

## JOURNAL OF THE SENATE

## Sixty-third Legislative Assembly

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Bismarck, April 9, 2013

The Senate convened at 8:00 a.m., with President Wrigley presiding.

The prayer was offered by Sister Anna Rose, St. Vincent's Care Center, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**HB 1009, as engrossed: SEN. BOWMAN (Appropriations 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 1009:** A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to create and enact a new section to chapter 19-13.1 of the North Dakota Century Code, relating to license, inspection, and registration fees; to amend and reenact section 4-01-21 of the North Dakota Century Code, relating to the salary of the agriculture commissioner; to provide for transfers; to provide for a legislative management study of the milk marketing board; and to provide an exemption.

## 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 1009, as amended, passed.

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## CONSIDERATION OF AMENDMENTS

**HB 1452, as engrossed and amended: SEN. DEVER (Appropriations 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 1452:** A BILL for an Act to amend and reenact sections 39-03.1-09 and 39-03.1-10, subsection 4 of section 54-52-01, sections 54-52-02.9, 54-52-05, 54-52-06, 54-52-06.1, 54-52-06.2, 54-52-06.3, and 54-52.6-01, subsection 6 of section 54-52.6-02, and sections 54-52.6-02 and 54-52.6-09 of the North Dakota Century Code, relating to increased employer and employee contributions under the highway patrolmen's retirement plan and public employees retirement system and eligibility to participate in the defined contribution retirement plan; to provide for a legislative management study; to provide an appropriation; to provide an effective date; 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 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, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**NAYS:** Lee, G.; Schaible

Engrossed HB 1452, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1010, as engrossed: SEN. WANZEK (Appropriations 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 1010:** A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; and to amend and reenact section 26.1-01-09 of the North Dakota Century Code, relating to the commissioner's salary.

#### 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 1010, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1300, as engrossed: SEN. CAMPBELL (Finance and Taxation 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 1300:** A BILL for an Act to amend and reenact subsection 9 of section 57-02-08 of the North Dakota Century Code, relating to the property tax exemption for property of churches; and to provide for retroactive application.

#### ROLL CALL

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

**YEAS:** 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.; Lyson; Mathern; Miller; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**NAYS:** Luick; Marcellais; Murphy

Engrossed HB 1300, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1106, as engrossed: SEN. DOTZENROD (Finance and Taxation 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 1106:** A BILL for an Act to create and enact two new sections to chapter 57-02, three new sections to chapter 57-06, a new subsection to section 57-13-04, a new section to chapter 57-33.2, sections 57-36-09.6, 57-38-60.3, 57-39.2-15.3, 57-40.2-15.3, 57-43.1-17.5, 57-43.2-16.4, and 57-43.3-21.1 of the North Dakota Century Code, relating to notice of township, city, and county equalization meetings, collection and certification of electric generation, transmission, and distribution taxes, appeals to the state board of equalization, and the liability of a general partner of a limited liability limited partnership for unpaid taxes; to amend and reenact section 23-27-04.7, subsection 5 of section 57-02-08.1, subsection 17 of section 57-06-06, sections 57-06-17.3, 57-33.2-16, 57-35.3-07, and 57-38-01, subsection 5 of section 57-38-01.21, sections 57-38-01.22 and 57-38-01.23, subsection 2 of section 57-38-01.24, subsection 5 of section 57-38-01.25, subsections 2, 3, and 7 of section 57-38-01.26, subsection 9 of section 57-38-01.27, subsection 2 of section 57-38-01.31, subsection 9 of section 57-38-01.32, subsection 7 of section 57-38-01.33, subsections 6 and 12 of section 57-38-30.5, section 57-38.5-01, subsection 4 of section 57-38.5-03, section 57-38.6-01, subsection 4 of section 57-38.6-03, subsection 2 of section 57-39.2-04.8, and sections 57-40.2-15.2, 57-43.3-20, and 57-43.3-21 of the North Dakota Century Code, relating to the emergency medical services levy, the permanent and totally disabled property tax exemption certifications, public utility reports, collection and certification of transmission line property tax, liability of a general partner of a limited liability limited partnership for unpaid taxes, financial institutions tax credit for contributions to the housing incentive fund, income tax credit for blending biodiesel or green diesel fuel in this state, qualifying investments in angel funds, the definition of passthrough entity for income tax purposes, and the sales tax exemption for equipment and machinery used in a new coal mine; to repeal section 57-23-02 of the North Dakota Century Code, relating to notice of township and city equalization meetings; to provide a penalty; to provide a continuing appropriation; and to provide an effective date.

**ROLL CALL**

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

**YEAS:** Anderson; Andrist; 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 1106, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1261, as amended: SEN. GRINDBERG (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO NOT PASS**.

**REQUEST**

**SEN. FLAKOLL REQUESTED** a verification vote, which request was granted.

The proposed amendments to HB 1261, as amended failed on a verification vote.

**SECOND READING OF HOUSE BILL**

**HB 1261:** A BILL for an Act to provide an appropriation for school district rapid enrollment

growth grants.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 33 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Cook; Dotzenrod; Flakoll; Grabinger; Heckaman; Krebsbach; Laffen; Larsen; Lee, J.; Luick; Lyson; Marcellais; Mathern; Murphy; Nelson; O'Connell; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wardner; Warner

**NAYS:** Anderson; Campbell; Carlisle; Dever; Erbele; Grindberg; Hogue; Holmberg; Kilzer; Klein; Lee, G.; Miller; Oehlke; Wanzek

HB 1261, as amended, passed.

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#### MOTION

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

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

#### CONSIDERATION OF AMENDMENTS

**HB 1061, 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 BILL

**HB 1061:** A BILL for an Act to amend and reenact sections 61-03-23, 61-04-27, and 61-04-30 of the North Dakota Century Code, relating to water rights; to provide a penalty; and to declare an emergency.

#### 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; 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:** Campbell

Engrossed HB 1061, as amended, passed and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**HB 1063, 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 1063:** A BILL for an Act to amend and reenact section 61-02-01 of the North Dakota Century Code, relating to the term nonnavigable; and to repeal sections 61-15-01, 61-15-02, and 61-15-08 of the North Dakota Century Code, relating to water conservation.

**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 1063, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1455, as engrossed: SEN. LARSEN (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1455:** A BILL for an Act to create and enact a new chapter to title 34 of the North Dakota Century Code, relating to internet accounts and workplace privacy of social media accounts.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 20 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Axness; Dotzenrod; Flakoll; Grabinger; Grindberg; Heckaman; Laffen; Marcellais; Mathern; Miller; Murphy; Nelson; Robinson; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Warner

**NAYS:** Anderson; Andrist; Armstrong; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Erbele; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson; O'Connell; Oehlke; Poolman; Schaible; Wanzek; Wardner

Engrossed HB 1455, as amended, failed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1170, as engrossed: SEN. DEVER (Human Services 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 1170:** A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to nursing and basic care facility ratesetting; and to amend and reenact section 50-24.4-06 of the North Dakota Century Code, relating to allowable costs in nursing home ratesetting.

**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; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**NAYS:** Sitte

Engrossed HB 1170, as amended, passed.

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### **SECOND READING OF HOUSE BILL**

**HB 1362:** A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medicaid expansion; to provide an appropriation to the department of human services for the expansion of the medical assistance program; to provide for a legislative management study; to provide an effective date; 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 PASS, the roll was called and there were 33 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Axness; Berry; Burckhard; Campbell; Dever; Dotzenrod; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Krebsbach; Larsen; Lee, J.; Luick; Lyson; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sorvaag; Triplett; Wardner; Warner

**NAYS:** Anderson; Armstrong; Bowman; Carlisle; Cook; Erbele; Kilzer; Klein; Laffen; Lee, G.; Miller; Sitte; Unruh; Wanzek

Engrossed HB 1362 passed.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1362.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1009, HB 1010, HB 1106, HB 1300, HB 1452.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1063, HB 1170.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1061.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1455.

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

**MR. PRESIDENT:** The House has passed, unchanged: SB 2356.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2144, SB 2146, SB 2152, SB 2187, SB 2205.

### **HOUSE AMENDMENTS TO SENATE BILL NO. 2144**

Page 1, line 2, remove the first "and"

Page 1, line 4, after "organizations" insert "; and to provide legislative intent"

Page 8, line 16, after "has" insert "a"

Page 8, line 16, replace "owners" with "owner"

Page 8, after line 24, insert:

- "5. In order to help defray the costs associated with regulating organizations that have minority ownership, the secretary of state may establish fees for filings related to an organization that has a minority owner. Fees collected by the secretary of state under this subsection must be deposited in the secretary of state's general services operating fund.

**SECTION 7. LEGISLATIVE INTENT.** It is the intent of the sixty-third legislative assembly:

1. That if the secretary of state establishes additional fees under section 6 of this Act, that the secretary of state take all reasonable efforts to minimize costs associated with regulating professional organizations that have minority ownership; and
2. That if the secretary of state regulates more than a combined total of nine professional organizations that have minority ownership and, if Senate Bill No. 2152 is approved by the sixty-third legislative assembly and becomes effective, professional organizations that have ownership that renders more than one professional service, the secretary of state not invest in software changes related to regulation of those professional organizations until after December 31, 2014."

Renumber accordingly

#### HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2146

Page 1, line 14, replace "\$100,000" with "\$80,000"

Page 1, line 15, remove "and from the agricultural fuel tax fund, not otherwise appropriated,"

Page 1, line 16, remove "the sum of \$100,000, or so much of the sum as may be necessary,"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2146 - Department of Agriculture - House Action

	Executive Budget	Senate Version	House Changes	House Version
Grape and wine grants		\$200,000	(\$120,000)	\$80,000
Total all funds	\$0	\$200,000	(\$120,000)	\$80,000
Less estimated income	0	100,000	(100,000)	0
General fund	\$0	\$100,000	(\$20,000)	\$80,000
FTE	0.00	0.00	0.00	0.00

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

	Reduces the Funding for Grape and Wine Grants <sup>1</sup>	Total House Changes
Grape and wine grants	(\$120,000)	(\$120,000)
Total all funds	(\$120,000)	(\$120,000)
Less estimated income	(100,000)	(100,000)
General fund	(\$20,000)	(\$20,000)
FTE	0.00	0.00

<sup>1</sup> This amendment reduces the funding for grape and wine grants providing a total of \$80,000, all of which is from the general fund.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2152**

Page 1, line 1, after "to" insert "create and enact a new subsection to section 10-31-13 of the North Dakota Century Code, relating to regulation of professional organizations; to"

Page 1, line 2, after "organizations" insert "; and to provide legislative intent"

Page 1, after line 15, insert:

**"SECTION 2.** A new subsection to section 10-31-13 of the North Dakota Century Code is created and enacted as follows:

In order to help defray the costs associated with regulating organizations that have ownership that renders more than one professional service, the secretary of state may establish fees for filings related to an organization that has ownership that renders more than one professional service. Fees collected by the secretary of state under this subsection must be deposited in the secretary of state's general services operating fund.

**SECTION 3. LEGISLATIVE INTENT.** It is the intent of the sixty-third legislative assembly:

1. That if the secretary of state establishes additional fees under section 2 of this Act, that the secretary of state take all reasonable efforts to minimize costs associated with regulating professional organizations that have ownership that renders more than one professional service; and
2. That if the secretary of state regulates more than a combined total of nine professional organizations that have ownership that renders more than one professional service and, if Senate Bill No. 2144 is approved by the sixty-third legislative assembly and becomes effective, professional organizations that have minority ownership, the secretary of state not invest in software changes related to regulation of those professional organizations until after December 31, 2014."

Renumber accordingly

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2187**

In lieu of the amendments adopted by the House as printed on page 1175 of the House Journal, Reengrossed Senate Bill No. 2187 is amended as follows:

Page 1, line 4, replace "an" with "a contingent"

Page 1, line 5, after the second semicolon insert "to provide for a report;"

Page 2, line 7, remove "and to applicants that are prospective payment system hospitals that receive"

Page 2, line 8, remove "trauma patients from oil-producing counties"

Page 2, line 10, replace "three" with "fifteen"

Page 2, line 10, replace "twenty-five" with "seventy-five"

Page 3, line 23, remove "and to applicants that are prospective payment system hospitals that receive trauma patients from oil producing counties"

Page 3, line 26, replace "three" with "fifteen"

Page 3, line 26, replace "twenty-five" with "seventy-five"

Page 4, line 19, after "3." insert "**CONTINGENT**"



Page 4, line 19, replace "There" with "If the board of university and school lands confirms that it will authorize no more than \$100,000,000 from the strategic investment and improvements fund to provide school construction projects under section 15.1-36-02, there"

Page 4, line 21, replace "\$12,000,000" with "\$100,000,000"

Page 4, line 28, replace "30" with "31"

Page 4, after line 29, insert:

**"SECTION 5. REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The Bank of North Dakota shall report to the sixty-fourth legislative assembly on the status of the loan program provided for in this Act."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Senate Bill No. 2187 - Bank of North Dakota - House Action

	Executive Budget	Senate Version	House Changes	House Version
Medical facility infrastructure loans		\$12,000,000	\$88,000,000	\$100,000,000
Total all funds	\$0	\$12,000,000	\$88,000,000	\$100,000,000
Less estimated income	0	12,000,000	88,000,000	100,000,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

##### Department No. 471 - Bank of North Dakota - Detail of House Changes

	Adds Funding for Loans <sup>1</sup>	Total House Changes
Medical facility infrastructure loans	\$88,000,000	\$88,000,000
Total all funds	\$88,000,000	\$88,000,000
Less estimated income	88,000,000	88,000,000
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> This amendment increases the funding for medical facility infrastructure loans from \$12 million to \$100 million, all of which is from the strategic investment and improvements fund. The funding is contingent on the Department of Trust Lands confirming that it will authorize no more than \$100 million from the strategic investment and improvements fund for school construction project loans.

This amendment also requires the Bank of North Dakota to report on the status of the medical facility infrastructure loan program to the 64<sup>th</sup> Legislative Assembly.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2205

Page 1, line 5, replace "\$233,979" with "\$125,000"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Senate Bill No. 2205 - Department of Human Services - House Action

Executive Budget	Senate Version	House Changes	House Version
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Grant for 2-1-1 services		\$233,979	(\$108,979)	\$125,000
Total all funds	\$0	\$233,979	(\$108,979)	\$125,000
Less estimated income	0	0	0	0
General fund	\$0	\$233,979	(\$108,979)	\$125,000
FTE	0.00	0.00	0.00	0.00

### Department No. 325 - Department of Human Services - Detail of House Changes

	Reduces Funding for Grant <sup>1</sup>	Total House Changes
Grant for 2-1-1 services	(\$108,979)	(\$108,979)
Total all funds	(\$108,979)	(\$108,979)
Less estimated income	0	0
General fund	(\$108,979)	(\$108,979)
FTE	0.00	0.00

<sup>1</sup> Funding is reduced from \$233,879 for a grant to an organization for administering statewide 2-1-1 services.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2219.

### HOUSE AMENDMENTS TO SENATE BILL NO. 2219

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new chapter to title 6 of the North Dakota Century Code, relating to an energy conservation revolving loan program; to provide a continuing appropriation; and to provide an appropriation.

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

**SECTION 1.** A new chapter to title 6 of the North Dakota Century Code is created and enacted as follows:

#### Energy conservation revolving loan program - Continuing appropriation.

1. A revolving loan fund must be maintained in the Bank of North Dakota for the purpose of making loans to low-income and moderate-income homeowners or to homeowners with low-income or moderate-income renters for the installation or implementation of energy conservation measures in homes determined by the department of commerce, in consultation with local agencies, to be eligible for energy conservation alterations or measures.
2. The energy conservation revolving loan fund consists of all moneys transferred into the fund, interest upon moneys in the fund, and collections of interest and principal on loans made from the fund. The moneys in the fund are appropriated on a continuing basis for disbursement under the requirements of this chapter.

#### Loan guidelines adopted by department of commerce - Loan application.

The department of commerce shall develop policies and guidelines for granting loans under this chapter. The guidelines must establish income eligibility criteria for homeowners or renters of homeowners at equal to or less than one hundred fifty percent of the federal poverty guidelines. The guidelines must provide that a loan granted under this chapter to an eligible homeowner may not exceed six thousand dollars. An application for a loan under this chapter must be made to the department. If the department approves the application of a qualified applicant, the

department shall forward the application to the Bank of North Dakota for further review.

**Loan terms and conditions.**

The Bank of North Dakota may make a no-interest loan to an eligible applicant in consideration of the homeowner contracting with the Bank and granting the Bank a mortgage or other security interest to secure the loan. The contract with the homeowner must provide that the loan must be repaid in full within ninety days of the sale of the property or the death of the homeowner. The contract with a homeowner renting the property to an eligible low-income or moderate-income renter must also provide that the loan must be repaid in ten equal annual payments. The Bank shall allow the homeowner the option of repaying the loan earlier. The Bank may take any action necessary to negotiate a loan under this chapter and to preserve security under this chapter, including any right of redemption. The Bank may deduct annually, as a service fee for administering the loan fund, one-half of one percent of the principal balance of the outstanding loans from the energy conservation revolving loan fund and may recover from the fund any amounts actually expended by the Bank for legal fees to effect a redemption.

**SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the Bank of North Dakota for the purpose of funding the energy conservation revolving loan fund as provided under section 1 of this Act, for the biennium beginning July 1, 2013, and ending June 30, 2015. This funding is considered a one-time funding item."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment adds two new sections:

- To replace a North Dakota state energy conservation program administered by the Department of Commerce with an energy conservation revolving loan program administered by the Bank of North Dakota. This amendment provides \$1 million in funding from the general fund.
- To establish the criteria for an energy conservation revolving loan program.

**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 2214.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2214**

In lieu of the amendments adopted by the House as printed on page 1089 of the House Journal, Senate Bill No. 2214 is amended as follows:

Page 1, line 8, after "year" insert an underscored comma

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2307.

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

**MR. PRESIDENT:** The House has failed to pass, unchanged: SCR 4006.

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

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

**SB 2030:** Reps. Porter; Looyesen; Oversen

**SB 2087:** Reps. Hofstad; Kiefert; Muscha

**SB 2114:** Reps. Anderson; Silbernagel; Mooney

**SB 2162:** Reps. Drovda; Dockter; Strinden

**SB 2201:** Reps. Schatz; Rohr; J. Kelsh  
**SB 2243:** Reps. Damschen; Fehr; Mooney  
**SB 2244:** Reps. Hofstad; Laning; Muscha  
**SB 2352:** Reps. Klein; Meier; Muscha  
**SB 2353:** Reps. Hatlestad; Toman; J. Kelsh  
**SB 2361:** Reps. Heller; D. Johnson; Hunskor

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

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

**SB 2310:** Reps. Owens; Kreun; Gruchalla

**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 1075, HB 1180, HB 1348, HB 1352, HB 1397, and HB 1399.

**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 1048, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1048:** Reps. Ruby; Heller; Oversen

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2067, SB 2068, SB 2085, SB 2096, SB 2116, SB 2128, SB 2164, SB 2165, SB 2180, SB 2239, SB 2294, SB 2308, SB 2314, SB 2340, SB 2342.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1026, HB 1052, HB 1054, HB 1085, HB 1091, HB 1117, HB 1130, HB 1185, HB 1241, HB 1247, HB 1267, HB 1402.

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

**MR. SPEAKER:** The President has signed: SB 2060, SB 2076.

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

**MR. SPEAKER:** The President has signed: HB 1026, HB 1052, HB 1054, HB 1085, HB 1091, HB 1117, HB 1130, HB 1185, HB 1241, HB 1247, HB 1267, HB 1402.

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

**MR. SPEAKER:** The President has signed: HB 1192.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on April 9, 2013: SCR 4017.

**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., Wednesday, April 10, 2013, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1016, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1016 was placed on the Sixth order on the calendar.

Page 1, line 2, after "general" insert "; to provide for a contingent appropriation; to amend and reenact section 37-17.1-27 of the North Dakota Century Code, relating to the payment of expenditures from the state disaster relief fund"

Page 1, remove lines 13 through 24

Page 2, replace lines 1 and 2 with:

"Salaries and wages	\$5,153,886	\$2,874,975	\$8,028,861
Operating expenses	4,062,891	50,000	4,112,891
Capital assets	229,371	1,141,261	1,370,632
Grants	449,514	660,000	1,109,514
Civil air patrol	243,353	47,418	290,771
Tuition, recruiting, and retention	2,407,500	110,000	2,517,500
Air guard contract	10,989,323	758,804	11,748,127
Army guard contract	56,110,755	2,423,237	58,533,992
Veterans' cemetery	576,916	85,908	662,824
Reintegration program	1,477,449	24,144	1,501,593
Total all funds	\$81,700,958	\$8,175,747	\$89,876,705
Less estimated income	<u>65,721,902</u>	<u>4,947,858</u>	<u>70,669,760</u>
Total general fund	\$15,979,056	\$3,227,889	\$19,206,945"

Page 2, replace lines 7 through 16 with:

"Salaries and wages	\$11,363,744	(\$792,716)	\$10,571,028
Operating expenses	9,930,022	(10,534)	9,919,488
Capital assets	802,000	121,240	923,240
Grants	71,419,771	(52,046,524)	19,373,247
Disaster costs	109,923,008	39,307,346	149,230,354
Radio communications	<u>0</u>	<u>2,735,000</u>	<u>2,735,000</u>
Total all funds	\$203,438,545	(\$10,686,188)	\$192,752,357
Less estimated income	<u>195,382,476</u>	<u>(14,356,622)</u>	<u>181,025,854</u>
Total general fund	\$8,056,069	\$3,670,434	\$11,726,503"

Page 2, replace lines 21 through 23 with:

"Grand total general fund	\$24,035,125	\$7,273,323	\$31,308,448
Grand total special funds	<u>261,104,378</u>	<u>(9,408,764)</u>	<u>251,695,614</u>
Grand total all funds	\$285,139,503	(\$2,135,441)	\$283,004,062"

Page 3, replace lines 4 and 5 with:

"State radio tower package	1,500,000	1,175,000
Statewide seamless base map	900,000	1,150,000
Flood-impacted housing rehabilitation	0	1,500,000"

Page 3, replace lines 16 through 18 with:

"Total all funds	\$45,818,428	\$7,826,240
Less estimated income	<u>40,000,000</u>	<u>3,500,000</u>
Total general fund	\$5,818,428	\$4,326,240"

Page 3, after line 22, insert:

**"SECTION 3. CONTINGENT APPROPRIATION - NATIONAL GUARD TUITION ASSISTANCE.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$375,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of providing tuition assistance to eligible members of the North Dakota national guard, for the biennium beginning July 1, 2013, and ending June 30, 2015. The funding appropriated under this section is contingent upon the adjutant general certifying to the office of management and budget that the national guard has received a new assignment in association with the Grand Forks air force base.

**SECTION 4. FLOOD-IMPACTED HOUSING REHABILITATION - STATE DISASTER RELIEF FUND.** The disaster costs line item in subdivision 2 of section 1 of this Act includes the sum of \$1,500,000 from the state disaster relief fund for the purpose of providing funds to counties and cities for flood-impacted housing rehabilitation. The funds must be used by counties and cities to assist homeowners

and residents in the rehabilitation or replacement of flood-damaged homes, to retain homeowners and other residents in the community, and for transitional expenses to facilitate housing availability for flood-impacted residents."

Page 5, replace lines 8 through 12 with:

**"SECTION 13. EXEMPTION.** The amount appropriated in the tuition, recruiting, and retention line item in subdivision 1 of section 1 of chapter 42 of the 2011 Session Laws is not subject to section 54-44.1-11, and any unexpended funds from this appropriation may be used to provide tuition assistance to eligible members of the North Dakota national guard during the biennium beginning July 1, 2013, and ending June 30, 2015.

**SECTION 14. AMENDMENT.** Section 37-17.1-27 of the North Dakota Century Code is amended and reenacted as follows:

**37-17.1-27. State disaster relief fund - Creation - Uses.**

There is created in the state treasury a state disaster relief fund. Moneys in the fund are to be used subject to legislative appropriations and emergency commission and budget section approval for providing the required state share of funding for expenses associated with state disasters, including providing funds required to match federal funds for expenses associated with presidential-declared disasters in the state, and to defray expenses of the adjutant general in contracting for disaster recovery and mitigation planning and program coordination services. Any interest or other fund earnings must be deposited in the fund. Upon request, the office of the adjutant general shall report to the budget section on expenditures from the fund.

**SECTION 15. EMERGENCY.** Section 3 of this Act and funding of \$600,000 from the general fund in the grants line item in subdivision 1 of section 1 of this Act, relating to the veterans' bonus program, funding of \$241,240 from the general fund in the capital assets line item in subdivision 2 of section 1 of this Act, relating to the state radio communications center project, funding of \$960,000 from the general fund in the capital assets line item in subdivision 1 of section 1 of this Act, relating to the state radio communications center project, and funding of \$1,500,000 from the state disaster relief fund in the disaster costs line item in subdivision 2 of section 1 of this Act, relating to flood-impacted housing rehabilitation, are declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1016 - Summary of Senate Action**

	Executive Budget	House Version	Senate Changes	Senate Version
Adjutant General				
Total all funds	\$89,641,960	\$88,636,911	\$1,614,794	\$90,251,705
Less estimated income	70,547,829	69,885,679	784,081	70,669,760
General fund	\$19,094,131	\$18,751,232	\$830,713	\$19,581,945
Department of Emergency Services				
Total all funds	\$192,227,357	\$190,777,357	\$1,975,000	\$192,752,357
Less estimated income	179,525,854	179,325,854	1,700,000	181,025,854
General fund	\$12,701,503	\$11,451,503	\$275,000	\$11,726,503
Bill total				
Total all funds	\$281,869,317	\$279,414,268	\$3,589,794	\$283,004,062
Less estimated income	250,073,683	249,211,533	2,484,081	251,695,614
General fund	\$31,795,634	\$30,202,735	\$1,105,713	\$31,308,448

**House Bill No. 1016 - Adjutant General - Senate Action**

Executive	House	Senate	Senate
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	Budget	Version	Changes	Version
Salaries and wages	\$7,844,116	\$6,677,011	\$1,351,850	\$8,028,861
Operating expenses	4,062,891	4,062,891	50,000	4,112,891
Capital assets	1,370,632	1,370,632		1,370,632
Grants	1,109,514	1,109,514		1,109,514
Civil Air Patrol	290,771	287,451	3,320	290,771
Tuition, recruiting, and retention	2,517,500	2,517,500		2,517,500
Air Guard contract	11,748,127	11,483,158	264,969	11,748,127
Army Guard contract	58,533,992	58,182,671	351,321	58,533,992
Veterans' Cemetery	662,824	647,005	15,819	662,824
Reintegration program	1,501,593	1,486,980	14,613	1,501,593
Accrued leave payments		812,098	(812,098)	
Contingent tuition assistance			375,000	375,000
Total all funds	\$89,641,960	\$88,636,911	\$1,614,794	\$90,251,705
Less estimated income	70,547,829	69,885,679	784,081	70,669,760
General fund	\$19,094,131	\$18,751,232	\$830,713	\$19,581,945
FTE	178.00	178.00	0.00	178.00

### Department No. 540 - Adjutant General - Detail of Senate Changes

	Restores Executive Compensation Package <sup>1</sup>	Removes Separate Line Item for Accrued Leave Payments <sup>2</sup>	Adds Contingent Appropriation for Tuition Assistance <sup>3</sup>	Adds Funding for Veterans Book <sup>4</sup>	Total Senate Changes
Salaries and wages	\$1,189,794	\$162,056			\$1,351,850
Operating expenses				50,000	50,000
Capital assets					
Grants					
Civil Air Patrol		3,320			3,320
Tuition, recruiting, and retention					
Air Guard contract		264,969			264,969
Army Guard contract		351,321			351,321
Veterans' Cemetery		15,819			15,819
Reintegration program		14,613			14,613
Accrued leave payments		(812,098)			(812,098)
Contingent tuition assistance			375,000		375,000
Total all funds	\$1,189,794	\$0	\$375,000	\$50,000	\$1,614,794
Less estimated income	784,081	0	0	0	784,081
General fund	\$405,713	\$0	\$375,000	\$50,000	\$830,713
FTE	0.00	0.00	0.00	0.00	0.00

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

<sup>2</sup> 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.

<sup>3</sup> A section is added to provide a contingent general fund appropriation for tuition assistance for eligible members of the National Guard. The funding is contingent upon the Adjutant General certifying to the Office of Management and Budget that the National Guard has received a new assignment in association with the Grand Forks Air Force Base.

<sup>4</sup> Funding is added for the Adjutant General to coordinate the writing, publishing, and distribution of a book of all veterans having a relationship with the state.

The amendment also:

- Adds a section to allow the Adjutant General to continue unspent 2011-13 biennium appropriations into the 2013-15 biennium relating to tuition assistance for eligible members of the National Guard. The Adjutant General estimates \$500,000 from the general fund will be unspent at the end of the 2011-13 biennium and continued into the 2013-15 biennium.
- Adds a section to provide statutory changes relating to the payment of expenditures from the state disaster relief fund.

**House Bill No. 1016 - Department of Emergency Services - Senate Action**

	<b>Executive Budget</b>	<b>House Version</b>	<b>Senate Changes</b>	<b>Senate Version</b>
Salaries and wages	\$10,571,028	\$10,298,920	\$272,108	\$10,571,028
Operating expenses	9,919,488	9,719,488	200,000	9,919,488
Capital assets	923,240	923,240		923,240
Grants	19,373,247	19,373,247		19,373,247
Disaster costs	147,730,354	147,718,567	1,511,787	149,230,354
Radio communications	3,710,000	2,460,000	275,000	2,735,000
Accrued leave payments		283,895	(283,895)	
Total all funds	\$192,227,357	\$190,777,357	\$1,975,000	\$192,752,357
Less estimated income	179,525,854	179,325,854	1,700,000	181,025,854
General fund	\$12,701,503	\$11,451,503	\$275,000	\$11,726,503
FTE	68.00	68.00	0.00	68.00

**Department No. 542 - Department of Emergency Services - Detail of Senate Changes**

	<b>Removes Separate Line Item for Accrued Leave Payments<sup>1</sup></b>	<b>Restores Funding for Volunteer Disaster Response Coordination<sup>2</sup></b>	<b>Adds Funding for Housing Rehabilitation<sup>3</sup></b>	<b>Restores a Portion of Funding for State Radio Towers<sup>4</sup></b>	<b>Total Senate Changes</b>
Salaries and wages	\$272,108				\$272,108
Operating expenses		200,000			200,000
Capital assets					
Grants					
Disaster costs	11,787		1,500,000		1,511,787
Radio communications				275,000	275,000
Accrued leave payments	(283,895)				(283,895)
Total all funds	\$0	\$200,000	\$1,500,000	\$275,000	\$1,975,000
Less estimated income	0	200,000	1,500,000	0	1,700,000
General fund	\$0	\$0	\$0	\$275,000	\$275,000
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> 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.

<sup>2</sup> Funding of \$200,000 from the state disaster relief fund removed by the House for volunteer disaster response coordination is restored. The executive budget recommendation provided for total funding of \$400,000 from the state disaster relief fund for volunteer disaster response coordination.

<sup>3</sup> Funding of \$1.5 million from the state disaster relief fund is added to continue county and city housing rehabilitation projects to assist residents in the rehabilitation or replacement of flood-damaged homes. A section is also added regarding the use of the funds.

<sup>4</sup> One-time funding of \$275,000 from the general fund is added for new State Radio towers is to provide total funding of \$1,175,000 from the general fund. The executive budget included funding of \$1,500,000 from the general fund for State Radio towers. The House version provided \$900,000 from the general fund for State Radio towers.



**REPORT OF STANDING COMMITTEE**

**HB 1018, 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 1018 was placed on the Sixth order on the calendar.

Page 1, line 2, after "society" insert "; and to provide an exemption"

Page 1, replace lines 11 through 21 with:

"Salaries and wages	\$9,477,860	\$2,736,938	\$12,214,798
Operating expenses	2,387,016	814,000	3,201,016
Capital assets	1,620,736	993,989	2,614,725
Grants	1,000,000	0	1,000,000
Cultural heritage grants	504,500	150,000	654,500
Yellowstone-Missouri-Fort Union	4,492	0	4,492
Total all funds	\$14,994,604	\$4,694,927	\$19,689,531
Less estimated income	<u>2,900,413</u>	<u>346,822</u>	<u>3,247,235</u>
Total general fund	\$12,094,191	\$4,348,105	\$16,442,296
Full-time equivalent positions	63.00	6.00	69.00"

Page 2, replace line 7 with:

"Lawrence Welk homestead purchase	0	100,000
Repairs and small capital projects	1,125,000	500,000"

Page 2, replace line 9 with:

"Historic sites exhibits	0	65,000
Traveling exhibits	0	250,000
Oil impact adjustments	0	50,000"

Page 2, replace lines 13 through 16 with:

"State's 125th celebration planning	<u>50,000</u>	<u>150,000</u>
Total all funds	\$1,590,700	\$1,265,000
Less estimated income	<u>650,000</u>	<u>0</u>
Total general fund	\$940,700	\$1,265,000"

Page 2, after line 29, insert:

**"SECTION 5. EXEMPTION - TRAVELING EXHIBIT FUNDING.** The capital assets line item contained in section 1 of this Act includes the sum of \$250,000 for the purpose of contracting for traveling exhibits. This funding is not subject to the provisions of section 54-44.1-11 or 55-02-09 and any unspent moneys as of June 30, 2015, may be deposited into the revolving fund established pursuant to section 55-02-04 and continued for the purpose of contracting for traveling exhibits.

**SECTION 6. LAWRENCE WELK HOMESTEAD HISTORIC SITE PURCHASE - REPAIRS.** The state historical society shall determine repairs that must be completed by the property owners and negotiate with the property owners to have those repairs made prior to the state's purchase of the Lawrence Welk homestead, during the biennium beginning July 1, 2013, and ending June 30, 2015.

**SECTION 7. FUNDING TRANSFER - EXCEPTION - AUTHORIZATION.** Notwithstanding section 54-1604, the state historical society may transfer up to \$300,000 of appropriation authority from the operating expenses line item to the salaries and wages line item in section 1 of this Act for the biennium beginning July 1, 2013, and ending June 30, 2015. The state historical society shall notify the office of management and budget of any transfer made pursuant to this section."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

## House Bill No. 1018 - State Historical Society - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$12,208,141	\$11,295,052	\$919,746	\$12,214,798
Operating expenses	2,816,016	2,766,016	435,000	3,201,016
Capital assets	2,014,725	1,749,725	865,000	2,614,725
Grants	1,000,000	1,000,000		1,000,000
Cultural heritage grants	504,500	654,500		654,500
Yellowstone-Missouri-Fort Union Comm	4,492	4,492		4,492
Accrued leave payments		211,332	(211,332)	
Total all funds	\$18,547,874	\$17,681,117	\$2,008,414	\$19,689,531
Less estimated income	3,246,503	3,197,471	49,764	3,247,235
General fund	\$15,301,371	\$14,483,646	\$1,958,650	\$16,442,296
FTE	69.00	68.00	1.00	69.00

## Department No. 701 - State Historical Society - Detail of Senate Changes

	Restores Executive Compensation Package <sup>1</sup>	Removes Separate Line Item for Accrued Leave Payments <sup>2</sup>	Restores Funding for Oil- Impacted Areas <sup>3</sup>	Restores Funding for Traveling Exhibits <sup>4</sup>	Restores Funding for Historic Site Exhibits <sup>5</sup>	Restores Technology Coordinator Position <sup>6</sup>
Salaries and wages	\$459,386	\$211,332	\$50,000			\$199,028
Operating expenses						
Capital assets				250,000	15,000	
Grants						
Cultural heritage grants						
Yellowstone-Missouri-Fort Union Comm						
Accrued leave payments		(211,332)				
Total all funds	\$459,386	\$0	\$50,000	\$250,000	\$15,000	\$199,028
Less estimated income	49,764	0	0	0	0	0
General fund	\$409,622	\$0	\$50,000	\$250,000	\$15,000	\$199,028
FTE	0.00	0.00	0.00	0.00	0.00	1.00

	Restores State Celebration Funding <sup>7</sup>	Adds Funding for Courthouse Repairs <sup>8</sup>	Adds Funding for Lawrence Welk Homestead Purchase <sup>9</sup>	Adds Operating Expenses for Lawrence Welk Homestead <sup>10</sup>	Adds Funding for Fort Totten Infirmary Repairs <sup>11</sup>	Adds Operating Expenses <sup>12</sup>
Salaries and wages						
Operating expenses	50,000			85,000		300,000
Capital assets		250,000	100,000		250,000	
Grants						
Cultural heritage grants						
Yellowstone-Missouri-Fort Union Comm						
Accrued leave payments						
Total all funds	\$50,000	\$250,000	\$100,000	\$85,000	\$250,000	\$300,000
Less estimated income	0	0	0	0	0	0
General fund	\$50,000	\$250,000	\$100,000	\$85,000	\$250,000	\$300,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Total Senate Changes
Salaries and wages	\$919,746
Operating expenses	435,000
Capital assets	865,000
Grants	
Cultural heritage grants	
Yellowstone-Missouri-Fort Union Comm	
Accrued leave payments	(211,332)
Total all funds	\$2,008,414
Less estimated income	49,764
General fund	\$1,958,650
FTE	1.00

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

<sup>2</sup> 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.

<sup>3</sup> The funding reduction made by the House for compensation or housing allowances for employees in oil-impacted areas is restored to the Governor's recommended level.

<sup>4</sup> The funding reduction made by the House for traveling exhibits is restored to the Governor's recommended level.

<sup>5</sup> The funding reduction made by the House for historic site exhibits is restored to the Governor's recommended level.

<sup>6</sup> Funding and 1 FTE technology coordinator position included in the executive budget recommendation but removed by the House is restored.

<sup>7</sup> The funding reduction made by the House for the state's 125th celebration is restored to the Governor's recommended level.

<sup>8</sup> Funding is added for repairs to the Stutsman County Courthouse.

<sup>9</sup> Funding is added to purchase the Lawrence Welk homestead historic site.

<sup>10</sup> Funding is added for operating expenses for the Lawrence Welk homestead historic site for the second year of the 2013-15 biennium.

<sup>11</sup> Funding is added for repairs at the Fort Totten infirmary historical site.

<sup>12</sup> Funding is added to allow the State Historical Society to either contract for or hire temporary staff.

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A section relating to retention of the traveling exhibit funds for use in the 2015-17 biennium which was removed by the House is restored.

A section is added regarding repairs that must be made to the Lawrence Welk homestead by the property owners prior to purchase by the state.

A section is added authorizing the State Historical Society to transfer up to \$300,000 of appropriation authority from the operating expenses line item to the salaries and wages line item.

#### REPORT OF STANDING COMMITTEE

**HB 1210, as reengrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1210 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "acquisition" with "reduced valuation"

Page 1, line 3, replace "for" with "attributable to"

Page 1, line 3, after "project" insert "; and to provide an effective date"

Page 1, line 9, replace "chapter" with "section"

Page 1, line 11, replace "taxes that otherwise would be available" with "tax revenues lost"

Page 1, line 12, replace "if" with "because"

Page 1, line 12, after "based" insert "remains taxable but"

Page 1, line 12, remove "not."

Page 1, remove lines 13 and 14

Page 1, line 15, replace "b. Assigned" with "assigned"

Page 1, line 15, replace "reduced" with "reduction of ten percent or more in"

Page 1, line 15, after the second "valuation" insert an underscored comma

Page 1, line 21, remove "significant"

Page 2, line 1, remove the underscored colon

Page 2, remove lines 2 through 6

Page 2, line 7, replace "(2) The" with "the"

Page 2, line 8, remove "subdivision b of"

Page 2, line 14, remove "For the purpose of making payments in lieu of taxes under this section, all property"

Page 2, remove lines 15 and 16

Page 2, line 21, replace "Upon" with "The value placed upon the property subject to valuation is subject to"

Page 2, line 22, replace ", of the value placed upon the property subject to valuation, the" with "by August first. The"

Page 2, line 23, remove "shall compute the"

Page 2, line 23, after "payments" insert "in lieu of taxes"

Page 2, line 24, after "located" insert "must be computed"

Page 2, line 24, after "extending" insert ", against the taxable valuation determined for property subject to valuation,"

Page 2, line 25, remove ", The"

Page 2, line 26, remove "mill levies must be extended against the property subject to valuation"

Page 2, line 29, replace "After computing the payments due to each school district, the" with "The"

Page 2, line 30, replace ", on or before March first of" with "under this section, in"

Page 2, line 31, after "made" insert ", Payments in lieu of taxes under this section are subject to the provisions of law that apply to payment of property taxes, including due date and penalty provisions and the five percent discount for early payment under section 57-20-09"

Page 2, after line 31, insert:

**"SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after December 31, 2012."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1410, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1410 was placed on the Sixth order on the calendar.

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

Page 1, line 2, after "57-39.2-04" insert ", and a new subsection to section 57-40.2-04"

Page 1, line 2, after "sales" insert "and use"

Page 1, line 4, after "for" insert "agricultural, industrial, or"

Page 1, line 5, remove ", subsection 5 of section 57-40.2-04,"

Page 1, line 6, remove "sales and use and"

Page 1, line 7, after "for" insert "agricultural, industrial, or"

Page 1, line 12, after "for" insert "agricultural, industrial, or"

Page 2, after line 27, insert:

**"SECTION 4.** A new subsection to section 57-40.2-04 of the North Dakota Century Code is created and enacted as follows:

Gross receipts from sales of liquified natural gas used for agricultural, industrial, or railroad purposes as defined in section 57-43.2-01."

Page 2, remove lines 28 and 29

Page 3, remove lines 1 through 3

Page 3, line 28, replace "a" with "an agricultural, industrial, or"

Page 4, line 2, after "plant" insert "eligible for the exemptions under sections 2 and 3 of this Act"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1465, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1465 was placed on the Sixth order on the calendar.

Page 1, line 24, replace "preceding" with "previous"

Page 2, line 6, after "the" insert "increase in"

Page 2, line 11, after "the" insert "increase in"

Page 2, line 17, after "the" insert "reduction in the"

Page 3, line 14, after "district" insert "and the consolidated levy increased by a percentage stated on the ballot"

Page 3, line 17, after the first "in" insert "consolidated"

Page 3, line 21, replace "base" with "previous"

Page 3, line 21, after "year" insert "for purposes of this section"

Page 3, line 22, replace "base" with "previous"

Page 3, line 24, replace "budget" with "current"

Page 3, line 25, replace "base" with "previous"

Page 3, line 25, after "year" insert "for purposes of this section"

Page 3, line 26, replace "budget" with "current"

Page 3, line 28, replace "base" with "previous"

Page 4, line 1, after "an" insert "increase in the"

Page 4, line 2, after the underscored period insert "The limitation under this section does not apply to any levy mandated by state or federal law or mandated by a ballot measure approved by the qualified electors of the taxing district."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HCR 3006, as engrossed: Judiciary Committee (Sen. Hogue, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3006 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "primary" with "general"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HCR 3034, as engrossed: Judiciary Committee (Sen. Hogue, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3034 was placed on the Sixth order on the calendar.

Page 1, line 2, after "measures" insert "; and to provide an effective date"

Page 2, after line 22, insert:

**"SECTION 4. EFFECTIVE DATE.** If approved by the electors, this measure becomes effective on January 1, 2015."

Renumber accordingly

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2223, as reengrossed:** Your conference committee (Sens. Laffen, Klein, Murphy and Reps. Kreun, Becker, Gruchalla) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 795 and place SB 2223 on the Seventh order.

Reengrossed SB 2223 was placed on the Seventh order of business on the calendar.

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

**William R. Horton, Secretary**