

JOURNAL OF THE HOUSE

Sixty-second Legislative Assembly

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Bismarck, April 20, 2011

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

The prayer was offered by Pastor Gary Heaton, Chaplain, MedCenter One Health Systems, Bismarck.

The roll was called and all members were present except Representative Frantsvog.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on April 19, 2011, I have signed the following: HB 1010, HB 1013, HB 1031, HB 1040, HB 1045, HB 1048, HB 1071, HB 1077, HB 1080, HB 1123, HB 1160, HB 1260, HB 1302, HB 1308, HB 1310, HB 1311, HB 1313, HB 1314, HB 1316, HB 1322, HB 1328, and HB 1335.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DAHL MOVED that the conference committee report on Engrossed HB 1002 as printed on HJ pages 1791-1793 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1002, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1002: A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 2 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; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunsdor; 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; Rohr; Ruby; Rust; Sanford; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Schatz; Weiler

ABSENT AND NOT VOTING: Frantsvog

Reengrossed HB 1002 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KREIDT MOVED that the conference committee report on Engrossed HB 1007 as printed on HJ pages 1793-1795 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1007, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1007: A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and department of veterans' affairs; to create and enact a new section to chapter 37-15 of the North Dakota Century Code, relating to a memorial fund; and to provide for legislative management studies.

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; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Froseth; 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.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trotter; Vigasaa; Wall; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Dosch; Glassheim; Keiser; Meier, L.; Weiler

ABSENT AND NOT VOTING: Frantsvog

Reengrossed HB 1007 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DOSCH MOVED that the conference committee report on Engrossed HB 1016 as printed on HJ page 1798 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1016, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1016: A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota; and to amend and reenact subsection 3 of section 52-02.1-01 and section 52-08-10 of the North Dakota Century Code, relating to the new jobs training program and workforce training program.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 2 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; Devlin; Dosch; 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; 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; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trotter; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Delzer; Koppelman

ABSENT AND NOT VOTING: Frantsvog

Reengrossed HB 1016 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. FROSETH MOVED that the conference committee report on Engrossed HB 1046 as printed on HJ pages 1798-1800 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1046, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1046: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 and chapter 57-65 of the North Dakota Century Code, relating to a sales tax exemption for potash and byproducts of potash and taxation of potash and byproducts; to amend and reenact subsection 32 of section 57-02-08 of the North Dakota Century Code, relating to exemption of minerals subject to in lieu of taxes; to provide for a legislative management study; to provide a statement of legislative intent; to provide a penalty; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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; Delzer; Devlin; Dosch; Froseth; Glassheim; Grande; 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; Rohr; Rust; Sanford; Schmidt; Skarphol; Streyle; Sukut; Trotter; Vigasaa; Wall; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

NAYS: Bellevue; Gruchalla; Ruby; Schatz; Steiner; Thoreson; Weiler

ABSENT AND NOT VOTING: Frantsovog

Reengrossed HB 1046 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BOEHNING MOVED that the conference committee report on HB 1141 as printed on HJ page 1800 be adopted, which motion failed on a verification vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. MONSON MOVED that the conference committee report on Engrossed SB 2009 as printed on HJ pages 1800-1802 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2009, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to amend and reenact sections 4-01-21 and 4-01-23, subsection 2 of section 5-01-17, subsection 2 of section 5-01-19, and sections 19-20.1-03, 19-20.1-03.1, and 19-20.1-06 of the North Dakota Century Code, relating to the salary of the agriculture commissioner, the promotion of sustainably grown commodities, domestic wineries and domestic distilleries, and fertilizer distribution registration, licensing, and inspection fees; to provide for a transfer; to provide an exemption; 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 91 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellevue; Belter; Boe; Boehning; Brabandt;

Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; 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; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Hanson; Porter

ABSENT AND NOT VOTING: Frantsvog

Engrossed SB 2009, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. STREYLE MOVED that the conference committee report on Engrossed SB 2050 as printed on HJ pages 1802-1804 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2050, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2050: A BILL for an Act to create and enact a new subsection to section 40-58-20 and sections 40-58-20.2 and 40-58-20.3 of the North Dakota Century Code, relating to tax increment financing districts; and to amend and reenact subsection 2 of section 40-58-01.1 and subsection 1 of section 40-58-20 of the North Dakota Century Code, relating to tax increment financing by cities.

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

NAYS: Beadle; Delmore; Hawken; Johnson, N.; Kreun; Maragos; Porter

ABSENT AND NOT VOTING: Frantsvog

Engrossed SB 2050, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KASPER MOVED that the conference committee report on Engrossed SB 2309 as printed on HJ page 1804 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2309, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2309: A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to federal health care reform legislation.

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, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Amerman; Boe; Conklin; Delmore; Glassheim; Gruchalla; Guggisberg; Hanson; Hogan; Holman; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kilichowski; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Nelson, M.; Onstad; Winrich; Zaiser

ABSENT AND NOT VOTING: Frantsvog

Engrossed SB 2309, as amended, passed.

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 and Seventy-first Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1754, line 18, after "1741" insert "-1742"

Page 1790, delete lines 22 through 24

Page 1790, delete lines 34 through 36

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

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

MR. PRESIDENT: The House has not adopted the conference committee report on: HB 1141.

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 1002, HB 1007, HB 1016, HB 1046.

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 2050, SB 2309.

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 2009.

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 2005, SB 2268.

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 1033, HB 1266.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1005, HB 1019, HB 1041, HB 1174, HB 1269.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2044.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: HB 1468, HCR 3047.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HCR 3009, HCR 3016, HCR 3047.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2044.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: SB 2281.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on April 20, 2011: HCR 3009, HCR 3016, HCR 3047.

REPORT OF CONFERENCE COMMITTEE

HB 1199, as reengrossed: Your conference committee (Sens. Berry, J. Lee, Mathern and Reps. Pietsch, Anderson, Kilichowski) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1429, adopt amendments as follows, and place HB 1199 on the Seventh order:

That the Senate recede from its amendments as printed on page 1429 of the House Journal and page 857 of the Senate Journal and that Reengrossed House Bill No. 1199 be amended as follows:

Page 1, line 2, after "state" insert "; and to provide an appropriation"

Page 1, after line 14, insert:

"SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$64,000, or so much of the sum as may be necessary, to the department of human services for the purpose of funding guardianship program enhancements, for the biennium beginning July 1, 2011, and ending June 30, 2013. This funding is to be considered one-time funding and is not considered to be base funding for the 2013-15 biennium."

Renumber accordingly

Reengrossed HB 1199 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. PIETSCH MOVED that the conference committee report on Reengrossed HB 1199 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1199, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1199: A BILL for an Act to provide for a study of guardianship services for vulnerable adults in the state; 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 82 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Devlin; 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; Porter; Rohr; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Sukut; Thoreson; Trottier; Vigasaa; Wall; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

NAYS: Belter; Delzer; Dosch; Pietsch; Pollert; Ruby; Streyle; Weiler; Weisz; Wrangham

ABSENT AND NOT VOTING: Bellew; Frantsvog

Reengrossed HB 1199 passed.

REPORT OF CONFERENCE COMMITTEE

HB 1252: Your conference committee (Sens. Dever, J. Lee, Mathern and Reps. Keiser, Frantsvog, M. Nelson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1155, adopt amendments as follows, and place HB 1252 on the Seventh order:

That the Senate recede from its amendments as printed on page 1155 of the House Journal and page 839 of the Senate Journal and that House Bill No. 1252 be amended as follows:

Page 1, line 7, after the period insert "The membership of the committee must include the chairmen of the house human services committee and the house industry, business and labor committee and the chairmen of the senate human services committee and the senate industry, business and labor committee. If any of those individuals are unwilling or unable to serve, the chairman of the legislative management shall appoint a replacement who is a member of the same legislative chamber as the individual being replaced."

Renumber accordingly

HB 1252 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KEISER MOVED that the conference committee report on HB 1252 be adopted, which motion prevailed on a voice vote.

HB 1252, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1252: A BILL for an Act to establish a legislative management health care reform review committee.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Devlin; Dosch; 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; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

NAYS: Boe; Delzer; Wrangham

ABSENT AND NOT VOTING: Bellew; Frantsvog

Engrossed HB 1252 passed.

REPORT OF CONFERENCE COMMITTEE

HB 1424, as engrossed: Your conference committee (Sens. Cook, Oehlke, Triplett and Reps. Headland, Wrangham, Boe) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1466-1472, adopt amendments as follows, and place HB 1424 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1466-1472 of the House Journal and pages 1250-1256 of the Senate Journal and that Engrossed House Bill No. 1424 be amended as follows:

Page 1, line 1, after "57-39.2-04" insert ", sections 57-39.2-12.1, 57-39.5-04, and 57-39.6-04,"

Page 1, line 2, after "57-40.2-04" insert ", and section 57-40.2-07.1"

Page 1, line 2, after "to" insert "compensation allowable to retailers for expenses associated with the collection, reporting, and remittance of state sales, use, and gross receipts taxes and"

Page 1, after line 14, insert:

"SECTION 2. AMENDMENT. Section 57-39.2-12.1 of the North Dakota Century Code is amended and reenacted as follows:

57-39.2-12.1. Deduction to reimburse retailer for administrative expenses.

1. A retailer ~~required~~registered to report and ~~pay monthly~~remit sales, use, or gross receipts tax imposed under section 57-39.2-12~~chapter 57-39.2, 57-39.5, 57-39.6, or 57-40.2~~ may deduct and retain one and one-half percent of the tax due. The aggregate of deductions allowed by this section and section 57-40.2-07.1 may not exceed ~~eighty-five~~ninety-three dollars ~~and seventy-five cents per month~~return. Retailers that receive compensation under this subsection may not receive additional compensation under subsection 2 or 3 for the same period.
2. A certified service provider that contracts with retailers to calculate, collect, and remit tax due on behalf of retailers may deduct and retain from the tax remitted to the tax commissioner compensation or a monetary allowance up to the amount approved by the streamlined sales and use tax governing board effective June 1, 2006. The compensation provided in this subsection applies only to tax remitted by certified service providers on behalf of retailers that are remote sellers registered to collect sales and use tax in this state under chapter 57-39.4. Certified service providers that receive compensation under this subsection may not receive additional compensation under subsection 1 or 3 for the same period.
3. A retailer that is a remote seller registered to collect sales and use tax under chapter 57-39.4 and that uses a certified automated system to calculate, report, and remit tax due under chapters 57-39.2, 57-39.4, and 57-40.2 may deduct and retain compensation or a monetary allowance up to the amount approved by the streamlined sales and use tax governing board during its December 2006 meeting. Retailers that receive compensation under this subsection may not receive additional compensation under subsection 1 or 2 for the same period.

4. For purposes of this section, "remote seller" means a retailer that does not have an adequate physical presence to establish nexus in this state for sales and use tax purposes.
5. Compensation may not be deducted and retained under this section unless the tax due is paid within the time limitations under section 57-39.2-12 or 57-40.2-07 or chapter 57-39.4.
6. The deduction allowed retailers or certified service providers by this section is to reimburse retailers directly or indirectly for expenses incurred in keeping records, preparing and filing returns, remitting the tax, and supplying information to the tax commissioner upon request.

SECTION 3. AMENDMENT. Section 57-39.5-04 of the North Dakota Century Code is amended and reenacted as follows:

57-39.5-04. Administration.

The provisions of chapter 57-39.2 pertaining to administration of the retail sales tax, including provisions for refund, credits, retailer compensation, or adoption of rules, not in ~~compliance~~conflict with this chapter or federal law, govern the administration of the gross receipts tax imposed in this chapter.

SECTION 4. AMENDMENT. Section 57-39.6-04 of the North Dakota Century Code is amended and reenacted as follows:

57-39.6-04. Administration.

The provisions of chapter 57-39.2, pertaining to administration of the retail sales tax, including provisions for refund, credits, retailer compensation, or adoption of rules, not in conflict with this chapter or federal law, govern the administration of the gross receipts tax imposed in this chapter."

Page 1, after line 23, insert:

"SECTION 6. AMENDMENT. Section 57-40.2-07.1 of the North Dakota Century Code is amended and reenacted as follows:

57-40.2-07.1. Deduction to reimburse retailer for administrative expenses.

1. A retailer ~~required~~registered to report and ~~pay monthly~~remit sales, use, or gross receipts tax imposed under section 57-40.2-07chapter 57-39.2, 57-39.5, 57-39.6, or 57-40.2 may deduct and retain one and one-half percent of the tax due. The aggregate of deductions allowed by this section and section 57-39.2-12.1 may not exceed ~~eighty-five~~ninety-three dollars ~~and seventy-five cents per month~~return. Retailers that receive compensation under this subsection may not receive additional compensation under subsection 2 or 3 for the same period.
2. A certified service provider that contracts with retailers to calculate, collect, and remit tax due on behalf of retailers may deduct and retain from the tax remitted to the tax commissioner compensation or a monetary allowance up to the amount approved by the streamlined sales and use tax governing board effective June 1, 2006. The compensation provided in this subsection applies only to tax remitted by certified service providers on behalf of retailers that are remote sellers registered to collect sales and use tax in this state under chapter 57-39.4. Certified service providers that receive compensation under this subsection may not receive additional compensation under subsection 1 or 3 for the same period.
3. A retailer that is a remote seller registered to collect sales and use tax under chapter 57-39.4 and that uses a certified automated system to calculate, report, and remit tax due under chapters 57-39.2, 57-39.4, and

57-40.2 may deduct and retain compensation or a monetary allowance up to the amount approved by the streamlined sales and use tax governing board during its December 2006 meeting. Retailers that receive compensation under this subsection may not receive additional compensation under subsection 1 or 2 for the same period.

4. For purposes of this section, "remote seller" means a retailer that does not have an adequate physical presence to establish nexus in this state for sales and use tax purposes.
5. Compensation may not be deducted and retained under this section unless the tax due is paid within the time limitations under section 57-39.2-12 or 57-40.2-07 or chapter 57-39.4.
6. The deduction allowed retailers or certified service providers by this section is to reimburse retailers directly or indirectly for expenses incurred in keeping records, preparing and filing returns, remitting the tax, and supplying information to the tax commissioner upon request."

Page 2, line 1, remove "This Act is effective for taxable events beginning after"

Page 2, replace line 2 with "Sections 2, 3, 4, and 6 of this Act are effective for taxable events occurring after December 31, 2011."

Renumber accordingly

Engrossed HB 1424 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HEADLAND MOVED that the conference committee report on Engrossed HB 1424 be adopted, which motion failed on a verification vote.

REPORT OF CONFERENCE COMMITTEE

SB 2005: Your conference committee (Sens. Grindberg, Holmberg, Robinson and Reps. Kempenich, Klein, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1116-1117, adopt amendments as follows, and place SB 2005 on the Seventh order:

That the House recede from its amendments as printed on pages 1116 and 1117 of the Senate Journal and pages 1206 and 1207 of the House Journal and that Senate Bill No. 2005 be amended as follows:

Page 1, replace lines 12 and 13 with:

"Salaries and wages	\$946,507	\$108,017	\$1,054,524
Operating expenses	131,478	266,588	398,066"

Page 1, replace line 16 with:

"Total general fund	\$2,228,985	(\$523,595)	\$1,705,390"
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Page 1, replace lines 22 and 23 with:

"IT development costs		<u>\$0</u>	<u>\$266,588</u>
Total general fund		\$0	\$266,588"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2005 - State Treasurer - Conference Committee Action

Executive	Senate	Conference	Conference	House	Comparison
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	Budget	Version	Committee Changes	Committee Version	Version	to House
Salaries and wages	\$1,030,524	\$1,030,524	\$24,000	\$1,054,524	\$1,054,524	
Operating expenses	366,478	366,478	31,588	398,066	451,906	(53,840)
Coal severance payments	252,800	252,800		252,800	252,800	
Total all funds	\$1,649,802	\$1,649,802	\$55,588	\$1,705,390	\$1,759,230	(\$53,840)
Less estimated income	0	0	0	0	0	0
General fund	\$1,649,802	\$1,649,802	\$55,588	\$1,705,390	\$1,759,230	(\$53,840)
FTE	7.00	7.00	0.00	7.00	7.00	0.00

Department No. 120 - State Treasurer - Detail of Conference Committee Changes

	Adds Funding for Position Reclassifications ¹	Adds Funding for Information Technology Development ²	Total Conference Committee Changes
Salaries and wages	\$24,000		\$24,000
Operating expenses		31,588	31,588
Coal severance payments			
Total all funds	\$24,000	\$31,588	\$55,588
Less estimated income	0	0	0
General fund	\$24,000	\$31,588	\$55,588
FTE	0.00	0.00	0.00

¹ Funding is added to reclassify two account budget specialist positions; the same as the House version.

² This amendment adds funding for additional information technology development costs for changes in tax distributions. The House added \$85,428.

SB 2005 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KEMPENICH MOVED that the conference committee report on SB 2005 be adopted, which motion prevailed on a voice vote.

SB 2005, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 78 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Boe; Delmore; Gruchalla; Guggisberg; Hanson; Hogan; Kaldor; Kelsh, J.; Kilichowski; Kroeber; Meyer, S.; Mock; Nelson, M.; Onstad; Ruby

ABSENT AND NOT VOTING: Bellew

SB 2005, as amended, passed.

REPORT OF CONFERENCE COMMITTEE

SB 2268, as engrossed: Your conference committee (Sens. Berry, Dever, Nelson and Reps. Wieland, Louser, Holman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1216-1217, adopt amendments as follows, and place SB 2268 on the Seventh order:

That the House recede from its amendments as printed on pages 1216 and 1217 of the Senate Journal and pages 1382 and 1383 of the House Journal and that Engrossed Senate Bill No. 2268 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a regional autism spectrum disorder centers of early intervention and achievement pilot program; to provide for a report to the legislative management; to provide for a report to the sixty-third legislative assembly; to provide for a legislative management study; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REGIONAL AUTISM SPECTRUM DISORDER CENTERS OF EARLY INTERVENTION AND ACHIEVEMENT PILOT PROGRAM - REPORT TO THE LEGISLATIVE MANAGEMENT - REPORT TO THE SIXTY-THIRD LEGISLATIVE ASSEMBLY. During the 2011-13 biennium, the department of human services may use up to \$200,000 of funding from its legislative appropriation to establish and operate a regional autism spectrum disorder centers of early intervention and achievement pilot program.

1. The pilot program must provide a matching grant to a qualified applicant that is a nonprofit intermediate care facility for individuals with intellectual disabilities which is licensed by the department of human services.
2. A qualified applicant shall establish the availability of \$1 of nonstate, cash matching funds for each grant dollar awarded under this section. The source of the matching funds must be funds of the applicant.
3. A qualified applicant shall submit a plan for the funding, development, and delivery of skilled services to individuals with autism spectrum disorder who reside within the applicant's service region. The plan must provide for the establishment of a regional autism spectrum disorder center of early intervention and achievement in a city with a population of more than ten thousand.
4. As a condition of a grant award under this program, a qualified applicant shall agree to collaborate with the department of human services in developing and implementing the plan as well as postaward monitoring by the department of human services.
5. The department of human services shall report to the legislative management before September 30, 2012, on the preliminary findings and recommendations of the pilot program. The department of human services shall provide a written report summarizing the status of the pilot program and any findings and recommendations to the legislative management before December 31, 2012.
6. The department of human services shall report to the appropriations committees of the sixty-third legislative assembly on the status of the pilot program and any findings and recommendations.

SECTION 2. AUTISM STUDY - LEGISLATIVE MANAGEMENT STUDY.

During the 2011-12 interim, the legislative management shall consider studying the current system for the diagnosis of, early treatment of, care for, and education of individuals with autism spectrum disorder. The study must include a review of a sliding fee scale for payment of services and the value of services provided. The study must consider the recommendations of the autism spectrum disorder task force and must seek input from stakeholders in the private and public sectors, including families affected by autism spectrum disorder, insurers, educators, treatment providers, early childhood service providers, caretakers, and nonprofit intermediate care facilities for individuals with intellectual disabilities. 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 3. EXPIRATION DATE. Section 1 of this Act is effective through June 30, 2013, and after that date is ineffective."

Renumber accordingly

Engrossed SB 2268 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WIELAND MOVED that the conference committee report on Engrossed SB 2268 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2268, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2268: A BILL for an Act to provide for a regional autism spectrum disorder centers of early intervention and achievement pilot program; to provide for a report to the legislative management; to provide for a report to the sixty-third legislative assembly; to provide for a legislative management study; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Belter; Boe; Boehning; 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; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

NAYS: Brabandt; Streyle; Weiler

ABSENT AND NOT VOTING: Bellew

Engrossed SB 2268, as amended, passed.

ANNOUNCEMENT

SPEAKER DROVDAL ANNOUNCED that Rep. Kreidt replaces Rep. Bellew on the Conference Committee on HB 1004.

ANNOUNCEMENT

SPEAKER DROVDAL ANNOUNCED that Rep. Pollert replaces Rep. Bellew on the Conference Committee on HB 1025.

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

MR. PRESIDENT: The Speaker has appointed Rep. Kreidt to replace Rep. Bellew on the Conference Committee on HB 1004.

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

MR. PRESIDENT: The Speaker has appointed Rep. Pollert to replace Rep. Bellew on the Conference Committee on HB 1025.

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

MR. SPEAKER: The President has appointed Sen. Dotzenrod to replace Sen. Triplett for the Seventy-second legislative day on the Conference Committee on HB 1047.

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 1199, HB 1252.

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 2005, SB 2268.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1016.

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 2161, SB 2298.

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 1002, HB 1007, HB 1046.

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 2003, SB 2369.

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

MR. SPEAKER: The President has signed: HB 1005, HB 1019, HB 1041, HB 1174, HB 1269.

MOTION

REP. VIGESAA MOVED that the absent member 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., Thursday, April 21, 2011, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2003, as engrossed: Your conference committee (Sens. Kilzer, Erbele, Warner and Reps. Dahl, Klein, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1290-1292, adopt amendments as follows, and place SB 2003 on the Seventh order:

That the House recede from its amendments as printed on pages 1290-1292 of the Senate Journal and pages 1445-1447 of the House Journal and that Engrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 6, after the second semicolon insert "to provide legislative intent;"

Page 1, replace line 15 with:

"Salaries and wages	\$25,958,281	\$3,547,765	\$29,506,046"
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Page 2, replace line 1 with:

"Total all funds \$50,862,653 \$7,520,910 \$58,383,563"

Page 2, replace line 3 with:

"Total general fund \$28,060,432 \$3,481,813 \$31,542,245"

Page 5, after line 13, insert:

"SECTION 10. PROJECT PLANNING AND IMPLEMENTATION. The attorney general shall involve the information technology department in the study and planning of the criminal history repository replacement project, for the biennium beginning July 1, 2011, and ending June 30, 2013. The attorney general shall include information technology department architects in software development, computer systems, and security and network on the project team responsible for the study and planning of the project and receive approval from the information technology department before proceeding with any study recommendations relating to the project.

SECTION 11. LEGISLATIVE INTENT - EMPLOYEE POSITIONS PAID WITH FEDERAL FISCAL STIMULUS FUNDS. It is the intent of the sixty-second legislative assembly that the attorney general's base budget for the 2013-15 biennium not include funding or full-time equivalent positions for employees paid for with federal fiscal stimulus funds during the 2011-13 biennium. The attorney general may request funding for these positions as optional requests in the agency's budget request for the 2013-15 biennium."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$29,573,339	\$29,573,339	(\$67,293)	\$29,506,046	\$29,178,016	\$328,030
Operating expenses	16,418,016	16,418,016		16,418,016	16,418,016	
Capital assets	2,256,183	2,256,183		2,256,183	2,256,183	
Grants	3,420,000	3,420,000		3,420,000	3,420,000	
Litigation fees	50,000	50,000		50,000	50,000	
Medical examinations	660,000	660,000		660,000	660,000	
North Dakota Lottery	3,700,242	3,700,242		3,700,242	3,700,242	
Arrest and return of fugitives	10,000	10,000		10,000	10,000	
Gaming Commission	7,368	7,368		7,368	7,368	
Federal stimulus funds	2,355,708	2,355,708		2,355,708	2,355,708	
Total all funds	\$58,450,856	\$58,450,856	(\$67,293)	\$58,383,563	\$58,055,533	\$328,030
Less estimated income	26,841,318	26,841,318	0	26,841,318	26,841,318	0
General fund	\$31,609,538	\$31,609,538	(\$67,293)	\$31,542,245	\$31,214,215	\$328,030
FTE	202.50	202.50	0.00	202.50	202.50	0.00

Department No. 125 - Attorney General - Detail of Conference Committee Changes

	Removes Funding for Salary Equity Increases for Forensic Staff ¹	Increases Funding for Forensic Staff Salaries for Certification ²	Total Conference Committee Changes
Salaries and wages	(\$105,401)	\$38,108	(\$67,293)
Operating expenses			
Capital assets			
Grants			
Litigation fees			
Medical examinations			
North Dakota Lottery			
Arrest and return of fugitives			
Gaming Commission			
Federal stimulus funds			
Total all funds	(\$105,401)	\$38,108	(\$67,293)
Less estimated income	0	0	0
	(\$105,401)	\$38,108	(\$67,293)

General fund			
FTE	0.00	0.00	0.00

¹ This amendment removes funding included in the executive recommendation for forensic scientists for salary equity adjustments. The House removed \$192,293 for salary equity adjustments and salary increases upon employees receiving certification.

² This amendment increases funding for salary increases for forensic staff upon certification, from \$86,892 included in the executive recommendation to a total of \$125,000. The House removed \$86,892.

The conference committee did not make funding reductions included in the House version relating to the Attorney General's salary (\$12,529) and salary reclassifications (\$190,501).

This amendment adds two sections relating to:

- The study and planning of the criminal history repository replacement information technology project.
- Legislative intent regarding employee positions paid for with federal stimulus funding during the 2011-13 biennium.

These sections were also added by the House.

Engrossed SB 2003 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2161, as engrossed: Your conference committee (Sens. Olafson, Andrist, Dotzenrod and Reps. Koppelman, Kretschmar, Kilichowski) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1151, adopt amendments as follows, and place SB 2161 on the Seventh order:

That the House recede from its amendments as printed on page 1151 of the Senate Journal and pages 1308 and 1309 of the House Journal and that Engrossed Senate Bill No. 2161 be amended as follows:

Page 1, line 17, remove the underscored colon

Page 1, line 18, replace "(1) is" with "is"

Page 1, line 18, replace "naturally occurring hazard" with "condition"

Page 1, line 19, remove "; and"

Page 1, remove lines 20 through 23

Page 2, replace lines 1 through 4 with "unless:

- (1) The political subdivision is served with written notice that is either in its possession or verified by receipt;
- (2) The condition is unusually hazardous or unusually dangerous, meaning, in the context of this subsection, it is so peculiarly dangerous there is a substantial risk that an individual exercising due care and driving within the limits of the law could not drive on that part of the congressional section line safely;

- (3) If the condition is naturally occurring, it has occurred or substantially worsened within thirty days before the written notice provided for in paragraph 1; and
- (4) The political subdivision either fails to take action to mitigate the condition or fails to order mitigation of the condition as provided for in subdivision c, or fails to provide warning that the congressional section line has a hazardous condition, as soon as is practicable, but not to exceed ten days after service of the notice."

Page 2, line 5, remove "paragraph 2 of"

Page 2, line 5, remove "creates a"

Page 2, line 6, replace "hazard by altering" with "causes or contributes to an unusually hazardous or unusually dangerous condition on"

Page 2, line 6, replace "is" with "may be"

Page 2, line 6, remove "any"

Page 2, line 6, remove "caused"

Page 2, line 7, remove "by the alteration"

Page 2, line 8, replace "seek" with "issue"

Page 2, line 8, replace "alters" with "causes or contributes to an unusually hazardous or unusually dangerous condition on"

Page 2, line 9, remove "restore the congressional section line to its original"

Page 2, line 10 replace "state" with "mitigate the condition"

Renumber accordingly

Engrossed SB 2161 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2298, as reengrossed: Your conference committee (Sens. Dever, Krebsbach, Mathern and Reps. Kreidt, Hawken, Metcalf) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1217, adopt amendments as follows, and place SB 2298 on the Seventh order:

That the House recede from its amendments as printed on page 1217 of the Senate Journal and pages 1397 and 1398 of the House Journal and that Reengrossed Senate Bill No. 2298 be amended as follows:

Page 1, line 4, after the first semicolon insert "to provide a statement of legislative intent; to provide for a legislative management study;"

Page 1, line 10, replace "shall" with "may"

Page 1, line 10, after "establish" insert "in collaboration with the department of commerce"

Page 1, line 18, replace "shall" with "may"

Page 2, line 17, replace "shall" with "may"

Page 3, replace lines 23 through 31 with:

"SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the department of human

services for the purpose of funding the early childhood services inclusion support services, for the biennium beginning July 1, 2011, and ending June 30, 2013.

SECTION 3. LEGISLATIVE INTENT - GRANT FUNDING. It is the intent of the legislative assembly that the funding source for grants provided under section 1 of this Act come from that portion of the grant line item of the department of commerce appropriation attributable to the department of commerce's grants for the early childhood facilities program. The total amount of grants awarded under section 1 of this Act which are funded by the department of commerce grant line item may not exceed fifty percent of the funds available under the department of commerce's grants for the early childhood facilities program, and the grant under section 1 of this Act must comply with the maximum grant amount and matching fund requirements of the department of commerce's grants for the early childhood facilities program.

SECTION 4. LEGISLATIVE MANAGEMENT STUDY - CHILDREN SERVICES FUNDING. During the 2011-12 interim, the legislative management shall consider studying the delivery of early childhood services and programs aimed at providing services to children, such as head start, temporary assistance to needy families, the early childhood comprehensive system program, and department of public instruction-approved preschools and the funding sources for the recipients and providers of these services. The study must include a review of the various agencies involved in providing grants and other funding for the recipients and providers of these services. 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

Reengrossed SB 2298 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2369, as engrossed: Your conference committee (Sens. Grindberg, Holmberg, Robinson and Reps. Delzer, Thoreson, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1222-1225, adopt amendments as follows, and place SB 2369 on the Seventh order:

That the House recede from its amendments as printed on pages 1222-1225 of the Senate Journal and pages 1398-1401 of the House Journal and that Engrossed Senate Bill No. 2369 be amended as follows:

Page 1, line 1, after "Act" insert "to amend and reenact section 37-17.1-27 of the North Dakota Century Code, relating to the state disaster relief fund;"

Page 1, line 1, replace "department of emergency services" with "adjutant general"

Page 1, line 3, after the semicolon insert "to provide for a budget section report;"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 37-17.1-27 of the North Dakota Century Code is amended and reenacted as follows:

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

There is created in the state treasury a state disaster relief fund. Moneys in the fund are to be used subject to legislative appropriations and emergency commission and budget section approval for providing the required state share of funding for defraying the expenses of state disasters, including providing funds required to match federal funds for expenses associated with presidential-declared disasters in the state. Any interest or other fund earnings must be deposited in the fund."

Page 1, line 5, replace "There" with "Notwithstanding the provisions of section 37-17.1-27, there"

Page 1, line 13, remove "2010 disregarding the year with the highest snow"

Page 1, remove line 14

Page 1, line 15, replace "months" with "2008"

Page 1, line 18, after the period insert "The funding provided in this section is to be considered one-time funding and any unspent funds are not available for future snow removal assistance, but may be used for purposes as provided for in section 4 of this Act."

Page 2, line 3, replace "department of emergency services" with "adjutant general"

Page 2, line 4, after "expenses" insert "only"

Page 2, line 4, remove "for"

Page 2, line 4, after "efforts" insert "as authorized in subsections 1 through 5"

Page 2, line 6, after "may" insert "only"

Page 2, line 6, replace "department of emergency services" with "adjutant general, subject to emergency commission and budget section approval,"

Page 2, line 7, remove ", subject to"

Page 2, line 8, replace "emergency commission approval" with "associated with presidential-declared disasters in the state"

Page 2, line 9, after "2." insert "a."

Page 2, line 9, replace "Flood" with "Notwithstanding the provisions of section 37-17.1-27, flood"

Page 2, line 10, replace "a." with "(1)"

Page 2, line 11, replace "b." with "(2)"

Page 2, line 11, after the semicolon insert "and"

Page 2, line 12, replace "c." with "(3)"

Page 2, line 12, replace "; and" with a period

Page 2, replace lines 13 and 14 with:

- "b. The adjutant general may spend funds for purposes as provided for in this subsection only to the extent that federal funds are not available for this flood disaster relief or these disaster mitigation projects as certified by the adjutant general to the office of management and budget.
- c. Total expenses paid from the state disaster relief fund under this subsection may not exceed \$3,200,000.
- 3. a. Notwithstanding the provisions of section 37-17.1-27, grants to political subdivisions for a portion of the local share required to match federal funds on road grade raising projects located on any natural body of water that comprises more than one hundred fifty thousand acres at current water levels and has risen more than twenty-five feet since 1993, subject to the road:
 - (1) Qualifying for federal emergency management agency grade raise matching funds;

- (2) Having been inundated for six months or more or being expected to become inundated for six months or more after April 1, 2011;
 - (3) Being the only access road to a residence; or
 - (4) Being identified as a primary road in the county strategic road plan.
- b. The state will pay the state share required to match federal funds on eligible road grade raising projects and:
- (1) Fifty percent of the local share on eligible county or township roads for a county or township that has lost up to thirty-three percent of its taxable land within the township where the road is located due to inundated lands since 1993.
 - (2) Seventy-five percent of the local share on eligible county or township roads for a county or township that has lost more than thirty-three percent but less than fifty percent of its taxable land within the township where the road is located due to inundated lands since 1993.
 - (3) Ninety percent of the local share on eligible county or township roads for a county or township that has lost fifty percent or more of its taxable land within the township where the road is located due to inundated lands since 1993.
4. Grants to political subdivisions for a portion of the local share required to match federal emergency relief funding relating to disasters occurring from January 2011 through June 2011. A political subdivision may apply to the adjutant general for an emergency relief grant under this subsection for up to fifty percent of the local match required to receive the federal emergency relief funding."

Page 2, line 15, replace "3." with "5."

Page 2, line 15, remove "disasters pursuant to section 37-17.1-27, subject to emergency commission"

Page 2, line 16, replace "approval, not related to flooding that occurs during the spring of 2011" with "expenses associated with presidential-declared disasters in the state"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2369 - Adjutant General - Conference Committee Action

This amendment:

- Changes Section 37-17.1-27 relating to the state disaster relief fund to limit use of money in the fund for only the required state share of funding for expenses associated with presidential-declared disasters in the state and to require Emergency Commission and Budget Section approval of the use of money in the fund. The provision included in the House version limiting the use of funds to only match federal funds is removed.
- Provides that the \$9 million for emergency snow removal grant is to be considered one-time funding and any unspent funds are not available for future snow removal assistance, but may be used as provided in Section 4 of the bill. The years used to determine average snow removal costs are changed to 2004 through 2008 rather than 2004 through 2010 with the highest and lowest snow removal cost years being disregarded. The conference committee provides that any remaining funds may be used as provided in Section 4 of the bill. The House provided that any remaining funds only be used for the state share of funding to match federal funds for

- expenses associated with presidential-declared disasters in the state.
- Changes the provisions of funding available for spring 2011 flooding. The amendment states that funding is available for state costs relating to flooding occurring during the spring of 2011 associated with presidential-declared disasters in the state. The House specified that funding is available for the state share of funding required to match federal funds for costs relating to spring 2011 flooding associated with presidential-declared disasters in the state.
 - Limits funding available for flood disaster relief or disaster mitigation projects in eligible incorporated cities to \$3.2 million. This is the same as the House version.
 - Adds authorization to provide grants to political subdivisions for a portion of the local share required to match federal funds on road grade raising projects. Road grade raising grants are limited to 50 percent of the local share for political subdivisions that lost up to 33 percent of taxable land due to inundated lands since 1993, 75 percent for political subdivisions that have lost 33 percent but less than 50 percent, and 90 percent for political subdivisions that have lost 50 percent or more. The eligibility requirements are changed from the House version in the definition of a body of water, the requirement for a project to meet all eligibility criteria is changed to permit projects to meet only one of the four eligibility criteria, and the criteria that the road become inundated for six months or more after April 1, 2011, is changed to having been inundated for six months or more or is expected to become inundated for six months or more after April 1, 2011.
 - Adds authorization to provide grants to political subdivisions for up to 50 percent of the local share required to match federal disaster relief funds for disasters occurring from January 2011 through June 2011.
 - Changes the provisions of funding available for presidential-declared disasters in the state. The conference committee provides that funding is available for expenses associated with presidential-declared disasters in the state. The House specified that funding is available for the state share of funding required to match federal funds for expenses associated with presidential-declared disasters in the state.
 - Requires Emergency Commission and Budget Section approval of disaster relief grants, except emergency snow removal grants. This is the same as the House version.

Engrossed SB 2369 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

