

JOURNAL OF THE SENATE

Sixty-third Legislative Assembly

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Bismarck, April 8, 2013

The Senate convened at 12:30 p.m., with President Wrigley presiding.

The prayer was offered by Pastor Rebecca Aardahl, Missouri Slope Lutheran Care Center, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 1143, replace lines 6-7 with:

"MR. SPEAKER: The Senate does not concur in the House amendments to SB 2030, SB 2047, SB 2087, SB 2113, SB 2114, SB 2115, SB 2162, SB 2201, SB 2210, SB 2213, SB 2225, SB 2243, SB 2244, SB 2310, SB 2352, SB 2353, and SB 2361, and the President has appointed as a conference committee to act with a like committee from the House on:"

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

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KLEIN MOVED that the President appoint a new committee of three to act with a like committee from the House as a Conference Committee on HB 1080, HB 1112, Engrossed HB 1126, HB 1157, HB 1163, Engrossed HB 1227, Engrossed HB 1251, and Engrossed HCR 3016, which motion prevailed.

THE PRESIDENT APPOINTED as a new Conference Committee on:

HB 1080: Sens. Laffen, Sorvaag, Sinner

HB 1112: Sens. Unruh, Klein, Murphy

Engrossed HB 1126: Sens. Armstrong, Campbell, Sinner

HB 1157: Sens. J. Lee, Anderson, Dotzenrod

HB 1163: Sens. Andrist, Klein, Murphy

Engrossed HB 1227: Sens. Miller, Luick, Heckaman

Engrossed HB 1251: Sens. Unruh, Sorvaag, Murphy

Engrossed HCR 3016: Sens. Laffen, Burckhard, Murphy

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2175 as printed on SJ page 1097 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 2175: Sens. Sorvaag, Unruh, Sinner.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MILLER MOVED that the Senate do not concur in the House amendments to SB 2072 as printed on SJ pages 1086-1087 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 SB 2072: Sens. Miller, Larsen, Heckaman.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOGUE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2074 as printed on SJ page 1088 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 2074: Sens. Armstrong, Sitte, Grabinger.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOGUE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2227 as printed on SJ page 1093 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 2227: Sens. Berry, Sitte, Nelson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOGUE MOVED that the Senate do not concur in the House amendments to SB 2257 as printed on SJ page 1096 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 SB 2257: Sens. Sitte, Lyson, Nelson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2298 as printed on SJ page 1142 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 2298: Sens. Klein, Laffen, Murphy.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do not concur in the House amendments to Engrossed SB 2126 as printed on SJ page 751 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 2126: Sens. Miller, Cook, Dotzenrod.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do not concur in the House amendments to SB 2207 as printed on SJ page 898 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 SB 2207: Sens. Oehlke, Campbell, Triplett.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do not concur in the House amendments to SB 2330 as printed on SJ page 898 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 SB 2330: Sens. Miller, Campbell, Dotzenrod.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2325 as printed on SJ page 916 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2325: Sens. Burckhard, Miller, Dotzenrod.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do not concur in the House amendments to SB 2163 as printed on SJ page 916 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 SB 2163: Sens. Oehlke, Burckhard, Triplett.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FLAKOLL MOVED that the Senate do not concur in the House amendments to Engrossed SB 2032 as printed on SJ pages 943-944 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 2032: Sens. Flakoll, Poolman, Heckaman.

MOTION

SEN. KREBSBACH MOVED that the Senate reconsider its action whereby Engrossed HB 1004 passed, which motion prevailed on a verification vote.

MOTION

SEN. KLEIN MOVED that Engrossed HB 1004 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1004 was rereferred.

MOTION

SEN. KLEIN MOVED that HB 1261, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1139, as engrossed: SEN. CAMPBELL (Transportation Committee) MOVED that the amendments 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 1139: A BILL for an Act to create and enact a new subsection to section 39-12-05.3 of the North Dakota Century Code, relating to weight exemption for implements of husbandry; and to provide an expiration date.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman;

Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed HB 1139, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1440, as engrossed: SEN. SORVAAG (Political Subdivisions Committee) MOVED that the amendments 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 1440: A BILL for an Act to create and enact four new sections to chapter 61-35 of the North Dakota Century Code, relating to water services by cities and water districts and state water commission policies on funds for water districts.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed HB 1440, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1397, as engrossed: SEN. SCHAIBLE (Government and Veterans Affairs Committee) MOVED that the amendments 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 1397: A BILL for an Act to amend and reenact section 16.1-01-12 of the North Dakota Century Code, relating to election offenses; and to provide a penalty.

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 40 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Erbele; Flakoll; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Nelson; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner; Warner

NAYS: Dotzenrod; Grabinger; Heckaman; Mathern; Murphy; O'Connell; Triplett

Engrossed HB 1397, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1338, as engrossed: SEN. SCHAIBLE (Government and Veterans Affairs Committee) MOVED that the amendments 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 1338: A BILL for an Act to provide for a board of university and school lands study of private lands owned adjacent to lands under the control of the United States army corps of engineers and a report to the legislative management.

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 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Marcellais

Engrossed HB 1338, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1134, as engrossed: SEN. LAFFEN (Natural Resources Committee) MOVED that the amendments 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 1134: A BILL for an Act to create and enact section 57-06-17.5, a new subsection to section 57-51-02.2, and sections 57-51-02.6 and 57-51.1-02.1 of the North Dakota Century Code, relating to a new natural gas gathering and collection system property tax exemption, oil and gas gross production tax exemption for natural gas, and an oil extraction tax exemption for liquids produced from natural gas extracted to encourage use of gas that might otherwise be flared; to amend and reenact sections 38-08-06.4 and 57-39.2-04.5 of the North Dakota Century Code, relating to flaring restrictions for natural gas and sales tax exemption for property used to process natural gas to encourage use of gas that might otherwise be flared; and to provide an effective date.

ROLL CALL

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

YEAS: Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Anderson

Engrossed HB 1134, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1352, as engrossed: SEN. TRIPLETT (Natural Resources Committee) MOVED that the amendments 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 1352: A BILL for an Act to create and enact a new section to chapter 38-11.1 and a new

section to chapter 47-16 of the North Dakota Century Code, relating to mediation of mineral developer and surface owner disputes and resolution of title disputes.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed HB 1352, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1348, as engrossed: SEN. MURPHY (Natural Resources Committee) MOVED that the amendments 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 1348: A BILL for an Act to amend and reenact section 38-08-05 of the North Dakota Century Code, relating to setbacks for oil and gas wells.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed HB 1348, as amended, passed.

CONSIDERATION OF AMENDMENTS

HCR 3010, as engrossed: SEN. UNRUH (Natural Resources Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3010: A concurrent resolution urging Congress and the United States Army Corps of Engineers to ensure that access to Lake Sakakawea and Lake Oahe for agriculture, commerce, energy and water development, and recreation is not inhibited by unreasonable regulations and to address proper funding for all project purposes and weed control on Lake Sakakawea and Lake Oahe.

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

Engrossed HCR 3010, as amended, was declared adopted on a voice vote.

SECOND READING OF HOUSE BILL

HB 1217: A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North

Dakota Century Code, relating to instruction in personal finance at the middle school level.

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 2 YEAS, 45 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Berry; Miller

NAYS: Anderson; Andrist; Armstrong; Axness; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed HB 1217 failed.

SECOND READING OF HOUSE BILL

HB 1446: A BILL for an Act to provide for a legislative management study relating to United States constitutional conventions.

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 16 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Armstrong; Berry; Bowman; Campbell; Cook; Dever; Erbele; Kilzer; Klein; Miller; Poolman; Schaible; Unruh; Wanzek; Wardner

NAYS: Anderson; Axness; Burckhard; Carlisle; Dotzenrod; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oehlke; Robinson; Schneider; Sinner; Sitte; Sorvaag; Triplett; Warner

Engrossed HB 1446 failed.

SECOND READING OF HOUSE BILL

HB 1402: A BILL for an Act to amend and reenact subsection 2 of section 16.1-01-09 and subsection 2 of section 16.1-01-09.1 of the North Dakota Century Code, relating to the requirements for initiated, referendum, and recall petitions.

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 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Marcellais

HB 1402 passed.

SECOND READING OF HOUSE BILL

HB 1388: A BILL for an Act to create and enact a new section to chapter 43-30 of the North Dakota Century Code, relating to regulation of private investigators and private security services.

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 1 YEAS, 46 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Mathern

NAYS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed HB 1388 failed.

SECOND READING OF HOUSE BILL

HB 1121: A BILL for an Act to create and enact a new section to chapter 24-12 of the North Dakota Century Code, relating to private actions impacting highway facilities or right of way.

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 0 YEAS, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

NAYS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed HB 1121 failed.

SECOND READING OF HOUSE BILL

HB 1304: A BILL for an Act to create and enact chapter 21-13 of the North Dakota Century Code, relating to the divestiture of state investment funds in certain companies liable to sanctions under the Iran Sanctions Act of 1996; and to provide an expiration date.

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 5 YEAS, 42 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Berry; Bowman; Dever; Kilzer; Miller

NAYS: Anderson; Andrist; Armstrong; Axness; Burckhard; Campbell; Carlisle; Cook; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed HB 1304 failed.

SECOND READING OF HOUSE BILL

HB 1267: A BILL for an Act to amend and reenact section 47-16-30.1 of the North Dakota Century Code, relating to disposal of abandoned property by a lessor.

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 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Marcellais; Mathern

Engrossed HB 1267 passed.

SECOND READING OF HOUSE BILL

HB 1231: A BILL for an Act to provide for a legislative management study of federal motor carrier safety regulations.

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 5 YEAS, 42 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Armstrong; Berry; Cook; Larsen; Miller

NAYS: Anderson; Andrist; Axness; Bowman; Burckhard; Campbell; Carlisle; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed HB 1231 failed.

SECOND READING OF HOUSE BILL

HB 1342: A BILL for an Act to amend and reenact subsections 4 and 5 of section 39-12-05.3 of the North Dakota Century Code, relating to a ten percent weight permit for certain vehicles.

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 4 YEAS, 43 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Campbell; Heckaman; O'Connell

NAYS: Anderson; Armstrong; Axness; Berry; Bowman; Burckhard; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

HB 1342 failed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOGUE MOVED that the Senate do concur in the House amendments to SB 2165 as printed on SJ page 941, which motion prevailed on a voice vote.

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

SECOND READING OF SENATE BILL

SB 2165: A BILL for an Act to amend and reenact section 30.1-32.1-12 of the North Dakota Century Code, relating to transfer on death deeds.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed SB 2165 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MILLER MOVED that the Senate do concur in the House amendments to Engrossed SB 2116 as printed on SJ pages 916-917, which motion prevailed on a voice vote.

Engrossed SB 2116, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2116: A BILL for an Act to amend and reenact section 43-29-02 of the North Dakota Century Code, relating to membership of the state board of veterinary medical examiners.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Reengrossed SB 2116 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. ANDRIST MOVED that the Senate do concur in the House amendments to SB 2180 as printed on SJ page 942, which motion prevailed on a voice vote.

SB 2180, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2180: A BILL for an Act to create and enact a new section to chapter 58-03 of the North Dakota Century Code, relating to the issuance of building permits by townships.

ROLL CALL

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

was called and there were 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner

NAYS: Mathern; Triplett; Warner

Engrossed SB 2180 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOGUE MOVED that the Senate do concur in the House amendments to Engrossed SB 2340 as printed on SJ page 942, which motion prevailed on a voice vote.

Engrossed SB 2340, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2340: A BILL for an Act to provide for a legislative management study of penalties for minor nonviolent crimes.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Reengrossed SB 2340 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to SB 2067 as printed on SJ page 898, which motion prevailed on a voice vote.

SB 2067, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2067: A BILL for an Act to amend and reenact section 50-06-15 of the North Dakota Century Code, relating to making reports confidential on providers and individuals applying for or receiving assistance or services under programs administered by the department of human services.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed SB 2067 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to Engrossed SB 2085 as printed on SJ page 945, which motion prevailed on a voice vote.

Engrossed SB 2085, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2085: A BILL for an Act to amend and reenact sections 50-11.1-02, 50-11.1-02.2, and 50-11.1-15 of the North Dakota Century Code, relating to definitions used in early childhood services licensing, smoking on early childhood services premises, and the early childhood services advisory board; and to declare an emergency.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Reengrossed SB 2085 passed and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to Engrossed SB 2342 as printed on SJ pages 944-945, which motion prevailed on a voice vote.

Engrossed SB 2342, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2342: A BILL for an Act to create and enact sections 43-15.3-10, 43-15.3-11, and 43-15.3-12 of the North Dakota Century Code, relating to wholesale drug distribution; to amend and reenact sections 43-15.3-01, 43-15.3-02, 43-15.3-03, 43-15.3-04, 43-15.3-07, 43-15.3-08, and 43-15.3-09 of the North Dakota Century Code, relating to wholesale drug distribution; and to provide a penalty.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Reengrossed SB 2342 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. ANDRIST MOVED that the Senate do concur in the House amendments to Engrossed SB 2128 as printed on SJ pages 940-941, which motion prevailed on a voice vote.

Engrossed SB 2128, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2128: A BILL for an Act to amend and reenact subdivision c of subsection 1 of section

11-18-05, sections 24-01-25, 35-22-16, 35-22-17, 35-22-18, and 35-22-19, and subsection 2 of section 35-24-13 of the North Dakota Century Code, relating to fees and notice requirements of the county recorder; and to provide for a legislative management study.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Reengrossed SB 2128 passed.

MOTION

SEN. KLEIN MOVED that SB 2299 be moved to the bottom of the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to Engrossed SB 2068 as printed on SJ pages 877-878, which motion prevailed on a voice vote.

Engrossed SB 2068, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2068: A BILL for an Act to amend and reenact section 25-03.2-03.1 of the North Dakota Century Code, relating to residential child care facility bed capacity and psychiatric residential treatment facility bed capacity.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Reengrossed SB 2068 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOGUE MOVED that the Senate do concur in the House amendments to SB 2239 as printed on SJ page 1011, which motion prevailed on a voice vote.

SB 2239, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2239: A BILL for an Act to amend and reenact section 62.1-04-02 of the North Dakota Century Code, relating to dangerous weapons.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell;

Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Mathern

Engrossed SB 2239 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOGUE MOVED that the Senate do concur in the House amendments to SB 2164 as printed on SJ page 941, which motion prevailed on a voice vote.

SB 2164, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2164: A BILL for an Act to amend and reenact section 30.1-19-04 of the North Dakota Century Code, relating to presentation of claims to the personal representative.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed SB 2164 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. ANDRIST MOVED that the Senate do concur in the House amendments to Engrossed SB 2308 as printed on SJ pages 1065-1066, which motion prevailed on a voice vote.

Engrossed SB 2308, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2308: A BILL for an Act to create and enact four new subsections to section 61-28-02 and a new section to chapter 61-28 of the North Dakota Century Code, relating to the regulation of septic system servicing; to amend and reenact subsection 4 of section 61-28-08 of the North Dakota Century Code, relating to civil penalties for violating chapter 61-28 of the North Dakota Century Code; to repeal chapter 23-19 of the North Dakota Century Code, relating to the regulation of cesspools, septic tanks, and privies; to provide a penalty; and to provide an effective date.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Reengrossed SB 2308 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do concur in the House amendments to Engrossed SB 2314 as printed on SJ page 1013, which motion prevailed on a voice vote.

Engrossed SB 2314, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2314: A BILL for an Act to amend and reenact section 40-57.1-03 of the North Dakota Century Code, relating to determination of whether a project is a primary sector or retail sector business before a city or county may grant a property tax exemption for that project; to provide for a legislative management study; and to provide an effective date.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Laffen; Lee, J.

Reengrossed SB 2314 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MILLER MOVED that the Senate do concur in the House amendments to SB 2294 as printed on SJ page 1067, which motion prevailed on a voice vote.

SB 2294, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2294: A BILL for an Act to amend and reenact section 57-43.2-41 of the North Dakota Century Code, relating to increased fees for use of dyed special fuel in a licensed motor vehicle and display of consumer advisory information on pumps dispensing dyed special fuel.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed SB 2294 passed.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1267, HB 1402.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1134, HB 1139, HB 1338, HB 1348, HB 1352, HB 1397, HB 1440, HCR 3010.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1121, HB 1217, HB 1231, HB 1304, HB 1342, HB 1388, HB 1446.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2096.

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

MR. PRESIDENT: The House has amended and subsequently passed: SCR 4010.

**HOUSE AMENDMENTS TO ENGROSSED SENATE CONCURRENT RESOLUTION NO.
4010**

Page 1, line 1, after "A concurrent resolution" replace the remainder of the resolution with "to amend and reenact section 24 of article X of the Constitution of North Dakota, relating to allocation of revenue from oil extraction taxes.

STATEMENT OF INTENT

This measure provides for the deposit of certain oil extraction taxes into the state retirement stabilization fund and the foundation aid stabilization fund and provides for the determination of balances in each fund.

**BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF
REPRESENTATIVES CONCURRING THEREIN:**

That the following proposed amendment to section 24 of article X of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the primary election to be held in 2014, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 24 of article X of the Constitution of North Dakota is amended and reenacted as follows:

Section 24.

1. Twenty percent of the revenue from oil extraction taxes from taxable oil produced in this state must be allocated as follows:
 - 4- a. Fifty percent must be deposited in the common schools trust fund.
 - 2- Fifty;
 - b. Thirty percent must be deposited in the state retirement stabilization fund; and
 - c. Twenty percent must be deposited in the foundation aid stabilization fund in the state treasury, the.
 2. Moneys in the state retirement stabilization fund may be expended by the legislative assembly only for the purpose of addressing unfunded retirement benefit obligations to which members of state retirement systems may be entitled. The balance of moneys to be maintained in the fund must be determined by law.
 3. The interest income of which the foundation aid stabilization fund must be transferred to the state general fund on July first of each year. The principal in the foundation aid stabilization fund may not exceed one hundred fifty percent of the principal amount in that fund on July 1, 2014. The use of the excess in that fund must be determined by law. The principal of remaining in the foundation aid stabilization fund may be expended only upon order of the governor, who may direct such a transfer only to offset foundation aid reductions that were made by executive action pursuant to law due to a revenue shortage."

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 2132.

HOUSE AMENDMENTS TO SENATE BILL NO. 2132

Page 2, line 19, after "dollars" insert "A supplemental loan of up to twenty thousand dollars may be made to a homeowner who has received an initial loan under this section if the full amount of the initial loan and supplemental loan is secured by the property and does not exceed the actual amount of documented damage not paid by flood insurance."

Page 2, line 27, after "application" insert "for an initial loan to a homeowner or for a federal emergency management agency temporary housing unit"

Page 2, line 28, after "2013" insert ". A loan application for a supplemental loan to a homeowner may not be accepted before October 1, 2013, nor after December 31, 2013"

Page 3, line 2, after the period insert "If the rebuilders loan borrower provides financial evidence satisfactory to the Bank of North Dakota to show that the borrower does not have the financial ability to repay the rebuilders loan in full upon sale of the property, after the sale of the property the Bank of North Dakota may allow the borrower to continue to make payments based on the loan terms."

Page 3, line 13, after the boldfaced period insert "The Bank of North Dakota shall transfer the sum of \$5,000,000, or so much of the sum as may be necessary, from the Bank's current earnings and undivided profits to the rebuilders loan program fund during the period beginning with the effective date of this Act and ending June 30, 2015."

Page 3, line 16, after "Laws" insert "and after that amount has been replenished, repayments to the rebuilders loan program fund must be transferred to replenish \$5,000,000 of the Bank of North Dakota's current earnings and undivided profits which was transferred to the rebuilders loan program fund under this section"

Page 3, line 18, replace "\$30,000,000" with "\$35,000,000"

Renumber accordingly

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 2067, SB 2068, SB 2085, SB 2116, SB 2128, SB 2164, SB 2165, SB 2180, SB 2239, SB 2294, SB 2308, SB 2314, SB 2340, and SB 2342.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2030, SB 2047, SB 2087, SB 2113, SB 2114, SB 2115, SB 2162, SB 2201, SB 2210, SB 2213, SB 2225, SB 2243, SB 2244, SB 2310, SB 2352, SB 2353, and SB 2361, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2030: Sens. J. Lee; Dever; Anderson
SB 2047: Sens. Schaible; Poolman; Mathern
SB 2087: Sens. Larsen; Anderson; Axness
SB 2113: Sens. Berry; Armstrong; Grabinger
SB 2114: Sens. Anderson; Larsen; Axness
SB 2115: Sens. Berry; Hogue; Nelson
SB 2162: Sens. Dever; Larsen; Axness
SB 2201: Sens. Dever; Poolman; Nelson
SB 2210: Sens. Dever; Marcellais; Nelson
SB 2213: Sens. Schaible; Dever; Nelson
SB 2225: Sens. Armstrong; Sitte; Nelson
SB 2243: Sens. Dever; J. Lee; Axness
SB 2244: Sens. Larsen; Dever; Axness

SB 2310: Sens. Sitte; Armstrong; Nelson

SB 2352: Sens. Andrist; Sorvaag; Dotzenrod

SB 2353: Sens. Sorvaag; Anderson; Grabinger

SB 2361: Sens. Luick; Poolman; Marcellais

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2032, SB 2072, SB 2074, SB 2126, SB 2163, SB 2175, SB 2207, SB 2227, SB 2257, SB 2298, SB 2325, and SB 2330, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2032: Sens. Flakoll; Poolman; Heckaman

SB 2072: Sens. Miller; Larsen; Heckaman

SB 2074: Sens. Armstrong; Sitte; Grabinger

SB 2126: Sens. Miller; Cook; Dotzenrod

SB 2163: Sens. Oehlke; Burckhard; Triplett

SB 2175: Sens. Sorvaag; Unruh; Sinner

SB 2207: Sens. Oehlke; Campbell; Triplett

SB 2227: Sens. Berry; Nelson; Sitte

SB 2257: Sens. Sitte; Lyson; Nelson

SB 2298: Sens. Klein; Laffen; Murphy

SB 2325: Sens. Burckhard; Miller; Dotzenrod

SB 2330: Sens. Miller; Campbell; Dotzenrod

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1026, HB 1052, HB 1054, HB 1085, HB 1091, HB 1117, HB 1130, HB 1185, HB 1241, and HB 1247.

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 1133 and HB 1171, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1133: Reps. Kretschmar; Larson; Delmore

HB 1171: Reps. Keiser; Sukut; M. Nelson

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

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

HB 1080: Sens. Laffen; Sorvaag; Sinner

HB 1112: Sens. Unruh; Klein; Murphy

HB 1126: Sens. Armstrong; Campbell; Sinner

HB 1157: Sens. J. Lee; Dotzenrod; Anderson

HB 1163: Sens. Andrist; Klein; Murphy

HB 1227: Sens. Miller; Luick; Heckaman

HB 1251: Sens. Unruh; Sorvaag; Murphy

HCR 3016: Sens. Laffen; Burckhard; Murphy

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1192.

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

MR. PRESIDENT: The Speaker has signed: SB 2060, SB 2076.

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

MR. SPEAKER: The President has signed: SB 2041, SB 2140, SB 2166, SB 2306, SCR 4017.

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

MR. PRESIDENT: The Speaker has signed: HB 1028, HB 1030, HB 1060, HB 1079, HB 1103, HB 1193, HB 1200, HB 1246, HB 1310.

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

MR. PRESIDENT: The Speaker has signed: HB 1113, HB 1125, HB 1131, HB 1149, HB 1168, HB 1175, HB 1196, HB 1197, HB 1201, HB 1236, HB 1274, HB 1276, HB 1278, HB 1316, HB 1327, HB 1333, HB 1336, HB 1360, HB 1378, HB 1424, HB 1428, HB 1429, HB 1464, HCR 3028, HCR 3031.

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

MR. PRESIDENT: The Speaker has signed: HB 1207.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on April 8, 2013, I have signed the following: SB 2046, SB 2168, SB 2169, SB 2170, SB 2231, and SB 2272.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Tuesday, April 9, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1009, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1009 was placed on the Sixth order on the calendar.

Page 1, remove lines 15 through 24

Page 2, replace lines 1 and 2 with:

"Salaries and wages	\$9,712,364	\$1,572,167	\$11,284,531
Operating expenses	6,451,453	(566,191)	5,885,262
Capital assets	17,000	(5,000)	12,000
Grants	3,170,828	1,505,000	4,675,828
State board of animal health	2,153,952	(18,149)	2,135,803
Wildlife services	1,417,400	0	1,417,400
Crop harmonization board	<u>75,000</u>	<u>0</u>	<u>75,000</u>
Total all funds	\$22,997,997	\$2,487,827	\$25,485,824
Less estimated income	<u>14,801,251</u>	<u>1,044,828</u>	<u>15,846,079</u>
Total general fund	\$8,196,746	\$1,442,999	\$9,639,745
Full-time equivalent positions	77.00	0.00	77.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
Centennial farms program grant	<u>\$0</u>	<u>\$80,000</u>
Total general fund	<u>\$0</u>	<u>\$80,000</u>

The 2013-15 one-time funding amounts are not a part of the entity's base budget for the 2015-17 biennium. The agriculture commissioner shall report to the appropriations committees of the sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2013, and ending June 30, 2015."

Page 2, line 8, replace "\$5,997,408" with "\$6,122,681"

Page 2, line 15, remove "agriculture"

Page 2, line 15, after "department" insert "of agriculture"

Page 2, replace lines 25 through 30 with:

"SECTION 8. DEPARTMENT OF AGRICULTURE OFFICE LEASE - TERMINATION. The agriculture commissioner shall terminate any lease of office space off of the capitol grounds if sufficient office space on the capitol grounds is provided to the department of agriculture by the office of management and budget for the biennium beginning July 1, 2013, and ending June 30, 2015.

SECTION 9. AMENDMENT. Section 4-01-21 of the North Dakota Century Code is amended and reenacted as follows:

4-01-21. Salary of agriculture commissioner.

The annual salary of the agriculture commissioner is ~~ninety-two thousand-eight hundred twenty-six~~ ninety-nine thousand four hundred thirty-five dollars through June 30, ~~2012~~ 2014, and ~~ninety-five thousand six hundred ten~~ one hundred three thousand four hundred twelve dollars thereafter."

Page 3, line 5, remove "first"

Page 3, line 6, remove "\$485,000 of"

Page 3, line 6, remove "each biennium"

Page 3, line 7, remove "and any remaining fees in the general fund"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1009 - Department of Agriculture - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$11,258,319	\$10,622,109	\$662,422	\$11,284,531
Operating expenses	5,772,262	5,772,262	113,000	5,885,262
Capital assets	12,000	12,000		12,000
Grants	4,050,828	3,970,828	705,000	4,675,828
State Board of Animal Health	2,135,803	2,109,828	25,975	2,135,803
Wildlife Services	1,417,400	1,417,400		1,417,400
Crop Harmonization Board	75,000	75,000		75,000
Accrued leave payments		237,295	(237,295)	
Total all funds	\$24,721,612	\$24,216,722	\$1,269,102	\$25,485,824
Less estimated income	15,209,546	15,024,394	821,685	15,846,079
General fund	\$9,512,066	\$9,192,328	\$447,417	\$9,639,745
FTE	77.00	77.00	0.00	77.00

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

	Restores Executive Compensation Package ¹	Removes Separate Line Item for Accrued Leave Payments ²	Restores Funding for Centennial Farms Program Grant ³	Adds Funding for Information Technology Desktop Support ⁴	Expands Mediation Services Program ⁵	Adds Funding for Livestock Auction Market News Reporting ⁶
Salaries and wages	\$451,102	\$211,320				
Operating expenses				48,000	50,000	15,000
Capital assets						
Grants			80,000			
State Board of Animal Health		25,975				
Wildlife Services						
Crop Harmonization Board						
Accrued leave payments		(237,295)				
Total all funds	\$451,102	\$0	\$80,000	\$48,000	\$50,000	\$15,000
Less estimated income	196,685	0	0	0	0	0
General fund	\$254,417	\$0	\$80,000	\$48,000	\$50,000	\$15,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Increases Federal Funds Authority for Specialty Crop Grants ⁷	Total Senate Changes
Salaries and wages		\$662,422
Operating expenses		113,000
Capital assets		
Grants	625,000	705,000
State Board of Animal Health		25,975
Wildlife Services		
Crop Harmonization Board		
Accrued leave payments		(237,295)
Total all funds	\$625,000	\$1,269,102
Less estimated income	625,000	821,685
General fund	\$0	\$447,417
FTE	0.00	0.00

¹ Funding reductions made by the House to the state employee compensation and benefits package are restored to the Governor's recommended level.

² The accrued leave payments line item added by the House is removed and the associated funding returned to line items with salaries and wages funding.

³ Funding added in the executive budget recommendation and removed by the House for a grant to the Centennial Farms program is restored as one-time funding.

⁴ Funding for information technology desktop support services is increased by \$48,000 to provide total increased funding of \$96,000 as compared to 2011-13 biennium appropriations.

⁵ Funding is added to expand the mediation services program to address mediation issues arising from energy development.

⁶ Funding from the general fund is added for livestock auction market news reporting to replace estimated decreases in federal funds.

⁷ Other funds authority for specialty crops grants is increased by \$625,000 to reflect anticipated federal funds to be received for the program.

This amendment also:

- Adjusts Section 3 of the bill regarding the amount of funding appropriated from the environment and rangeland protection fund.

- Adjusts Section 7 of the bill to provide 4 percent annual salary increases for the Agriculture Commissioner, the same as the executive budget recommendation. The House provided 3 percent annual increases.
- Amends Section 8 of the bill to deposit all commercial feed inspection, licensing, and registration fees in the environment and rangeland protection fund rather than just the first \$485,000. Total fee revenue is estimated to be \$970,000 during the 2013-15 biennium.
- Adds a section to require the Agriculture Commissioner to terminate an office space lease off of the Capitol grounds if additional office space is provided to the Department of Agriculture on the Capitol grounds.

REPORT OF STANDING COMMITTEE

HB 1010, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1010 was placed on the Sixth order on the calendar.

Page 1, replace lines 11 and 12 with:

"Salaries and wages	\$6,859,830	\$1,438,399	\$8,298,229"
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Page 1, replace line 17 with:

"Total special funds	\$12,004,080	(\$847,843)	\$11,156,237"
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Page 2, line 11, replace "ninety-five" with "ninety-six"

Page 2, line 11, replace "eight" with "seven"

Page 2, line 12, replace "sixty-three" with "ninety-three"

Page 2, line 12, replace "ninety-eight" with "one hundred"

Page 2, line 13, replace "seven" with "six"

Page 2, line 13, replace "thirty-nine" with "sixty-five"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1010 - Insurance Department - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$8,260,726	\$7,884,150	\$414,079	\$8,298,229
Operating expenses	2,858,008	2,858,008		2,858,008
Grants	7,840,000			
Accrued leave payments		163,182	(163,182)	
Total all funds	\$18,958,734	\$10,905,340	\$250,897	\$11,156,237
Less estimated income	18,958,734	10,905,340	250,897	11,156,237
General fund	\$0	\$0	\$0	\$0
FTE	49.50	49.50	0.00	49.50

Department No. 401 - Insurance Department - Detail of Senate Changes

	Restores Executive Compensation Package ¹	Removes Separate Line Item for Accrued Leave Payments ²	Total Senate Changes
Salaries and wages	\$250,897	\$163,182	\$414,079
Operating expenses			

Grants			
Accrued leave payments		(163,182)	(163,182)
Total all funds	\$250,897	\$0	\$250,897
Less estimated income	250,897	0	250,897
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

¹Funding reductions made by the House to the state employee compensation and benefits package are restored to the Governor's recommended level.

²The accrued leave payments line item added by the House is removed and the associated funding returned to line items with salaries and wages funding.

Section 6 of the Engrossed Bill is changed to provide the Insurance Commissioner with a 4 percent salary increase, the same as the executive budget. The House provided a 3 percent annual salary increase.

REPORT OF STANDING COMMITTEE

HB 1061, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1061 was placed on the Sixth order on the calendar.

Page 1, line 1, after "61-03-23" insert ", 61-04-27,"

Page 1, line 2, remove "penalties for violation of provisions for the appropriation of"

Page 1, line 2, after "water" insert "rights"

Page 1, line 12, after the period insert "The civil penalty for violation of an irrigation appropriation permit may not exceed five thousand dollars for each day the violation occurred and continues to occur."

Page 1, after line 21, insert:

"SECTION 2. AMENDMENT. Section 61-04-27 of the North Dakota Century Code is amended and reenacted as follows:

61-04-27. Information filed with state engineer - Installation of measuring devices.

On or before the ~~first thirty-first day of February~~ first day of March of each year all persons holding a water permit, ~~including irrigation districts, federal agencies, and political subdivisions,~~ shall file with the state engineer, on forms supplied by the state engineer, topographic, mapping, foundation test borings, design, water use, and such other information as the state engineer shall require. The state engineer may also require any such persons to install measuring devices, which must conform to the state engineer's specifications, at all points specified by the state engineer."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1063, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1063 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section"

Page 1, line 1, remove ", 61-15-01, and 61-15-02"

Page 1, line 2, remove "and water conservation"

Page 1, line 3, replace "section" with "sections 61-15-01, 61-15-02, and"

Page 1, remove lines 20 through 23

Page 2, remove lines 1 through 19

Page 2, line 20, replace "Section" with "Sections 61-15-01, 61-15-02, and"

Page 2, line 20, replace "is" with "are"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1106, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1106 was placed on the Sixth order on the calendar.

Page 1, line 9, after the second comma insert "57-35.3-07,"

Page 1, line 19, after the comma insert "financial institutions tax credit for contributions to the housing incentive fund,"

Page 2, overstrike line 9

Page 2, line 10, overstrike "district receives a portion of the revenue from this tax. The taxing district"

Page 2, line 10, after "allocate" insert "all of"

Page 2, line 11, overstrike "to each ambulance service based upon the taxable value of the"

Page 2, line 12, overstrike "property within each township of the taxing district"

Page 2, line 13, after "~~township~~" insert "collected in a particular township"

Page 2, line 13, remove the overstrike over "~~to the ambulance service that serves the largest area within that township~~"

Page 2, line 13, remove "that is"

Page 2, line 13, remove "located within the service area of that ambulance district"

Page 7, after line 15, insert:

"SECTION 13. AMENDMENT. Section 57-35.3-07 of the North Dakota Century Code is amended and reenacted as follows:

57-35.3-07. (Effective for the first two taxable years beginning after December 31, 2010) Payment of tax.

Three-thirteenths of the tax before credits allowed under section 57-35.3-05, less the credits allowed under subsections 1, 3, 4, and 5 of section 57-35.3-05, must be paid to the tax commissioner on or before April fifteenth of the year in which the return is due, regardless of any extension of the time for filing the return granted under section 57-35.3-06. Ten-thirteenths of the tax before credits allowed under section 57-35.3-05, less the credit allowed under subsection 2 of section 57-35.3-05, must be paid to the tax commissioner on or before January fifteenth of the year after the return is due. Payment must be made in the manner prescribed by the tax commissioner.

(Effective after the first two taxable years beginning after December 31, 2010) Payment of tax. Three-thirteenths of the tax before credits allowed under section 57-35.3-05, less the credits allowed under subsections 1, 3, and 4 of section 57-35.3-05 and section 4 of House Bill No. 1029 if approved by the sixty-third legislative assembly, must be paid to the tax commissioner on or before April fifteenth of the year in which the return is due, regardless of any extension of the

time for filing the return granted under section 57-35.3-06. Ten-thirteenths of the tax before credits allowed under section 57-35.3-05, less the credit allowed under subsection 2 of section 57-35.3-05, must be paid to the tax commissioner on or before January fifteenth of the year after the return is due. Payment must be made in the manner prescribed by the tax commissioner."

Page 26, line 8, replace "and 17" with ", 13, 18, 21, and 27"

Page 26, line 9, remove "8, 9,"

Page 26, line 9, replace "23, 29, 30" with "14"

Page 26, line 9, remove "and"

Page 26, line 9, after "33" insert ", 34, 35, 36, 37, 38, 39, and 40"

Page 26, line 10, after the sixth comma insert "and"

Page 26, line 10, remove ", and 37"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1170, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1170 was placed on the Sixth order on the calendar.

Page 1, line 2, after "ratesetting" insert "; and to amend and reenact section 50-24.4-06 of the North Dakota Century Code, relating to allowable costs in nursing home ratesetting"

Page 1, after line 14, insert:

"SECTION 2. AMENDMENT. Section 50-24.4-06 of the North Dakota Century Code is amended and reenacted as follows:

50-24.4-06. Rate determination.

1. The department shall determine prospective payment rates for resident care costs. The department shall develop procedures for determining operating cost payment rates that take into account the mix of resident needs and other factors as determined by the department.
2. The department shall establish, by rule, limitations on compensation recognized in the historical base for top management personnel. Compensation for top management personnel must be categorized as a general and administrative cost and is subject to any limits imposed on that cost category.
3. For purposes of determining rates, the department shall:
 - a. Include, contingent upon approval of the medicaid state plan by the centers for medicare and medicaid services, allowable bad debt expenses in an amount not to exceed one hundred eighty days of resident care per year or an aggregate of three hundred sixty days of resident care for any one individual; and
 - b. Include allowable bad debt expenses in the property cost category in the report year in which the bad debt is determined to be uncollectible with no likelihood of future recovery.
 - c. Notwithstanding section 50-24.4-07, include as an allowable cost any tax paid by a basic care or nursing facility due to provisions of the federal Patient Protection and Affordable Care Act [Pub. L.

111-148], as amended by the Health Care and Education
Reconciliation Act of 2010 [Pub. L. 111-152]."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1213: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1213 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1242: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1242 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1291, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1291, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1300, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1300 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "an"

Page 1, line 3, replace "effective date" with "for retroactive application"

Page 1, line 7, remove "and land"

Page 1, line 8, remove the overstrike over "services"

Page 1, line 8, remove "purposes"

Page 1, line 8, remove the overstrike over "; and if on the same"

Page 1, remove the overstrike over lines 9 through 12

Page 1, line 13, remove the overstrike over "~~building, and up to a maximum of~~"

Page 1, line 13, after "~~two~~" insert "five"

Page 1, line 13, remove the overstrike over "~~additional acres~~["

Page 1, line 13, after "hectare" insert "2.02 hectares"

Page 1, line 13, remove the overstrike over the overstruck ending bracket

Page 1, line 14, remove the overstrike over "services"

Page 1, line 14, remove "purposes"

Page 1, remove the overstrike over lines 16 through 19

Page 1, remove the overstrike over line 22

Page 1, line 23, remove the overstrike over "~~from~~"

Page 1, line 23, remove "person if"

Page 1, line 23, remove "received is used for the religious purposes of the religious"

Page 1, line 24, remove "corporation or organization"

Page 2, line 1, replace "**EFFECTIVE DATE**" with "**RETROACTIVE APPLICATION**"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1319, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1319, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1382: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1382 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1413: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1413 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1452, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1452, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 988-995 of the Senate Journal, Engrossed House Bill No. 1452 is amended as follows:

Page 1, line 1, after "reenact" insert "sections 39-03.1-09 and 39-03.1-10,"

Page 1, line 1, replace the second "and" with a comma

Page 1, line 1, after "sections" insert "54-52-02.9, 54-52-05, 54-52-06, 54-52-06.1, 54-52-06.2, 54-52-06.3, and"

Page 1, line 2, after the first comma insert "subsection 6 of section 54-52.6-02, and sections"

Page 1, line 2, remove the second comma

Page 1, line 2, replace "54-52.6-15" with "54-52.6-09"

Page 1, line 2, after "to" insert "increased employer and employee contributions under the highway patrolmen's retirement plan and public employees retirement system and"

Page 1, line 3, remove "and to repeal section 54-52.6-03 of the"

Page 1, remove line 4

Page 1, line 5, replace "public employees retirement system" with "to provide for a legislative management study; to provide an appropriation; to provide an effective date; and to provide an expiration date"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 39-03.1-09 of the North Dakota Century Code is amended and reenacted as follows:

39-03.1-09. Payments by contributors - Employer payment of employee contribution.

1. Every member, except as provided in section 39-03.1-07, shall contribute into the fund ten and thirty-hundredths percent of the member's monthly

salary, which sum must be deducted from the member's salary and credited to the member's account in the fund. Member contributions increase by one percent of the member's monthly salary beginning with the monthly reporting period of January 2012, and ~~with an additional increase of annually by~~ one percent, beginning with the monthly reporting period of January 2013, January 2014, and January 2015.

2. The state of North Dakota, at its option, may pay the member contributions required by subsection 1 for all compensation earned after June 30, 1983, and may pay the member contributions required to purchase service credit on a pretax basis pursuant to subsection 8 of section 39-03.1-08.2. The amount paid must be paid by the state in lieu of contributions by the member. A member may not receive the contributed amounts directly once the employer has elected to pay the member contributions. If the state decides not to pay the contributions, the amount that would have been paid will continue to be deducted from compensation. If contributions are paid by the state, they must be treated as employer contributions in determining tax treatment under this code and the federal Internal Revenue Code. If contributions are paid by the state, they must not be included as gross income of the member in determining tax treatment under this code and the Internal Revenue Code until they are distributed or made available. The state shall pay these member contributions from the same source of funds used in paying compensation to the members. The state shall pay these contributions by effecting an equal cash reduction in the gross salary of the employee or by an offset against future salary increases or by a combination of a reduction in gross salary and offset against future salary increases. If member contributions are paid by the state, they must be treated for the purposes of this chapter in the same manner and to the same extent as member contributions made prior to the date the contributions were assumed by the state. The option given employers by this subsection must be exercised in accordance with rules adopted by the board.
3. For compensation earned after August 1, 2009, all employee contributions required under subsection 1, and not otherwise paid under subsection 2, must be paid by the state in lieu of contributions by the member. All contributions paid by the state under this subsection must be treated as employer contributions in determining tax treatment under this code and the federal Internal Revenue Code. Contributions paid by the state under this subsection may not be included as gross income of the member in determining tax treatment under this code and the Internal Revenue Code until the contributions are distributed or made available. Contributions paid by the state in accordance with this subsection must be treated for the purposes of this chapter in the same manner and to the same extent as member contributions made before the date the contributions were assumed by the state. The state shall pay these member contributions from the same source of funds used in paying compensation to the members. The state shall pay these contributions by effecting an equal cash reduction in the gross salary of the employee. The state shall continue making payments under this section unless otherwise specifically provided for under the agency's biennial appropriation or by law.

SECTION 2. AMENDMENT. Section 39-03.1-10 of the North Dakota Century Code is amended and reenacted as follows:

39-03.1-10. Contributions by the state.

The state shall contribute to the fund a sum equal to sixteen and seventy-hundredths percent of the monthly salary or wage of a participating member. State contributions increase by one percent of the monthly salary or wage of a participating member beginning with the monthly reporting period of January 2012, and ~~with an additional increase of annually by~~ one percent, beginning with the reporting period of January 2013, January 2014, and January 2015. If the member's

contribution is paid by the state under subsection 2 of section 39-03.1-09, the state shall contribute, in addition, an amount equal to the required member's contribution. The state shall pay the associated employer contribution for those members who elect to exercise their rights under subsection 3 of section 39-03.1-10.1."

Page 1, after line 21, insert:

"SECTION 4. AMENDMENT. Section 54-52-02.9 of the North Dakota Century Code is amended and reenacted as follows:

54-52-02.9. Participation by temporary employees.

A temporary employee may elect, within one hundred eighty days of beginning employment, to participate in the public employees retirement system and receive credit for service after enrollment. The temporary employee shall pay monthly to the fund an amount equal to eight and twelve-hundredths percent times the temporary employee's present monthly salary. The amount required to be paid by a temporary employee increases by two percent times the temporary employee's present monthly salary beginning with the monthly reporting period of January 2012, and ~~with an additional~~ increases annually by two percent increase, beginning with the reporting period of January 2013, January 2014, and January 2015. The temporary employee shall also pay the required monthly contribution to the retiree health benefit fund established under section 54-52.1-03.2. This contribution must be recorded as a member contribution pursuant to section 54-52.1-03.2. An employer may not pay the temporary employee's contributions. A temporary employee may continue to participate as a temporary employee in the public employees retirement system until termination of employment or reclassification of the temporary employee as a permanent employee. A temporary employee may not purchase any additional credit, including additional credit under section 54-52-17.4 or past service under section 54-52-02.6.

SECTION 5. AMENDMENT. Section 54-52-05 of the North Dakota Century Code is amended and reenacted as follows:

54-52-05. Membership and assessments - Employer payment of employee contributions.

1. Every eligible governmental unit employee concurring in the plan must so state in writing and all future eligible employees are participating members. An employee who was not enrolled in the retirement system when eligible to participate must be enrolled immediately upon notice of the employee's eligibility, unless the employee waives in writing the employee's right to participate for the previous time of eligibility, to avoid contributing to the fund for past service. An employee who is eligible for normal retirement who accepts a retirement benefit under this chapter and who subsequently becomes employed with a participating employer other than the employer with which the employee was employed at the time the employee retired under this chapter may, before reenrolling in the retirement plan, elect to permanently waive future participation in the retirement plan and the retiree health program and maintain that employee's retirement status. An employee making this election is not required to make any future employee contributions to the public employees retirement system nor is the employee's employer required to make any further contributions on behalf of that employee.
2. Each member must be assessed and required to pay monthly four percent of the monthly salary or wage paid to the member, and such assessment must be deducted and retained out of such salary in equal monthly installments commencing with the first month of employment. Member contributions increase by one percent of the monthly salary or wage paid to the member beginning with the monthly reporting period of January 2012, and ~~with an additional increase of~~ annually by one percent, beginning with the monthly reporting period of January 2013, January 2014, and January 2015.

3. Each employer, at its option, may pay all or a portion of the employee contributions required by subsection 2 and sections 54-52-06.1, 54-52-06.2, 54-52-06.3, and 54-52-06.4 or the employee contributions required to purchase service credit on a pretax basis pursuant to subsection 5 of section 54-52-17.4. Employees may not receive the contributed amounts directly once the employer has elected to pay the employee contributions. The amount paid must be paid by the employer in lieu of contributions by the employee. If the state determines not to pay the contributions, the amount that would have been paid must continue to be deducted from the employee's compensation. If contributions are paid by the employer, they must be treated as employer contributions in determining tax treatment under this code and the federal Internal Revenue Code. If contributions are paid by the employer, they may not be included as gross income of the employee in determining tax treatment under this code and the Internal Revenue Code until they are distributed or made available. The employer shall pay these employee contributions from the same source of funds used in paying compensation to the employee or from the levy authorized by subsection 5 of section 57-15-28.1. The employer shall pay these contributions by effecting an equal cash reduction in the gross salary of the employee or by an offset against future salary increases or by a contribution of a reduction in gross salary and offset against future salary increases. If employee contributions are paid by the employer, they must be treated for the purposes of this chapter in the same manner and to the same extent as employee contributions made prior to the date on which employee contributions were assumed by the employer. An employer exercising its option under this subsection shall report its choice to the board in writing.
4. For compensation earned after August 1, 2009, all employee contributions required under section 54-52-06.1 and the job service North Dakota retirement plan, and not otherwise paid under subsection 3, must be paid by the employer in lieu of contributions by the member. All contributions paid by the employer under this subsection must be treated as employer contributions in determining tax treatment under this code and the Internal Revenue Code. Contributions paid by the employer under this subsection may not be included as gross income of the member in determining tax treatment under this code and the Internal Revenue Code until the contributions are distributed or made available. Contributions paid by the employer in accordance with this subsection must be treated for the purposes of this chapter in the same manner and to the same extent as member contributions made before the date the contributions were assumed by the employer. The employer shall pay these member contributions from the same source of funds used in paying compensation to the employee. The employer shall pay these contributions by effecting an equal cash reduction in the gross salary of the employee. The employer shall continue making payments under this section unless otherwise specifically provided for under the agency's biennial appropriation or by amendment to law.

SECTION 6. AMENDMENT. Section 54-52-06 of the North Dakota Century Code is amended and reenacted as follows:

54-52-06. Employer's contribution to retirement plan.

Each governmental unit shall contribute an amount equal to four and twelve-hundredths percent of the monthly salary or wage of a participating member. Governmental unit contributions increase by one percent of the monthly salary or wage of a participating member beginning with the monthly reporting period of January 2012, and ~~with an additional increase of annually by one percent, beginning with the reporting period of January 2013, January 2014, and January 2015.~~ For those members who elect to exercise their rights under section 54-52-17.14, the employing governmental unit, or in the case of a member not presently under covered employment the most recent employing governmental unit, shall pay the associated employer contribution. If the employee's contribution is paid by the

governmental unit under subsection 3 of section 54-52-05, the employer unit shall contribute, in addition, an amount equal to the required employee's contribution. Each governmental unit shall pay the contribution monthly, or in the case of an election made pursuant to section 54-52-17.14 a lump sum, into the retirement fund from its funds appropriated for payroll and salary or any other funds available for these purposes. Any governmental unit failing to pay the contributions monthly, or in the case of an election made pursuant to section 54-52-17.14 a lump sum, is subject to a civil penalty of fifty dollars and, as interest, one percent of the amount due for each month of delay or fraction thereof after the payment became due. In lieu of assessing a civil penalty or one percent per month, or both, interest at the actuarial rate of return may be assessed for each month the contributions are delinquent. If contributions are paid within ninety days of the date they became due, penalty and interest to be paid on delinquent contributions may be waived. An employer is required to submit contributions for any past eligible employee who was employed after July 1, 1977, for which contributions were not made if the employee would have been eligible to become vested had the employee participated and if the employee elects to join the public employees retirement system. Employer contributions may not be assessed for eligible service that an employee has waived pursuant to subsection 1 of section 54-52-05. The board shall report to each session of the legislative assembly the contributions necessary, as determined by the actuarial study, to maintain the fund's actuarial soundness.

SECTION 7. AMENDMENT. Section 54-52-06.1 of the North Dakota Century Code is amended and reenacted as follows:

54-52-06.1. Contribution by supreme and district court judges - Employer contribution.

Each judge of the supreme or district court who is a member of the public employees retirement system must be assessed and required to pay monthly five percent of the judge's monthly salary. Member contributions increase by one percent of the judge's monthly salary beginning with the monthly reporting period of January 2012, and ~~with an additional increase of annually by~~ annually by one percent, beginning with the reporting period of January 2013, ~~January 2014, and January 2015.~~ The assessment must be deducted and retained out of the judge's salary in equal monthly installments. The state shall contribute an amount equal to fourteen and fifty-two one-hundredths percent of the monthly salary of a supreme or district court judge who is a participating member of the system, which matching contribution must be paid from its funds appropriated for salary, or from any other funds available for such purposes. State contributions increase by one percent of the monthly salary of a supreme or district court judge who is a participating member of the system beginning with the monthly reporting period of January 2012, and ~~with an additional increase of annually by~~ annually by one percent, beginning with the monthly reporting period of January 2013, ~~January 2014, and January 2015.~~ If the judge's contribution is paid by the state under subsection 3 of section 54-52-05, the state shall contribute, in addition, an amount equal to the required judge's contribution.

SECTION 8. AMENDMENT. Section 54-52-06.2 of the North Dakota Century Code is amended and reenacted as follows:

54-52-06.2. Contribution by national guard security officers or firefighters - Employer contribution.

Each national guard security officer or firefighter who is a member of the public employees retirement system is assessed and shall pay monthly four percent of the employee's monthly salary. Member contributions increase annually by one-half of one percent of the member's monthly salary beginning with the monthly reporting period of January 2014 and January 2015. The assessment must be deducted and retained out of the employee's salary in equal monthly installments. The national guard security officer's or firefighter's employer shall contribute an amount determined by the board to be actuarially required to support the level of benefits specified in section 54-52-17. The employer's contribution must be paid from funds appropriated for salary or from any other funds available for such purposes. If the security officer's or firefighter's assessment is paid by the employer under subsection 3 of section 54-52-05, the employer shall contribute, in addition, an

amount equal to the required national guard security officer's or firefighter's assessment.

SECTION 9. AMENDMENT. Section 54-52-06.3 of the North Dakota Century Code is amended and reenacted as follows:

54-52-06.3. Contribution by peace officers and correctional officers employed by political subdivisions - Employer contribution.

Each peace officer or correctional officer employed by a political subdivision that enters into an agreement with the retirement board on behalf of its peace officers and correctional officers separately from its other employees and who is a member of the public employees retirement system is assessed and shall pay monthly four percent of the employee's monthly salary. Peace officer or correctional officer contributions increase by one-half of one percent of the member's monthly salary beginning with the monthly reporting period of January 2012, and ~~with an additional increase of annually by~~ one-half of one percent, beginning with the monthly reporting period of January 2013, January 2014, and January 2015. The assessment must be deducted and retained out of the employee's salary in equal monthly installments. The peace officer's or correctional officer's employer shall contribute an amount determined by the board to be actuarially required to support the level of benefits specified in section 54-52-17. If the peace officer's or correctional officer's assessment is paid by the employer under subsection 3 of section 54-52-05, the employer shall contribute, in addition, an amount equal to the required peace officer's or correctional officer's assessment."

Page 2, line 12, replace "is hired after July 30, 2013" with "elects to participate in the retirement plan under this chapter"

Page 3, after line 2, insert:

"SECTION 11. AMENDMENT. Subsection 6 of section 54-52.6-02 of the North Dakota Century Code is amended and reenacted as follows:

6. A participating member who becomes a temporary employee may still participate in the defined contribution retirement plan upon filing an election with the board within one hundred eighty days of transferring to temporary employee status. The participating member may not become a member of the defined benefit plan as a temporary employee. The temporary employee electing to participate in the defined contribution retirement plan shall pay monthly to the fund an amount equal to eight and twelve-hundredths percent times the temporary employee's present monthly salary. The amount required to be paid by a temporary employee increases by two percent times the temporary employee's present monthly salary beginning with the monthly reporting period of January 2012, and ~~with an additional increase of~~ increases annually by two percent, beginning with the monthly reporting period of January 2013, January 2014, and January 2015. The temporary employee shall also pay the required monthly contribution to the retiree health benefit fund established under section 54-52.1-03.2. This contribution must be recorded as a member contribution pursuant to section 54-52.1-03.2. An employer may not pay the temporary employee's contributions. A temporary employee may continue to participate as a temporary employee until termination of employment or reclassification of the temporary employee as a permanent employee."

Page 6, line 3, remove "At the time of hire the"

Page 6, replace lines 4 through 10 with "The board shall provide an opportunity for eligible employees who are new members of the public employees retirement system under chapter 54-52 to transfer to the defined contribution plan under this chapter pursuant to the rules and policies adopted by the board."

Page 6, line 11, replace "an eligible employee to participate in" with "a member of the public employees retirement system under chapter 54-52 to transfer to"

Page 6, line 12, remove "In the case of an eligible employee"

Page 6, remove line 13

Page 6, line 14, replace "eligible employee transferring" with "For an individual who elects to transfer"

Page 6, line 16, remove "and"

Page 6, line 22, remove "The board shall calculate the actuarial present value of the individual's"

Page 6, remove lines 23 and 24

Page 6, line 25, remove "retirement age."

Page 7, remove lines 27 through 31

Page 8, replace lines 1 through 8 with:

"SECTION 13. AMENDMENT. Section 54-52.6-09 of the North Dakota Century Code is amended and reenacted as follows:

54-52.6-09. Contributions - Penalty.

1. Each participating member shall contribute monthly four percent of the monthly salary or wage paid to the participant, and this assessment must be deducted from the participant's salary in equal monthly installments commencing with the first month of participation in the defined contribution retirement plan established under this chapter. Participating member contributions increase by one percent of the monthly salary or wage paid to the participant beginning with the monthly reporting period of January 2012, and ~~with an additional increase of~~ annually by one percent, beginning with the reporting period of January 2013, January 2014, and January 2015.
2. The employer shall contribute an amount equal to four and twelve-hundredths percent of the monthly salary or wage of a participating member. Employer contributions increase by one percent of the monthly salary or wage of a participating member beginning with the monthly reporting period of January 2012, and with an additional increase ~~of~~ annually by one percent, beginning with the monthly reporting period of January 2013, January 2014, and January 2015. If the employee's contribution is paid by the employer under subsection 3, the employer shall contribute, in addition, an amount equal to the required employee's contribution. The employer shall pay monthly such contribution into the participating member's account from its funds appropriated for payroll and salary or any other funds available for such purposes. If the employer fails to pay the contributions monthly, it is subject to a civil penalty of fifty dollars and, as interest, one percent of the amount due for each month of delay or fraction thereof after the payment became due.
3. Each employer, at its option, may pay the employee contributions required by this section for all compensation earned after December 31, 1999. The amount paid must be paid by the employer in lieu of contributions by the employee. If the employer decides not to pay the contributions, the amount that would have been paid will continue to be deducted from the employee's compensation. If contributions are paid by the employer, they must be treated as employer contributions in determining tax treatment under this code and the federal Internal Revenue Code. Contributions paid by the employer may not be included as gross income of the employee in determining tax treatment under this code and the federal Internal Revenue Code until they are distributed or made available. The employer shall pay these employee contributions

from the same source of funds used in paying compensation to the employee. The employer shall pay these contributions by effecting an equal cash reduction in the gross salary of the employee or by an offset against future salary increases or by a combination of a reduction in gross salary and offset against future salary increases. Employee contributions paid by the employer must be treated for the purposes of this chapter in the same manner and to the same extent as employee contributions made before the date on which employee contributions were assumed by the employer. An employer shall exercise its option under this subsection by reporting its choice to the board in writing.

SECTION 14. LEGISLATIVE MANAGEMENT STUDY - NORTH DAKOTA RETIREMENT PLANS. During the 2013-14 interim, the legislative management shall consider studying the feasibility and desirability of existing and possible state retirement plans. The study must include an analysis of both a defined benefit plan and a defined contribution plan with considerations and possible consequences for transitioning to a state defined contribution plan. The study may not be conducted by the employee benefits programs committee. The legislative management shall report its findings and recommendations, together with any legislation needed to implement the recommendations, to the sixty-fourth legislative assembly.

SECTION 15. APPROPRIATION. There is appropriated from special funds derived from public employees retirement system income not otherwise appropriated, the sum of \$22,000, or so much of the sum as may be necessary, to the public employees retirement system board for the purpose of implementing this Act, for the biennium beginning July 1, 2013, and ending June 30, 2015.

SECTION 16. EFFECTIVE DATE. Sections 3, 10, and 12 of this Act become effective on October 1, 2013.

SECTION 17. EXPIRATION DATE - SUSPENSION. Sections 3, 10, and 12 of this Act are effective through July 31, 2017, and after that date are ineffective. Section 54-52.6-03 is suspended from October 1, 2013, through July 31, 2017. Section 54-52.6-03, as it existed on September 30, 2013, becomes effective on August 1, 2017."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1455, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1455 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new subsection to section 30.1-18-15 and"

Page 1, line 2, remove "to authority of personal representatives"

Page 1, line 3, remove "relating"

Page 1, remove lines 5 through 10

Page 2, line 4, after "mail" insert "or any account created, maintained, used, or accessed by an employee or applicant for business-related communications or for a business purpose of the employer"

Page 2, line 7, remove "or request"

Page 3, line 17, remove the second "or"

Page 3, line 19, replace the underscored period with "or

6. Implement and enforce a policy pertaining to the use of an employer-issued electronic communications device or to the use of an employee-owned device that will be used for business purposes."

Page 3, after line 24, insert:

"Construction.

This Act may not be construed to prevent an employer from complying with the requirements of state or federal statutes, rules, or regulations; case law; or rules of self-regulatory organizations."

Renumber accordingly

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

William R. Horton, Secretary

