

## JOURNAL OF THE SENATE - SPECIAL SESSION

## Sixty-fourth Legislative Assembly

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Bismarck, August 3, 2016

The Senate convened at 9:00 a.m., with President Pro Tempore Erbele presiding.

The prayer was offered by Pastor Matt Thompson, Holy Cross Lutheran Church, Bismarck.

The roll was called and all members were present except Senator Laffen.

A quorum was declared by the President Pro Tempore.

**CORRECTION AND REVISION OF THE JOURNAL**

**MR. PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Poolman, Chairman)** has carefully examined the Journal of the First Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 2078, line 51, replace "." with ":"

Page 2083, remove lines 42-43

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

**SECOND READING OF SENATE BILL**

**SB 2379:** A BILL for an Act to provide for the reduction of general fund appropriation authority; to authorize transfers from the budget stabilization fund and the Bank of North Dakota; to provide appropriations for the department of human services and the department of corrections and rehabilitation; to provide for reports; to provide legislative intent; and to provide an effective date.

**MOTION**

**SEN. DOTZENROD MOVED** that SB 2379 be amended as follows.

Page 1, line 3, replace the first "and" with a comma

Page 1, line 4, after "rehabilitation" insert ", and the state treasurer"

Page 4, line 12, replace "\$100,000,000" with "\$109,375,000"

Page 4, line 16, replace "\$100,000,000" with "\$109,375,000"

Page 4, after line 30, insert:

**"SECTION 7. APPROPRIATION - STATE TREASURER - PROPERTY TAX RELIEF CREDIT PROGRAM.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$9,375,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of offsetting a portion of the general fund reductions for the state treasurer in section 1 of this Act relating to the state-paid property tax relief credit program, for the period beginning with the effective date of this Act, and ending June 30, 2017."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment adds a new section to provide an appropriation of \$9,375,000 from the general fund to the state treasurer to offset a portion of the general fund reduction for the state treasurer relating to the state-paid property tax relief credit program. A total of \$243 million will be available for this program. This amendment also increases the contingent transfer of Bank of North Dakota profits from \$100,000,000 to \$109,375,000.

**REQUEST**

**SEN. HECKAMAN REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to SB 2379, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the proposed amendments to SB 2379, the roll was called and there were 15 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axness; Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Robinson; Schneider; Sinner; Triplett; Warner

**NAYS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Erbele; Flakoll; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Miller; Oehlke; Poolman; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Laffen

The proposed amendments to SB 2379 failed on a recorded roll call vote.

**MOTION**

**SEN. AXNESS MOVED** that SB 2379 be amended as follows.

Page 4, line 12, replace "\$100,000,000" with "\$100,237,500"

Page 4, line 20, replace "\$33,305,071" with "\$33,542,571"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment increases the general fund appropriation for the Department of Human Services by \$237,500 to restore funding reduced for the Robinson Recovery Center as part of the February 2016 general fund budget allotment. The amendment also increases the contingent transfer from the Bank of North Dakota to the general fund by \$237,500.

**REQUEST**

**SEN. HECKAMAN REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to SB 2379, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the proposed amendments to SB 2379, the roll was called and there were 17 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axness; Davison; Dotzenrod; Flakoll; Grabinger; Heckaman; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Robinson; Schneider; Sinner; Triplett; Warner

**NAYS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Dever; Erbele; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Miller; Oehlke; Poolman; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Laffen

The proposed amendments to SB 2379 failed on a recorded roll call vote.

**MOTION**

**SEN. MATHERN MOVED** that SB 2379 be amended as follows.

Page 1, line 2, after "fund" insert ", the strategic investment and improvements fund,"

Page 4, line 20, replace "\$33,305,071" with "\$62,333,489"

Page 4, after line 30, insert:

**"SECTION 7. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.** During the period beginning with the effective date of this Act and ending June 30, 2017, the director of the office of management and budget shall transfer the sum of \$29,028,418, from the strategic investment and improvements fund to the general fund."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides for a transfer from the strategic investment and improvements fund to the general fund, and appropriates an additional \$29,028,418 from the general fund to the Department of Human Services to offset budget reductions as follows:

|  | General Fund |
|--|--------------|
| Restore 25 Medicaid autism waiver slots  | \$734,006    |
| Restore 10-bed crisis residential and transitional living in the north central region  | 685,895      |
| Restore 3 percent inflationary increases - Traditional Medicaid providers  | 3,206,587    |
| Restore 3 percent inflationary increases - Developmental disability providers  | 4,047,111    |
| Restore 3 percent inflationary increases - Long-term care providers  | 846,536      |
| Restore 3 percent inflationary increases - Nursing home providers (January 1, 2017)  | 1,197,156    |
| Restore 3 percent inflationary increases - Foster care grant providers   | 1,013,182    |
| Restore 3 percent inflationary increases - Other providers   | 396,439      |
| Restore the rebasing of nursing home limits (January 1, 2017)  | 792,976      |
| Restore Medicaid professional fee schedule to approximately 147 percent of Medicare. In addition, restore the fee schedule used by Sanford Health Plan for the Medicaid Expansion population to the Sanford Health Plan commercial fee schedule. | 13,576,658   |
| Restore the rate increase for Medicaid ambulance services  | 312,500      |
| Restore the rate increase for Medicaid physical, occupational, and speech therapy  | 468,630      |
| Restore the operating margin for nursing home rates (January 1, 2017)  | 1,250,000    |
| Restore the incentive payment for nursing home rates (January 1, 2017)   | 350,000      |
| Restore the operating margin for basic care rates (January 1, 2017)  | 110,742      |
| Restore the funding for second year of autism training   | 40,000       |
| Total changes  | \$29,028,418 |

#### REQUEST

**SEN. HECKAMAN REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to SB 2379, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2379, the roll was called and there were 16 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axness; Dotzenrod; Grabinger; Heckaman; Larsen; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Robinson; Schneider; Sinner; Triplett; Warner

**NAYS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Erbele; Flakoll; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Luick; Miller; Oehlke; Poolman; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Laffen

The proposed amendments to SB 2379 failed on a recorded roll call vote.

#### 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, 0 NAYS,

0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Laffen

SB 2379 passed.

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**MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)**

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2379.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth and Fifth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Thursday, August 4, 2016, which motion prevailed.

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

**Shanda Morgan, Secretary**