

## JOURNAL OF THE HOUSE

## Sixty-second Legislative Assembly

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Bismarck, April 19, 2011

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

The prayer was offered by Representative Eliot Glassheim, District 18, Grand Forks.

The roll was called and all members were present.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR JACK DALRYMPLE**

This is to inform you that on April 18, 2011, I have signed the following: HB 1012, HB 1038, HB 1039, HB 1136, HB 1267, HB 1297, HB 1321, and HB 1397.

**MOTION**

**REP. VIGESAA MOVED** that Rep. Monson replace Rep. Skarphol on the Conference Committee on SB 2013, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. WIELAND MOVED** that the conference committee report on Engrossed HB 1005 as printed on HJ pages 1764-1765 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1005, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1005:** A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 86 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Delzer; Dosch; Kreun; Ruby; Schatz; Weiler

**ABSENT AND NOT VOTING:** Rohr

Reengrossed HB 1005 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. SKARPHOL MOVED** that the conference committee report on Engrossed HB 1019 as printed on HJ page 1765 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1019, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1019:** A BILL for an Act to provide an appropriation for defraying the expenses of the state board for career and technical education.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Rohr

Reengrossed HB 1019 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KREIDT MOVED** that the conference committee report on Engrossed HB 1041 as printed on HJ pages 1765-1766 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1041, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1041:** A BILL for an Act to create and enact a new chapter to title 23, subsection 13 to section 43-12.1-04, and section 43-12.1-16.1 of the North Dakota Century Code, relating to a nurse aide registry, individuals exempt from regulation by the state board of nursing, and supervision of nursing interventions; to amend and reenact subsection 9 of section 43-12.1-02 and sections 43-12.1-16 and 50-30-02 of the North Dakota Century Code, relating to definitions, individuals exempt from regulation by the state board of nursing, delegation of medication administration, and the health care trust fund; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Zaiser

**ABSENT AND NOT VOTING:** Rohr

Reengrossed HB 1041 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. HOFSTAD MOVED** that the conference committee report on Engrossed HB 1174 as printed on HJ pages 1766-1767 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1174, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1174:** A BILL for an Act to amend and reenact sections 23-12-14 and 26.1-41-12 of the North Dakota Century Code, relating to copies of medical records and medical bills.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 77 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Boe; Brabandt; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Ruby; Rust; Sanford; Schmidt; Steiner; Sukut; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Winrich; Speaker Drovda

**NAYS:** Bellew; Belter; Boehning; Brandenburg; Delzer; Grande; Headland; Heller; Koppelman; Schatz; Skarphol; Streyle; Thoreson; Weiler; Wrangham; Zaiser

**ABSENT AND NOT VOTING:** Rohr

Reengrossed HB 1174 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. DEKREY MOVED** that the conference committee report on Reengrossed HB 1269 as printed on HJ pages 1767-1768 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1269, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1269:** A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to mental disability and firearm possession; to amend and reenact sections 25-03.1-43 and 62.1-02-01 and subsection 3 of section 62.1-04-03 of the North Dakota Century Code, relating to possession of firearms in this state and confidential records; to provide an appropriation; to provide a contingent effective date; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Rohr

Reengrossed HB 1269 passed and the emergency clause was declared carried.

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**MOTION**

**REP. BOE MOVED** that the House reconsider its action whereby Engrossed SB 2042 failed to pass, which motion prevailed on a verification vote.

**MOTION**

**REP. MARAGOS MOVED** that the House reconsider its action whereby the Conference Committee Report on Engrossed SB 2042 was adopted, which motion prevailed on a verification vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. OWENS MOVED** that the conference committee report on Engrossed SB 2042 as printed on HJ pages 1741-1742 be adopted, which motion failed on a verification vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. WALL MOVED** that the conference committee report on Engrossed SB 2281 as printed on HJ pages 1768-1769 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2281, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF SENATE BILL**

**SB 2281:** A BILL for an Act to create and enact a new section to chapter 15.1-18.2 of the North Dakota Century Code, relating to concussion management program requirements; and to provide for a legislative management study.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Delzer; Louser; Pollert; Steiner

**ABSENT AND NOT VOTING:** Rohr

Engrossed SB 2281, as amended, passed.

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**ANNOUNCEMENT**

**SPEAKER DROVDAL ANNOUNCED** that the House will stand in recess until 1:00 p.m.

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

**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 Seventieth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1749, after line 9, insert:

**"REPORT OF STANDING COMMITTEE**

**SB 2015, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2015 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "and" with "to create and enact a new section to chapter 48-01.2 and a new section to chapter 54-27 of the North Dakota Century Code, and a new subdivision to subsection 6 of section 1 of House Bill No. 1438 as enacted by the sixty-second legislative assembly, relating to public improvement project bids, reports on federal grants, and an employer's prohibition on firearm possession; to amend and reenact sections 54-16-03.1 and 54-35-02.3 of the North Dakota Century Code, relating to petitions to the emergency commission and the legislative management employee benefits programs committee;"

Page 1, line 3, after "intent" insert "; to provide for a legislative management study; to provide for retroactive application; and to declare an emergency"

Page 1, replace line 17 with:

"Capital assets	2,420,298	6,069,845	8,490,143"
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Page 1, replace line 19 with:

"Prairie public broadcasting	1,337,138	(337,138)	1,000,000"
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Page 1, replace lines 22 through 24 with:

"Total all funds	\$50,937,875	(\$8,209,715)	\$42,728,160
Less estimated income	<u>14,688,779</u>	<u>(4,174,318)</u>	<u>10,514,461</u>
Total general fund	\$36,249,096	(\$4,035,397)	\$32,213,699"

Page 2, replace line 7 with:

"Prairie public broadcasting	\$2,016,200	\$0"
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Page 2, replace line 13 with:

"Capitol complex parking lot repairs	0	500,000"
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Page 2, replace line 15 with:

"Total all funds	\$6,681,735	\$3,350,000"
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Page 2, replace line 17 with:

"Total general fund	\$4,858,100	\$3,350,000"
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Page 2, after line 21, insert:

**"SECTION 3. APPROPRIATION - TRANSFER - GENERAL FUND TO PUBLIC TRANSPORTATION FUND.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, which the office of management and budget shall transfer to the public transportation fund during the biennium beginning July 1, 2011, and ending June 30, 2013."

Page 2, remove lines 30 and 31

Page 3, remove lines 1 and 2

Page 3, line 19, replace "sixty-third" with "sixty-second"

Page 3, line 21, replace "the same percentage increase" with "three percent annually"

Page 3, line 24, replace "four" with "three"

Page 3, line 25, replace "one" with "three"

Page 3, after line 30, insert:

**"SECTION 10. INFORMATION TECHNOLOGY PROJECT PLANNING.** Each executive branch state agency, excluding entities under the control of the state board of higher education, considering the development of an information technology project with an estimated cost of \$100,000 or more shall involve the information technology department in the planning and study of the project, for the biennium beginning July 1, 2011, and ending June 30, 2013. A state agency must receive a recommendation from the information technology department prior to proceeding with any study relating to the project.

**SECTION 11. DRAFT APPROPRIATIONS ACTS - ALTERNATIVE FORMAT PILOT PROJECT - SIXTY-THIRD LEGISLATIVE ASSEMBLY - EXCEPTION.**

Notwithstanding subsection 7 of section 54-44.1-06, the draft of proposed appropriations acts submitted by the governor for introduction to the sixty-third legislative assembly for the highway patrol, protection and advocacy project, secretary of state, and public service commission must be at the same level of ongoing funding as provided by the sixty-second legislative assembly. The governor shall attach a proposed draft amendment to the draft appropriations acts for these agencies making the funding changes necessary to provide for the appropriations as recommended by the governor, for the biennium beginning July 1, 2013, and ending June 30, 2015.

**SECTION 12.** A new section to chapter 48-01.2 of the North Dakota Century Code is created and enacted as follows:

**Bids less than authorized project amount - Additional expense approval - Budget section report.**

Upon accepting a bid under this chapter, if the accepted bid is less than all funds dedicated to the public improvement, the governing body of an entity that has received an appropriation of moneys from the general fund of the state treasury for the public improvement shall immediately notify the office of management and budget. Any change order or expenses exceeding the bid amount must be submitted to the office of management and budget for approval. The office of management and budget shall report all approved change orders or additional expenses to the budget section of the legislative management.

**SECTION 13.** A new section to chapter 54-27 of the North Dakota Century Code is created and enacted as follows:

**Report on federal grants by state agency.**

Each state agency, excluding entities under the control of the state board of higher education, shall report to the office of management and budget before applying for a federal grant for which the agency may receive estimated funding of twenty-five thousand dollars or more. The report must include the purpose of the grant; the potential amount of the grant; any additional employees that may be required because of the grant; the time period covered by the grant; and grant requirements, including state matching requirements or maintenance of effort. The state agency shall provide updates on the status of the grant application as required by the office of management and budget. At each meeting of the budget section of the legislative management, the office of management and budget shall report to the budget section on the reports received from state agencies under this section.

**SECTION 14.** A new subdivision to subsection 6 of section 1 of House Bill No. 1438, as enacted by the sixty-second legislative assembly, is created and enacted as follows:

The state hospital.

**SECTION 15. AMENDMENT.** Section 54-16-03.1 of the North Dakota Century Code is amended and reenacted as follows:

**54-16-03.1. Submission of petition to emergency commission.**

When an emergency exists, a state officer may present to the emergency commission an itemized petition requesting approval to transfer money and spending authority between funds or line items pursuant to section 54-16-04; accept and expend federal funds pursuant to section 54-16-04.1; accept and expend state contingency funds pursuant to section 54-16-09; accept and expend other funds pursuant to section 54-16-04.2; or recommend full-time equivalent positions pursuant to section 54-16-04.3. Any petition to the emergency commission by a state officer must be approved or recommended by the emergency commission prior to submission for consideration by the budget section.

**SECTION 16. AMENDMENT.** Section 54-35-02.3 of the North Dakota Century Code is amended and reenacted as follows:

**54-35-02.3. Employee benefits programs committee - Appointment - Selection of chairman.**

The legislative management, during each biennium, shall appoint an employee benefits programs committee in the same manner as the legislative management appoints other interim committees. The legislative management shall appoint ~~five~~seven members of the house of representatives and ~~four~~six members of the senate to the committee. The legislative management shall designate the chairman of the committee. The committee shall operate according to the statutes and procedure governing the operation of other legislative management interim committees.

**SECTION 17. LEGISLATIVE MANAGEMENT STUDY - HOME RULE AMENDMENTS.** During the 2011-12 interim, the legislative management shall consider studying procedures for proposing, adopting, and implementing changes to county and city home rule charters and ordinances and resolutions adopted under home rule powers. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly.

**SECTION 18. RETROACTIVE APPLICATION.** House Bill No. 1141, as approved by the sixty-second legislative assembly, is retroactive in application to January 1, 2011. Upon the effective date of this Act, the director of the office of management and budget shall recalculate the maximum monthly lodging reimbursement for members of the sixty-second legislative assembly based upon section 1 of House Bill No. 1141 to be effective beginning January 1, 2011.

**SECTION 19. EMERGENCY.** Section 18 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2015 - Office of Management and Budget - House Action**

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$18,517,763	\$18,517,763		\$18,517,763
Operating expenses	13,765,254	13,765,254		13,765,254
Capital assets	8,390,143	9,390,143	(900,000)	8,490,143
Grants	55,000	55,000		55,000
Emergency Commission	700,000	700,000		700,000
contingency fund				
Prairie Public Broadcasting	1,337,138	1,837,138	(837,138)	1,000,000
State student internship	200,000	200,000		200,000
program				
Transfer to public transportation			100,000	100,000

fund				
Total all funds	\$42,965,298	\$44,465,298	(\$1,637,138)	\$42,828,160
Less estimated income	10,914,461	10,914,461	(400,000)	10,514,461
General fund	\$32,050,837	\$33,550,837	(\$1,237,138)	\$32,313,699
FTE	131.50	131.50	0.00	131.50

### Department No. 110 - Office of Management and Budget - Detail of House Changes

	Reduces Funding for Prairie Public Broadcasting <sup>1</sup>	Removes Funding for Capitol Grounds Signage Projects <sup>2</sup>	Reduces Funding for Parking Lot Repairs <sup>3</sup>	Adds Transfer to Public Transportation Fund <sup>4</sup>	Total House Changes
Salaries and wages					
Operating expenses					
Capital assets		(400,000)	(500,000)		(900,000)
Grants					
Emergency Commission contingency fund					
Prairie Public Broadcasting	(837,138)				(837,138)
State student internship program					
Transfer to public transportation fund				100,000	100,000
Total all funds	(\$837,138)	(\$400,000)	(\$500,000)	\$100,000	(\$1,637,138)
Less estimated income	0	(400,000)	0	0	(400,000)
General fund	(\$837,138)	\$0	(\$500,000)	\$100,000	(\$1,237,138)
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding from the general fund for Prairie Public Broadcasting is reduced by \$837,138 to provide total funding of \$1,000,000. The executive recommendation provided \$1,337,138 of funding for Prairie Public Broadcasting, and the Senate added an additional \$500,000 of one-time funding.

<sup>2</sup> Funding from the Capitol building fund for exterior signage at the Capitol complex is removed.

<sup>3</sup> Funding for Capitol complex parking lot repairs is reduced by \$500,000. The Senate added a total of \$1,000,000 from the general fund for Capitol complex parking lot repairs.

<sup>4</sup> A section is added to provide a transfer of \$100,000 from the general fund to the public transportation fund during the 2011-13 biennium.

This amendment also:

- Adjusts Section 2 to reflect the removal of one-time funding for Prairie Public Broadcasting and the reduction of funding for Capitol complex parking lot repairs.
- Removes Section 5 which transfers \$388,580,000 from the permanent oil tax trust fund to the property tax relief sustainability fund.
- Adjusts Section 9 to provide intent that funding is provided to each state agency equal to a 3 percent state employee salary increase each year of the 2011-13 biennium, the same as the executive recommendation. The Senate included intent that funding is provided equal to a salary increase of 4 percent the first year of the biennium and 1 percent the second year of the biennium.
- Adds a section regarding Information Technology Department review of proposed state agency information technology projects with an estimated cost of \$100,000 or more.
- Adds a section to require certain draft appropriations acts to be submitted to the 63rd Legislative Assembly in an alternative format.
- Enacts two new sections to the North Dakota Century Code relating to public



improvement project bids and reports on federal grants.

- Amends Section 54-16-03.1 relating to the action of the Emergency Commission.
- Amends Section 54-35-02.3 relating to the membership of the Employee Benefits Programs Committee.
- Provides for a Legislative Management study of amending county and city home rule charters, ordinances, and resolutions.
- Adds a section to retroactively apply the provisions of House Bill No. 1141 relating to monthly lodging rates of members of the Legislative Assembly. The section is declared to be an emergency measure.
- Adds a section to create a new subdivision to subsection 6 of a new unnumbered section added to Chapter 52.1-02 in 2011 House Bill No. 1438 relating to an employer's prohibition of firearms."

Page 1761, delete lines 31 and 32

Page 1761, line 35, replace "SB 2057" with "SB 2015, SB 2057"

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

#### **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 2015 and Engrossed SB 2057, which motion prevailed.

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

**Engrossed SB 2015:** Reps. Carlson, Delzer, Glassheim

**Engrossed SB 2057:** Reps. Skarphol, Martinson, Williams

#### **MOTION**

**REP. VIGESAA MOVED** that HB 1014, which is on the Seventh order, be laid over three legislative days, which motion prevailed.

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

**HB 1033:** Your conference committee (Sens. Holmberg, Krebsbach, Grindberg and Reps. Dosch, Monson, Williams) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1420-1421, adopt amendments as follows, and place HB 1033 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1420 and 1421 of the House Journal and pages 1188 and 1189 of the Senate Journal and that House Bill No. 1033 be amended as follows:

Page 1, line 3, after "system" insert "; and to provide for a legislative management study"

Page 7, after line 16, insert:

**"SECTION 3. LEGISLATIVE MANAGEMENT STUDY - HIGHER EDUCATION.** During the 2011-12 interim, the legislative management chairman may appoint an interim higher education committee to study issues affecting higher education. The study may include a review of:

1. Higher education funding mechanisms, including:
  - a. Performance-based funding methods.
  - b. Funding based on student enrollment calculations.
  - c. Funding from grants.
  - d. Funding based on program cost analysis.
2. Higher education budget methods, including:

- a. Block grant funding for operations based on institution type.
- b. Block grant funding for specific initiatives based on institution type.
- c. Funding for capital asset maintenance, including deferred maintenance.

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

HB 1033 was placed on the Seventh order of business on the calendar.

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

**REP. DOSCH MOVED** that the conference committee report on HB 1033 be adopted, which motion prevailed on a voice vote.

HB 1033, as amended, was placed on the Eleventh order of business.

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

**HB 1033:** A BILL for an Act to amend and reenact sections 54-44.1-04 and 54-44.1-06 of the North Dakota Century Code, relating to budget requests and block grant appropriations for the North Dakota university system; and to provide for a legislative management study.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 81 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Belter; Boe; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Devlin; Dosch; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; 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.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Ruby; Rust; Sanford; Schmidt; Skarphol; Steiner; Sukut; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovda

**NAYS:** Bellew; Boehning; DeKrey; Delzer; Heller; Kempenich; Porter; Rohr; Schatz; Streyle; Thoreson; Weiler; Wrangham

Engrossed HB 1033 passed.

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

**HB 1266, as reengrossed:** Your conference committee (Sens. Berry, Uglem, Dever and Reps. Hofstad, Devlin, Kilichowski) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1329, adopt amendments as follows, and place HB 1266 on the Seventh order:

That the Senate recede from its amendments as printed on page 1329 of the House Journal and pages 1063 and 1064 of the Senate Journal and that Reengrossed House Bill No. 1266 be amended as follows:

Page 1, after line 19, insert:

"Contracted emergency medical services and trauma medical director

\$50,000"

Renumber accordingly

Reengrossed HB 1266 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. HOFSTAD MOVED** that the conference committee report on Reengrossed HB 1266 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1266, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1266:** A BILL for an Act to create and enact a new section to chapter 23-01.2 of the North Dakota Century Code, relating to a state department of health emergency medical services and trauma medical director; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 85 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Delzer; Headland; Heller; Pollert; Rohr; Schmidt; Streyle; Wrangham

Reengrossed HB 1266 passed.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2044:** Your conference committee (Sens. Nodland, G. Lee, Mathern and Reps. Weisz, Owens, Delmore) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 898-899, adopt amendments as follows, and place SB 2044 on the Seventh order:

That the House recede from its amendments as printed on pages 898 and 899 of the Senate Journal and pages 1067 and 1068 of the House Journal and that Senate Bill No. 2044 be amended as follows:

Page 1, line 1, after "reenact" insert "subsection 3 of section 39-12-02 and"

Page 1, line 2, after "to" insert "fees for issuing overweight permits and fees for"

Page 1, line 2, remove "home rule"

Page 1, line 2, after "counties" insert "; to provide for a legislative management study; and to declare an emergency"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subsection 3 of section 39-12-02 of the North Dakota Century Code is amended and reenacted as follows:

3. An appropriate charge must be made for each permit and all funds collected hereunder by the highway patrol must be deposited in the state highway fund for use in the construction and maintenance of highways and operating expenses of the department of transportation. ~~Except for publicly.~~ Permit fees generated by a political subdivision must be deposited in the local authority's general fund for support of the local road system. Publicly owned vehicles that provide service beyond the

agency's jurisdiction, official, publicly owned, emergency, or military vehicles are not subject to charges for permits. The minimum fee for selected charges is as follows:

- a. The fee for the ten percent weight exemption, harvest and wintertime, is fifty dollars per month for fees paid on a monthly basis or two hundred fifty dollars per year for fees paid on a yearly basis. Unused fees paid on a monthly basis are refundable. Unused fees paid on a yearly basis are not refundable.
- b. The fee for a non-self-issuing interstate permit is ten dollars per trip or three hundred dollars per calendar year for unlimited trips.
- c. The fee for special mobile equipment is twenty-five dollars per trip.
- d. The fee for engineering is twenty-five dollars per trip.
- e. The fee for faxing a permit is five dollars.
- f. The fee for a single trip permit is twenty dollars per trip.
- g. The fee for a bridge length permit is thirty dollars per trip or one hundred fifty dollars per calendar year.
- h. The fee for a longer combination vehicle permit is one hundred dollars per month for fees paid on a monthly basis.
- i. The fee for an overwidth vehicle or load that is fourteen feet six inches [4.42 meters] or less is twenty dollars per trip or one hundred dollars per calendar year unless the vehicle is a noncommercial fish house trailer being moved by the owner, then the fee is twenty dollars per calendar year."

Page 1, line 12, after "ordinance" insert "or any city, including a home rule city"

Page 1, after line 13, insert:

**"SECTION 3. LEGISLATIVE MANAGEMENT STUDY - MOTOR VEHICLE PERMIT FEES.** During the 2011-12 interim, the legislative management shall consider studying motor vehicle permit fees, including overweight and overwidth permit fees charged by cities and counties. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly.

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

Renumber accordingly

SB 2044 was placed on the Seventh order of business on the calendar.

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

**REP. WEISZ MOVED** that the conference committee report on SB 2044 be adopted, which motion prevailed on a voice vote.

SB 2044, as amended, was placed on the Fourteenth order of business.

#### **SECOND READING OF SENATE BILL**

**SB 2044:** A BILL for an Act to amend and reenact subsection 3 of section 39-12-02 and section 39-12-08 of the North Dakota Century Code, relating to fees for issuing overweight permits and fees for overweight permit violations for counties; to provide for a legislative management study; 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 90 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Belter; Delzer; Headland; Owens

SB 2044, as amended, passed and the emergency clause was declared carried.

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**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 1016:** Sens. Grindberg; Erbele; Warner

**HB 1194:** Sens. Cook; Miller; Dotzenrod

**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 2015:** Reps. Carlson; Delzer; Glassheim

**SB 2057:** Reps. Skarphol; Martinson; Williams

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

**MR. SPEAKER:** The President has appointed Sen. G. Lee to replace Sen. Luick on the Conference Committee on HB 1248.

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

**MR. SPEAKER:** The President has appointed Sen. Dever to replace Sen. Cook on the Conference Committee on HB 1447.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Monson to replace Rep. Skarphol on the Conference Committee on SB 2013.

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

**MR. SPEAKER:** The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2157 and wishes to inform you that the Senate does now concur with the House amendments to SB 2157 and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2157.

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

**MR. SPEAKER:** The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2227 and wishes to inform you that the Senate does now concur with the House amendments to SB 2227 and subsequently passed the same and the emergency clause carried. Also, the Senate has dissolved the Senate Conference Committee on SB 2227.

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

**MR. PRESIDENT:** The House has not adopted the conference committee report on: SB 2042.

**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 1005, HB 1019, HB 1041, HB 1174.

**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 1033, HB 1266.

**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: SB 2281.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1269.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2044.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1019.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2050, SB 2309.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2050, SB 2309.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1005, HB 1041, HB 1174.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1468, HCR 3047.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2009.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2009.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2044.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1269.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1006, HB 1074, HB 1085, HB 1091, HB 1124, HB 1142, HB 1144, HB 1152, HB 1204, HB 1225, HB 1246, HB 1318, HCR 3016.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1468, HCR 3047.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2008, SB 2014, SB 2207,

SB 2327, SB 2336.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2281.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1006, HB 1074, HB 1085, HB 1091, HB 1124, HB 1142, HB 1144, HB 1152, HB 1204, HB 1225, HB 1246, HB 1318, HB 1417, HCR 3016.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HB 1459.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2008, SB 2014, SB 2207, SB 2281, SB 2327, SB 2336.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on April 19, 2011: HB 1459.

#### **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., Wednesday, April 20, 2011, which motion prevailed.

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

**HB 1002, as engrossed:** Your conference committee (Sens. Kilzer, Wanzek, Warner and Reps. Dahl, Kempenich, Kroeber) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1298-1300, adopt amendments as follows, and place HB 1002 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1298-1300 of the House Journal and pages 1029 and 1030 of the Senate Journal and that Engrossed House Bill No. 1002 be amended as follows:

Page 1, replace line 23 with:

"Salaries and wages	\$48,980,255	\$5,235,889	\$54,216,144"
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Page 2, replace line 6 with:

"Total all funds	\$65,039,419	\$8,140,388	\$73,179,807"
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Page 2, replace line 8 with:

"Total general fund	\$63,268,958	\$8,054,074	\$71,323,032"
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Page 2, replace line 22 with:

"Grand total general fund	\$74,282,634	\$9,199,728	\$83,482,362"
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Page 2, replace lines 24 and 25 with:

"Grand total all funds	\$76,367,441	\$9,297,195	\$85,664,636
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Full-time equivalent positions	342.00	2.00	344.00"
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Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT:**

#### **House Bill No. 1002 - Summary of Conference Committee Action**

Executive Budget	House Version	Conference Committee	Conference Committee	Senate Version	Comparison to Senate
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			Changes	Version		
Supreme Court						
Total all funds	\$11,689,507	\$11,594,874	\$0	\$11,594,874	\$11,594,874	\$0
Less estimated income	0	0	0	0	0	0
General fund	\$11,689,507	\$11,594,874	\$0	\$11,594,874	\$11,594,874	\$0
District Courts						
Total all funds	\$74,102,085	\$73,015,765	\$164,042	\$73,179,807	\$73,343,849	(\$164,042)
Less estimated income	1,856,775	1,856,775	0	1,856,775	1,856,775	0
General fund	\$72,245,310	\$71,158,990	\$164,042	\$71,323,032	\$71,487,074	(\$164,042)
Judicial Conduct Commission						
Total all funds	\$889,955	\$889,955	\$0	\$889,955	\$889,955	\$0
Less estimated income	325,499	325,499	0	325,499	325,499	0
General fund	\$564,456	\$564,456	\$0	\$564,456	\$564,456	\$0
Bill total						
Total all funds	\$86,681,547	\$85,500,594	\$164,042	\$85,664,636	\$85,828,678	(\$164,042)
Less estimated income	2,182,274	2,182,274	0	2,182,274	2,182,274	0
General fund	\$84,499,273	\$83,318,320	\$164,042	\$83,482,362	\$83,646,404	(\$164,042)

### House Bill No. 1002 - Supreme Court - Conference Committee Action

The conference committee did not change the House version for the Supreme Court. The Senate also did not change the House version.

### House Bill No. 1002 - District Courts - Conference Committee Action

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$54,906,227	\$54,052,102	\$164,042	\$54,216,144	\$54,380,186	(\$164,042)
Operating expenses	17,058,522	16,858,522		16,858,522	16,858,522	
Capital assets	694,480	676,480		676,480	676,480	
Judges retirement	493,192	478,997		478,997	478,997	
UND central legal research	80,000	80,000		80,000	80,000	
Mediation	869,664	869,664		869,664	869,664	
Total all funds	\$74,102,085	\$73,015,765	\$164,042	\$73,179,807	\$73,343,849	(\$164,042)
Less estimated income	1,856,775	1,856,775	0	1,856,775	1,856,775	0
General fund	\$72,245,310	\$71,158,990	\$164,042	\$71,323,032	\$71,487,074	(\$164,042)
FTE	297.00	294.00	1.00	295.00	296.00	(1.00)

### Department No. 182 - District Courts - Detail of Conference Committee Changes

	Restores Funding for 1 FTE Position <sup>1</sup>	Total Conference Committee Changes
Salaries and wages	\$164,042	\$164,042
Operating expenses		
Capital assets		
Judges retirement		
UND central legal research		
Mediation		
Total all funds	\$164,042	\$164,042
Less estimated income	0	0
General fund	\$164,042	\$164,042
FTE	1.00	1.00

<sup>1</sup> This amendment restores 1 of the 2 FTE juvenile court officer positions removed by the House. The location of the juvenile court officer is to be determined by the judicial branch. The Senate restored 2 FTE juvenile court officer positions.



**House Bill No. 1002 - Judicial Conduct Commission - Conference Committee Action**

The conference committee did not change the House version for the Judicial Conduct Commission. The Senate also did not change the House version.

Engrossed HB 1002 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1007, as engrossed:** Your conference committee (Sens. Kilzer, Bowman, Robinson and Reps. Kreidt, J. Nelson, Metcalf) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1174-1176, adopt amendments as follows, and place HB 1007 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1174-1176 of the House Journal and pages 853-855 of the Senate Journal and that Engrossed House Bill No. 1007 be amended as follows:

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 37-15 of the North Dakota Century Code, relating to a memorial fund;"

Page 1, line 2, remove "a"

Page 1, line 2, replace "study" with "studies"

Page 1, replace lines 14 through 16 with:

"Salaries and wages	\$11,538,855	\$2,378,006	\$13,916,861
Operating expenses	4,561,857	1,380,428	5,942,285
Capital assets	259,906	445,594	705,500"

Page 1, replace lines 18 and 19 with:

"Total all funds	\$18,403,882	\$2,492,764	\$20,896,646
Less estimated income	<u>13,677,293</u>	<u>1,666,030</u>	<u>15,343,323"</u>

Page 3, after line 5, insert:

**"SECTION 3.** A new section to chapter 37-15 of the North Dakota Century Code is created and enacted as follows:

**Melvin Norgard memorial fund - Creation.**

There is created in the state treasury the Melvin Norgard memorial fund. All income related to a bequest made to the veterans' home by Melvin Norgard, including mineral lease income, royalties, and sale proceeds, must be transferred or deposited into the Melvin Norgard memorial fund. Notwithstanding any other provision of law, the state treasurer shall invest moneys in the fund in accordance with section 21-10-07. Investment income of the fund must be retained in the fund. Moneys in the fund are available, subject to legislative appropriations, for projects and programs to benefit and serve the residents of the veterans' home. The legislative assembly shall consider recommendations of the governing board of the veterans' home when determining appropriations from this fund for projects and programs to benefit and serve the residents of the veterans' home."

Page 3, after line 11, insert:

**"SECTION 5. LEGISLATIVE MANAGEMENT STUDY - DELIVERY OF SERVICES TO VETERANS.** During the 2011-12 interim, the legislative management shall consider studying the delivery of services to veterans, including the consistency in training and of the provision of services by county veterans' service officers. 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:

#### House Bill No. 1007 - Summary of Conference Committee Action

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Veterans' Home						
Total all funds	\$20,831,646	\$20,861,646	\$35,000	\$20,896,646	\$21,056,646	(\$160,000)
Less estimated income	15,151,823	15,308,323	35,000	15,343,323	15,376,823	(33,500)
General fund	\$5,679,823	\$5,553,323	\$0	\$5,553,323	\$5,679,823	(\$126,500)
Department of Veterans' Affairs						
Total all funds	\$1,137,219	\$1,137,219	\$0	\$1,137,219	\$1,137,219	\$0
Less estimated income	0	0	0	0	0	0
General fund	\$1,137,219	\$1,137,219	\$0	\$1,137,219	\$1,137,219	\$0
Bill total						
Total all funds	\$21,968,865	\$21,998,865	\$35,000	\$22,033,865	\$22,193,865	(\$160,000)
Less estimated income	15,151,823	15,308,323	35,000	15,343,323	15,376,823	(33,500)
General fund	\$6,817,042	\$6,690,542	\$0	\$6,690,542	\$6,817,042	(\$126,500)

#### House Bill No. 1007 - Veterans' Home - Conference Committee Action

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$13,936,861	\$13,936,861	(\$20,000)	\$13,916,861	\$13,916,861	
Operating expenses	5,932,285	5,932,285	10,000	5,942,285	6,002,285	(60,000)
Capital assets	630,500	660,500	45,000	705,500	805,500	(100,000)
New Veterans' Home	332,000	332,000		332,000	332,000	
Total all funds	\$20,831,646	\$20,861,646	\$35,000	\$20,896,646	\$21,056,646	(\$160,000)
Less estimated income	15,151,823	15,308,323	35,000	15,343,323	15,376,823	(33,500)
General fund	\$5,679,823	\$5,553,323	\$0	\$5,553,323	\$5,679,823	(\$126,500)
FTE	120.72	120.72	0.00	120.72	120.72	0.00

#### Department No. 313 - Veterans' Home - Detail of Conference Committee Changes

	Removes Funding for Demolition of Administrator's Old Residence <sup>1</sup>	Removes Funding for Administrator's Housing Allowance <sup>2</sup>	Adds Funding for Resident Workshop Design <sup>3</sup>	Adds Funding to Move Gazebo <sup>4</sup>	Total Conference Committee Changes
Salaries and wages		(\$20,000)			(\$20,000)
Operating expenses			10,000		10,000
Capital assets	(30,000)			75,000	45,000
New Veterans' Home					
Total all funds	(\$30,000)	(\$20,000)	\$10,000	\$75,000	\$35,000
Less estimated income	(30,000)	(20,000)	10,000	75,000	35,000
General fund	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding from special funds available from donated mineral lease income for the demolition of the administrator's old residence is removed, the same as the Senate version.

<sup>2</sup> This amendment removes \$20,000 of special fund authority included in the executive recommendation for the administrator's housing allowance. The House did not change the executive recommendation, but the Senate transferred the funding from the salaries and wages line item to the operating expenses line item to allow the Veterans' Home to rent a

home for the administrator.

<sup>3</sup> Special funds available from donated mineral lease income are provided to hire an architect to design a workshop for the Veterans' Home. The House version did not provide for this project, and the Senate version included \$100,000 from special funds for a workshop.

<sup>4</sup> Special funds available from donated mineral lease income are provided to move the gazebo, the same as the Senate version.

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A section is added to create and enact a new section to Chapter 37-15 relating to the Melvin Norgard memorial fund. This section was not provided by the House or the Senate.

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#### **House Bill No. 1007 - Department of Veterans' Affairs - Conference Committee Action**

The conference committee added a section to provide for a Legislative Management study of the delivery of services to veterans, including the consistency in training and of the provision of services by county veterans' service officers. This section was not included in the House or the Senate versions.

Engrossed HB 1007 was placed on the Seventh order of business on the calendar.

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

**HB 1014, as engrossed:** Your conference committee (Sens. Wardner, Erbele, Taylor and Reps. Brandenburg, Thoreson, Winrich) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1491-1494, adopt amendments as follows, and place HB 1014 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1491-1494 of the House Journal and pages 1243-1246 of the Senate Journal and that Engrossed House Bill No. 1014 be amended as follows:

Page 1, replace line 16 with:

"Salaries and wages	\$9,321,995	\$2,889,625	\$12,211,620"
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Page 2, replace lines 1 through 4 with:

"Renewable energy development	<u>0</u>	<u>1,500,000</u>	<u>1,500,000</u>
Total all funds	\$59,430,586	\$4,411,783	\$63,842,369
Less estimated income	<u>49,308,484</u>	<u>(1,797,756)</u>	<u>47,510,728</u>
Total general fund	\$10,122,102	\$6,209,539	\$16,331,641"

Page 3, replace lines 3 and 4 with:

"Salaries and wages	\$22,599,324	\$3,418,684	\$26,018,008
Operating expenses	16,982,918	3,460,951	20,443,869"

Page 3, replace lines 7 and 8 with:

"Total from mill and elevator fund	\$40,057,242	\$7,014,635	\$47,071,877
Full-time equivalent positions	131.00	0.00	131.00"

Page 3, replace lines 23 through 25 with:

"Grand total general fund	\$19,522,102	\$6,209,539	\$25,731,641
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Grand total special funds	<u>174,516,769</u>	<u>5,509,037</u>	<u>180,025,806</u>
Grand total all funds	\$194,038,871	\$11,718,576	\$205,757,447"

Page 4, replace line 5 with:

"Renewable energy development program	3,000,000	1,500,000
Temporary employees - Core library	0	90,000"

Page 4, replace lines 11 through 13 with:

"Total all funds	\$35,738,726	\$2,299,400
Total special funds	<u>30,360,574</u>	<u>0</u>
Total general fund	\$5,378,152	\$2,299,400"

Page 7, after line 4, insert:

**"SECTION 12. LEGISLATIVE INTENT - CORE LIBRARY HOUSING.** It is the intent of the sixty-second legislative assembly that the industrial commission not construct a new building for the expansion for the core library. If the existing location of the core library does not have sufficient space, the industrial commission may relocate parts or all of the library to an existing state-owned facility."

Page 7, line 15, replace "12" with "13"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1014 - Summary of Conference Committee Action

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Industrial Commission						
Total all funds	\$63,633,777	\$63,005,356	\$837,013	\$63,842,369	\$64,342,369	(\$500,000)
Less estimated income	46,716,149	47,522,658	(11,930)	47,510,728	47,510,728	0
General fund	<u>\$16,917,628</u>	<u>\$15,482,698</u>	<u>\$848,943</u>	<u>\$16,331,641</u>	<u>\$16,831,641</u>	<u>(\$500,000)</u>
Bank of North Dakota						
Total all funds	\$56,253,155	\$56,253,155	\$0	\$56,253,155	\$56,253,155	\$0
Less estimated income	46,853,155	46,853,155	0	46,853,155	46,853,155	0
General fund	<u>\$9,400,000</u>	<u>\$9,400,000</u>	<u>\$0</u>	<u>\$9,400,000</u>	<u>\$9,400,000</u>	<u>\$0</u>
Housing Finance Agency						
Total all funds	\$38,590,046	\$38,590,046	\$0	\$38,590,046	\$38,590,046	\$0
Less estimated income	38,590,046	38,590,046	0	38,590,046	38,590,046	0
General fund	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Mill and Elevator						
Total all funds	\$46,741,421	\$46,539,135	\$532,742	\$47,071,877	\$47,365,485	(\$293,608)
Less estimated income	46,741,421	46,539,135	532,742	47,071,877	47,365,485	(293,608)
General fund	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Bill total						
Total all funds	\$205,218,399	\$204,387,692	\$1,369,755	\$205,757,447	\$206,551,055	(\$793,608)
Less estimated income	178,900,771	179,504,994	520,812	180,025,806	180,319,414	(293,608)
General fund	<u>\$26,317,628</u>	<u>\$24,882,698</u>	<u>\$848,943</u>	<u>\$25,731,641</u>	<u>\$26,231,641</u>	<u>(\$500,000)</u>

#### House Bill No. 1014 - Industrial Commission - Conference Committee Action

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$11,844,607	\$11,874,607	\$337,013	\$12,211,620	\$12,211,620	
Operating expenses	3,478,744	3,493,744		3,493,744	3,493,744	
Grants - Lignite research	19,971,300	19,971,300		19,971,300	19,971,300	
Grants - Bond payments	25,339,126	25,389,733		25,389,733	25,389,733	
Renewable energy development	3,000,000	1,000,000	500,000	1,500,000	2,000,000	(500,000)

Carbon Dioxide Storage Fund		532,000		532,000	532,000	
Mineral resources contingency		743,972		743,972	743,972	
Total all funds	\$63,633,777	\$63,005,356	\$837,013	\$63,842,369	\$64,342,369	(\$500,000)
Less estimated income	46,716,149	47,522,658	(11,930)	47,510,728	47,510,728	0
General fund	\$16,917,628	\$15,482,698	\$848,943	\$16,331,641	\$16,831,641	(\$500,000)
FTE	73.06	74.06	0.00	74.06	74.06	0.00

### Department No. 405 - Industrial Commission - Detail of Conference Committee Changes

	Adds Funding for Retention of Employees <sup>1</sup>	Adds Funding for Temporary Employees <sup>2</sup>	Restores Funding for Renewable Energy <sup>3</sup>	Changes Funding Source for Bond Payments <sup>4</sup>	Total Conference Committee Changes
Salaries and wages	\$247,013	\$90,000			\$337,013
Operating expenses					
Grants - Lignite research					
Grants - Bond payments					
Renewable energy development			500,000		500,000
Carbon Dioxide Storage Fund					
Mineral resources contingency					
Total all funds	\$247,013	\$90,000	\$500,000	\$0	\$837,013
Less estimated income	0	0	0	(11,930)	(11,930)
General fund	\$247,013	\$90,000	\$500,000	\$11,930	\$848,943
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment adds funding for retention of Department of Mineral Resources staff, the same as the Senate version.

<sup>2</sup> One-time funding is added for temporary employees for the Geological Survey Division, the same as the Senate version. A section is added to provide legislative intent regarding the housing of the core library.

<sup>3</sup> This amendment restores \$500,000 of the \$2 million of funding removed by the House for renewable energy development to provide a total of \$1.5 million. The Senate restored \$1 million.

<sup>4</sup> Funding for bond payments is adjusted to reflect a decrease in special funds rather than the general fund as provided in the House version, the same as the Senate version.

This amendment does not include a section added by the Senate relating to a transfer from the permanent oil tax trust fund to the oil and gas research fund.

### House Bill No. 1014 - Bank of North Dakota - Conference Committee Action

The conference committee did not change the House version for the Bank of North Dakota. The Senate also did not make any changes to the House version.

### House Bill No. 1014 - Housing Finance Agency - Conference Committee Action

The conference committee did not change the House version for the Housing Finance Agency. The Senate also did not make any changes to the House version.

**House Bill No. 1014 - Mill and Elevator - Conference Committee Action**

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$26,311,616	\$26,049,330	(\$31,322)	\$26,018,008	\$26,311,616	(\$293,608)
Operating expenses	19,879,805	19,879,805	564,064	20,443,869	20,443,869	
Contingencies	400,000	400,000		400,000	400,000	
Agriculture promotion	150,000	210,000		210,000	210,000	
Total all funds	\$46,741,421	\$46,539,135	\$532,742	\$47,071,877	\$47,365,485	(\$293,608)
Less estimated income	46,741,421	46,539,135	532,742	47,071,877	47,365,485	(293,608)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	135.00	131.00	0.00	131.00	135.00	(4.00)

**Department No. 475 - Mill and Elevator - Detail of Conference Committee Changes**

	Provides Funding for Temporary Employees <sup>1</sup>	Adds Funding for Increased Energy Costs <sup>2</sup>	Removes Funding for FTE Positions <sup>3</sup>	Total Conference Committee Changes
Salaries and wages	\$200,000		(\$231,322)	(\$31,322)
Operating expenses		564,064		564,064
Contingencies				
Agriculture promotion				
Total all funds	\$200,000	\$564,064	(\$231,322)	\$532,742
Less estimated income	200,000	564,064	(231,322)	532,742
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment adds funding for temporary employees to be used as determined by the Mill and Elevator. The Senate restored funding for 4 FTE positions removed by the House--2 car checker positions, 1 sales representative position, and 1 laboratory technician position.

<sup>2</sup> This amendment increases funding for operating expenses due to increased energy costs, the same as the Senate version.

<sup>3</sup> This amendment removes funding that was inadvertently not removed from the budget when the associated FTE positions were removed. The conference committee did not restore the FTE positions.

Engrossed HB 1014 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1016, as engrossed:** Your conference committee (Sens. Grindberg, Erbele, Warner and Reps. Dosch, Monson, Williams) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1464-1465 and place HB 1016 on the Seventh order.

Engrossed HB 1016 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1046, as engrossed:** Your conference committee (Sens. Cook, Miller, Dotzenrod and Reps. Froseth, Hatlestad, S. Meyer) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1422-1423, adopt amendments as follows, and place HB 1046 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1422 and 1423 of the House Journal and pages 1189-1191 of the Senate Journal and that Engrossed House Bill No. 1046 be amended as follows:

Page 1, line 5, remove "continuing"

Page 1, line 6, replace "appropriation" with "statement of legislative intent"

Page 2, line 11, after "the" insert "mining"

Page 2, line 17, after "5." insert "\"Mining permit area\" means the area covered by a permit issued by the industrial commission to mine potash and potash byproducts."

6. "

Page 2, line 20, replace "6." with "7."

Page 2, line 25, replace "7." with "8."

Page 2, line 28, replace "8." with "9."

Page 3, line 1, replace "9." with "10."

Page 3, line 1, replace "a subsurface mineral" with "potash"

Page 3, line 2, replace "byproduct" with "potash byproducts"

Page 3, line 4, replace "four" with "two"

Page 3, line 7, after "potash" insert "is assessed against the sales price of the potash in an arm's-length contract between the taxpayer and the purchaser. If a potash sale or transfer is not the result of an arm's-length contract, the tax"

Page 3, line 10, after "index" insert "(commodity code PCU212391212391)"

Page 3, line 23, remove ", less, when applicable, transportation"

Page 3, remove line 24

Page 3, line 25, remove "point of sale under the contract"

Page 3, line 28, remove ", less, when applicable, transportation costs associated with moving the"

Page 3, line 29, remove "byproducts to the point of sale"

Page 4, line 19, remove "and city auditor"

Page 4, line 21, remove "- Continuing appropriation"

Page 4, replace line 23 with "determined by the sixty-third legislative assembly."

Page 4, remove lines 24 through 30

Page 5, remove lines 1 through 23

Page 13, line 6, replace "Powers of industrial commission" with "Rules - Legislative intent"

Page 13, remove line 7

Page 13, line 8, replace "protection, and reclamation. Environmental" with "It is the intention of the legislative assembly that potash mining, environmental"

Page 13, line 8, after "protection" insert an underscored comma

Page 13, line 10, after the first underscored comma insert "and"

Page 13, line 10, remove the second underscored comma

Page 13, line 10, after the second "and" insert "that the adopting agency will promote"

Page 13, after line 11, insert:

**"SECTION 4. LEGISLATIVE INTENT - IMPACT LOANS 2013-15 BIENNIUM.**

It is the intent of the sixty-second legislative assembly that the sixty-third legislative assembly will provide a source for up to \$2,000,000, or so much of the sum as may be necessary, for loans to potash development-impacted political subdivisions, for the biennium beginning July 1, 2013, and ending June 30, 2015, to be repaid from the future proceeds of tax allocations under chapter 57-65."

Renumber accordingly

Engrossed HB 1046 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1141:** Your conference committee (Sens. Sorvaag, Cook, Marcellais and Reps. Boehning, L. Meier, Winrich) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1514 and place HB 1141 on the Seventh order.

HB 1141 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2009, as engrossed:** Your conference committee (Sens. Christmann, Wanzek, O'Connell and Reps. Monson, Skarphol, Williams) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1120-1122, adopt amendments as follows, and place SB 2009 on the Seventh order:

That the House recede from its amendments as printed on pages 1120-1122 of the Senate Journal and pages 1209-1211 of the House Journal and that Engrossed Senate Bill No. 2009 be amended as follows:

Page 1, line 6, after "fees" insert "; to provide for a transfer; to provide an exemption"

Page 1, replace lines 16 and 17 with:

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

Page 1, remove lines 22 through 24

Page 2, replace lines 1 and 2 with:

"Crop harmonization board	<u>50,000</u>	<u>25,000</u>	<u>75,000</u>
Total all funds	\$21,316,349	\$1,676,748	\$22,993,097
Less estimated income	<u>14,094,466</u>	<u>706,785</u>	<u>14,801,251</u>
Total general fund	\$7,221,883	\$969,963	\$8,191,846
Full-time equivalent positions	74.50	2.50	77.00"

Page 2, line 14, replace "\$4,627,709" with "\$5,103,037"

Page 2, replace lines 18 through 22 with:

**"SECTION 5. TRANSFER - ENVIRONMENT AND RANGELAND PROTECTION FUND - MINOR USE PESTICIDE FUND.**

The agriculture commissioner shall transfer \$200,000 from the environment and rangeland protection fund to the minor use pesticide fund during the biennium beginning July 1, 2011, and ending June 30, 2013."



Page 2, line 23, after "FUND" insert "- TRANSFER"

Page 2, line 24, remove ", or so much of the sum as may be"

Page 2, line 25, remove "necessary,"

Page 2, line 25, after "fund" insert "which the game and fish department shall transfer to the agriculture commissioner"

Page 2, after line 27, insert:

**"SECTION 7. ESTIMATED INCOME - STATE WATER COMMISSION - TRANSFER.** The estimated income line item in section 1 of this Act includes the sum of \$250,000 which the state water commission shall transfer to the agriculture commissioner for the wildlife services program, for the biennium beginning July 1, 2011, and ending June 30, 2013.

**SECTION 8. EXEMPTION - JOHNE'S DISEASE CONTROL.** The amount appropriated for Johne's disease control in section 1 of chapter 61 of the 2009 Session Laws is not subject to section 54-44.1-11 and any unexpended appropriations may be continued into the biennium beginning July 1, 2011, and ending June 30, 2013."

Page 4, overstrike line 18

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

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

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

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

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

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

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

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2009 - Department of Agriculture - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$9,303,178	\$9,384,828	\$327,536	\$9,712,364	\$9,712,364	
Operating expenses	6,548,199	6,368,661	82,792	6,451,453	6,451,453	
Capital assets	17,000	17,000		17,000	17,000	
Grants	3,095,828	3,170,828		3,170,828	3,170,828	
State Board of Animal Health	1,949,052	2,149,052		2,149,052	2,149,052	
Wildlife Services	1,067,400	1,417,400		1,417,400		1,417,400
Crop Harmonization Board	50,000	50,000	25,000	75,000	50,000	25,000
Wildlife depredation					1,000,000	(1,000,000)
Total all funds	\$22,030,657	\$22,557,769	\$435,328	\$22,993,097	\$22,550,697	\$442,400
Less estimated income	13,645,923	14,365,923	435,328	14,801,251	14,657,451	143,800
General fund	\$8,384,734	\$8,191,846	\$0	\$8,191,846	\$7,893,246	\$298,600
FTE	74.50	75.00	2.00	77.00	77.00	0.00

#### Department No. 602 - Department of Agriculture - Detail of Conference Committee

## Changes

	Adds Anhydrous Ammonia Inspection Positions <sup>1</sup>	Adds Funding for Crop Harmonization Board <sup>2</sup>	Total Conference Committee Changes
Salaries and wages	\$327,536		\$327,536
Operating expenses	82,792		82,792
Capital assets			
Grants			
State Board of Animal Health			
Wildlife Services			
Crop Harmonization Board		25,000	25,000
Wildlife depredation			
Total all funds	\$410,328	\$25,000	\$435,328
Less estimated income	410,328	25,000	435,328
General fund	\$0	\$0	\$0
FTE	2.00	0.00	2.00

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

<sup>2</sup> Funding from the environment and rangeland protection fund is added for expenses of the Crop Harmonization Board.

This amendment also:

- Adjusts Section 4 regarding funding provided from the environment and rangeland protection fund.
- Removes Section 5 that provides \$40,000 from the anhydrous ammonia storage facility inspection fund to the Agriculture Commissioner. House Bill No. 1321 eliminates the anhydrous ammonia storage facility inspection fund and deposits fund revenues in the environment and rangeland protection fund. This section was also removed by the House.
- Adjusts Section 6 to require the Game and Fish Department to transfer \$1,068,261 of funding from the game and fish fund to the Agriculture Commissioner for various Department of Agriculture programs. The House provided the Agriculture Commissioner with \$599,461 of funding from the game and fish fund.
- Revises Sections 9 and 10 as provided in the House amendments regarding special events permits for wine and spirits promotion.
- Adds a section to authorize the Agriculture Commissioner to transfer \$200,000 from the environment and rangeland protection fund to the minor use pesticide fund.
- Adds a section to authorize funding for Johne's disease control provided in 2009 Senate Bill No. 2342 to be continued into the 2011-13 biennium.
- Adds a section to require the State Water Commission to transfer \$250,000 to the Agriculture Commissioner for the Wildlife Services program. The House provided the Agriculture Commissioner with \$100,000 of funding from the State Water Commission for wildlife depredation.

Engrossed SB 2009 was placed on the Seventh order of business on the calendar.

### REPORT OF CONFERENCE COMMITTEE

**SB 2050, as engrossed:** Your conference committee (Sens. Cook, Oehlke, Dotzenrod and Reps. Wrangham, Streyle, S. Kelsh) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 899, adopt amendments as follows, and place SB 2050 on the Seventh order:

That the House recede from its amendments as printed on page 899 of the Senate Journal and page 1071 of the House Journal and that Engrossed Senate Bill No. 2050 be amended as follows:

Page 1, line 1, after "40-58-20" insert "and sections 40-58-20.2 and 40-58-20.3"

Page 1, replace line 20 with "any land that has been assessed as agricultural property within the last ten years unless it was located within the interior boundaries of a city for at least ten years."

Page 2, line 5, remove "Tax increments computed for a development or renewal area under this"

Page 2, replace lines 6 through 9 with:

- "a. For a tax increment district established before July 1, 2011, the base year for tax increments computed for a development or renewal area under this section or section 40-58-20.1 may not be used for more than twenty-five taxable years without the governing body of the municipality establishing a new base year using taxable values, established as of February first of the following year, which are not more than fifteen years old. Regardless of length of the initial district, the new base year may be used to compute tax increments for up to an additional fifteen years after which time the tax increment district must be closed, except that the original base year for tax increments pledged for an indebtedness incurred before July 1, 2011, may continue until the indebtedness is paid.
- b. For a tax increment district established after July 1, 2011, the base year for tax increments computed for a development or renewal area under this section or section 40-58-20.1 may not be used for more than twenty-five taxable years without the governing body of the municipality establishing a new base year using taxable values, established as of February first of the following year, which are not more than fifteen years old. The new base year may be used to compute tax increments for up to an additional five years after which time the tax increment district must be closed."

Page 2, line 15, replace "may" with "shall"

Page 2, after line 18, insert:

"**SECTION 4.** Section 40-58-20.2 of the North Dakota Century Code is created and enacted as follows:

**40-58-20.2. Tax increment financing proposal - Public hearing - Invitation to representatives of affected taxing districts.**

Before approval of a development or renewal plan for any development or renewal area under section 40-58-20, the governing body of the municipality shall conduct a public hearing on the proposal. The governing body shall provide invitations to participate in the public hearing to the governing body of each county, school district, and park district within the development or renewal area. At a minimum, the governing body of the municipality shall provide the following information at the public hearing:

1. The anticipated costs of development of property to be reimbursed by tax incentives.
2. The anticipated annual revenue from tax increments which will be received to complete the development or renewal plan.
3. The anticipated date when the plan will be completed, the costs will be fully paid, and the tax increments will be released.

4. The estimate of the dollars annually attributable to the levies from each taxing entity which will be credited to the tax increment fund.

**SECTION 5.** Section 40-58-20.3 of the North Dakota Century Code is created and enacted as follows:

**40-58-20.3. Tax increment financing reports.**

For each development or renewal plan for any development or renewal area under section 40-58-20 in existence at the end of a calendar year, the governing body of the municipality shall file an annual report with the department of commerce, by the following July thirty-first, which is in a format prescribed by the department. The report must include:

1. The total of outstanding indebtedness.
2. The balance of funds on hand.
3. The name of the tax increment financing district."

Renumber accordingly

Engrossed SB 2050 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2309, as engrossed:** Your conference committee (Sens. Uglen, Dever, Mathern and Reps. Kasper, Ruby, Gruchalla) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1289-1290, adopt amendments as follows, and place SB 2309 on the Seventh order:

That the House recede from its amendments as printed on pages 1289 and 1290 of the Senate Journal and pages 1450 and 1451 of the House Journal and that Engrossed Senate Bill No. 2309 be amended as follows:

Page 1, line 9, after the underscored closing bracket insert "likely"

Page 1, line 10, after the first "and" insert "may"

Page 1, after line 14, insert:

- "3. No provision of the Patient Protection and Affordable Care Act or the Health Care and Education Reconciliation Act of 2010 may interfere with an individual's choice of a medical or insurance provider except as otherwise provided by the laws of this state."

Renumber accordingly

Engrossed SB 2309 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**