

## JOURNAL OF THE HOUSE

## Sixty-second Legislative Assembly

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Bismarck, April 8, 2011

The House convened at 8:00 a.m., with Speaker Drovdal presiding.

The prayer was offered by Pastor LaRue Goetz, Revival Prayer Fellowship, Bismarck.

The roll was called and all members were present except Representatives Amerman, Keiser, Kempenich, M. Nelson, and Rohr.

A quorum was declared by the Speaker.

**CORRECTION AND REVISION OF THE JOURNAL**

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

Page 1168, line 34, replace "Reengrossed" with "Engrossed"

Page 1318, line 7, after "1103" insert "-1104"

Page 1318, line 18, insert "**Engrossed** " before "**SB**"

Page 1335, line 47, after "Fifth, " insert "Seventh "

Page 1336, line 30, replace "advance" with "advanced"

Page 1349, line 41, after "1176" insert "-1177"

Page 1354, lines 14 and 15, delete ", which motion prevailed"

Page 1354, line 23, after "13, " insert "replace "

Page 1358, line 36, after "1300" insert "-1301"

Page 1375, line 17, replace "\$55,268" with "(\$55,268)"

Page 1401, line 26, after "1174" insert "-1176"

Page 1402, line 40, replace "and Engrossed" with "and Reengrossed"

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

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DELZER MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1015 as printed on HJ pages 1414-1417 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1015: Reps. Wieland, Pollert, Metcalf.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DELZER MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1025 as printed on HJ pages 1368-1369 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1025: Reps. Bellew, Kreidt, Kaldor.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. VIGESAA MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2009, SB 2014, and Engrossed SB 2019, which motion prevailed.

**THE SPEAKER APPOINTED** as a Conference Committee on:

**Engrossed SB 2009:** Reps. Monson, Skarphol, Williams

**SB 2014:** Reps. Bellew, Kreidt, Kaldor

**Engrossed SB 2019:** Reps. Martinson, Dosch, Williams

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. R. KELSCH MOVED** that the conference committee report on Engrossed HB 1214 as printed on HJ pages 1496-1497 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1214, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1214:** A BILL for an Act to create and enact sections 15.1-02-18.1 and 15.1-02-18.2 of the North Dakota Century Code, relating to the statewide longitudinal data system and the mandatory provision of information; to amend and reenact section 15.1-02-18, subsection 6 of section 23-02.1-27, and section 52-01-03 of the North Dakota Century Code, relating to the statewide longitudinal data system and to the disclosure of records; and to repeal section 44-04-18.14 of the North Dakota Century Code, relating to the followup information on North Dakota education and training system.

**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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trotter; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Amerman; Keiser; Kempenich; Nelson, M.; Rohr

Reengrossed HB 1214 passed.

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**ANNOUNCEMENT**

**SPEAKER DROVDAL ANNOUNCED** that the House will stand in recess until 12:30 p.m.

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

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1041 as printed on HJ pages 1421-1422 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1041: Reps. Kreidt, Anderson, Holman.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BELTER MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1046 as printed on HJ pages 1422-1423 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1046: Reps. Froseth, Hatlestad, S. Meyer.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DELZER MOVED** that the House do not concur in the Senate amendments to Reengrossed HB 1152 as printed on HJ pages 1424-1425 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Reengrossed HB 1152: Reps. J. Nelson, Devlin, Holman.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do not concur in the Senate amendments to Reengrossed HB 1199 as printed on HJ page 1429 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Reengrossed HB 1199: Reps. Pietsch, Anderson, Conklin.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. D. JOHNSON MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1424 as printed on HJ pages 1466-1472 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1424: Reps. Headland, Boe, Wrangham.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. VIGESAA MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2129, Reengrossed SB 2271, Engrossed SB 2308, and Reengrossed SB 2320, which motion prevailed.

**THE SPEAKER APPOINTED** as a Conference Committee on:

**Engrossed SB 2129:** Reps. Weiler, Trottier, Winrich

**Reengrossed SB 2271:** Reps. Damschen, Porter, Kilichowski

**Engrossed SB 2308:** Reps. Ruby, Owens, Gruchalla

**Reengrossed SB 2320:** Reps. Owens, Streyle, Zaiser

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. N. JOHNSON MOVED** that the conference committee report on Engrossed HB 1267 as printed on HJ page 1472 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1267, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1267:** A BILL for an Act to establish a legislative management redistricting committee, to

provide for the implementation of a legislative redistricting plan, to exempt drafts of redistricting plans from open records requirements, and to provide for a special legislative session; to provide an expiration date; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 69 YEAS, 18 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Devlin; Dosch; Frantsvog; Grande; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Louser; Maragos; Martinson; Meier, L.; Monson; Nathe; Nelson, J.; Paur; Pietsch; Pollert; Porter; Ruby; Rust; Sanford; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Drovda

**NAYS:** Boe; Conklin; Delmore; Froseth; Glassheim; Guggisberg; Hogan; Holman; Kaldor; Kelsh, S.; Kilichowski; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Onstad; Winrich

**ABSENT AND NOT VOTING:** Amerman; Keiser; Kempenich; Nelson, M.; Owens; Rohr; Schatz

Reengrossed HB 1267 passed and the emergency clause was declared carried.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. WEISZ MOVED** that the conference committee report on Engrossed HB 1297 as printed on HJ pages 1465-1466 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1297, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1297:** A BILL for an Act to create and enact two new sections to chapter 14-02.1 of the North Dakota Century Code, relating to an abortion report form and abortion-inducing drugs; to amend and reenact sections 14-02.1-02, 14-02.1-02.1, and 14-02.1-03, subsections 2 and 3 of section 14-02.1-03.1, and sections 14-02.1-04, 14-02.1-07, 14-02.1-08, 14-02.1-09, 14-02.3-01, 14-02.3-03, 15.1-19-06, and 23-16-14 of the North Dakota Century Code, relating to the regulation of abortion; to provide a penalty; to provide for a report; and to provide a statement of legislative intent.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 70 YEAS, 17 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Gruchalla; Guggisberg; Hatlestad; Headland; Heilman; Heller; Hofstad; Hunskor; Johnson, D.; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nathe; Nelson, J.; Paur; Pollert; Porter; Ruby; Rust; Sanford; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Drovda

**NAYS:** Beadle; Conklin; Delmore; Glassheim; Hanson; Hawken; Hogan; Holman; Johnson, N.; Kaldor; Kroeber; Mock; Onstad; Pietsch; Williams; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Amerman; Keiser; Kempenich; Nelson, M.; Owens; Rohr; Schatz

Reengrossed HB 1297 passed.

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**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)****MR. SPEAKER:** The Senate has passed, unchanged: HB 1136, HB 1325, HB 1462.**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)****MR. SPEAKER:** The Senate has passed, unchanged: HB 1320, HB 1364.**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)****MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1044, HB 1134, HB 1141, HB 1225, HB 1426.**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1044**

Page 1, line 2, after the second comma insert "an emergency medical services advisory council,"

Page 1, line 3, after the semicolon insert "to amend and reenact subsection 1 of section 23-27-01 of the North Dakota Century Code, relating to emergency medical services operations service areas;"

Page 1, after line 6, insert:

**"SECTION 1. AMENDMENT.** Subsection 1 of section 23-27-01 of the North Dakota Century Code is amended and reenacted as follows:

1. The state department of health shall license emergency medical services operations. ~~After June 30, 2001, the and may designate their service areas. The~~ department shall limit the issuance of a license for any new emergency medical services operation based on the needs of the service area ~~if the applicant for the new license was licensed before July 1, 2001, and was subsequently relicensed under section 23-27-04.5.~~ A license for an emergency medical services operation is nontransferable."

Page 1, after line 18, insert:

**"Emergency medical services advisory council.**

The state department of health shall establish an emergency medical services advisory council. The council must include at least three representatives appointed by the North Dakota emergency medical services association, one individual to represent basic life support and one individual to represent advanced life support, both appointed by the state health officer, and other members designated by the state health officer, not to exceed a total of fourteen members. The department shall consider the recommendations of the council on the plan for integrated emergency medical services in the state, development of emergency medical services funding areas, development of the emergency medical services funding areas application process and budget criteria, and other issues relating to emergency medical services as determined by the state health officer. Council members are entitled to reimbursement for expenses in the manner provided in section 44-08-04. The department shall establish by policy the length of terms and the method for rotation of membership."

Page 2, line 18, replace "one-half" with "one million two hundred fifty thousand dollars"

Page 2, line 21, replace "\$2,000,000" with "\$4,000,000"

Page 2, line 22, replace "4" with "5"

Page 2, line 26, replace "\$2,000,000" with "\$4,000,000"

Page 2, line 29, remove "The department may spend"

Page 2, remove lines 30 and 31

Page 3, line 1, replace "January 1" with "June 30"

Renumber accordingly

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1134

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new subsections to section 15-39.1-04 of the North Dakota Century Code, relating to definitions of member tiers under the teachers' fund for retirement; to amend and reenact subsection 1 of section 15-39.1-09, subsection 1 of section 15-39.1-10, and sections 15-39.1-12, 15-39.1-18, 15-39.1-19.1, and 15-39.1-19.2 of the North Dakota Century Code, relating to employee and employer contribution requirements, eligibility for normal unreduced retirement benefits, eligibility for early reduced retirement benefits, eligibility for disability benefits, and retiree reemployment under the teachers' fund for retirement; and to provide an effective date.

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

**SECTION 1.** Two new subsections to section 15-39.1-04 of the North Dakota Century Code are created and enacted as follows:

"Tier one grandfathered member" for purposes of sections 15-39.1-10 and 15-39.1-12 means a tier one member who, as of June 30, 2013, is vested as a tier one member in accordance with section 15-39.1-11; and

- a. Is at least fifty-five years of age; or
- b. Has a combined total of years of service credit in the plan and years of age which equals or exceeds sixty-five.

"Tier one nongrandfathered member" for purposes of sections 15-39.1-10 and 15-39.1-12 means a tier one member who does not qualify as a tier one grandfathered member.

**SECTION 2. AMENDMENT.** Subsection 1 of section 15-39.1-09 of the North Dakota Century Code is amended and reenacted as follows:

1. Except as otherwise provided by law, every teacher is a member of the fund and must be assessed upon the teacher's salary seven and seventy-five hundredths percent per annum, which must be deducted, certified, and paid monthly to the fund by the disbursing official of the governmental body by which the teacher is employed. Member contributions increase to nine and seventy-five hundredths percent per annum beginning July 1, 2012, and increase thereafter to eleven and seventy-five hundredths percent per annum beginning July 1, 2014. Except as otherwise provided by law, every governmental body employing a teacher shall pay to the fund eight and seventy-five hundredths percent per annum of the salary of each teacher employed by it. Contributions to be paid by a governmental body employing a teacher increase to ten and seventy-five hundredths percent per annum beginning July 1, 2012, and increase thereafter to twelve and seventy-five hundredths percent per annum beginning July 1, 2014. The required amount of member and employer contributions must be reduced to seven and seventy-five hundredths percent per annum effective on the July first that follows the first valuation showing a ratio of the actuarial value of assets to the actuarial accrued liability of the teachers' fund for retirement that is equal to or greater than ninety percent. The disbursing official of the governmental body shall certify the governmental body payments and remit the payments monthly to the fund.

**SECTION 3. AMENDMENT.** Subsection 1 of section 15-39.1-10 of the North Dakota Century Code is amended and reenacted as follows:

1. The following members who have acquired a vested right to a retirement annuity as set forth in section 15-39.1-11 are eligible to receive monthly lifetime normal unreduced retirement benefits under this section:
  - a. All tier one and tier two members who have earned ~~three years of teaching service credit and who have attained the age of sixty-five~~ years.
  - b. All tier one grandfathered members who have earned ~~three years of teaching service credit and who have a combined total of years of service credit and years of age which equals or exceeds eighty-five~~.
  - c. All tier two members who have earned five years of teaching service credit and who have attained the age of sixty-five years one nongrandfathered members and tier two members who are at least sixty years of age and who have combined total of years of service credit and years of age which equals or exceeds ninety.
  - d. All tier two members who have earned five years of teaching service credit and who have a combined total of years of service credit and years of age which equals or exceeds ninety.

**SECTION 4. AMENDMENT.** Section 15-39.1-12 of the North Dakota Century Code is amended and reenacted as follows:

**15-39.1-12. Early reduced retirement benefits.**

A tier one member who has acquired a vested right to a retirement annuity as set forth in section 15-39.1-11 and who has attained age fifty-five may retire prior to the normal retirement age as set forth in section 15-39.1-10 but the benefits to which the member is then entitled must be reduced to the actuarial equivalent of the benefit credits earned to the date of early retirement from the earlier of age sixty-five or the age at which current service plus age equals eighty-five. A tier two member who has acquired a vested right to a retirement annuity as set forth in section 15-39.1-11 and who has attained age fifty-five may retire prior to the normal retirement age as set forth in section 15-39.1-10 but the benefits to which the member is then entitled must be reduced to the actuarial equivalent of the benefit credits earned to the date of early retirement from the earlier of age sixty-five or the age at which current service plus age equals ninety according to the following schedule:

1. All tier one grandfathered member benefits must be reduced by six percent per annum from the earlier of:
  - a. Age sixty-five; or
  - b. The age at which the sum of the member's current years of service credit and years of age equals eighty-five.
2. All tier one nongrandfathered member and tier two member benefits must be reduced by eight percent per annum from the earlier of:
  - a. Age sixty-five; or
  - b. The later of:
    - (1) Age sixty; or
    - (2) The age at which the sum of the member's current years of service credit and years of age equals ninety.

**SECTION 5. AMENDMENT.** Section 15-39.1-18 of the North Dakota Century Code is amended and reenacted as follows:

**15-39.1-18. Disability retirements.**

1. Any member may also retire and receive a disability annuity if, after a period of at least ~~one year~~five years of service as a member in this state, the member ~~suffers from~~qualifies for total disability as determined by the board.
2. The amount of the disability annuity is the ~~greater of the amount computed by the retirement formula in section 15-39.1-10 without consideration of age or the amount computed by that formula without consideration of age but assuming the member had twenty years of credited service.~~ A member determined eligible for a disability annuity under this section may elect to receive an annuity under any of the options allowed in section 15-39.1-16, except the level retirement income with social security option or the partial lump sum option.
3. The disability annuity continues until the death or prior recovery of the disabled annuitant. The board shall ascertain by periodic medical examinations the continued disability status of a disabled annuitant.
4. If a disabled annuitant recovers and returns to active teaching, that annuitant is entitled to the retirement benefit credits which the annuitant earned prior to the time of disablement, and the credits which the annuitant earned after returning to active teaching must be added to those earned prior to disablement.

**SECTION 6. AMENDMENT.** Section 15-39.1-19.1 of the North Dakota Century Code is amended and reenacted as follows:

**15-39.1-19.1. Retired teachers return to active service - Annuities discontinued on resumption of teaching over annual hour limit.**

1. a. Except as otherwise provided in section 15-39.1-19.2, a retired teacher who is receiving a retirement annuity under chapter 15-39, 15-39.1, or 15-39.2 may not return to covered employment until thirty calendar days have elapsed from the member's retirement date. A retired member may then return to covered employment under an annual hour limit and continue receiving a monthly retirement benefit. The annual hour limit is based on the length of the reemployed retiree's contract as follows:
  - (1) Retiree reemployment of nine months or less, annual limit is seven hundred hours;
  - (2) Retiree reemployment of ten months, annual limit is eight hundred hours;
  - (3) Retiree reemployment of eleven months, annual limit is nine hundred hours; or
  - (4) Retiree reemployment of twelve months, annual limit is one thousand hours.
- b. Employment as a noncontracted substitute teacher does not apply to the annual hour limit. Professional development and extracurricular duties do not apply to the annual hour limit.
- c. The retired member and the retired member's employer must notify the fund office in writing within thirty days of the retired member's return to covered employment. ~~Should the retired member's employment exceed the annual hour limit, the retired member must immediately notify the fund office in writing. Failure to notify the fund office results in the loss of one month's annuity benefit. The retired member's monthly benefit must be discontinued the first of the month following the date the member reaches the annual hour limit.~~



- d. A retired member who returns to teaching shall pay the member contributions required by section 15-39.1-09 on ~~those earnings~~the salary received by the retired member ~~after reaching the annual hour limit.~~ The member contributions must be included in the retired member's account value and may not be refunded except as provided under subdivision a of subsection 2 of section 15-39.1-19.1 and section 15-39.1-17.
  - e. A participating employer who employs a retired member under this section shall pay the employer contributions required by section 15-39.1-09 on the salary of the retired member ~~both before and after the retired member reaches the annual hour limit.~~
  - f. A retired teacher who returns to teaching and does not exceed the annual hour limit must be treated as retired for all other purposes under this chapter. A retired teacher may not earn any additional service during the period of reemployment. The retired teacher's benefits may not be adjusted to reflect changes in the retired teacher's age or final average monthly salary at the end of the period of reemployment, any optional form of payment elected under section 15-39.1-16 remains effective during and after the period of reemployment, and additional benefits normally available to an active member, such as disability benefits, are not available to a retired teacher reemployed under this section.
  - g. A retired teacher who returns to teaching and exceeds the annual hour limit must immediately notify the fund office in writing. Failure to notify the fund office results in the loss of one month's annuity benefit for the member. The retired member's monthly benefit must be discontinued the first of the month following the date the member reaches the annual hour limit.
2. Upon the retired teacher's subsequent retirement, the member's benefit must be resumed as follows:
- a. If the teacher subsequently retires with less than two years of additional earned credited service, the teacher's contributions paid to the fund after the member's benefit was suspended must be refunded in accordance with section 15-39.1-20 and the teacher is entitled to receive the discontinued annuity, plus any postretirement benefit adjustments granted during the period of reemployment, the first day of the month following the teacher's re-retirement.
  - b. If the teacher subsequently retires with two or more but less than five years of additional earned credited service, the retired person's annuity is the greater of the sum of the discontinued annuity, plus an additional annuity computed according to this chapter based upon years of service and average salaries earned during the period of reemployment plus any postretirement benefit adjustments granted during the period of reemployment, or a recalculated annuity computed according to this chapter based on total years of service credit earned during both employment periods offset by the actuarial value of payments already received. The new annuity is payable the first day of the month following the member's re-retirement.
  - c. If the teacher subsequently retires with five or more years of additional earned credited service, the retired person's annuity is the greater of the sum of the discontinued annuity plus an additional annuity based upon years of service and average salaries earned during the period of reemployment plus any postretirement benefit adjustments granted during the period of reemployment, or a recalculated annuity based on all years of service computed under subsection 2 of section 15-39.1-10. The new annuity is payable the first day of the month following the member's re-retirement.

**SECTION 7. AMENDMENT.** Section 15-39.1-19.2 of the North Dakota Century Code is amended and reenacted as follows:

**15-39.1-19.2. Retired teachers return to active service - Critical shortage areas and disciplines - Rules.**

1. A retired teacher who is receiving a retirement annuity under chapter 15-39, 15-39.1, or 15-39.2 may elect to return to teaching without losing any benefits under the provisions of this section or elect to return to teaching under the provisions of section 15-39.1-19.1. To return to teaching under this section, a retired teacher must:
  - a. Return to teach in a critical shortage geographical area or subject discipline as determined by the education standards and practices board by rule;
  - b. If retired after January 1, 2001, have been receiving a retirement annuity for at least one year. A retired teacher may perform noncontracted substitute teaching duties but may not engage in full-time or part-time teaching duties during the one-year separation from service; and
  - c. Notify the fund office in writing within thirty days of the retired member's return to covered employment. The retired member's employer must also notify the fund office in writing within thirty days of the retired member's return to covered employment.
2. A retired teacher who returns to teaching under this section ~~is not required to~~ shall pay the ~~employee assessment~~ member contributions required by section 15-39.1-09 on the salary of the retired member. The member contributions must be included in the retired member's account value and may not be refunded except as provided under section 15-39.1-17. A retired teacher who returns to teaching under the provisions of this section must be treated as retired for all other purposes under this chapter. A retired teacher may not earn any additional service during the period of reemployment. The retired teacher's benefits may not be adjusted to reflect changes in the retired teacher's age or final average monthly salary at the end of the period of reemployment, any optional form of payment elected under section 15-39.1-16 remains effective during and after the period of reemployment, and additional benefits normally available to an active member, such as disability benefits, are not available to a retired teacher reemployed under this section.
3. A participating employer who employs a retired member under this section shall pay the employer contributions required by section 15-39.1-09 on the salary of the retired member.

**SECTION 8. EFFECTIVE DATE.** Sections 6 and 7 of this Act become effective July 1, 2012, and sections 3, 4, and 5 of this Act become effective July 1, 2013."

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1141**

Page 1, line 3, remove "; to provide for retroactive application; and to declare an emergency"

Page 1, remove lines 17 through 22

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1225**

Page 1, line 1, after "57-15-06.7" insert "and section 57-15-28"

Page 1, line 2, after "fund" insert "and"

Page 1, line 2, after the semicolon insert "to provide for a legislative management study;"

Page 1, line 8, remove ", which may be increased to five mills if approved by"

Page 1, line 9, replace "a majority of the electors of the county voting on the question" with "in a county with a population of thirty thousand or more, four mills in a county with a population under thirty thousand but more than five thousand, or six mills in a county with a population of five thousand or fewer"

Page 1, after line 9, insert:

**"SECTION 2. AMENDMENT.** Section 57-15-28 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-28. Emergency fund - County.**

The governing body of any county may levy a tax for emergency purposes not exceeding the limitation in subsection 22 of section 57-15-06.7. The emergency fund may not be considered in determining the budget or the amount to be levied for each fiscal year for normal tax purposes but must be shown in the budget as an "emergency fund" and may not be deducted from the budget as otherwise provided by law. Each county may create an emergency fund, and all taxes levied for emergency purposes by any county, when collected, must be deposited in the emergency fund, and must be used only for emergency purposes caused by the destruction or impairment of any county property necessary for the conduct of the affairs of the county, emergencies caused by nature or by the entry by a court of competent jurisdiction of a judgment for damages against the county. The emergency fund may not be used for the purchase of road equipment. The emergency fund may not be used for any road construction or maintenance, except for repair of roads damaged by nature within sixty days preceding the determination to expend emergency funds ~~or for the purchase of road equipment~~; however, the emergency fund may be used to match federal funds appropriated to mitigate damage to roads related to a federally declared disaster that occurred more than sixty days preceding the determination. Any unexpended balance remaining in the emergency fund at the end of any fiscal year must be kept in the fund. When the amount of money in the emergency fund, plus the amount of money due the fund from outstanding taxes, equals the amount produced by a levy of five mills on the taxable valuation of property in a county with a population of thirty thousand or more, ten mills on the taxable valuation of property in a county with a population of less than thirty thousand but more than five thousand, or fifteen mills on the taxable valuation of property in a county with a population of five thousand or fewer, the levy authorized by this section must be discontinued, and no further levy may be made until required to replenish the emergency fund.

**SECTION 3. LEGISLATIVE MANAGEMENT STUDY - COUNTY AND CITY EMERGENCY FUND LEVIES.** During the 2011-12 interim, the legislative management shall consider studying county and city emergency fund levies and expenditures and jurisdictional responsibilities and issues relating to emergency fund levies and expenditures. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Page 1, line 10, replace "This" with "Section 1 of this"

Page 1, line 11, after the period insert "Section 2 of this Act is effective for emergency fund expenditures after July 31, 2011."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1426**

Page 1, line 8, remove the overstrike over "must be"

Page 1, line 8, after "~~five~~" insert "six"

Page 1, line 8, remove the overstrike over "~~dollars~~"

Page 1, line 8, remove "may"

Page 1, remove lines 9 through 12

Page 1, line 13, remove "category in this state"

Page 1, line 15, remove the overstrike over "~~must be~~"

Page 1, line 15, after "~~seven~~" insert "nine"

Page 1, line 16, remove the overstrike over "~~dollars~~"

Page 1, line 16, remove "may not exceed an amount established by policy by the"

Page 1, remove lines 17 through 19

Page 1, line 20, remove "in the 'lunch' category in this state"

Page 1, line 21, remove the overstrike over "~~must be~~"

Page 1, line 21, after "~~twelve~~" insert "fifteen"

Page 1, line 22, remove the overstrike over "~~dollars~~"

Page 1, line 22, remove "may not exceed an amount established by policy by the"

Page 1, remove lines 23 and 24

Page 2, remove line 1

Page 2, line 2, remove "in the 'dinner' category in this state"

Renumber accordingly

**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 1126, HB 1206.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1126**

Page 1, line 2, after the first semicolon insert "to provide reports to the legislative management;"

Page 1, line 9, after "commissioner" insert "and department of human services, in consultation with the advisory committee established under section 26.1-54-05,"

Page 1, line 19, after "2." insert "Plan for the implementation of an American health benefit exchange for the state which at a minimum provides for eligibility determination and enrollment of individuals in the state's medical assistance program and the state's children's health insurance program; simplification; and medical assistance and children's health insurance program coordination with the state health insurance exchange in a manner that meets the requirements of the 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].

3."

Page 2, line 1, replace "3." with "4."

Page 2, line 4, replace "4." with "5."

Page 2, line 7, after "commissioner" insert "and department of human services"

Page 2, line 10, after "commissioner" insert "and department of human services"

Page 2, line 13, after "the" insert "department of human services and"

Page 2, line 16, after the second "the" insert "department of human services."

Page 2, line 16, after "commissioner" insert an underscored comma

Page 2, after line 17, insert:

**"26.1-54-05. Advisory committee.**

An advisory committee is established to assist the commissioner and the department of human services in addressing the complexity and interdependence of the technology systems required by the health benefit exchange. The advisory committee membership is made up of the commissioner or the commissioner's designee, the executive director of the department of human services or the director's designee, the chief information officer or the chief information officer's designee, the governor or the governor's designee, and two members of the legislative assembly appointed by the chairman of the legislative management.

Page 2, line 26, after "commissioner" insert ", department of human services, and advisory committee"

Page 2, line 28, after "commissioner" insert "and department of human services"

Page 2, line 29, after "commissioner" insert "or department of human services"

Page 3, line 1, after "commissioner" insert "or department of human services"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1206**

In lieu of the amendments adopted by the Senate as printed on pages 1033 and 1034 of the Senate Journal, Engrossed House Bill No. 1206 is amended as follows:

Page 1, line 2, replace "grant repayment by the authority" with "an appropriation; to provide for loan and grant repayment"

Page 2, line 2, after the underscored period insert "The western area water supply authority shall consider in the process of locating industrial water depots the location of private water sellers so as to minimize the impact on private water sellers."

Page 2, line 14, remove "any bonds or refunding bonds issued under this chapter remain"

Page 2, line 15, remove "outstanding or"

Page 2, line 18, replace "two" with "one"

Page 2, line 19, replace "representatives" with "representative"

Page 2, line 20, after the second underscored comma insert "BDW water system association."

Page 2, line 21, after "association" insert ", and one county commissioner each from Burke County, Divide County, McKenzie County, Mountrail County, and Williams County"

Page 2, line 21, replace "Each" with "The governing body of each"

Page 2, line 21, replace "two representatives" with "the representative"

Page 2, line 22, replace "that" with "the governing body of the"

Page 2, line 23, after the underscored period insert "Directors have a term of one year and may be reappointed. In addition, the governor shall select one member of the state water commission as a voting member on the authority's board of directors. The commission member serves on the board at the pleasure of the governor."

Page 2, line 30, after the underscored comma insert "except for the state water commission member and the county commissioners on the board."

Page 5, line 24, remove "Issue and sell revenue bonds, including notes, certificates, leases, or other evidences"

Page 5, remove lines 25 through 31

Page 6, remove lines 1 through 16

Page 6, line 17, remove "17."

Page 6, line 21, replace "18." with "13."

Page 6, line 24, replace "19." with "14."

Page 6, line 27, replace "20." with "15."

Page 6, remove lines 29 and 30

Page 7, remove lines 1 and 2

Page 7, line 3, replace "22." with "16."

Page 7, line 4, replace "23." with "17."

Page 7, line 9, replace "24." with "18."

Page 7, line 17, replace "25." with "19."

Page 7, line 22, replace "26." with "20."

Page 7, line 27, replace "report to" with "comply with the policy on cost-sharing of"

Page 7, line 27, replace "on the" with "as the policy relates to"

Page 7, line 27, after the second underscored comma insert "and"

Page 7, line 28, replace the first underscored comma with "of the project. The authority shall report to and consult with the state water commission regarding the"

Page 7, line 28, remove the second underscored comma

Page 7, line 29, remove "initial construction of the system and"

Page 7, line 30, remove "and contract plans and specifications"

Page 8, line 1, remove "bonds issued by the authority utilize section 61-40-17 or"

Page 8, remove lines 6 through 31

Page 9, remove lines 1 through 31

Page 10, remove lines 1 through 31

Page 11, remove lines 1 through 17

Page 11, line 18, replace "61-40-15." with "61-40-07."

Page 11, line 26, replace "61-40-16." with "61-40-08."

Page 12, remove lines 1 through 26

Page 12, line 27, replace "**60-40-18.**" with "**61-40-09.**"

Page 12, line 29, remove ", if the legislative assembly has appropriated"

Page 12, line 30, remove "moneys to restore the reserve fund for the obligation in default under this chapter."

Page 13, after line 9, insert:

**"61-40-10. Taxing authority.**

If projected or actual revenues are insufficient to prevent default, each board of county commissioners of Burke County, Divide County, McKenzie County, Mountrail County, and Williams County shall levy property tax in equal mills as is necessary to prevent default within a maximum of five mills for each county.

**SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the permanent oil tax trust fund in the state treasury, not otherwise appropriated, the sum of \$75,000,000, or so much of the sum as may be necessary, to the state water commission for the purpose of providing a loan to the western area water authority for a maximum term of twenty years at five percent interest per year, for the biennium beginning July 1, 2011, and ending June 30, 2013."

Page 13, line 10, replace "**STATE WATER COMMISSION**" with "**LOAN AND**"

Page 13, line 10, remove "After"

Page 13, remove lines 11 and 12

Page 13, line 13, replace "shall" with "The western area water authority shall make payments on the loan provided in section 2 of this Act to the state water commission. The state water commission shall transfer the funds to the state treasurer for deposit of the principal in the permanent oil tax trust fund and deposit of the interest in the resources trust fund. Upon the repayment of the principal, the authority shall make payments in at least the amount of the principal payments to"

Page 13, line 14, after the period insert "In addition, upon repayment of the state water commission grant, the authority shall provide five percent of the net profits to the state water commission for deposit by the state treasurer in the resources trust fund until June 30, 2040."

Renumber accordingly

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1352.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1373, HCR 3018.

**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 1267 and HB 1297.

**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 1015 and HB 1025, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1015:** Reps. Wieland; Pollert; Metcalf

**HB 1025:** Reps. Bellew; Kreidt; Kaldor

**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 1041, HB 1046, HB 1152, HB 1199, and HB 1424, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1041:** Reps. Kreidt; Anderson; Holman

**HB 1046:** Reps. Froseth; Hatlestad; S. Meyer

**HB 1152:** Reps. J. Nelson; Devlin; Holman

**HB 1199:** Reps. Pietsch; Anderson; Conklin

**HB 1424:** Reps. Headland; Boe; Wrangham

**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 1015:** Sens. Christmann; Wanzek; O'Connell

**HB 1025:** Sens. Kilzer; Fischer; Robinson

**HB 1266:** Sens. Berry; Uglem; Dever

**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 2002, SB 2006, SB 2010, SB 2011, SB 2022, SB 2024, SB 2043, SB 2115, SB 2248, SB 2275, SB 2306, SB 2323, SCR 4003, SCR 4013, and SCR 4015.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently failed to pass: SB 2248 and SCR 4015.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2003, SB 2016, SB 2207, SB 2298, SB 2309, and SB 2369, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2003:** Sens. Kilzer; Erbele; Warner

**SB 2016:** Sens. Grindberg; Holmberg; Warner

**SB 2207:** Sens. Oehlke; Nething; Mathern

**SB 2298:** Sens. Dever; Krebsbach; Mathern

**SB 2309:** Sens. Uglem; Dever; Mathern

**SB 2369:** Sens. Grindberg; Holmberg; Robinson

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2017, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2017:** Sens. Christmann; Wanzek; O'Connell

**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 2009:** Reps. Monson; Skarphol; Williams

**SB 2014:** Reps. Bellew; Kreidt; Kaldor

**SB 2019:** Reps. Martinson; Dosch; Williams

**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 2129:** Reps. Weiler; Trotter; Winrich



**SB 2271:** Reps. Damschen; Porter; Kilichowski

**SB 2308:** Reps. Ruby; Owens; Gruchalla

**SB 2320:** Reps. Owens; Streyle; Zaiser

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1214.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1224, HB 1232, HB 1314, HB 1321, HB 1413, HB 1421, HB 1422, HB 1423, HB 1425, HB 1435, HB 1442, HB 1452, HB 1456, HCR 3036, HCR 3037, HCR 3039.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SCR 4007.

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

**MR. SPEAKER:** The President has signed: HB 1224, HB 1232, HB 1314, HB 1321, HB 1413, HB 1421, HB 1422, HB 1423, HB 1425, HB 1435, HB 1442, HB 1452, HB 1456, HCR 3036, HCR 3037, HCR 3039.

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

**MR. SPEAKER:** The President has signed: HB 1328, HB 1329, HB 1334, HB 1338, HB 1355, HB 1382, HB 1386, HB 1389, HB 1393.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1009, HB 1017, HB 1022, HB 1023, HB 1024, HB 1075, HB 1096, HB 1097, HB 1100, HB 1113, HB 1130, HB 1132, HB 1139, HB 1145, HB 1161, HB 1176, HB 1185, HB 1196, HB 1197, HB 1200, HB 1205, HB 1216, HB 1221, HB 1222, HB 1271, HB 1376, HB 1391, HB 1399, HB 1415, HB 1430.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 8, 2011: HB 1009, HB 1017, HB 1022, HB 1023, HB 1024, HB 1075, HB 1096, HB 1097, HB 1100, HB 1113, HB 1130, HB 1132, HB 1139, HB 1145, HB 1161, HB 1176, HB 1185, HB 1196, HB 1197, HB 1200, HB 1205, HB 1216, HB 1221, HB 1222, HB 1271, HB 1376, HB 1391, HB 1399, HB 1415, HB 1430.

**MOTION**

**REP. VIGESAA MOVED** that the absent members be excused, which motion prevailed.

**MOTION**

**REP. VIGESAA MOVED** that the House be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Monday, April 11, 2011, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2008: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SB 2008 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "to authorize a transfer" with "to provide for a legislative management study"

Page 1, replace line 17 with:

"Rail rate complaint case	900,000	(900,000)	0"
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Page 1, replace lines 19 and 20 with:

"Total all funds	\$16,230,407	\$1,951,456	\$18,181,863
Less estimated income	<u>10,627,242</u>	<u>1,534,406</u>	<u>12,161,648"</u>

Page 2, replace lines 19 through 27 with:

**"SECTION 4. LEGISLATIVE MANAGEMENT STUDY - PIPELINE SAFETY STUDY.** During the 2011-12 interim, the legislative management shall consider studying gas pipelines in the state focusing on safety concerns of gas utility distribution and transmission. The study must include all pipeline activity and address the jurisdiction of pipelines in the state in consultation with the public service commission, industrial commission, and North Dakota one call. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2008 - Public Service Commission - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$7,482,074	\$7,482,074		\$7,482,074
Operating expenses	1,972,572	1,972,572		1,972,572
Capital assets	53,000	53,000		53,000
Grants	16,000	16,000		16,000
Abandoned mined lands contractual	8,000,000	8,000,000		8,000,000
Rail rate complaint case	900,000	900,000	(900,000)	
Federal stimulus funds	658,217	658,217		658,217
Total all funds	\$19,081,863	\$19,081,863	(\$900,000)	\$18,181,863
Less estimated income	13,061,648	13,061,648	(900,000)	12,161,648
General fund	\$6,020,215	\$6,020,215	\$0	\$6,020,215
FTE	43.00	43.00	0.00	43.00

#### Department No. 408 - Public Service Commission - Detail of House Changes

	Removes Funding for Rail Rate Complaint Case <sup>1</sup>	Total House Changes
Salaries and wages		
Operating expenses		
Capital assets		
Grants		
Abandoned mined lands contractual		
Rail rate complaint case	(900,000)	(900,000)
Federal stimulus funds		
Total all funds	(\$900,000)	(\$900,000)
Less estimated income	(900,000)	(900,000)
General fund	\$0	\$0
FTE	0.00	0.00

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<sup>1</sup> Funding authority provided relating to costs associated with any potential rail rate complaint case is removed.

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A section is added providing for a Legislative Management study relating to gas pipelines in the state, focusing on safety concerns of gas utility distribution and transmission, in consultation with the Public Service Commission, Industrial Commission, and North Dakota One Call.

**REPORT OF STANDING COMMITTEE**

**SB 2020, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2020 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 61-04 of the North Dakota Century Code, relating to metering certain water sources;"

Page 1, line 3, remove "to repeal section 5 of chapter 535"

Page 1, remove line 4

Page 1, line 5, remove "center;"

Page 2, after line 30, insert:

**"SECTION 6.** A new section to chapter 61-04 of the North Dakota Century Code is created and enacted as follows:

**Metering of certain water sources required - Rules.**

The state engineer shall require the remote metering of water used pursuant to a temporary or perfected water permit and sold for oil and gas purposes. Except for nonpotable ground water used for enhanced oil recovery purposes and water uses of less than fifteen acre-feet per year, all other permitted and temporarily permitted industrial water supplies sold for oil and gas purposes are subject to the metering requirements of this section. The state engineer shall develop rules to provide:

1. The specifications for remote terminal water metering devices;
2. That metering be operational by July 1, 2012;
3. That meters be available for inspection by state water commission staff on a daily basis;
4. That meters be sealed and tamperproof;
5. That meters may be replaced only under supervision of the state engineer; and
6. That the penalty for circumventing the provisions of this section shall be a thirty-day suspension of the noncompliant permit."

Page 3, line 31, replace "\$250,000" with "\$100,000"

Page 4, replace lines 3 through 6 with:

**"SECTION 10. LEGISLATIVE INTENT - WATER-RELATED FUNDING PRIORITIES.** It is the intent of the sixty-second legislative assembly that the \$5,000,000 for the Red River valley water supply project identified by the state water commission as a 2011-13 biennium funding priority be used for general statewide water management and that the state water commission not spend any funding for the Red River valley water supply project during the 2011-13 biennium."

Page 4, remove line 7

Page 4, line 8, replace "6" with "7"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2020 - State Water Commission - House Action**

This amendment changes the legislative intent section relating to a grant to Wildlife Services by reducing it from \$250,000 to \$100,000.

The amendment removes:

- Section 9 providing legislative intent relating to the Garrison Diversion Conservancy District.
- Section 10 repealing Section 5 of the 1999 Session Laws Chapter 535 relating to a pledge of revenues from the Grand Forks Corporate Center.

In addition, the amendment:

- Adds a section to create a new section to Chapter 61-04 relating to the metering of certain water sources.
- Provides legislative intent relating to the use of funds for water project priorities.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1092, as engrossed:** Your conference committee (Sens. Schaible, Flakoll, Marcellais and Reps. L. Meier, Wall, Mock) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1152-1153 and place HB 1092 on the Seventh order.

Engrossed HB 1092 was placed on the Seventh order of business on the calendar.

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

**Buell J. Reich, Chief Clerk**