

## JOURNAL OF THE SENATE

## Sixty-second Legislative Assembly

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Bismarck, April 5, 2011

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

The prayer was offered by Pastor Paul Gibson, First Baptist Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**HB 1025, as engrossed: SEN. ROBINSON (Appropriations Committee) MOVED** that the amendments on SJ pages 1125-1126 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

## SECOND READING OF HOUSE BILL

**HB 1025:** A BILL for an Act to provide an appropriation for defraying the expenses of the comprehensive tobacco control advisory committee; and to provide for reports.

## ROLL CALL

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed HB 1025, as amended, passed.

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## SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3043:** A concurrent resolution directing the Legislative Management to study the filling of vacancies in the Legislative Assembly.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3043 was declared adopted on a voice vote.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. KLEIN MOVED** that the Senate do concur in the House amendments to SB 2173 as printed on SJ page 792, which motion prevailed on a voice vote.

SB 2173, as amended, was placed on the Eleventh order of business.

## SECOND READING OF SENATE BILL

**SB 2173:** A BILL for an Act to amend and reenact subsection 3 of section 43-19.1-14 of the North Dakota Century Code, relating to an applicant otherwise qualified for registration as a professional engineer and additional qualifications.

**ROLL CALL**

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2173 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2089 as printed on SJ page 732, which motion prevailed on a voice vote.

Engrossed SB 2089, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2089:** A BILL for an Act to amend and reenact section 65-01-11 of the North Dakota Century Code, relating to burden of proof in compensation matters; and to provide for application.

**ROLL CALL**

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed SB 2089 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. ANDRIST MOVED** that the Senate do concur in the House amendments to Engrossed SB 2185 as printed on SJ page 792, which motion prevailed on a voice vote.

Engrossed SB 2185, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2185:** A BILL for an Act to create a new section to chapter 43-52 of the North Dakota Century Code, relating to the regulation of sign language interpreters; to amend and reenact sections 43-52-01, 43-52-02, and 43-52-03 of the North Dakota Century Code, relating to regulation of sign language interpreters; and to provide a penalty.

**ROLL CALL**

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed SB 2185 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. ANDRIST MOVED** that the Senate do concur in the House amendments to SB 2219 as printed on SJ pages 792-793, which motion prevailed on a voice vote.

SB 2219, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2219:** A BILL for an Act to amend and reenact section 58-05-12 of the North Dakota Century Code, relating to township officer interest in a township contract.

**ROLL CALL**

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**NAYS:** Cook; Nodland; Stenehjem

Engrossed SB 2219 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2079 as printed on SJ page 724, which motion prevailed on a voice vote.

Engrossed SB 2079, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2079:** A BILL for an Act to amend and reenact section 50-11-01.4 of the North Dakota Century Code, relating to a person's ability to provide adult foster care after a license is denied or revoked; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed SB 2079 passed and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LYSON MOVED** that the Senate do concur in the House amendments to SB 2068 as printed on SJ page 679, which motion prevailed on a voice vote.

SB 2068, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2068:** A BILL for an Act to create and enact section 61-02-14.2 of the North Dakota Century Code, relating to the state engineer's authority to execute contracts on behalf of the state water 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2068 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2097 as printed on SJ page 732, which motion prevailed on a voice vote.

Engrossed SB 2097, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2097:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 and a new section to chapter 43-47 of the North Dakota Century Code, relating to criminal history record checks of counselors; and to amend and reenact subsection 3 of section 43-47-03 of the North Dakota Century Code, relating to fees.

**ROLL CALL**

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed SB 2097 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FLAKOLL MOVED** that the Senate do concur in the House amendments to Engrossed SB 2147 as printed on SJ page 679, which motion prevailed on a voice vote.

Engrossed SB 2147, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2147:** A BILL for an Act to amend and reenact section 63-05-01 of the North Dakota Century Code, relating to cutting weeds and grass along county and township roads.

**ROLL CALL**

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner

**NAYS:** Christmann; Nelson; Warner

Reengrossed SB 2147 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FLAKOLL MOVED** that the Senate do concur in the House amendments to Engrossed SB 2080 as printed on SJ pages 752-753, which motion prevailed on a voice vote.

Engrossed SB 2080, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2080:** A BILL for an Act to create and enact a new subsection to section 43-15-02, a new subsection to section 43-15-10, and chapter 43-15.4 of the North Dakota Century Code, relating to the practice of pharmacy and dispensing veterinary prescription drugs; and to provide a penalty.

**ROLL CALL**

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed SB 2080 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NOTHING MOVED** that the Senate do concur in the House amendments to SB 2241 as printed on SJ page 808, which motion prevailed on a voice vote.

SB 2241, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2241:** A BILL for an Act to amend and reenact subsection 2 of section 12.1-23-05 of the North Dakota Century Code, relating to the grading of theft offenses for theft of a prescription drug; to provide a penalty; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Andrist; Berry; Bowman; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; Olafson; Robinson; Schneider; Sorvaag; Uglem; Wanzek

**NAYS:** Burckhard; Christmann; Heckaman; Hogue; Murphy; O'Connell; Oehlke; Schaible; Sitte; Stenehjem; Taylor; Triplett; Wardner; Warner

Engrossed SB 2241 passed and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NOTHING MOVED** that the Senate do concur in the House amendments to Engrossed SB 2285 as printed on SJ page 808, which motion prevailed on a voice vote.

Engrossed SB 2285, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2285:** A BILL for an Act to create and enact a new subsection to section 29-06-15 of the North Dakota Century Code, relating to arrests without a warrant; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed SB 2285 passed and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NOTHING MOVED** that the Senate do concur in the House amendments to SB 2082 as printed on SJ page 789, which motion prevailed on a voice vote.

SB 2082, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2082:** A BILL for an Act to create and enact a new section to chapter 14-15.1 of the North Dakota Century Code, relating to the confidentiality of identified adoption proceedings.

**ROLL CALL**

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2082 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NOTHING MOVED** that the Senate do concur in the House amendments to SB 2113 as printed on SJ page 733, which motion prevailed on a voice vote.

SB 2113, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2113:** A BILL for an Act to amend and reenact sections 20.1-13.1-01 and 20.1-13.1-03, subsections 2 and 3 of section 20.1-13.1-05, subsections 2 and 4 of section 20.1-13.1-08, sections 20.1-13.1-10, 20.1-15-01, and 20.1-15-03, subsections 2 and 3 of section 20.1-15-05, subsections 2 and 4 of section 20.1-15-08, sections 20.1-15-11 and 20.1-15-15, subsection 4 of section 39-06.2-10.6, sections 39-20-01 and 39-20-02, subsections 2, 3, and 4 of section 39-20-03.1, subsections 2 and 3 of section 39-20-03.2, subsections 2 and 4 of section 39-20-05, and sections 39-20-07, 39-20-14, 39-24.1-01, 39-24.1-03, and 39-24.1-08 of the North Dakota Century Code, relating to chemical tests and the state crime laboratory.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll

was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2113 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. NETHING MOVED** that the Senate do concur in the House amendments to SB 2039 as printed on SJ page 680, which motion prevailed on a voice vote.

SB 2039, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2039:** A BILL for an Act to amend and reenact section 25-03.1-23 of the North Dakota Century Code, relating to those mental health professionals authorized to execute a certificate regarding a continuing treatment order; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2039 passed and the emergency clause was declared carried.

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#### MOTION

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

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

#### CORRECTION AND REVISION OF THE JOURNAL

**MR. PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Andrist, Chairman)** has carefully examined the Journal of the Fifty-eighth and Fifty-ninth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1042, line 42, replace "page 853" with "page 833"

Page 1064, line 20, replace "**as engrossed**" with "**as reengrossed**"

Page 1064, line 12, replace "Engrossed" with "Reengrossed"

Page 1073, line 23, replace "bill" with "amended bill"

Page 1073, lines 23 through 24, remove "and has committee recommendation of DO PASS,"

Page 1075, line 31, replace "Engrossed SB 2276" with "Reengrossed SB 2276"

Page 1075, line 35, replace "Engrossed SB 2276" with "Reengrossed SB 2276"

Page 1087, line 49, replace "DO PASS" with "DO NOT PASS"

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

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do concur in the House amendments to SB 2086 as printed on SJ page 679, which motion prevailed on a voice vote.

SB 2086, as amended, was placed on the Eleventh order of business.

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

**SB 2086:** A BILL for an Act to amend and reenact section 51-05.1-04 of the North Dakota Century Code, relating to definitions of and exceptions to auctioneer, clerk, and internet auctions.

#### **ROLL CALL**

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2086 passed.

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#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do concur in the House amendments to SB 2091 as printed on SJ page 680, which motion prevailed on a voice vote.

SB 2091, as amended, was placed on the Eleventh order of business.

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

**SB 2091:** A BILL for an Act to amend and reenact subsection 1 of section 37-17.1-16 of the North Dakota Century Code, relating to liability of federal government employees assisting in a state disaster; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2091 passed and the emergency clause was declared carried.

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#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do concur in the House amendments to SB 2110 as printed on SJ page 995, which motion prevailed on a voice vote.

SB 2110, as amended, was placed on the Eleventh order of business.

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

**SB 2110:** A BILL for an Act to amend and reenact sections 54-52.1-02, 54-52.1-04, 54-52.1-04.2, and 54-52.1-04.3 of the North Dakota Century Code, relating to



subgroups, receiving bids for prescription drug coverage, self-insurance for prescription drug coverage, and contingency reserve fund requirements under the uniform group insurance 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2110 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. LYSON MOVED** that the Senate do concur in the House amendments to Engrossed SB 2117 as printed on SJ page 695, which motion prevailed on a voice vote.

Engrossed SB 2117, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2117:** A BILL for an Act to create and enact subsection 12 to section 55-08-01.3 and sections 55-08-18 and 55-08-19 of the North Dakota Century Code, relating to parks and recreation department rule violations and penalties; to amend and reenact section 55-08-17 and subsection 13 of section 55-11-09 of the North Dakota Century Code, relating to parks and recreation department rule violations and penalties; to provide a penalty; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**NAYS:** Christmann; Klein; O'Connell; Stenehjem

Reengrossed SB 2117 passed and the emergency clause was declared carried.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. DEVER MOVED** that the Senate do concur in the House amendments to SB 2116 as printed on SJ page 679, which motion prevailed on a voice vote.

SB 2116, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2116:** A BILL for an Act to create and enact subsection 5 to section 23-06-03 of the North Dakota Century Code, relating to the designation of a person authorized to direct disposition of a decedent's remains in the event of death while in military service.

#### ROLL CALL

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele;

Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2116 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. DEVER MOVED** that the Senate do concur in the House amendments to SB 2100 as printed on SJ pages 732-733, which motion prevailed on a voice vote.

SB 2100, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2100:** A BILL for an Act to amend and reenact sections 43-09-04 and 43-09-20 of the North Dakota Century Code, relating to electricians; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2100 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. DEVER MOVED** that the Senate do concur in the House amendments to Engrossed SB 2053 as printed on SJ page 752, which motion prevailed on a voice vote.

Engrossed SB 2053, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2053:** A BILL for an Act to amend and reenact section 54-35-23 of the North Dakota Century Code, relating to extension and duties of the committee on tribal and state relations.

#### ROLL CALL

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed SB 2053 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. DEVER MOVED** that the Senate do concur in the House amendments to SB 2254 as printed on SJ pages 831-832, which motion prevailed on a voice vote.

SB 2254, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2254:** A BILL for an Act to amend and reenact sections 4-22-21, 15.1-09-13, 16.1-01-01, 16.1-02-03, 16.1-02-04, 16.1-02-09, 16.1-02-10, 16.1-02-12, 16.1-02-13, 16.1-02-15, and 16.1-03-11, subsection 1 of section 16.1-06-15, sections 16.1-07-08, 16.1-07-09, 16.1-07-10, 16.1-07-11, 16.1-07-12, and 16.1-07-12.1, subsection 1 of section 16.1-09-03, sections 16.1-10-03, 16.1-11-05, 16.1-11-20, 16.1-11-22, 16.1-11.1-01, 16.1-11.1-03, and 16.1-11.1-06, subsection 1 of section 16.1-11.1-07, subsection 1 of section 16.1-12-04, and sections 16.1-13-03, 16.1-15-04, 16.1-15-08, 16.1-15-21, 16.1-15-22, 16.1-15-25, 16.1-15-26, 16.1-15-27, 16.1-15-33, 16.1-15-37, 16.1-15-39, 16.1-15-40, 16.1-15-41, 16.1-15-44, 16.1-15-48, 40-38-01, and 61-04.1-30 of the North Dakota Century Code, relating to election administration.

#### ROLL CALL

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2254 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. DEVER MOVED** that the Senate do concur in the House amendments to SB 2060 as printed on SJ page 831, which motion prevailed on a voice vote.

SB 2060, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2060:** A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to honor guard leave for state employees.

#### ROLL CALL

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed SB 2060 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. ANDRIST MOVED** that the Senate do concur in the House amendments to SB 2246 as printed on SJ page 878, which motion prevailed on a voice vote.

SB 2246, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2246:** A BILL for an Act to amend and reenact section 57-40.6-02 of the North Dakota Century Code, relating to fees imposed for emergency services communications.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Dotzenrod; Erbele; Fischer; Flakoll; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, J.; Luick; Lyson; Marcellais; Mathern; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**NAYS:** Bowman; Burckhard; Christmann; Cook; Dever; Freborg; Lee, G.; Miller; O'Connell; Sitte; Stenehjem

Engrossed SB 2246 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do concur in the House amendments to Engrossed SB 2172 as printed on SJ page 996, which motion prevailed on a voice vote.

Engrossed SB 2172, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2172:** A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales tax exemption for receipts from coin-operated amusement or entertainment machines; to amend and reenact subsections 21, 22, and 23 of section 57-39.2-01 and subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code, relating to a sales tax exemption for receipts from coin-operated amusement or entertainment machines; 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 37 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Burckhard; Christmann; Cook; Dever; Dotzenrod; Flakoll; Freborg; Heckaman; Hogue; Kilzer; Krebsbach; Laffen; Larsen; Lee, G.; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Berry; Bowman; Erbele; Fischer; Grindberg; Holmberg; Klein; Lee, J.; Luick; Uglem

Reengrossed SB 2172 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do concur in the House amendments to Reengrossed SB 2320 as printed on SJ pages 1026-1028.

**REQUEST**

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

The question being on the motion to concur in the House amendments to Reengrossed SB 2320, the motion failed on a verification vote.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. G. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2255 as printed on SJ pages 878-879, which motion prevailed on a voice vote.

Engrossed SB 2255, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2255:** A BILL for an Act to create and enact sections 39-22.1-01.1, 39-22.1-05, and 39-22.1-06 of the North Dakota Century Code, relating to the licensure of trailer dealers; and to amend and reenact sections 39-22-19, 39-22.1-01, 39-22.1-02, 39-22.1-03, and 39-22.1-04 of the North Dakota Century Code, relating to insurance for motor vehicle dealers and requirements for the licensing of trailer dealers; to provide a penalty; to provide an 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed SB 2255 passed and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do concur in the House amendments to Engrossed SB 2356 as printed on SJ page 1028, which motion prevailed on a voice vote.

Engrossed SB 2356, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2356:** A BILL for an Act to amend and reenact section 40-22.1-01 of the North Dakota Century Code, relating to special assessments for business promotion; 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 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Christmann; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**NAYS:** Burckhard; Cook; Hogue

Reengrossed SB 2356 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2037 as printed on SJ page 898, which motion prevailed on a voice vote.

Engrossed SB 2037, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2037:** A BILL for an Act to create and enact four new sections to chapter 54-59 of the North Dakota Century Code, relating to the confidentiality of health information under the health information exchange and participation in the health information exchange; to amend and reenact sections 23-06.5-19, 54-59-25, and 54-59-26 of the North Dakota Century Code, relating to health information technology; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed SB 2037 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do concur in the House amendments to Engrossed SB 2294 as printed on SJ page 1024, which motion prevailed on a voice vote.

Engrossed SB 2294, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2294:** A BILL for an Act to amend and reenact subsection 7 of section 57-01-02, sections 57-01-05 and 57-02-11, subsection 3 of section 57-12-06, and 57-13-04, 57-13-05, 57-13-07, 57-13-08, and 57-14-08 of the North Dakota Century Code, relating to assessments of property, powers and duties of the state supervisor of assessments, listing of individual property records, the duties of the state board of equalization, and the duties of county assessors.

**ROLL CALL**

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed SB 2294 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2258 as printed on SJ page 999, which motion prevailed on a voice vote.

Engrossed SB 2258, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2258:** A BILL for an Act to create and enact a new section to chapter 14-09, two new subsections to section 26.1-02-28, and a new section to chapter 35-34 of the North Dakota Century Code, relating to child support enforcement; to amend and reenact sections 26.1-02-28, 34-15-03, 34-15-04, 35-34-02, 35-34-03, and 35-34-04, subsection 1 of section 35-34-06, and sections 35-34-09 and 35-34-10 of the North Dakota Century Code, relating to child support enforcement; to provide for transition; 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 46 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach;

Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**NAYS:** Cook

Reengrossed SB 2258 passed.

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#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2035 as printed on SJ page 732, which motion prevailed on a voice vote.

Engrossed SB 2035, as amended, was placed on the Eleventh order of business.

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

**SB 2035:** A BILL for an Act to amend and reenact subsection 1 of section 43-15-01 of the North Dakota Century Code, relating to pharmacist administration of immunizations and vaccinations to minors.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**NAYS:** O'Connell; Sitte

Reengrossed SB 2035 passed.

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#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do concur in the House amendments to Reengrossed SB 2242 as printed on SJ pages 1052-1053, which motion prevailed on a voice vote.

Reengrossed SB 2242, as amended, was placed on the Eleventh order of business.

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

**SB 2242:** A BILL for an Act to amend and reenact subsection 5 of section 57-15-56 and section 57-39.2-26.2 of the North Dakota Century Code, relating to a matching grant from the senior citizen services and programs fund to counties and the mill levy for senior citizen services and programs; 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 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**NAYS:** Laffen; Lee, G.; O'Connell; Stenehjerm

Reengrossed SB 2242 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FLAKOLL MOVED** that the Senate do concur in the House amendments to Reengrossed SB 2342 as printed on SJ page 1055, which motion prevailed on a voice vote.

Reengrossed SB 2342, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2342:** A BILL for an Act to create and enact a new subsection to section 6-09.13-03 of the North Dakota Century Code, relating to eligible uses of the agriculture partnership in assisting community expansion fund; to amend and reenact subsection 3 of section 6-09.13-01 of the North Dakota Century Code, relating to eligible uses for the agriculture partnership in assisting community expansion fund; 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 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**NAYS:** Mathern; Robinson

Reengrossed SB 2342 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2078 as printed on SJ pages 1056-1057, which motion prevailed on a voice vote.

Engrossed SB 2078, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2078:** A BILL for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to residential mortgages originated by the Bank of North Dakota; to provide an effective date; to provide an expiration date; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Cook; Dever; Dotzenrod; Erbele; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**NAYS:** Christmann; Flakoll

Reengrossed SB 2078 passed and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do concur in the House amendments to Engrossed SB 2325 as printed on SJ page 1028, which motion prevailed on a voice vote.

Engrossed SB 2325, as amended, was placed on the Eleventh order of business.



**SECOND READING OF SENATE BILL**

**SB 2325:** A BILL for an Act to provide an appropriation to the upper great plains transportation institute; and to provide for a report.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Christmann; Dever; Dotzenrod; Erbele; Freborg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Luick; Lyson; Marcellais; Mathern; Murphy; Nelson; Nething; Nodland; O'Connell; Robinson; Schaible; Schneider; Sitte; Sorvaag; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**NAYS:** Burckhard; Cook; Fischer; Flakoll; Grindberg; Laffen; Larsen; Lee, G.; Lee, J.; Miller; Oehlke; Olafson; Stenehjerm

Reengrossed SB 2325 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2245 as printed on SJ pages 1093-1096, which motion prevailed on a voice vote.

Engrossed SB 2245, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2245:** A BILL for an Act to amend and reenact subdivision k of subsection 18 of section 52-01-01, subdivision b of subsection 2 of section 52-04-07, and subsection 1 of section 52-06-02 of the North Dakota Century Code, relating to ineligibility and eligibility for unemployment compensation benefits; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed SB 2245 passed and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. G. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2236 as printed on SJ pages 1092-1093, which motion prevailed on a voice vote.

Engrossed SB 2236, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2236:** A BILL for an Act to create and enact section 51-07-00.1 and 51-07-02.4 of the North Dakota Century Code, relating to definitions and warranty or incentive audits for new motor vehicle dealers; to amend and reenact section 51-07-02.3 of the North Dakota Century Code, relating to prohibited acts for manufacturers, wholesalers, or distributors of new automobiles and automobile parts; to provide for application; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed SB 2236 passed and the emergency clause was declared carried.

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#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. KLEIN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1142, Engrossed HB 1144, Engrossed HB 1164, and Engrossed HB 1433, which motion prevailed.

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

**Engrossed HB 1142:** Sens. Olafson, Nething, Sorvaag

**Engrossed HB 1144:** Sens. Burckhard, Hogue, Triplett

**Engrossed HB 1164:** Sens. Nething, Sitte, Mathern

**Engrossed HB 1433:** Sens. Lyson, Sitte, Nelson

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LYSON MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2206 as printed on SJ pages 1122-1124 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2206: Sens. Lyson, Uglem, Schneider.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FLAKOLL MOVED** that the Senate do not concur in the House amendments to Reengrossed SB 2222 as printed on SJ pages 1119-1120 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Reengrossed SB 2222: Sens. Flakoll, Klein, Heckaman.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2004 as printed on SJ pages 1115-1116 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2004: Sens. Grindberg, Holmberg, Robinson.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to SB 2005 as printed on SJ pages 1116-1117 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2005: Sens. Grindberg, Holmberg, Robinson.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2009 as printed on SJ pages 1120-1122 and that a conference committee be

appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2009: Sens. Christmann, Wanzek, O'Connell.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to SB 2014 as printed on SJ pages 1117-1118 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2014: Sens. Christmann, Erbele, Warner.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HCR 3043.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1025.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2070.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2006, SB 2161, SB 2253, SB 2271, SB 2275, SB 2323.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2006

Page 1, line 4, after the semicolon insert "to provide for a legislative management study; to provide a contingent appropriation;"

Page 1, replace lines 16 and 17 with:

|                     |              |             |              |
|---------------------|--------------|-------------|--------------|
| "Salaries and wages | \$16,910,525 | \$1,887,185 | \$18,797,710 |
| Operating expenses  | 5,345,814    | 2,052,217   | 7,398,031"   |

Page 1, replace line 21 with:

|                  |              |             |               |
|------------------|--------------|-------------|---------------|
| "Total all funds | \$31,278,339 | \$7,970,110 | \$39,248,449" |
|------------------|--------------|-------------|---------------|

Page 1, replace lines 23 and 24 with:

|                                |              |             |              |
|--------------------------------|--------------|-------------|--------------|
| "Total general fund            | \$31,182,339 | \$8,056,110 | \$39,238,449 |
| Full-time equivalent positions | 133.00       | 1.00        | 134.00"      |

Page 3, after line 3, insert:

#### "SECTION 6. LEGISLATIVE MANAGEMENT STUDY - INCOME TAX

**CREDITS.** During the 2011-12 interim, the legislative management shall consider studying the state's income tax credits. The study must involve the state tax commissioner and include an inventory of all of the state's income tax credits, a review of the nature of each credit, an indication of the targeted class of recipients of each credit, an analysis of possible barriers to using the credits, an analysis of possible gaps and overlaps in the state's income tax credits, the relationship of state income tax credits to federal tax policy, and a review of the effectiveness of each credit. 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 7. CONTINGENT FUNDING - EMERGENCY COMMISSION**

**APPROVAL.** The funds appropriated in the salaries and wages line item in section 1 of this Act include \$112,883 from the general fund and the funds appropriated in the operating expenses line item in section 1 of this Act include \$29,440 from the general fund which may be used by the tax department to hire one full-time equivalent position also included in section 1 of this Act, upon emergency commission approval, for the purpose of performing additional compliance projects. The emergency commission may approve the use of these funds and the additional full-time equivalent position only if the tax department certifies that compliance projects conducted by the new compliance officer authorized by the 2011 legislative assembly have resulted in the collection of at least \$500,000, during the nine-month period beginning on the date the new compliance officer position is filled."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2006 - State Tax Commissioner - House Action**

|                         | <b>Executive<br/>Budget</b> | <b>Senate<br/>Version</b> | <b>House<br/>Changes</b> | <b>House<br/>Version</b> |
|-------------------------|-----------------------------|---------------------------|--------------------------|--------------------------|
| Salaries and wages      | \$18,711,656                | \$18,711,656              | \$86,054                 | \$18,797,710             |
| Operating expenses      | 7,339,151                   | 7,339,151                 | 58,880                   | 7,398,031                |
| Capital assets          | 16,000                      | 16,000                    |                          | 16,000                   |
| Homestead tax credit    | 8,792,788                   | 8,792,788                 |                          | 8,792,788                |
| Disabled veteran credit | 4,243,920                   | 4,243,920                 |                          | 4,243,920                |
| Total all funds         | \$39,103,515                | \$39,103,515              | \$144,934                | \$39,248,449             |
| Less estimated income   | 10,000                      | 10,000                    | 0                        | 10,000                   |
| General fund            | \$39,093,515                | \$39,093,515              | \$144,934                | \$39,238,449             |
| FTE                     | 133.00                      | 133.00                    | 1.00                     | 134.00                   |

**Department No. 127 - State Tax Commissioner - Detail of House Changes**

|                         | <b>Adds Funding to<br/>Reclassify FTE<br/>Position<sup>1</sup></b> | <b>Adds Contingent<br/>Funding and<br/>FTE Position<sup>2</sup></b> | <b>Total House<br/>Changes</b> |
|-------------------------|--|---|--------------------------------|
| Salaries and wages      | (\$26,829)   | \$112,883   | \$86,054                       |
| Operating expenses      | 29,440   | 29,440  | 58,880                         |
| Capital assets          |  |   |                                |
| Homestead tax credit    |  |   |                                |
| Disabled veteran credit |  |   |                                |
| Total all funds         | \$2,611  | \$142,323   | \$144,934                      |
| Less estimated income   | 0  | 0   | 0                              |
| General fund            | \$2,611  | \$142,323   | \$144,934                      |
| FTE                     | 0.00   | 1.00  | 1.00                           |

<sup>1</sup> This amendment authorizes the Tax Department to reclassify 1 vacant FTE project manager position to 1 new compliance officer II position and provides operating expenses for the compliance officer II position.

<sup>2</sup> A contingent appropriation from the general fund is added for the Tax Department to hire 1 additional FTE compliance officer position based on additional tax revenues collected. A section is added providing the criteria for accessing the contingent funding, including receiving approval from the Emergency Commission.

This amendment adds a section to provide for a Legislative Management study of income tax credits.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2161**

Page 1, line 11, remove "or"

Page 1, line 12, remove "unmaintained"

Page 1, line 18, replace "regarding" with "on"

Page 1, line 19, after "line" insert ", unless the political subdivision had actual knowledge of an unusually dangerous or unusually hazardous condition that a traveler would not reasonably expect to exist due to the nature of the surrounding topography or geological environment and failed to warn travelers of that condition"

Page 1, line 20, replace "regarding" with "on"

Page 1, line 22, replace "notified in writing" with "served with notice of the hazard by certified mail or otherwise has actual knowledge"

Page 2, line 2, after "hazard" insert "or fails to provide warning that the congressional section line has a hazardous condition"

Page 2, line 2, after "after" insert "service of"

Page 2, line 3, replace "written notification," with "notice"

Page 2, line 3, remove "fails to provide warning that the congressional"

Page 2, line 4, replace "section line has a hazardous condition" with "after the political subdivision has actual knowledge"

Page 2, line 5, replace "creates" with "causes or contributes to"

Page 2, line 6, replace "by altering" with "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 a hazard on"

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

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

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2253**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 57-39.2-26.1 of the North Dakota Century Code, relating to the allocation of funds in the state aid distribution fund; and to provide an effective date.

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

**SECTION 1. AMENDMENT.** Section 57-39.2-26.1 of the North Dakota Century Code is amended and reenacted as follows:

**57-39.2-26.1. Allocation of revenues among political subdivisions.**

Notwithstanding any other provision of law, a portion of sales, gross receipts, use, and motor vehicle excise tax collections, equal to forty percent of an amount determined by multiplying the quotient of one percent divided by the general sales tax rate, that was in effect when the taxes were collected, times the net sales, gross receipts, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-39.5, 57-39.6, 57-40.2, and 57-40.3 must be deposited by the state treasurer in the state aid distribution fund. The state tax commissioner shall certify to the state treasurer the portion of sales, gross receipts, use, and motor vehicle excise tax net revenues that must be deposited in the state aid distribution fund as determined under this section. Revenues deposited in the state aid distribution fund are provided as a standing and continuing appropriation and must be allocated as follows:

1. Fifty-three and seven-tenths percent of the revenues must be allocated to counties in the first month after each quarterly period as provided in this subsection.
  - a. Sixty-four percent of the amount must be allocated among the seventeen counties with the greatest population, in the following manner:
    - (1) Thirty-two percent of the amount must be allocated equally among the counties; and
    - (2) The remaining amount must be allocated based upon the proportion each such county's population bears to the total population of all such counties.
  - b. Thirty-six percent of the amount must be allocated among all counties, excluding the seventeen counties with the greatest population, in the following manner:
    - (1) Forty percent of the amount must be allocated equally among the counties; and
    - (2) The remaining amount must be allocated based upon the proportion each such county's population bears to the total population of all such counties.

A county shall deposit all revenues received under this subsection in the county general fund. Each county shall reserve a portion of its allocation under this subsection for further distribution to, or expenditure on behalf of, townships, rural fire protection districts, rural ambulance districts, soil conservation districts, county recreation service districts, county hospital districts, the Garrison Diversion Conservancy District, the southwest water authority, and other taxing districts within the county, excluding school districts, cities, and taxing districts within cities. The share of the county allocation under this subsection to be distributed to a township must be equal to the percentage of the county share of state aid distribution fund allocations that township received during calendar year 1996. The governing boards of the county and township may agree to a different distribution.

2. Forty-six and three-tenths percent of the revenues must be allocated to cities in the first month after each quarterly period ~~as provided in this subsection~~based upon the proportion each city's population bears to the total population of all cities.
  - a. ~~Nineteen and four-tenths percent of the amount must be allocated among cities with a population of eighty thousand or more, based upon the proportion each city's population bears to the total population of all such cities.~~

- b. ~~Thirty-four and five-tenths percent of the amount must be allocated among cities with a population of twenty thousand or more but fewer than eighty thousand, based upon the proportion each such city's population bears to the total population of all such cities.~~
- e. ~~Sixteen percent of the amount must be allocated among cities with a population of ten thousand or more but fewer than twenty thousand, based upon the proportion each such city's population bears to the total population of all such cities.~~
- d. ~~Four and nine-tenths percent of the amount must be allocated among cities with a population of five thousand or more but fewer than ten thousand, based upon the proportion each such city's population bears to the total population of all such cities.~~
- e. ~~Thirteen and one-tenth percent of the amount must be allocated among cities with a population of one thousand or more but fewer than five thousand, based upon the proportion each such city's population bears to the total population of all such cities.~~
- f. ~~Six and one-tenth percent of the amount must be allocated among cities with a population of five hundred or more but fewer than one thousand, based upon the proportion each such city's population bears to the total population of all such cities.~~
- g. ~~Three and four-tenths percent of the amount must be allocated among cities with a population of two hundred or more but fewer than five hundred, based upon the proportion each such city's population bears to the total population of all such cities.~~
- h. ~~Two and six-tenths percent of the amount must be allocated among cities with a population of fewer than two hundred, based upon the proportion each such city's population bears to the total population of all such cities.~~

A city shall deposit all revenues received under this subsection in the city general fund. Each city shall reserve a portion of its allocation under this subsection for further distribution to, or expenditure on behalf of, park districts and other taxing districts within the city, excluding school districts. The share of the city allocation under this subsection to be distributed to a park district must be equal to the percentage of the city share of state aid distribution fund allocations that park district received during calendar year 1996, up to a maximum of thirty percent. The governing boards of the city and park district may agree to a different distribution.

**SECTION 2. EFFECTIVE DATE.** This Act becomes effective on July 1, 2011."

Renumber accordingly

#### **HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2271**

Page 1, line 1, replace "chapter" with "chapters"

Page 1, line 1, after "43-57" insert ", 43-58, and 43-59"

Page 1, line 2, after the first "to" insert "creation of the state board of integrative health,"

Page 1, line 2, after "naturopaths" insert ", and regulation of music therapists"

Page 1, line 4, after the semicolon insert "to provide an appropriation;"

Page 1, line 13, replace "43-57" with "43-58"

Page 2, line 21, remove "Approved naturopathic medical college" means a college and program granting the

Page 2, remove lines 22 through 29

Page 2, line 30, remove "2."

Page 3, remove lines 1 through 3

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

Page 3, line 4, replace "a person" with "an individual"

Page 3, line 4, after "chapter" insert "and under chapter 43-58 or 43-59"

Page 3, remove lines 5 through 17

Page 3, line 20, after the first "of" insert "at least"

Page 3, line 20, remove ", one of whom must be a naturopath, one of whom must be an"

Page 3, line 21, replace "acupuncturist, one of whom" with ". Each profession regulated by the board must have one member on the board representing that profession. In addition, one member"

Page 3, line 21, replace the second "of whom" with "member"

Page 3, line 22, after the underscored comma insert "one member must be an advance practice registered nurse."

Page 3, line 22, after "and" insert "at least"

Page 3, line 22, replace "of whom" with "but no more than two members"

Page 3, line 22, replace "a layperson" with "laypersons"

Page 3, line 25, remove "four"

Page 3, line 26, remove "naturopath"

Page 3, line 26, after "appointment" insert "for a newly regulated profession"

Page 3, line 26, remove ", and except the"

Page 3, line 27, remove "acupuncturist appointment, who needs not be licensed"

Page 4, line 1, remove "no more than two"

Page 4, line 2, replace "members appointed annually" with "appointments distributed evenly from year to year"

Page 4, line 13, after "chapter" insert "and chapters 43-58 and 43-59"

Page 4, line 14, remove "of naturopathic medicine which are consistent"

Page 4, line 15, replace "with the education provided by approved naturopathic medical colleges" with ", which must be consistent with the required education for each profession regulated by the board"

Page 4, line 18, replace "approve naturopathic medical colleges" with "establish educational standards for each profession regulated by the board as appropriate"

Page 4, line 27, replace "under this chapter" with "by the board"

Page 4, line 29, after "chapter" insert ", chapter 43-58, and chapter 43-59"



Page 5, line 1, replace "licensed" with "regulated"

Page 5, remove lines 2 through 30

Page 6, remove lines 1 through 30

Page 7, replace lines 1 through 16 with:

**"43-57-04. Board duties in regulating professions - Subgroups.**

1. The board shall establish a subgroup for each profession regulated by the board. The board shall appoint at least three and no more than five members of the profession to serve as volunteer members of the subgroup. A subgroup member must be a licensed member of the profession, except in the case of a newly regulated profession in which case each subgroup member must be eligible for licensure. The board may appoint a board member to serve on a subgroup representing that board member's profession. The subgroup members serve at the pleasure of the board.
2. A subgroup established under this section shall serve in an advisory capacity to advise the board when requested by the board. The subgroup on its own motion may advise the board as the subgroup determines necessary.
3. The board may not take any action that impacts a profession regulated by the board as a whole or which impacts one or more licensees of that profession unless the board first consults with and requests the recommendation of the appropriate subgroup. If the board takes an action that is contrary to a subgroup's recommendation, the board shall articulate in writing why the subgroup's recommendation was not followed.

**43-57-05. Petition to the board - Inclusion as a board-regulated profession - Consideration of additional health care professions.**

1. An existing occupational or professional board of this state or agency of this state which regulates the practice of a health profession or a representative of a health profession that is not regulated by this state may submit to the board a petition and proposed bill draft requesting inclusion of that health profession as a profession regulated by the board. Upon receipt of a petition and proposed bill draft submitted under this section, the board shall review the petition and may work with the person submitting the petition to provide assistance in accomplishing this requested inclusion.
2. If a committee of the legislative assembly considers a measure to regulate a health care profession with fewer than fifty likely members, the committee shall consider whether it is desirable and feasible to have the state board of integrative health, some other existing board, or an existing state agency regulate that profession rather than create a new board.
3. If the membership of a board-regulated profession increases to at least one hundred licensees, the board may introduce legislation creating an independent board to regulate that profession."

Page 7, line 17, replace "**43-57-11.**" with "**43-57-06.**"

Page 7, line 19, after "chapter" insert "and under chapter 43-58 or 43-59"

Page 7, line 20, replace "**43-57-12.**" with "**43-57-07.**"

Page 8, remove lines 6 through 8

Page 8, line 9, replace "43-57-14." with "43-57-08."

Page 10, line 1, replace "43-57-15." with "43-57-09."

Page 10, line 25, replace "43-57-16." with "43-57-10."

Page 11, line 4, replace "43-57-17." with "43-57-11."

Page 11, line 5, after "chapter" insert ", chapter 43-58, or chapter 43-59"

Page 11, line 7, after "chapter" insert ", chapter 43-58, or chapter 43-59"

Page 11, after line 8, insert:

**"SECTION 4.** Chapter 43-58 of the North Dakota Century Code is created and enacted as follows:

**43-58-01. Definitions.**

As used in this chapter, unless the context otherwise requires:

1. "Approved naturopathic medical college" means a college and program granting the degree of doctor of naturopathy or naturopathic medicine which must require as a minimum a four-year, full-time resident program of academic and clinical study and which:
  - a. Is accredited, or has the status of candidate for accreditation, by an organization approved by the board, such as the council on naturopathic medical education; or
  - b. Has been approved by the board after an investigation that determines that the college or program meets education standards equivalent to those established by the accrediting agency under subdivision a and complies with the board's rules.
2. "Board" means the state board of integrative health care created under chapter 43-57.
3. "Homeopathic preparations" means nonprescriptive substances prepared according to the official homeopathic pharmacopoeia of the United States. The term does not include prescriptive drugs.
4. "Licensee" means an individual licensed by the board under this chapter.
5. "Naturopath" means an individual licensed to practice naturopathic health care under this chapter.
6. "Naturopathic health care", "naturopathic medicine", or "naturopathy" means a system of primary health care practiced by naturopaths for the prevention, diagnosis, and treatment of human health conditions, injury, and disease. The purpose of naturopathic health care, naturopathic medicine, or naturopathy is to promote or restore health by the support and stimulation of the individual's inherent self-healing processes. This is accomplished through education of the patient by a naturopath and through the use of natural therapies and therapeutic substances.
7. "Naturopathic physical application" means the therapeutic use by a naturopath of the actions or devices of electrical muscle stimulation, galvanic, diathermy, ultrasound, ultraviolet light, hydrotherapy, and naturopathic manipulative therapy. The term does not include manipulation of the spine.

**43-58-02. Exemptions.**

Many of the therapies used by a naturopath, such as the use of nutritional supplements, herbs, foods, homeopathic preparations, and such physical forces as heat, cold, water, touch, and light, are not the exclusive privilege of naturopaths, and their use, practice, prescription, or administration by individuals not licensed to practice naturopathic medicine is not prohibited by this chapter. This chapter does not restrict or apply to the scope of practice of any other profession licensed, certified, or registered under the laws of this state.

**43-58-03. License required - Title restrictions.**

1. Effective January 1, 2012, a person may not practice naturopathy without a current naturopathic license issued by the board.
2. A naturopath may use the title "naturopath" or "doctor of naturopathic medicine" and the abbreviation "N.D." when used to reflect either of these titles. Effective January 1, 2012, a person that uses these terms or initials as identification without having received a naturopathic license under this chapter is engaging in the practice of naturopathy without a license.

**43-58-04. Qualifications for licensure.**

In order to obtain a license to practice naturopathic medicine in this state, an application must be made to the board. The application must be upon the form adopted by the board and must be made in the manner prescribed by the board.

**43-58-05. Application for licensure.**

1. An applicant for naturopathic licensure shall file an application on forms provided by the board showing to the board's satisfaction that the applicant is of good moral character and satisfied all of the requirements of this chapter and chapter 43-57, including:
  - a. Successful graduation of an approved naturopathic medical college;
  - b. Successful completion of an examination prescribed or endorsed by the board, such as part I and part II of the naturopathic physicians licensing examinations;
  - c. Physical, mental, and professional capability for the practice of naturopathic medicine in a manner acceptable to the board; and
  - d. A history free of any finding by the board, any other state licensure board, or any court of competent jurisdiction of the commission of any act that would constitute grounds for disciplinary action under this chapter and chapter 43-57. The board may modify this restriction for cause.
2. The application must be accompanied by the board-established license fees and application fees and by the documents, affidavits, and certificates necessary to establish that the applicant possesses the necessary qualifications.

**43-58-06. Initial applications - Education and testing exception.**

Notwithstanding the education and examination requirements for licensure under subdivisions a and b of subsection 1 of section 43-58-05, if an applicant was a bona fide resident of the state from January 1, 2011, through December 31, 2011, was practicing naturopathic medicine in this state immediately preceding January 1, 2012, was required to apply for licensure under this chapter in order to continue that practice, and does not meet the educational or examination requirements or both, the board may issue a license or limited license to that applicant if, following an examination of the applicant's education and experience, the board determines the applicant has sufficient education and experience to prepare the applicant to practice naturopathic medicine.

**43-58-07. Licensure granted without examination to individuals licensed in other states.**

1. The board may issue a naturopathic license by endorsement to an applicant who has complied with licensure requirements and who has passed an examination given by a recognized certifying agency approved by the licensing agency if the board determines the examination was equivalent in every respect to the examination required under this chapter.
2. The board may enter reciprocal agreements with licensing agencies of other states providing for reciprocal waiver of further examination or any part of the examination.
3. If an applicant is exempt from the examination required under this chapter, the applicant shall comply with the other requirements for licensure. The board may adopt rules allowing for temporary and special licensure to be in effect during the interval between board meetings.

**43-58-08. Practice of naturopathic health care.**

1. A naturopath may practice naturopathic medicine as a limited practice of the healing arts as exempted under section 43-17-02. A naturopath may not:
  - a. Prescribe, dispense, or administer any prescription drug;
  - b. Administer ionizing radioactive substances for therapeutic purposes;
  - c. Perform a surgical procedure; or
  - d. Claim to practice any licensed health care profession or system of treatment other than naturopathic medicine unless holding a separate license in that profession. A naturopath may not hold out to the public that the naturopath is a primary care provider.
2. A naturopath may prescribe and administer for preventive and therapeutic purposes a prescriptive device and the following nonprescriptive natural therapeutic substances, drugs, and therapies:
  - a. Food, vitamins, minerals, dietary supplements, enzymes, botanical medicines, and homeopathic preparations;
  - b. Topical drugs, health care counseling, nutritional counseling and dietary therapy, naturopathic physical applications, and therapeutic devices; and
  - c. Barrier devices for contraception.
3. A naturopath may perform or order for diagnostic purposes a physical or orificial examination, ultrasound, phlebotomy, clinical laboratory test or examination, physiological function test, and any other noninvasive diagnostic procedure commonly used by physicians in general practice and as authorized by the board.

**43-58-09. Public health duties.**

A naturopath has the same powers and duties as a licensed physician with regard to public health laws, reportable diseases and conditions, communicable disease control and prevention, recording of vital statistics, health and physical examinations, and local boards of health, except that the authority and responsibility are limited to activities consistent with the scope of practice established under this chapter and chapter 43-57.

**43-58-10. Employment by hospitals.**

A hospital may employ a naturopath in the same manner as provided under section 43-17-42.

**SECTION 5.** Chapter 43-59 of the North Dakota Century Code is created and enacted as follows:

**43-59-01. Definitions.**

As used in this chapter, unless the context otherwise requires:

1. "Board" means the state board of integrative health care created under chapter 43-57.
2. "Licensee" means an individual licensed by the board under this chapter.
3. "Music therapist" is an individual who practices music therapy.
4. "Music therapy" is the specialized use of music and the materials of music to restore, maintain, and improve the following areas of functioning: cognitive, psychological, social or emotional, affective, physical, sensory or sensorimotor, motor, communicative, and physiological functioning. Techniques used in the practice of music therapy include the use of music to provide participatory individual and group experiences; musical improvisation; therapeutic development of verbal skills and nonverbal behavior; receptive music learning; lyric discussions; memory recall; music and imagery; self-expression through composition and songwriting; socialization and enhancement of self-esteem through music performance; relaxation to music, including stress and pain management; learning through music; cultural and spiritual expression; development of fine and gross motor skills through responses to rhythm; respiratory and speech improvements through sound production; sensory integration and stimulation; increased awareness of music for development of recreation and leisure interests; and interactive verbal techniques to help facilitate, elicit, or summarize the techniques listed in this subsection and build the therapeutic relationship.

**43-59-02. Music therapy - License required - Title restrictions - Exceptions.**

1. Effective August 1, 2012, a person may not hold out as practicing music therapy, hold out as being a music therapist, or use a title or other designation indicating the person is a music therapist in this state unless that person is an individual licensed under this chapter and chapter 43-57.
2. The licensure provisions of this chapter do not prevent or restrict the practice, services, or activities of any individual licensed in another profession or any individual supervised by a licensed professional from performing work incidental to the practice of that profession or occupation, if that individual does not represent the individual as a music therapist.

**43-59-03. Qualifications for licensure.**

1. In order to obtain a license to practice music therapy in this state, an application must be made to the board. The application must be upon the form adopted by the board and must be made in the manner prescribed by the board.
2. An applicant for licensure to practice music therapy shall file an application on forms provided by the board showing to the board's satisfaction that the applicant is an individual of good moral character, is

at least eighteen years of age, and satisfied all the requirements established by the board which may include:

- a. Successful graduation of a board-approved educational program;
  - b. Successful completion of a board-approved examination prescribed or endorsed by the board;
  - c. Hold in good standing a board-approved designation, such as:
    - (1) A music therapist board-certified credential from the certification board for music therapists; or
    - (2) A professional designation from the national music therapy registry, which may include registered music therapist, certified music therapist, and advanced certified music therapist.
  - d. Physical, mental, and professional capability for the practice of music therapy in a manner acceptable to the board;
  - e. A history free of any finding by the board, any other state licensure board, or any court of competent jurisdiction of the commission of any act that would constitute grounds for disciplinary action under this chapter or chapter 43-57. The board may modify this restriction for cause.
3. The application must be accompanied by the board-established license fees and application fees and by the documents, affidavits, and certificates necessary to establish that the applicant possesses the necessary qualifications.

**SECTION 6. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,000, or so much of the sum as may be necessary, to the state board of integrative health for the purpose of assisting with costs associated with establishing the board, for the biennium beginning July 1, 2011, and ending June 30, 2013."

Renumber accordingly

#### **HOUSE AMENDMENTS TO SENATE BILL NO. 2275**

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

Page 1, line 6, replace "\$500,000" with "\$375,000"

Page 1, line 12, remove lines 12 through 24

Page 2, replace lines 1 and 2 with:

|                  |         |
|------------------|---------|
| "Barnes County   | \$9,091 |
| Bismarck (urban) | 20,293  |
| Bismarck (rural) | 10,667  |
| Devils Lake      | 10,747  |
| Dickinson        | 12,683  |
| Fargo            | 24,127  |
| Grand Forks      | 19,803  |
| Jamestown        | 13,883  |

|                         |               |
|-------------------------|---------------|
| Minot                   | 16,194        |
| Richland County         | 9,931         |
| Rugby                   | 11,657        |
| Sargent County          | 8,086         |
| Wells County            | 8,189         |
| Williston               | <u>12,149</u> |
| Total annual allocation | \$187,500"    |

Page 2, after line 2, insert:

**"SECTION 2. LEGISLATIVE INTENT.** It is the intent of the sixty-second legislative assembly that the funds appropriated in section 1 of this Act are considered ongoing funding and that the funds be a part of the office of management and budget's base budget as a separate line item for the 2013-15 biennium."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2275 - Office of Management and Budget - House Action

|                                      | Executive<br>Budget | Senate<br>Version | House<br>Changes | House<br>Version |
|--------------------------------------|---------------------|-------------------|------------------|------------------|
| Community service supervision grants |                     | \$500,000         | (\$125,000)      | \$375,000        |
| Total all funds                      | \$0                 | \$500,000         | (\$125,000)      | \$375,000        |
| Less estimated income                | 0                   | 0                 | 0                | 0                |
| General fund                         | \$0                 | \$500,000         | (\$125,000)      | \$375,000        |
| FTE                                  | 0.00                | 0.00              | 0.00             | 0.00             |

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

|                                      | Reduces<br>Funding for<br>Grants <sup>1</sup> | Total House<br>Changes |
|--------------------------------------|---|------------------------|
| Community service supervision grants | (\$125,000)                                   | (\$125,000)            |
| Total all funds                      | (\$125,000)                                   | (\$125,000)            |
| Less estimated income                | 0   | 0                      |
| General fund                         | (\$125,000)                                   | (\$125,000)            |
| FTE                                  | 0.00  | 0.00                   |

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<sup>1</sup> This amendment reduces funding provided by the Senate for community service supervision grants from \$500,000 to \$375,000.

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This amendment adds a section of legislative intent to provide that this funding is ongoing and that this funding be included in the Office of Management and Budget's base budget as a separate line item for the 2013-15 biennium.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2323**

Page 1, line 21, replace "schedule variance by number of days" with "scheduled date of completion as noted in the original contract and the latest available scheduled date of completion"

Page 2, after line 4, insert:

"3. The office of management and budget shall review the information received under this section and provide reports to the budget section of the legislative management upon request."

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2019, SB 2022.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2019**

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

Page 1, replace line 15 with:

|                 |             |           |              |
|-----------------|-------------|-----------|--------------|
| "Administration | \$2,182,685 | \$477,200 | \$2,659,885" |
|-----------------|-------------|-----------|--------------|

Page 1, replace line 18 with:

|                  |              |             |               |
|------------------|--------------|-------------|---------------|
| "Total all funds | \$21,973,791 | \$6,453,598 | \$28,427,389" |
|------------------|--------------|-------------|---------------|

Page 1, replace line 20 with:

|                     |             |             |               |
|---------------------|-------------|-------------|---------------|
| "Total general fund | \$9,825,737 | \$5,932,120 | \$15,757,857" |
|---------------------|-------------|-------------|---------------|

Page 2, replace lines 3 and 4 with:

|                             |                  |                  |                    |
|-----------------------------|------------------|------------------|--------------------|
| "International Peace Garden | <u>\$736,854</u> | <u>\$303,845</u> | <u>\$1,040,699</u> |
|-----------------------------|------------------|------------------|--------------------|

|                    |           |           |              |
|--------------------|-----------|-----------|--------------|
| Total general fund | \$736,854 | \$303,845 | \$1,040,699" |
|--------------------|-----------|-----------|--------------|

Page 2, replace line 9 with:

|                           |              |             |               |
|---------------------------|--------------|-------------|---------------|
| "Grand total general fund | \$10,562,591 | \$6,235,965 | \$16,798,556" |
|---------------------------|--------------|-------------|---------------|

Page 2, replace line 11 with:

|                        |              |             |               |
|------------------------|--------------|-------------|---------------|
| "Grand total all funds | \$22,710,645 | \$6,757,443 | \$29,468,088" |
|------------------------|--------------|-------------|---------------|

Page 2, after line 21, insert:

|  |   |          |
|--|---|----------|
| "Missouri River correctional center recreation study | 0 | 175,000" |
|--|---|----------|

Page 2, replace lines 24 and 25 with:

|  |        |         |
|--|--------|---------|
| "International Peace Garden capital projects | 86,600 | 267,000 |
| and deferred maintenance"                    |        |         |

Page 2, replace line 28 with:

|                  |             |              |
|------------------|-------------|--------------|
| "Total all funds | \$5,571,368 | \$4,924,210" |
|------------------|-------------|--------------|

Page 2, replace line 30 with:

|                     |             |              |
|---------------------|-------------|--------------|
| "Total general fund | \$4,771,368 | \$4,924,210" |
|---------------------|-------------|--------------|



Page 3, after line 17, insert:

**"SECTION 5. MISSOURI RIVER CORRECTIONAL CENTER RECREATION STUDY.** The administration line item in subdivision 1 of section 1 of this Act includes \$175,000 from the general fund for conducting a study of the grounds and facilities of the Missouri River correctional center for possible use as a state park or recreation area. The department, as part of the study, must examine appropriate passive recreation and outdoor education uses of the grounds and facilities of the Missouri River correctional center and other potential uses of existing facilities by the parks and recreation department which are not in conflict with the recommended passive recreational uses.

**SECTION 6. INTERNATIONAL PEACE GARDEN CONSERVATORY ADDITION.** The international peace garden line item in subdivision 2 of section 1 of this Act includes \$242,000 from the general fund for the state's share of the cost to build an expansion onto the conservatory for a cactus collection. The international peace garden must obtain the remaining funding of \$242,000 needed for the project from nonstate sources prior to beginning the project."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2019 - Summary of House Action

|                                    | Executive<br>Budget | Senate<br>Version | House<br>Changes | House<br>Version |
|------------------------------------|---------------------|-------------------|------------------|------------------|
| Parks and Recreation<br>Department |                     |                   |                  |                  |
| Total all funds                    | \$28,252,389        | \$28,252,389      | \$175,000        | \$28,427,389     |
| Less estimated income              | 12,669,532          | 12,669,532        | 0                | 12,669,532       |
| General fund                       | \$15,582,857        | \$15,582,857      | \$175,000        | \$15,757,857     |
| International Peace Garden         |                     |                   |                  |                  |
| Total all funds                    | \$773,699           | \$773,699         | \$267,000        | \$1,040,699      |
| Less estimated income              | 0                   | 0                 | 0                | 0                |
| General fund                       | \$773,699           | \$773,699         | \$267,000        | \$1,040,699      |
| Bill total                         |                     |                   |                  |                  |
| Total all funds                    | \$29,026,088        | \$29,026,088      | \$442,000        | \$29,468,088     |
| Less estimated income              | 12,669,532          | 12,669,532        | 0                | 12,669,532       |
| General fund                       | \$16,356,556        | \$16,356,556      | \$442,000        | \$16,798,556     |

#### Senate Bill No. 2019 - Parks and Recreation Department - House Action

|                       | Executive<br>Budget | Senate<br>Version | House<br>Changes | House<br>Version |
|-----------------------|---------------------|-------------------|------------------|------------------|
| Administration        | \$2,484,885         | \$2,484,885       | \$175,000        | \$2,659,885      |
| Natural resources     | 18,238,413          | 18,238,413        |                  | 18,238,413       |
| Recreation            | 7,529,091           | 7,529,091         |                  | 7,529,091        |
| Total all funds       | \$28,252,389        | \$28,252,389      | \$175,000        | \$28,427,389     |
| Less estimated income | 12,669,532          | 12,669,532        | 0                | 12,669,532       |
| General fund          | \$15,582,857        | \$15,582,857      | \$175,000        | \$15,757,857     |
| FTE                   | 54.00               | 54.00             | 0.00             | 54.00            |

#### Department No. 750 - Parks and Recreation Department - Detail of House Changes

|                       | Adds Funding<br>for Recreation<br>Study <sup>1</sup> | Total House<br>Changes |
|-----------------------|--|------------------------|
| Administration        | \$175,000  | \$175,000              |
| Natural resources     |  |                        |
| Recreation            |  |                        |
| Total all funds       | \$175,000  | \$175,000              |
| Less estimated income | 0  | 0                      |
| General fund          | \$175,000  | \$175,000              |
| FTE                   | 0.00   | 0.00                   |

<sup>1</sup> This amendment adds one-time funding for a study of the Missouri River Correctional Center for possible use as a state park or recreational area. A section is added providing the criteria for the study.

#### Senate Bill No. 2019 - International Peace Garden - House Action

|                            | Executive<br>Budget | Senate<br>Version | House<br>Changes | House<br>Version |
|----------------------------|---------------------|-------------------|------------------|------------------|
| International Peace Garden | \$773,699           | \$773,699         | \$267,000        | \$1,040,699      |
| Total all funds            | \$773,699           | \$773,699         | \$267,000        | \$1,040,699      |
| Less estimated income      | 0                   | 0                 | 0                | 0                |
| General fund               | \$773,699           | \$773,699         | \$267,000        | \$1,040,699      |
| FTE                        | 0.00                | 0.00              | 0.00             | 0.00             |

#### Department No. 751 - International Peace Garden - Detail of House Changes

|                            | Adds Funding<br>for Conservatory<br>Addition <sup>1</sup> | Adds Funding<br>for Memorial <sup>2</sup> | Total House<br>Changes |
|----------------------------|---|---|------------------------|
| International Peace Garden | \$242,000   | \$25,000                                  | \$267,000              |
| Total all funds            | \$242,000   | \$25,000                                  | \$267,000              |
| Less estimated income      | 0   | 0   | 0                      |
| General fund               | \$242,000   | \$25,000                                  | \$267,000              |
| FTE                        | 0.00  | 0.00                                      | 0.00                   |

<sup>1</sup> This amendment adds funding for an addition to the conservatory to house a cactus collection. A section is added regarding additional funding from other nonstate sources.

<sup>2</sup> This amendment adds funding for a memorial to victims of the September 11, 2001, terrorist attack on the World Trade Center.

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2022

Page 1, line 2, after the third semicolon insert "to amend and reenact sections 15-39.1-08, 21-10-01, and 54-52-03 of the North Dakota Century Code, relating to the per day compensation rates for the board of trustees of the teachers' fund for retirement, state investment board, and retirement board;"

Page 2, after line 23, insert:

**"SECTION 4. AMENDMENT.** Section 15-39.1-08 of the North Dakota Century Code is amended and reenacted as follows:

#### **15-39.1-08. Compensation of members.**

Members of the board, excluding ex officio members, are entitled to receive ~~sixty-two one hundred forty-eight dollars and fifty cents~~ as compensation per day and necessary mileage and travel expenses as provided in sections 44-08-04 and 54-06-09 for attending meetings of the board. No member of the board may lose regular salary, vacation pay, vacation or any personal leave, or be denied right of attendance by the state or political subdivision thereof while serving on official business of the fund.

**SECTION 5. AMENDMENT.** Section 21-10-01 of the North Dakota Century Code is amended and reenacted as follows:

**21-10-01. State investment board - Membership - Term - Compensation - Advisory council.**

1. The North Dakota state investment board consists of the governor, the state treasurer, the commissioner of university and school lands, the director of workforce safety and insurance, the insurance commissioner, three members of the teachers' fund for retirement board or the board's designees who need not be members of the fund as selected by that board, two of the elected members of the public employees retirement system board as selected by that board, and one member of the public employees retirement system board as selected by that board. The director of workforce safety and insurance may appoint a designee, subject to approval by the workforce safety and insurance board of directors, to attend the meetings, participate, and vote when the director is unable to attend. The teachers' fund for retirement board may appoint an alternate designee with full voting privileges to attend meetings of the state investment board when a selected member is unable to attend. The public employees retirement system board may appoint an alternate designee with full voting privileges from the public employees retirement system board to attend meetings of the state investment board when a selected member is unable to attend. The members of the state investment board, except elected and appointed officials and the director of workforce safety and insurance or the director's designee, are entitled to receive as compensation ~~sixty-two~~one hundred forty-eight dollars and ~~fifty cents~~ per day and necessary mileage and travel expenses as provided in sections 44-08-04 and 54-06-09 for attending meetings of the state investment board.
2. The state investment board may establish an advisory council composed of individuals who are experienced and knowledgeable in the field of investments. The state investment board shall determine the responsibilities of the advisory council. Members of the advisory council are entitled to receive the same compensation as provided the members of the advisory board of the Bank of North Dakota and necessary mileage and travel expenses as provided in sections 44-08-04 and 54-06-09.

**SECTION 6. AMENDMENT.** Section 54-52-03 of the North Dakota Century Code is amended and reenacted as follows:

**54-52-03. Governing authority.**

A state agency is hereby created to constitute the governing authority of the system to consist of a board of seven persons known as the retirement board. No more than one elected member of the board may be in the employ of a single department, institution, or agency of the state or in the employ of a political subdivision. No employee of the public employees retirement system or the state retirement and investment office may serve on the board.

1. One member of the board must be appointed by the governor to serve a term of five years. The appointee must be a North Dakota citizen who is not a state or political subdivision employee and who by experience is familiar with money management. The citizen member is chairman of the board.
2. One member of the board must be appointed by the attorney general from the attorney general's legal staff and shall serve a term of five years.
3. The state health officer appointed under section 23-01-05 is a member of the board.

4. Three board members must be elected by and from among the active participating members, members of the retirement plan established under chapter 54-52.6, members of the retirement plan established under chapter 39-03.1, and members of the job service North Dakota retirement plan. Employees who have terminated their employment for whatever reason are not eligible to serve as elected members of the board under this subsection. Board members must be elected to a five-year term pursuant to an election called by the board. Notice of board elections must be given to all active participating members. The time spent in performing duties as a board member may not be charged against any employee's accumulated annual or any other type of leave.
5. One board member must be elected by and from among those persons who are receiving retirement benefits or who are eligible to receive deferred vested retirement benefits under this chapter. The board shall call the election and must give prior notice of the election to the persons eligible to participate in the election pursuant to this subsection. The board member shall serve a term of five years.
6. The members of the board are entitled to receive ~~sixty-two~~ one hundred forty-eight dollars and ~~fifty cents~~ per day compensation and necessary mileage and travel expenses as provided in sections 44-08-04 and 54-06-09. This is in addition to any other pay or allowance due the chairman or a member, plus an allowance for expenses they may incur through service on the board.
7. A board member shall serve a five-year term and until the board member's successor qualifies. Each board member is entitled to one vote, and four of the seven board members constitute a quorum. Four votes are necessary for resolution or action by the board at any meeting."

Page 2, line 27, replace "4" with "7"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2022 - Summary of House Action

|                                       | Executive<br>Budget | Senate<br>Version | House<br>Changes | House<br>Version |
|---------------------------------------|---------------------|-------------------|------------------|------------------|
| Retirement and Investment<br>Office   |                     |                   |                  |                  |
| Total all funds                       | \$4,232,954         | \$4,232,954       | \$0              | \$4,232,954      |
| Less estimated income                 | 4,232,954           | 4,232,954         | 0                | 4,232,954        |
| General fund                          | \$0                 | \$0               | \$0              | \$0              |
| Public Employees Retirement<br>System |                     |                   |                  |                  |
| Total all funds                       | \$6,776,890         | \$6,776,890       | \$0              | \$6,776,890      |
| Less estimated income                 | 6,776,890           | 6,776,890         | 0                | 6,776,890        |
| General fund                          | \$0                 | \$0               | \$0              | \$0              |
| Bill total                            |                     |                   |                  |                  |
| Total all funds                       | \$11,009,844        | \$11,009,844      | \$0              | \$11,009,844     |
| Less estimated income                 | 11,009,844          | 11,009,844        | 0                | 11,009,844       |
| General fund                          | \$0                 | \$0               | \$0              | \$0              |

#### Senate Bill No. 2022 - Retirement and Investment Office - House Action

Section 15-39.1-08 relating to the per day compensation rate of the Teachers' Fund for Retirement Board of Trustees is amended to increase the rate from \$62.50 per day to \$148 per day.

Section 21-10-01 relating to the per day compensation rate of State Investment Board members is amended to increase the rate from \$62.50 per day to \$148 per day.

**Senate Bill No. 2022 - Public Employees Retirement System - House Action**

Section 54-52-03 relating to the per day compensation rate of retirement board members is amended to increase the rate from \$62.50 per day to \$148 per day.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2035, SB 2037, SB 2053, SB 2060, SB 2078, SB 2086, SB 2091, SB 2100, SB 2110, SB 2116, SB 2117, SB 2172, SB 2236, SB 2242, SB 2245, SB 2246, SB 2254, SB 2255, SB 2258, SB 2294, SB 2325, SB 2342, and SB 2356.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2039, SB 2068, SB 2079, SB 2080, SB 2082, SB 2089, SB 2097, SB 2113, SB 2147, SB 2173, SB 2185, SB 2219, SB 2241, and SB 2285.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2004, SB 2005, SB 2009, SB 2014, SB 2206, and SB 2222, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2004:** Sens. Grindberg; Holmberg; Robinson

**SB 2005:** Sens. Grindberg; Holmberg; Robinson

**SB 2009:** Sens. Christmann; Wanzek; O'Connell

**SB 2014:** Sens. Christmann; Erbele; Warner

**SB 2206:** Sens. Lyson; Uglem; Schneider

**SB 2222:** Sens. Flakoll; Klein; Heckaman

**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 2187:** Reps. Nathe; Vigesaa; Gruchalla

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1031, HB 1038, HB 1039, HB 1040, HB 1045, HB 1048, HB 1071, HB 1080, HB 1087, HB 1095, HB 1099, HB 1112, HB 1127, HB 1162, HB 1175, HB 1188, HB 1195, HB 1241, HB 1244, HB 1251, HB 1254, HB 1310, and HB 1313.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1057 and HB 1268, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1057:** Reps. Owens; Streyle; S. Kelsh

**HB 1268:** Reps. Froseth; Wrangham; S. Meyer

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1144, HB 1164, HB 1174, and HB 1433, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1144:** Reps. Hatlestad; Froseth; S. Meyer

**HB 1164:** Reps. R. Kelsch; Weisz; Hogan

**HB 1174:** Reps. Hofstad; Anderson; Kilichowski

**HB 1433:** Reps. Boehning; Brabandt; Onstad

**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 1142:** Sens. Olafson; Nething; Sorvaag

**HB 1144:** Sens. Burckhard; Hogue; Triplett

**HB 1164:** Sens. Nething; Sitte; Mathern

**HB 1433:** Sens. Lyson; Sitte; Nelson

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2007, SB 2021, SB 2027, SB 2039, SB 2068, SB 2079, SB 2080, SB 2082, SB 2089, SB 2097, SB 2104, SB 2107, SB 2112, SB 2113, SB 2114, SB 2122, SB 2147, SB 2173, SB 2185, SB 2198, SB 2219, SB 2226, SB 2232, SB 2241, SB 2244, SB 2285, SCR 4006.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1013, HB 1030, HB 1036, HB 1077, HB 1086, HB 1094, HB 1123, HB 1169, HB 1256, HB 1259, HB 1311, HCR 3015, HCR 3038, HCR 3043, HCR 3045.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Wednesday, April 6, 2011, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1006: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1006 was placed on the Sixth order on the calendar.

Page 1, replace line 14 with:

|                 |         |         |          |
|-----------------|---------|---------|----------|
| "Capital assets | 400,000 | 380,000 | 780,000" |
|-----------------|---------|---------|----------|

Page 1, replace lines 16 and 17 with:

|                       |                   |                |                    |
|-----------------------|-------------------|----------------|--------------------|
| "Total all funds      | \$12,918,666      | \$165,022      | \$13,083,688       |
| Less estimated income | <u>12,368,666</u> | <u>165,022</u> | <u>12,533,688"</u> |

Page 1, after line 19, insert:

**"SECTION 2. LIMITED DEPLOYMENT-COOPERATIVE AIRSPACE PROJECT.** The aeronautics commission may use federal or special funds appropriated in section 1 of this Act to support the limited deployment-cooperative airspace project involving ADS-B navigational system general aviation equipment."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1006 - Aeronautics Commission - Senate Action**

|                       | Executive<br>Budget | House<br>Version  | Senate<br>Changes | Senate<br>Version |
|-----------------------|---------------------|-------------------|-------------------|-------------------|
| Salaries and wages    | \$1,005,639         | \$1,005,639       |                   | \$1,005,639       |
| Operating expenses    | 2,258,049           | 2,258,049         |                   | 2,258,049         |
| Capital assets        | 330,000             | 330,000           | 450,000           | 780,000           |
| Grants                | <u>9,040,000</u>    | <u>9,040,000</u>  |                   | <u>9,040,000</u>  |
| Total all funds       | \$12,633,688        | \$12,633,688      | \$450,000         | \$13,083,688      |
| Less estimated income | <u>12,083,688</u>   | <u>12,083,688</u> | 450,000           | <u>12,533,688</u> |
| General fund          | \$550,000           | \$550,000         | \$0               | \$550,000         |
| FTE                   | 6.00                | 6.00              | 0.00              | 6.00              |

**Department No. 412 - Aeronautics Commission - Detail of Senate Changes**

|                       | <b>Adds Funding<br/>for Purchase of<br/>Replacement<br/>Aircraft<sup>1</sup></b> | <b>Total Senate<br/>Changes</b> |
|-----------------------|--|---------------------------------|
| Salaries and wages    |  |                                 |
| Operating expenses    |  |                                 |
| Capital assets        | 450,000  | 450,000                         |
| Grants                |  |                                 |
| Total all funds       | \$450,000  | \$450,000                       |
| Less estimated income | 450,000  | 450,000                         |
| General fund          | \$0  | \$0                             |
| FTE                   | 0.00   | 0.00                            |

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<sup>1</sup> Funding is added for the purchase of a replacement aircraft. The replacement aircraft is estimated to have a purchase price of \$550,000 less a trade-in allowance of \$100,000.

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A section is added to the bill to provide that the Aeronautics Commission may use federal or special funds within the appropriation provided for the 2011-13 biennium to support the limited deployment-cooperative airspace project involving ADS-B navigational system general aviation equipment.

**REPORT OF STANDING COMMITTEE**

**HB 1015, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1015 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "for a legislative management study" with "an appropriation to the office of management and budget"

Page 1, replace line 13 with:

|                 |               |              |                |
|-----------------|---------------|--------------|----------------|
| "Adult services | \$143,087,868 | \$19,479,630 | \$162,567,498" |
|-----------------|---------------|--------------|----------------|

Page 1, replace line 15 with:

|                  |               |              |                |
|------------------|---------------|--------------|----------------|
| "Total all funds | \$168,594,699 | \$21,557,370 | \$190,152,069" |
|------------------|---------------|--------------|----------------|

Page 1, replace lines 17 and 18 with:

|                     |               |              |               |
|---------------------|---------------|--------------|---------------|
| "Total general fund | \$142,657,006 | \$16,988,913 | \$159,645,919 |
|---------------------|---------------|--------------|---------------|

|                                |        |       |         |
|--------------------------------|--------|-------|---------|
| Full-time equivalent positions | 735.29 | 59.00 | 794.29" |
|--------------------------------|--------|-------|---------|

Page 2, after line 11, insert:

**"SECTION 3. APPROPRIATION - TRANSFER - STATE PENITENTIARY LAND FUND.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,100,000, which the office of management and budget shall transfer from the general fund to the state penitentiary land fund on July 1, 2011, for the purpose of providing funding for the prison expansion project.

**SECTION 4. DEPARTMENT OF CORRECTIONS AND REHABILITATION - HOUSING CONTRACT.** The department of corrections and rehabilitation shall

contract with an organization to house women inmates sentenced to the department for the biennium beginning July 1, 2011, and ending June 30, 2013, at a rate that equals the actual costs incurred by the organization for providing the housing services. If, at the conclusion of the 2011-13 biennium, the agreed-upon contract amount differs from the actual expenditures of the organization for the biennium beginning July 1, 2011, and ending June 30, 2013, the organization shall disclose and report the variance to the department of corrections and rehabilitation."

Page 2, remove lines 12 through 31

Page 3, remove lines 1 and 2

Page 3, line 8, replace "forty-nine" with "forty-seven"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1015 - Summary of Senate Action

|                                    | Executive<br>Budget | House<br>Version | Senate<br>Changes | Senate<br>Version |
|------------------------------------|---------------------|------------------|-------------------|-------------------|
| Office of Management and<br>Budget |                     |                  |                   |                   |
| Total all funds                    | \$0                 | \$0              | \$1,100,000       | \$1,100,000       |
| Less estimated income              | 0                   | 0                | 0                 | 0                 |
| General fund                       | \$0                 | \$0              | \$1,100,000       | \$1,100,000       |
| DOCR                               |                     |                  |                   |                   |
| Total all funds                    | \$192,110,423       | \$189,678,905    | \$473,164         | \$190,152,069     |
| Less estimated income              | 30,506,150          | 30,506,150       | 0                 | 30,506,150        |
| General fund                       | \$161,604,273       | \$159,172,755    | \$473,164         | \$159,645,919     |
| Bill total                         |                     |                  |                   |                   |
| Total all funds                    | \$192,110,423       | \$189,678,905    | \$1,573,164       | \$191,252,069     |
| Less estimated income              | 30,506,150          | 30,506,150       | 0                 | 30,506,150        |
| General fund                       | \$161,604,273       | \$159,172,755    | \$1,573,164       | \$160,745,919     |

#### House Bill No. 1015 - Office of Management and Budget - Senate Action

|   | Executive<br>Budget | House<br>Version | Senate<br>Changes | Senate<br>Version |
|---|---------------------|------------------|-------------------|-------------------|
| Transfer to State Penitentiary<br>Land Fund |                     |                  | \$1,100,000       | \$1,100,000       |
| Total all funds                             | \$0                 | \$0              | \$1,100,000       | \$1,100,000       |
| Less estimated income                       | 0                   | 0                | 0                 | 0                 |
| General fund                                | \$0                 | \$0              | \$1,100,000       | \$1,100,000       |
| FTE   | 0.00                | 0.00             | 0.00              | 0.00              |

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

|   | Adds Funding<br>for Transfer to<br>State<br>Penitentiary<br>Land Fund <sup>1</sup> | Total Senate<br>Changes |
|---|--|-------------------------|
| Transfer to State Penitentiary<br>Land Fund | \$1,100,000  | \$1,100,000             |
| Total all funds                             | \$1,100,000  | \$1,100,000             |
| Less estimated income                       | 0  | 0                       |
| General fund                                | \$1,100,000  | \$1,100,000             |
| FTE   | 0.00   | 0.00                    |



<sup>1</sup> A section is added requiring the Office of Management and Budget to transfer funding from the general fund to the State Penitentiary land fund for providing funds for the prison expansion project.

### House Bill No. 1015 - DOCR - Senate Action

|                       | Executive Budget | House Version | Senate Changes | Senate Version |
|-----------------------|------------------|---------------|----------------|----------------|
| Adult Services        | \$164,525,852    | \$162,094,334 | \$473,164      | \$162,567,498  |
| Youth Services        | 27,584,571       | 27,584,571    |                | 27,584,571     |
| Total all funds       | \$192,110,423    | \$189,678,905 | \$473,164      | \$190,152,069  |
| Less estimated income | 30,506,150       | 30,506,150    | 0              | 30,506,150     |
| General fund          | \$161,604,273    | \$159,172,755 | \$473,164      | \$159,645,919  |
| FTE                   | 802.29           | 795.29        | (1.00)         | 794.29         |

### Department No. 530 - DOCR - Detail of Senate Changes

|                       | Restores Funding for Contract Housing <sup>1</sup> | Restores FTE Position <sup>2</sup> | Removes New FTE Positions <sup>3</sup> | Restores Funding for Utilities <sup>4</sup> | Restores Funding for Operating Expenses <sup>5</sup> | Total Senate Changes |
|-----------------------|--|------------------------------------|--|---|--|----------------------|
| Adult Services        | \$300,000  | \$45,279                           | (\$80,898)                             | \$100,000                                   | \$108,783  | \$473,164            |
| Youth Services        |  |                                    |  |   |  |                      |
| Total all funds       | \$300,000  | \$45,279                           | (\$80,898)                             | \$100,000                                   | \$108,783  | \$473,164            |
| Less estimated income | 0  | 0                                  | 0                                      | 0   | 0  | 0                    |
| General fund          | \$300,000  | \$45,279                           | (\$80,898)                             | \$100,000                                   | \$108,783  | \$473,164            |
| FTE                   | 0.00   | 1.00                               | (2.00)                                 | 0.00  | 0.00   | (1.00)               |

<sup>1</sup> This amendment restores \$300,000 for contract housing. The House removed \$1 million.

<sup>2</sup> This amendment restores 1 FTE system mechanic position and related operating expenses which were removed by the House.

<sup>3</sup> This amendment removes 2 FTE correctional officer II positions and related operating expenses included in the executive recommendation.

<sup>4</sup> Funding for utilities for the prison expansion, removed by the House, is restored.

<sup>5</sup> Funding for operating expenses for Adult Services, removed by the House, is restored.

A section is added providing criteria for a contract with an organization to provide housing for female inmates and removes sections relating to the Heart of America Correctional and Treatment Center and for a study of the Missouri River Correctional Center.

### REPORT OF STANDING COMMITTEE

**HB 1034: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1034 was placed on the Fourteenth order on the calendar.

### REPORT OF STANDING COMMITTEE

**HB 1035: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1035 was placed on the Fourteenth order on the calendar.

### REPORT OF STANDING COMMITTEE

**HB 1041, as engrossed and amended: Appropriations Committee (Sen. Holmberg,**

**Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1041, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on page 710 of the Senate Journal, Engrossed House Bill No. 1041 is amended as follows:

Page 1, line 7, replace "for application" with "an appropriation"

Page 3, line 5, replace "not charge" with "collect registration"

Page 3, line 5, remove "for initial registration or"

Page 3, remove lines 6 and 7

Page 3, line 8, replace "renewal of registration as a certified nurse aide" with "from the individual or the individual's employer"

Page 3, after line 8, insert:

"5. Registration fees collected by the department must be deposited in the department's operating account."

Page 3, line 12, after "the" insert "state department of health"

Page 3, line 12, remove "under section 1 of this Act"

Page 3, line 17, after "the" insert "state department of health"

Page 3, line 17, remove "under section 1 of this Act"

Page 3, line 30, replace "**APPLICATION**" with "**APPROPRIATION**"

Page 3, line 30, remove "The state department of health shall implement and"

Page 3, remove line 31

Page 4, replace lines 1 through 3 with "There is appropriated out of any moneys in the state department of health operating fund in the state treasury, not otherwise appropriated, the sum of \$240,000, or so much of the sum as may be necessary, to the state department of health for the purpose of maintaining a nurse aide registry, for the biennium beginning July 1, 2011, and ending June 30, 2013. This appropriation includes funding for an additional one and one-half full-time equivalent positions provided to the state department of health to maintain the nurse aide registry."

**SECTION 7. 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 state department of health for the purpose of one-time costs to establish a nurse aide registry, for the biennium beginning July 1, 2011, and ending June 30, 2013. One-time funding amounts are not a part of the entity's base budget for the 2013-15 biennium. The state department of health shall report to the appropriations committees of the sixty-third legislative assembly on the use of this one-time funding, for the biennium beginning July 1, 2011, and ending June 30, 2013."

Renumber accordingly

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

**HB 1138: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1138 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1149, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1149 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1152, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1152, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on page 698 of the Senate Journal, Reengrossed House Bill No. 1152 is amended as follows:

Page 1, line 1, after the semicolon insert "to provide legislative intent; to provide for legislative management studies;"

Page 1, after line 7, insert:

**"SECTION 2. LEGISLATIVE INTENT - MEDICAID SUPPLEMENT PAYMENT - CRITICAL ACCESS HOSPITALS.** It is the intent of the sixty-second legislative assembly that any future requests for a medicaid supplemental payment to critical access hospitals include a local funding commitment equal to fifty percent of the nonfederal share of any payments.

**SECTION 3. PATIENT-CENTERED MEDICAL HOMES - LEGISLATIVE MANAGEMENT STUDY.** During the 2011-12 interim, the legislative management shall consider studying and evaluating the positive and negative impacts of implementation of patient-centered medical homes in the state, including consideration of whether implementation is resulting in North Dakota residents experiencing health care savings and improved medical results as well as whether implementation is impacting North Dakota's critical access hospitals. 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. HEALTH CARE DELIVERY - LEGISLATIVE MANAGEMENT STUDY.** During the 2011-12 interim, the legislative management shall consider studying the future of health care delivery in the state. The study must focus on the delivery of health care in rural areas of the state and include input from the university of North Dakota school of medicine and health sciences center for rural health, hospitals, and the medical community. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Page 1, line 13, after the period insert "This funding is considered to be one-time funding for the 2011-13 biennium and is not to be a part of the department's base budget for the 2013-15 biennium. The department shall report to the appropriations committees of the sixty-third legislative assembly on the use of this one-time funding."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1369, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1369 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3046, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3046 was placed on the Fourteenth order on the calendar.

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

**William R. Horton, Secretary**

