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed HB 1025 was rereferred.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1030, HB 1036, HB 1077, HB 1086, HB 1094, HB 1169, HB 1256, HB 1259, HB 1311, HCR 3038.

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

MR. SPEAKER: The Senate has passed, unchanged: HCR 3015, HCR 3045.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1013.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1123.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1011, HB 1103, HB 1177, HB 1266, HB 1316, HB 1382, HB 1468.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1057, HB 1232, HB 1269, HB 1447.

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 1029, HB 1074, HB 1268.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1327, HB 1350.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1054, HB 1227, HB 1284, HB 1312, HB 1344, HB 1384, HB 1405, HB 1429.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1278.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2007, SB 2021, SB 2122, SB 2198, SB 2226, SCR 4006.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2004, SB 2005, SB 2014, SB 2018, SB 2222.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2004

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

Page 1, line 2, remove "provide an appropriation to the legislative council;"

Page 2, remove lines 1 through 9

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2004 - Summary of House Action

	Executive Budget	Senate Version	House Changes	House Version
State Auditor				
Total all funds	\$9,571,330	\$9,571,330	\$0	\$9,571,330
Less estimated income	<u>2,427,522</u>	<u>2,427,522</u>	<u>0</u>	<u>2,427,522</u>
General fund	\$7,143,808	\$7,143,808	\$0	\$7,143,808
Legislative Council				
Total all funds	\$0	\$100,000	(\$100,000)	\$0
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$0	\$100,000	(\$100,000)	\$0
Bill total				
Total all funds	\$9,571,330	\$9,671,330	(\$100,000)	\$9,571,330
Less estimated income	<u>2,427,522</u>	<u>2,427,522</u>	<u>0</u>	<u>2,427,522</u>
General fund	\$7,143,808	\$7,243,808	(\$100,000)	\$7,143,808

Senate Bill No. 2004 - Legislative Council - House Action

	Executive Budget	Senate Version	House Changes	House Version
Performance review		\$100,000	(\$100,000)	
Total all funds	\$0	\$100,000	(\$100,000)	\$0
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$0	\$100,000	(\$100,000)	\$0
FTE	0.00	0.00	0.00	0.00

Department No. 160 - Legislative Council - Detail of House Changes

	Removes Funding for a Performance Review ¹	Total House Changes
Performance review	(\$100,000)	(\$100,000)
Total all funds	(\$100,000)	(\$100,000)
Less estimated income	<u>0</u>	<u>0</u>
General fund	(\$100,000)	(\$100,000)
FTE	0.00	0.00

¹ The section providing funding to the Legislative Council to contract for a performance review of the State Auditor's office is removed.

HOUSE AMENDMENTS TO SENATE BILL NO. 2005

Page 1, replace lines 12 and 13 with:

"Salaries and wages	\$946,507	\$108,017	\$1,054,524
Operating expenses	131,478	320,428	451,906"

Page 1, replace line 16 with:

"Total general fund	\$2,228,985	(\$469,755)	\$1,759,230"
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Page 1, replace lines 22 and 23 with:

"IT development costs	\$0	\$320,428
Total general fund	\$0	\$320,428"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2005 - State Treasurer - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$1,030,524	\$1,030,524	\$24,000	\$1,054,524
Operating expenses	366,478	366,478	85,428	451,906
Coal severance payments	252,800	252,800		252,800
Total all funds	\$1,649,802	\$1,649,802	\$109,428	\$1,759,230
Less estimated income	0	0	0	0
General fund	\$1,649,802	\$1,649,802	\$109,428	\$1,759,230
FTE	7.00	7.00	0.00	7.00

Department No. 120 - State Treasurer - Detail of House Changes

	Adds Funding for Position Reclassifications ¹	Adds Funding for Information Technology Development ²	Total House Changes
Salaries and wages	\$24,000		\$24,000
Operating expenses		85,428	85,428
Coal severance payments			
Total all funds	\$24,000	\$85,428	\$109,428
Less estimated income	0	0	0
General fund	\$24,000	\$85,428	\$109,428
FTE	0.00	0.00	0.00

¹ Funding is added to reclassify two account budget specialist positions.

² This amendment adds funding for additional information technology development costs for changes in tax distributions.

HOUSE AMENDMENTS TO SENATE BILL NO. 2014

Page 1, replace line 12 with:

"Total all funds	\$4,543,318	\$545,935	\$5,089,253"
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Page 1, replace line 14 with:

"Total general fund	\$1,555,815	\$414,550	\$1,970,365"
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Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2014 - Protection and Advocacy Project - House Action

	Executive Budget	Senate Version	House Changes	House Version
Protection and Advocacy Project	\$5,139,253	\$5,139,253	(\$50,000)	\$5,089,253
Total all funds	\$5,139,253	\$5,139,253	(\$50,000)	\$5,089,253
Less estimated income	<u>3,118,888</u>	<u>3,118,888</u>	0	<u>3,118,888</u>
General fund	\$2,020,365	\$2,020,365	(\$50,000)	\$1,970,365
FTE	28.50	28.50	0.00	28.50

Department No. 360 - Protection and Advocacy Project - Detail of House Changes

	Reduces Funding for Protection and Advocacy Project ¹	Total House Changes
Protection and Advocacy	(\$50,000)	(\$50,000)

Project		
Total all funds	(\$50,000)	(\$50,000)
Less estimated income	0	0
General fund	(\$50,000)	(\$50,000)
FTE	0.00	0.00

¹ Funding from the general fund for the Protection and Advocacy Project is reduced by \$50,000 with specific budget reductions to be determined by the agency.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2018

Page 1, replace lines 11 and 12 with:

"Salaries and wages	\$8,368,675	\$1,168,985	\$9,537,660
Operating expenses	2,284,210	393,706	2,677,916"

Page 1, replace line 18 with:

"Total all funds	\$14,711,589	\$1,873,715	\$16,585,304"
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Page 1, replace line 20 with:

"Total general fund	\$11,052,752	\$1,982,139	\$13,034,891"
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Page 2, replace line 12 with:

"Business analysis	0	10,000"
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Page 2, replace lines 15 through 17 with:

"Total all funds	\$53,806,500	\$915,700
Less estimated income	<u>12,685,000</u>	<u>0</u>
Total general fund	\$41,121,500	\$915,700"

Page 2, after line 30, insert:

"SECTION 5. STATE ONSITE PROJECT MANAGER - HERITAGE CENTER ADDITION PROJECT. Notwithstanding section 55-01-02.1, the director of the facility management division of the office of management and budget shall serve as the state onsite project manager for the heritage center addition project until completion of the project. The state onsite project manager has authority to verify and approve all expenditures relating to the project and related exhibits."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2018 - State Historical Society - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$9,586,660	\$9,586,660	(\$49,000)	\$9,537,660
Operating expenses	2,688,326	2,813,326	(135,410)	2,677,916
Capital assets	2,835,736	2,835,736		2,835,736
Grants	1,000,000	1,025,000		1,025,000
Cultural heritage grants	504,500	504,500		504,500
Yellowstone-Missouri-Ft Union	<u>4,492</u>	<u>4,492</u>		<u>4,492</u>

Commission				
Total all funds	\$16,619,714	\$16,769,714	(\$184,410)	\$16,585,304
Less estimated income	3,550,413	3,550,413	0	3,550,413
General fund	\$13,069,301	\$13,219,301	(\$184,410)	\$13,034,891
FTE	63.00	63.00	0.00	63.00

Department No. 701 - State Historical Society - Detail of House Changes

	Reduces Funding for Temporary Salaries ¹	Reduces Funding for Business Analysis ²	Total House Changes
Salaries and wages	(\$49,000)		(\$49,000)
Operating expenses		(135,410)	(135,410)
Capital assets			
Grants			
Cultural heritage grants			
Yellowstone-Missouri-Ft Union Commission			
Total all funds	(\$49,000)	(\$135,410)	(\$184,410)
Less estimated income	0	0	0
General fund	(\$49,000)	(\$135,410)	(\$184,410)
FTE	0.00	0.00	0.00

¹ This amendment reduces the funding added in the executive budget recommendation for temporary salaries from \$174,000 to \$125,000.

² This amendment reduces funding provided in the executive budget recommendation for a business analysis to be completed by the Information Technology Department from \$145,410 to \$10,000.

This amendment adds a section to retain the director of the Facility Management Division of the Office of Management and Budget as project manager for the Heritage Center expansion project throughout its completion.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2222

Page 1, line 1, remove the second "an"

Page 1, line 2, replace "appropriation" with "for crop insurance development grants"

Page 1, remove lines 9 through 11

Page 1, line 12, replace "d." with "c."

Page 1, line 14, replace "e." with "d."

Page 1, line 16, replace "f." with "e."

Page 1, line 16, replace "One individual" with "Two individuals"

Page 1, line 16, after the underscored comma insert "one appointed by the governor and one"

Page 2, remove lines 8 through 13

Page 2, replace lines 16 through 26 with:

"1. The crop insurance development board shall assess the feasibility and desirability of proposals submitted by individuals and by public and

nonpublic entities pertaining to the development and implementation of crop insurance instruments. The board may authorize the awarding of grants to assist with future actuarial and development costs.

2. Grants may be awarded for up to seventy-five percent of the first fifty thousand dollars and up to fifty percent of the costs thereafter.
3. The board shall establish conditions pertaining to the receipt of grants, including the repayment of some or all of the grants with moneys received by the applicant from the federal crop insurance corporation for continued development of the proposal. The board shall forward any moneys received as repayments under this section to the state treasurer for deposit in the agricultural fuel tax fund."

Page 3, replace lines 4 through 9 with:

"SECTION 5. CROP INSURANCE DEVELOPMENT GRANTS. During the 2011-13 biennium, the agricultural products utilization commission shall expend up to \$100,000 from the agricultural fuel tax fund, for the purpose of awarding grants that have been approved by the crop insurance development board in accordance with this Act."

ReNUMBER accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2001, SB 2009, SB 2206.

HOUSE AMENDMENTS TO SENATE BILL NO. 2001

Page 2, after line 15, insert:

"SECTION 3. ONE-TIME FUNDING - EDUCATION JOBS FUNDS - DEPARTMENT OF PUBLIC INSTRUCTION. The federal education jobs funding of \$21,517,716 appropriated to the department of public instruction in Senate Bill No. 2013 is one-time funding for the 2011-13 biennium. The department of public instruction may not request funding from the general fund to replace this one-time funding in its base budget request for the 2013-15 biennium."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2001 - Governor's Office - House Action

This amendment adds a section to provide that the federal education jobs funding appropriated to the Department of Public Instruction in Senate Bill No. 2013 is one-time funding.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2009

Page 1, replace lines 16 and 17 with:

"Salaries and wages	\$8,566,196	\$1,146,168	\$9,712,364
Operating expenses	6,094,603	356,850	6,451,453"

Page 1, replace line 21 with:

"Wildlife services	1,067,400	(1,067,400)	0
Wildlife depredation	0	1,000,000	1,000,000"

Page 1, remove lines 23 and 24

Page 2, replace lines 1 and 2 with:

"Total all funds	\$21,316,349	\$1,234,348	\$22,550,697
Less estimated income	<u>14,094,466</u>	<u>562,985</u>	<u>14,657,451</u>
Total general fund	\$7,221,883	\$671,363	\$7,893,246
Full-time equivalent positions	74.50	2.50	77.00"

Page 2, line 14, replace "\$4,627,709" with "\$5,078,037"

Page 2, remove lines 18 through 22

Page 2, line 24, replace "\$1,068,261" with "\$599,461"

Page 2, after line 27, insert:

"SECTION 6. WILDLIFE DEPREDATION. The agriculture commissioner shall establish a program to assist in wildlife depredation control for the biennium beginning July 1, 2011, and ending June 30, 2013. The agriculture commissioner may use the funding included in the wildlife depredation line item in section 1 of this Act to contract with a private entity or hire temporary employees for wildlife depredation control and to establish a bounty program to mitigate wildlife depredation issues."

Page 4, overstrike line 18

Page 4, line 19, overstrike "tax commissioner" and insert immediately thereafter "off premises events"

Page 4, line 19, remove "In addition, the agriculture commissioner may issue special events"

Page 4, line 20, remove "permits to promote the wine industry in this state."

Page 5, line 14, overstrike "a designated trade show, convention, festival, or similar event"

Page 5, line 15, overstrike "approved by the tax commissioner" and insert immediately thereafter "off premises events"

Page 5, line 15, remove "In addition, the agriculture commissioner may"

Page 5, line 16, remove "issue special events permits to promote the spirits industry in this state."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2009 - Department of Agriculture - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$9,303,178	\$9,384,828	\$327,536	\$9,712,364
Operating expenses	6,548,199	6,368,661	82,792	6,451,453
Capital assets	17,000	17,000		17,000
Grants	3,095,828	3,170,828		3,170,828
State Board of Animal Health	1,949,052	2,149,052		2,149,052
Wildlife Services	1,067,400	1,417,400	(1,417,400)	
Crop Harmonization Board	50,000	50,000		50,000
Wildlife depredation			1,000,000	1,000,000
Total all funds	\$22,030,657	\$22,557,769	(\$7,072)	\$22,550,697
Less estimated income	<u>13,645,923</u>	<u>14,365,923</u>	<u>291,528</u>	<u>14,657,451</u>
General fund	\$8,384,734	\$8,191,846	(\$298,600)	\$7,893,246
FTE	74.50	75.00	2.00	77.00

Department No. 602 - Department of Agriculture - Detail of House Changes

	Adds Anhydrous Ammonia Inspection Positions ¹	Removes Funding for Wildlife Services ²	Adds Funding for Wildlife Depredation Program ³	Total House Changes
Salaries and wages	\$327,536			\$327,536
Operating expenses	82,792			82,792
Capital assets				
Grants				
State Board of Animal Health				
Wildlife Services		(1,417,400)		(1,417,400)
Crop Harmonization Board				
Wildlife depredation			1,000,000	1,000,000
Total all funds	\$410,328	(\$1,417,400)	\$1,000,000	(\$7,072)
Less estimated income	410,328	(1,118,800)	1,000,000	291,528
General fund	\$0	(\$298,600)	\$0	(\$298,600)
FTE	2.00	0.00	0.00	2.00

¹ Two anhydrous ammonia inspector positions and related operating expenses are added with funding from the environment and rangeland protection fund. House Bill No. 1321 transfers anhydrous ammonia inspection duties from the Insurance Commissioner to the Agriculture Commissioner.

² Funding for the Wildlife Services program is removed, including estimated income of \$868,800 from the Game and Fish Department and \$250,000 from the State Water Commission.

³ Funding is added from the game and fish fund (\$400,000), from funding received from the State Water Commission (\$100,000), and from other income received (\$500,000) for wildlife depredation control. A section is added requiring the Agriculture Commissioner to establish a wildlife depredation program and authorizing the commissioner to contract with a private entity or hire temporary employees for wildlife depredation control and to establish a bounty program to mitigate wildlife depredation issues.

This amendment also:

- Adjusts Section 4 regarding funding provided from the environment and rangeland protection fund.
- Removes Section 5 that provides \$40,000 from the anhydrous ammonia storage facility inspection fund to the Agriculture Commissioner. House Bill No. 1321 eliminates the anhydrous ammonia storage facility inspection fund and deposits fund revenues in the environment and rangeland protection fund.
- Adjusts Section 6 regarding funding provided from the game and fish fund. The amendments provide that \$599,461 is from the game and fish fund for wildlife depredation (\$400,000) and the State Board of Animal Health (\$199,461).
- Revises Sections 9 and 10 regarding special events permits for wine and spirits promotion.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2206

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 2-05 of the North Dakota Century Code, relating to anemometer towers; to provide a penalty; to provide an appropriation; to provide for application; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 2-05 of the North Dakota Century Code is created and enacted as follows:

Anemometer towers - Definitions - Penalty.

1. As used in this section, unless the context otherwise requires:
 - a. "Anemometer" means an instrument for measuring and recording the speed of wind.
 - b. "Anemometer tower" means a structure, including all guy wires and accessory facilities, on which an anemometer is mounted for the purposes of documenting wind resources for the operation of a wind turbine generator.
 - c. "Commission" means the North Dakota aeronautics commission.
2. An anemometer tower that is fifty feet [15.24 meters] in height above the ground or higher, is located outside the zoning jurisdiction of a city, and the appearance of which is not otherwise regulated by state or federal law must be marked, painted, flagged, or otherwise constructed to be recognizable in clear air during daylight hours and:
 - a. Must be painted in equal, alternating bands of orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the tower;
 - b. One or more seven-foot [2.13-meter] safety sleeves must be placed at each anchor point and must extend from the anchor point along each guy wire attached to the anchor point; and
 - c. At least one marker ball must be attached to each guy wire in the highest set of guy wires which does not affect the stability of the tower and the measurement of wind speed.
3. The commission may establish and maintain a database that contains locations of all existing anemometer towers by January 1, 2012. The commission may contract with a governmental entity or a private entity to create and maintain the database.
 - a. Within sixty days after the effective date of this Act, an owner of any anemometer tower erected in the state shall provide the commission with global positioning system coordinates of the center of the anemometer tower.
 - b. At least ten days before the erection of an anemometer tower, an owner of the tower shall provide coordinates to the commission.
 - c. Within ten days after the removal of an anemometer tower, an owner of the tower shall notify the commission.
4. The commission may enforce this section. A violation of this section is an infraction.

SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,500, or so much of the sum as may be necessary, to the aeronautics commission for the purpose of establishing a database for anemometer towers, for the biennium beginning July 1, 2011, and ending June 30, 2013.

SECTION 3. APPLICATION. Any anemometer tower that was erected before August 1, 2011, must be marked as required in this Act before August 1, 2014. Any anemometer tower that is erected after July 31, 2011, must be marked as required in this Act at the time the tower is erected. An anemometer tower that has been erected in an existing wind energy generating facility on the effective date of this Act is exempt from the provisions of this Act.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2072, SB 2300.

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2140, SB 2178, SB 2303.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2187, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2187: Sens. Dever; Sorvaag; Nelson

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

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

SB 2042: Reps. Owens; Grande; S. Kelsh

SB 2050: Reps. Wrangham; Streyle; S. Kelsh

SB 2158: Reps. Beadle; Kretschmar; Hogan

SB 2182: Reps. Koppelman; Maragos; Onstad

SB 2195: Reps. Maragos; Steiner; Delmore

SB 2218: Reps. Weiler; Owens; Zaiser

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 1142, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1142: Reps. Kretschmar; DeKrey; Onstad

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2317, SCR 4010, SCR 4026.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1155, HB 1173, HB 1209, HB 1249, HB 1265, HCR 3011.

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

MR. PRESIDENT: The Speaker has signed: SB 2071, SB 2108, SB 2317, SCR 4010, SCR 4026.

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

MR. SPEAKER: The President has signed: SB 2120.

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

MR. SPEAKER: The President has signed: HB 1155, HB 1173, HB 1209, HB 1249, HB 1265, HCR 3011.

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

MR. PRESIDENT: The Speaker has signed: HB 1114.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on April 4, 2011: SB 2120.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Tuesday, April 5, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1025, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1025 was placed on the Sixth order on the calendar.

Page 1, replace lines 11 through 14 with:

"Comprehensive tobacco control \$12,882,000 \$40,614 \$12,922,614"

Page 1, replace line 16 with:

"Full-time equivalent positions 4.00 2.50 6.50"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1025 - Tobacco Prevention & Control Exec Comm - Senate Action**

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages		\$765,980	(\$765,980)	
Operating expenses		2,967,609	(2,967,609)	
Grants		9,189,025	(9,189,025)	
Tobacco Prevention and Control Exec Comm	12,922,614		12,922,614	12,922,614
Total all funds	\$12,922,614	\$12,922,614	\$0	\$12,922,614
Less estimated income	12,922,614	12,922,614	0	12,922,614
General fund	\$0	\$0	\$0	\$0
FTE	4.00	4.00	2.50	6.50

Department No. 305 - Tobacco Prevention & Control Exec Comm - Detail of Senate Changes

	Adds 2.5 Permanent FTE Positions ¹	Restores Single Line Appropriation ²	Total Senate Changes
Salaries and wages	\$366,514	(\$1,132,494)	(\$765,980)
Operating expenses		(2,967,609)	(2,967,609)
Grants	(366,514)	(8,822,511)	(9,189,025)
Tobacco Prevention and Control Exec Comm		12,922,614	12,922,614
Total all funds	\$0	\$0	\$0
Less estimated income	0	0	0
General fund	\$0	\$0	\$0
FTE	2.50	0.00	2.50

¹ This amendment adds the following permanent full-time equivalent positions that were included as temporary positions in the executive recommendation:

- .5 FTE accountant - \$86,786.
- 1 FTE community intervention coordinator - \$127,904.
- 1 FTE grants manager - \$151,824.

The House removed the .5 FTE accountant and the 1 FTE community intervention coordinator and transferred the funding to the grants line item, but maintained the 1 FTE grants manager as a temporary position.

In addition, the House removed funding for the temporary evaluation coordinator position (\$151,824) and transferred the funding to the grants line item. This amendment restores the temporary evaluation coordinator position and reduces funding for grants by the same amount.

² This amendment restores the comprehensive tobacco control line item provided in the executive recommendation and removes the funding by object code line items provided by the House.

REPORT OF STANDING COMMITTEE

HCR 3043: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3043 was placed on the Fourteenth order on the calendar.

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

William R. Horton, Secretary