

JOURNAL OF THE SENATE

Sixty-second Legislative Assembly

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Bismarck, April 6, 2011

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

The prayer was offered by Chaplain Gary Heaton, Medcenter One, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Harvey Sand.

SECOND READING OF HOUSE BILL

HB 1138: A BILL for an Act to create and enact chapter 30.1-32.1 of the North Dakota Century Code, relating to the Uniform Real Property Transfer at Death Act; and to amend and reenact sections 30.1-10.1-09 and 30.1-10.1-11 of the North Dakota Century Code, relating to the delivery and recording to a disclaimer of property interest.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAY, 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; Uglem; Wanzek; Wardner; Warner

NAYS: Triplett

HB 1138 passed.

SECOND READING OF HOUSE BILL

HB 1034: A BILL for an Act to amend and reenact section 54-44.1-11 of the North Dakota Century Code, relating to the cancellation of unexpended appropriations for the North Dakota university system.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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

HB 1034 passed.

SECOND READING OF HOUSE BILL

HB 1035: A BILL for an Act to amend and reenact section 15-10-12 of the North Dakota Century Code, relating to the appropriation of higher education institutions' special revenue funds.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAY, 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; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Miller

HB 1035 passed.

SECOND READING OF HOUSE BILL

HB 1369: A BILL for an Act to amend and reenact section 15-10-14.2 of the North Dakota Century Code, relating to a performance and accountability report by the state board of higher education.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Christmann; Cook; Dever; Freborg; Grindberg; Hogue; Holmberg; Klein; Larsen; Lee, G.; Lyson; Miller; Nething; Olafson; Schneider; Sitte; Stenehjerm; Wanzek

NAYS: Burckhard; Dotzenrod; Erbele; Fischer; Flakoll; Heckaman; Kilzer; Krebsbach; Laffen; Lee, J.; Luick; Marcellais; Mathern; Murphy; Nelson; Nodland; O'Connell; Oehlke; Robinson; Schaible; Sorvaag; Taylor; Triplett; Uglem; Wardner; Warner

Engrossed HB 1369 lost.

SECOND READING OF HOUSE BILL

HB 1149: A BILL for an Act to amend and reenact subsection 6 of section 57-15-28.1 of the North Dakota Century Code, relating to the levy limitation for county comprehensive health care insurance employee benefit programs; and to provide an effective date.

ROLL CALL

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

NAYS: 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 1149 lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3046: A concurrent resolution to create and enact a new section to article VIII of the Constitution of North Dakota, relating to the creation of a department of education; to amend and reenact sections 2 and 5 of article V and section 3 of article IX of the Constitution of North Dakota, relating to the superintendent of public instruction and creation of a department of education; to repeal section 6 of article VIII of the Constitution of North Dakota, relating to the state board of higher education; and to provide an effective date.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 7 YEAS, 40 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING

YEAS: Andrist; Christmann; Dever; Klein; Larsen; Sitte; Stenehjerm

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

Engrossed HCR 3046 was declared lost on a recorded roll call vote.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. CHRISTMANN 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 1057 and HB 1268, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1057: Sens. Hogue, Oehlke, Triplett

HB 1268: Sens. Cook, Hogue, Dotzenrod

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do not concur in the House amendments to Engrossed SB 2129 as printed on SJ pages 790-792 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 2129: Sens. Burckhard, Miller, Dotzenrod.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do not concur in the House amendments to Engrossed SB 2047 as printed on SJ pages 900-903 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 2047: Sens. Hogue, Cook, Dotzenrod.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. ANDRIST MOVED that the Senate do not concur in the House amendments to Engrossed SB 2161 as printed on SJ page 1151 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 2161: Sens. Olafson, Andrist, Dotzenrod.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2320 as printed on SJ pages 1026-1028 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 2320: Sens. Oehlke, Miller, Triplett.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DEVER MOVED that the Senate do concur in the House amendments to Engrossed SB 2286 as printed on SJ page 1091, which motion prevailed on a voice vote.

Engrossed SB 2286, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2286: A BILL for an Act to amend and reenact sections 53-01-02, 53-01-07, and 53-01-09 of the North Dakota Century Code, relating to the duties of the state commissioner of combative sports.

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; 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; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner

NAYS: Cook; Mathern; O'Connell; Warner

Reengrossed SB 2286 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DEVER MOVED that the Senate do concur in the House amendments to Engrossed SB 2279 as printed on SJ page 1091, which motion prevailed on a voice vote.

Engrossed SB 2279, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2279: A BILL for an Act to amend and reenact sections 37-19.1-01, 37-19.1-02, 37-19.1-03, and 37-19.1-04 of the North Dakota Century Code, relating to veterans' preference; 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; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed SB 2279 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do concur in the House amendments to Engrossed SB 2351 as printed on SJ page 1092, which motion prevailed on a voice vote.

Engrossed SB 2351, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2351: A BILL for an Act to create and enact chapter 15-10.3 of the North Dakota Century Code, relating to student fees at institutions of higher education under the control of the state board of higher education; to provide for a legislative management study; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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 2351 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to Engrossed SB 2210 as printed on SJ pages 999-1002, which motion prevailed on a voice vote.

Engrossed SB 2210, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2210: A BILL for an Act to create and enact two new sections to chapter 54-17, a new subdivision to subsection 2 of section 54-60.1-01, a new subsection to section 57-35.3-05, a new section to chapter 57-38, and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to a housing incentive fund and tax credits for contributions to the fund; to amend and reenact subsection 2 of section 54-17-07.2 and section 57-35.3-07 of the North Dakota Century Code, relating to the definition of multifamily housing facility and payment of the financial institutions tax; to provide a continuing appropriation; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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 2210 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to Engrossed SB 2018 as printed on SJ pages 1118-1119, which motion prevailed on a voice

vote.

Engrossed SB 2018, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society.

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 2018 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to SB 2001 as printed on SJ page 1120, which motion prevailed on a voice vote.

SB 2001, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2001: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor; 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 2001 passed and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DEVER MOVED that the Senate do concur in the House amendments to Engrossed SB 2327 as printed on SJ pages 1091-1092, which motion failed on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that Senate Rule 508 be amended, replacing "sixty-second legislative day" with "sixty-third legislative day", which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1019, 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 1019 was placed on the Sixth order on the calendar.

"Salaries and wages	\$4,170,030	\$192,944	\$4,362,974
Operating expenses	1,226,606	26,733	1,253,339
Grants	27,200,000	1,825,000	29,025,000"

Page 1, replace line 18 with:

"Total all funds	\$36,703,890	\$2,044,677	\$38,748,567"
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Page 1, replace lines 20 and 21 with:

"Total general fund appropriation	\$25,941,008	\$2,040,671	\$27,981,679
Full-time equivalent positions	28.50	(1.00)	27.50"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1019 - Dept. of Career and Technical Education - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$4,504,091	\$4,504,091	(\$141,117)	\$4,362,974
Operating expenses	1,219,346	1,219,346	33,993	1,253,339
Grants	29,085,000	28,600,000	425,000	29,025,000
Grants - Postsecondary	357,452	357,452		357,452
Adult farm management	749,802	749,802		749,802
Workforce training	3,000,000	3,000,000		3,000,000
Total all funds	\$38,915,691	\$38,430,691	\$317,876	\$38,748,567
Less estimated income	10,766,888	10,766,888	0	10,766,888
General fund	\$28,148,803	\$27,663,803	\$317,876	\$27,981,679
FTE	28.50	28.50	(1.00)	27.50

Department No. 270 - Dept. of Career and Technical Education - Detail of Senate Changes

	Removes IT Supervisor Position ¹	Reclassifies Federal Funding ²	Restores Funding for Grants ³	Total Senate Changes
Salaries and wages	(\$141,117)			(\$141,117)
Operating expenses		33,993		33,993
Grants			425,000	425,000
Grants - Postsecondary				
Adult farm management				
Workforce training				
Total all funds	(\$141,117)	\$33,993	\$425,000	\$317,876
Less estimated income	(33,993)	33,993	0	0
General fund	(\$107,124)	\$0	\$425,000	\$317,876
FTE	(1.00)	0.00	0.00	(1.00)

¹ This amendment removes 1 FTE information technology supervisor position and related funding.

² Federal funding available to the agency related to the FTE position that is removed is reclassified to operating expenses.

³ Funding for the following general fund grants is restored:

- Expansion of career and technical education course offerings (\$350,000).
- Expansion of professional development opportunities for career and technical education teachers in the areas of mathematics and science (\$75,000).

REPORT OF STANDING COMMITTEE

HB 1021, 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 1021 was placed on the Sixth order on the calendar.

Page 1, line 2, after the first semicolon insert "to provide for an appropriation to the department of human services;"

Page 1, line 2, remove "to provide legislative intent;"

Page 1, replace lines 15 through 17 with:

"Salaries and wages	\$42,564,943	\$7,094,443	\$49,659,386
Operating expenses	55,208,550	11,733,718	66,942,268
Capital assets	11,970,746	4,564,920	16,535,666"

Page 2, replace lines 4 and 5 with:

"Total all funds	\$221,825,725	(\$38,281,761)	\$183,543,964
Less estimated income	<u>206,907,171</u>	<u>(42,484,411)</u>	<u>164,422,760"</u>

Page 2, replace line 7 with:

"Full-time equivalent positions	328.20	8.10	336.30
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SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$9,200,000, or so much of the sum as may be necessary, and from special funds derived from federal funds and other income, the sum of \$16,100,000, to the department of human services for the purpose of providing initial funding for an eligibility system replacement project, for the biennium beginning July 1, 2011, and ending June 30, 2013. The department of human services is authorized one new full-time equivalent position for this project."

Page 3, replace lines 1 through 5 with:

"SECTION 5. BANK OF NORTH DAKOTA TRANSFER. The industrial commission shall transfer, as requested by the health information technology office director, up to \$5,000,000 from the current earnings and accumulated profits of the Bank of North Dakota to the health information technology planning loan fund or to the health information technology loan fund, for the biennium beginning July 1, 2011, and ending June 30, 2013. The health information technology office director shall request transfers from the Bank only as necessary to meet cashflow needs of the fund and only upon certification by the health information technology office director of a demonstrated need for health information technology planning loans."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1021 - Summary of Senate Action**

	Executive Budget	House Version	Senate Changes	Senate Version
Information Technology Department				
Total all funds	\$164,424,855	\$164,197,887	\$19,346,077	\$183,543,964

Less estimated income	145,303,651	145,076,683	19,346,077	164,422,760
General fund	\$19,121,204	\$19,121,204	\$0	\$19,121,204
Department of Human Services				
Total all funds	\$0	\$0	\$25,300,000	\$25,300,000
Less estimated income	0	0	16,100,000	16,100,000
General fund	\$0	\$0	\$9,200,000	\$9,200,000
Bill total				
Total all funds	\$164,424,855	\$164,197,887	\$44,646,077	\$208,843,964
Less estimated income	145,303,651	145,076,683	35,446,077	180,522,760
General fund	\$19,121,204	\$19,121,204	\$9,200,000	\$28,321,204

House Bill No. 1021 - Information Technology Department - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$45,603,386	\$45,603,386	\$4,056,000	\$49,659,386
Operating expenses	53,152,191	53,152,191	13,790,077	66,942,268
Capital assets	15,035,666	15,035,666	1,500,000	16,535,666
Center for Distance Education	6,876,206	6,649,238		6,649,238
Statewide Longitudinal Data System	3,626,867	3,626,867		3,626,867
Educational Technology Council	1,075,403	1,075,403		1,075,403
EduTech	7,926,447	7,926,447		7,926,447
K-12 wide area network	5,075,992	5,075,992		5,075,992
Geographic Information System	1,112,065	1,112,065		1,112,065
Health Information Technology Office	13,959,238	13,959,238		13,959,238
Criminal Justice Information Sharing	2,981,394	2,981,394		2,981,394
Federal stimulus funds	8,000,000	8,000,000		8,000,000
Total all funds	\$164,424,855	\$164,197,887	\$19,346,077	\$183,543,964
Less estimated income	145,303,651	145,076,683	19,346,077	164,422,760
General fund	\$19,121,204	\$19,121,204	\$0	\$19,121,204
FTE	328.20	326.30	10.00	336.30

Department No. 112 - Information Technology Department - Detail of Senate Changes

	Adds Funding Associated With Eligibility System Replacement Project ¹	Total Senate Changes
Salaries and wages	\$4,056,000	\$4,056,000
Operating expenses	13,790,077	13,790,077
Capital assets	1,500,000	1,500,000
Center for Distance Education		
Statewide Longitudinal Data System		
Educational Technology Council		
EduTech		
K-12 wide area network		
Geographic Information System		
Health Information Technology Office		
Criminal Justice Information Sharing		
Federal stimulus funds		
Total all funds	\$19,346,077	\$19,346,077
Less estimated income	19,346,077	19,346,077
General fund	\$0	\$0
FTE	10.00	10.00

¹ Funding is added for expenses associated with the Department of Human Services' eligibility system replacement project. This includes 10 new FTE positions.

This amendment also removes the section of legislative intent added by the House to provide that the Bank of North Dakota PACE program is to be used to provide low-interest loans to finance health information technology projects and reinstates the section included in the bill as introduced which provides that the Industrial Commission transfer up to \$5 million from the current earnings and accumulated undivided profits of the Bank of North Dakota to the health information technology planning loan fund or to the health information technology loan fund for the 2011-13 biennium.

House Bill No. 1021 - Department of Human Services - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Eligibility system replacement project			\$25,300,000	\$25,300,000
Total all funds	\$0	\$0	\$25,300,000	\$25,300,000
Less estimated income	0	0	16,100,000	16,100,000
General fund	\$0	\$0	\$9,200,000	\$9,200,000
FTE	0.00	0.00	1.00	1.00

Department No. 325 - Department of Human Services - Detail of Senate Changes

	Adds Funding for Eligibility System Replacement Project ¹	Total Senate Changes
Eligibility system replacement project	\$25,300,000	\$25,300,000
Total all funds	\$25,300,000	\$25,300,000
Less estimated income	16,100,000	16,100,000
General fund	\$9,200,000	\$9,200,000
FTE	1.00	1.00

¹ Funding of \$25.3 million, of which \$9.2 million is from the general fund, is added for beginning the eligibility system replacement project. One new FTE position is also authorized.

REPORT OF STANDING COMMITTEE

HB 1033: 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 1033 was placed on the Sixth order on the calendar.

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

Page 7, after line 16, insert:

"SECTION 3. LEGISLATIVE MANAGEMENT STUDY - HIGHER EDUCATION.

1. During the 2011-12 interim, the legislative management chairman may appoint an interim higher education committee to study issues affecting higher education.

2. The interim committee may hold educational summit meetings to discuss topics that include:
 - a. Alternative uses of institutions and changes to institutional missions;
 - b. Issues affecting two-year campuses;
 - c. Tuition affordability, including a review of tuition reciprocity agreements;
 - d. Accessibility of higher education;
 - e. Workforce needs;
 - f. Contributions to economic development;
 - g. Utilization and capacity of higher education institution facilities;
 - h. Quality of education being delivered; and
 - i. Revenue-neutral policies that would aid in the reduction of student loan debt.
3. The chairman of the interim higher education committee may invite summit topic experts, representatives of the North Dakota university system, the private sector, and students to participate in the summit meetings to provide information to the committee as determined necessary to assist the committee in conducting its study.
4. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1046, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1046, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 1044 and 1045 of the Senate Journal, Engrossed House Bill No. 1046 is amended as follows:

Page 1, line 5, remove "an appropriation and"

Page 1, line 6, after "appropriation" insert "and a statement of legislative intent regarding a future appropriation"

Page 1, line 6, remove "and"

Page 1, line 6, after "date" insert "; and to provide an expiration date"

Page 3, line 4, replace "four" with "one and one-half"

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

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

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

Page 3, remove line 24

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

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

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

Page 4, line 8, after "upon" insert "the processing plant, mining facility, or satellite facility and any associated pipelines;"

Page 4, line 12, remove "and the processing plant,"

Page 4, line 13, remove "mining facility, or satellite facility"

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

Page 4, line 25, replace the first "spacing unit" with "mining permit area"

Page 4, line 25, replace the second "spacing unit" with "mining permit area"

Page 4, line 26, replace "spacing unit" with "mining permit area"

Page 4, line 27, replace "unit" with "area"

Page 4, line 28, replace "spacing unit" with "mining permit area"

Page 4, line 30, replace "road and bridge" with "general"

Page 4, line 30, after the underscored period insert "Five percent of each monthly allocation to counties under this subsection and subsection 2 must be retained by the state treasurer and deposited in the state general fund until a total of two million dollars has been deposited in the state general fund under this subsection."

Page 5, line 2, replace "spacing unit" with "mining permit area"

Page 5, line 3, replace "For the first calendar year, sixty" with "Ten"

Page 5, line 3, remove "and forty percent"

Page 5, line 4, remove "to the state general fund"

Page 5, line 5, remove "For the first calendar year after the allocation under subdivision a is completed,"

Page 5, line 6, replace "fifty percent to the producing county and fifty" with "Ninety"

Page 5, remove lines 7 through 23

Page 13, replace lines 6 through 11 with:

"SECTION 4. LEGISLATIVE INTENT - IMPACT GRANT FUNDING 2013-15 BIENNium. It is the intent of the sixty-second legislative assembly that the sixty-third legislative assembly will appropriate out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the energy development impact office, or its successor, for the purpose of impact grant funding for potash development-impacted political subdivisions, for the biennium beginning July 1, 2013, and ending June 30, 2015. The appropriation described in this section must be transferred and deposited in a special account within the impact grant fund and is not subject to section 54-44.1-11. The unexpended portion of this appropriation may be carried over through June 30, 2017. An expenditure may not be made from this appropriation until a building permit has been issued for a potash processing plant in this state."

Page 13, line 17, after "**DATE**" insert "**- EXPIRATION DATE**"

Page 13, line 17, replace "after June 30, 2011" with "from July 1, 2011, through June 30, 2017, and is thereafter ineffective"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1047, 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 1047, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 911 and 912 of the Senate Journal, Engrossed House Bill No. 1047 is amended as follows:

Page 4, line 27, remove "previous year"

Page 4, line 27, remove the overstrike over "~~for taxable~~"

Page 4, line 28, remove the overstrike over "~~year 2008~~"

Page 4, line 28, remove "plus the previous year number of mills of property tax relief under this"

Page 4, line 29, remove "chapter"

Page 5, line 1, remove the overstrike over "~~The grant to a qualifying school district may not be less than the grant to that school~~"

Page 5, line 2, remove the overstrike over "~~district in the preceding school year.~~" and insert immediately thereafter:

"4. The grant to a qualifying school district may not exceed the grant to that school district in the preceding school year by a percentage that is more than the percentage increase in statewide taxable valuation which was determined for the previous taxable year.

5. "

Page 5, line 20, overstrike "4." and insert immediately thereafter "6. "

Page 5, line 23, overstrike "5." and insert immediately thereafter "7. "

Page 5, line 27, overstrike "6." and insert immediately thereafter "8. "

Page 5, line 29, overstrike "7." and insert immediately thereafter "9. "

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1194, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1194 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to amend and reenact sections 11-23-03, 40-40-04, 40-40-06, and 57-15-13 of the North Dakota Century Code, relating to county, city, park district, and school district property tax levies and hearings;"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 11-23-03 of the North Dakota Century Code is amended and reenacted as follows:

11-23-03. Notice of meeting to act on county budget.

~~The estimates of necessary expenditures and the tax levies required therefor as shown by the auditor's budget statement, together with a~~ notice that the board of county commissioners will meet on a specified date on or before September fifteenth for the purpose of making tax levies as set forth in the estimates, naming the time and place of holding such meeting, ~~shall~~must be published in at least one issue of the official newspaper of the county. The county auditor shall notify by mail the township and city officers in regard to the date of such meeting. If the county is required to hold a public hearing under chapter 57-15.1 and chooses to conduct that hearing in conjunction with the hearing under this section, publication of the notice required under this section may be consolidated with publication of the notice under section 57-15.1-04.

SECTION 2. AMENDMENT. Section 40-40-04 of the North Dakota Century Code is amended and reenacted as follows:

40-40-04. Municipality to prepare preliminary budget statement.

The governing body of each municipality, annually on or before September ~~tenth~~fifth, shall make an itemized statement known as the preliminary budget statement showing the amounts of money which, in the opinion of the governing body, will be required for the proper maintenance, expansion, or improvement of the municipality during the year.

SECTION 3. AMENDMENT. Section 40-40-06 of the North Dakota Century Code is amended and reenacted as follows:

40-40-06. Notice of preliminary budget statement - Public hearing - Contents - How given.

After the governing body has prepared the preliminary budget statement, the auditor of the municipality shall give notice that:

1. The preliminary budget is on file in the office of the auditor and may be examined by anyone upon request.
2. The governing body shall meet no later than October seventh at the time and place specified in the notice as prescribed by subsection 3 for the purpose of adopting the final budget and making the annual tax levy.
3. The governing body shall hold a public ~~session~~hearing on or before September fifteenth at the time and place designated in the notice of hearing at which any taxpayer may appear and discuss with the body any item of proposed expenditures or may object to any item or amount.

The notice must contain a statement of the total proposed expenditures for each fund in the preliminary budget, but need not contain any detailed statement of the proposed expenditures. The notice must be published at least once, not less than six days prior to the budget hearing, in a newspaper published in the municipality, if there is one, and if no newspaper is published in the municipality, the notice must be published not less than six days prior to the meeting in the official city newspaper as provided by section 40-01-09. If the municipality is required to hold a public hearing under chapter 57-15.1 and chooses to conduct that hearing in conjunction with the hearing under this section, publication of the notice required under this section may be consolidated with publication of the notice under section 57-15.1-04.

SECTION 4. AMENDMENT. Section 57-15-13 of the North Dakota Century Code is amended and reenacted as follows:

57-15-13. School district tax levies - Public hearing on budget and levies.

School district taxes must be levied by the governing body of each school district on or before the fifteenth day of August of each year. The governing body of

the school district may amend its tax levy and budget for the current fiscal year on or before the tenth day of October of each year but the certification must be filed with the county auditor within the time limitations under section 57-15-31.1.

1. Taxes for school district purposes must be based upon an itemized budget statement which must show the complete expenditure program of the district for the current fiscal year and the sources of the revenue from which it is to be financed.
2. The school board of each public school district, in levying taxes, is limited by the amount necessary to be raised for the purpose of meeting the appropriations included in the school budget of the current fiscal year, and the sum necessary to be provided as an interim fund, together with a tax sufficient in amount to pay the interest on the bonded debt of the district and to provide a sinking fund to pay and discharge the principal thereof at maturity.
3. On or before September fifteenth of each year, the school board of each public school district shall hold a public hearing on its proposed budget and tax levies if the school board is required to hold a public hearing under chapter 57-15.1."

Page 1, remove lines 9 through 12

Page 1, line 13, replace "3." with "1."

Page 1, line 13, replace "property tax levy, expressed in" with "number of"

Page 1, line 13, replace ", that" with "against the current year taxable valuation, excluding consideration of new growth, which"

Page 1, line 14, replace "base" with "prior"

Page 1, line 14, remove the underscored comma

Page 1, line 15, remove "excluding consideration of new growth and levies excluded under subsection 5"

Page 1, after line 15, insert:

- "2. "Current year" means the taxing district's year for which the property tax levy of the taxing district is being determined."

Page 1, line 16, replace "4." with "3."

Page 1, line 16, remove "final budget year"

Page 1, line 16, remove the second "taxable"

Page 1, line 17, replace "taxing district for the base" with "prior"

Page 1, line 17, remove "minus the base year taxable"

Page 1, remove line 18

Page 1, line 19, remove "budget year"

Page 1, after line 19, insert:

- "4. "Prior year" means the taxing district's taxable year immediately preceding the current year."

Page 1, line 21, replace the underscored colon with an underscored period

Page 1, remove lines 22 and 23

Page 2, remove lines 1 through 10

Page 2, line 12, replace "twenty" with "one hundred"

Page 2, line 13, replace "base" with "prior"

Page 2, line 13, replace the second "budget" with "current"

Page 2, line 14, replace "twenty" with "one hundred"

Page 2, line 16, replace "The" with "Within thirty days after the meeting of the county board of equalization, the"

Page 2, line 17, remove "estimated"

Page 2, line 17, replace "budget" with "current"

Page 2, line 18, replace "estimate" with "use"

Page 2, line 18, replace "budget" with "current"

Page 2, line 18, remove "by using the best"

Page 2, replace lines 19 and 20 with "as equalized by the county board of equalization and a reasonable estimate of the taxable valuation of centrally assessed property for the current year."

Page 2, line 23, replace "budget" with "current"

Page 2, line 26, remove "At least ten days before the date of the public hearing under subsection 3, a taxing"

Page 2, remove lines 27 through 30

Page 3, remove lines 1 and 2

Page 3, line 3, replace "2. As an alternative to the mailed notice under subsection 1, the" with "The"

Page 3, line 5, remove "once each week"

Page 3, line 6, remove "for two consecutive weeks"

Page 3, line 6, remove "second"

Page 3, line 7, replace "three" with "seven"

Page 3, line 7, replace "3" with "2"

Page 3, replace lines 8 through 10 with "notice must be not less than one-fourth page in size with a heading in capitalized boldface type stating 'IMPORTANT NOTICE TO (name of taxing district) TAXPAYERS'. The heading and stated percentage increase above the certified tax rate must be printed in a type size four points larger than the other print in the notice. The text of the notice must contain:

- a. The date, time, and place of the required public hearing for the taxing district.
- b. A statement that the taxing district will be conducting a public hearing to consider increasing its property tax levy in dollars by a stated percentage, expressed as a percentage increase exceeding the certified tax rate.

- c. A statement that there will be an opportunity for citizens to present oral or written testimony regarding the budget and levy of the taxing district.
- d. Any other information the taxing district wishes to provide to inform taxpayers."

Page 3, line 11, replace "3." with "2."

Page 3, line 15, replace ". Taxing" with "but taxing"

Page 3, line 16, remove "The board of county commissioners shall resolve any conflicts in public"

Page 3, remove line 17

Page 3, line 18, after "c." insert "May be conducted in conjunction with a public hearing regarding the budget or levy of the taxing district otherwise required by law.

d."

Page 3, line 19, replace "4." with "3."

Page 3, line 24, replace "5." with "4."

Page 3, line 28, replace "6." with "5."

Page 4, replace lines 9 through 12 with "The governing body shall file a copy of the resolution with the county auditor.

57-15.1-06. Notice of adoption of increased property tax rate.

Within seven days after adoption of a property tax levy that results in a percentage increase that exceeds the stated percentage increase from the newspaper notice published by the taxing district under section 57-15.1-04, the governing body of the taxing district shall cause publication of a notice in the official county newspaper to inform taxpayers of the excess increase. The notice must be not less than one-fourth page in size with a heading in capitalized boldface type stating "IMPORTANT NOTICE TO (name of taxing district) TAXPAYERS". The text of the notice must contain the stated percentage increase from the newspaper notice published by the taxing district under section 57-15.1-04 and the actual percentage increase resulting from the final property tax levy as adopted. The heading and actual percentage increase above the certified tax rate must be printed in a type size four points larger than the other print in the notice."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1199, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1199, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1469, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1469 was placed on the Sixth order on the calendar.

Page 1, line 2, after "architects" insert "; and to declare an emergency"

Page 3, after line 30, insert:

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

Renumber accordingly

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

Page 1005, line 12, replace "reengrossed" with "reengrossed and amended"

Page 1005, line 14, replace "Reengrossed HB 1321" with "Reengrossed HB 1321, as amended,"

Page 1143, line 22, replace "SJ page 1028" with "SJ pages 1028-1029"

Page 1154, line 17, replace "advance" with "advanced"

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

CONSIDERATION OF AMENDMENTS

HB 1015, as engrossed: SEN. WANZEK (Appropriations Committee) MOVED that the amendments on SJ pages 1169-1171 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 1015: A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to provide an appropriation to the office of management and budget; to provide for a report to the budget section; and to provide legislative intent.

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 46 YEAS, 1 NAY, 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; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Mathern

Engrossed HB 1015, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1152, as reengrossed and amended: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments on SJ page 1173 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 1152: A BILL for an Act to provide for medicaid supplemental payments to critical access hospitals; to provide legislative intent; to provide for legislative management studies; and to provide an appropriation.

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 45 YEAS, 2 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; 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; Larsen

Reengrossed HB 1152, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1469, as engrossed: SEN. NODLAND (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 1195-1196 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 1469: A BILL for an Act to amend and reenact sections 43-03-02, 43-03-09, and 43-03-15 of the North Dakota Century Code, relating to regulation of architects; and to declare an emergency.

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 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Burckhard; Christmann; Cook; Dotzenrod; Fischer; Flakoll; Freborg; Hogue; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Luick; Lyson; Marcellais; Miller; Murphy; Nething; Nodland; Oehlke; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner

NAYS: Berry; Dever; Erbele; Grindberg; Heckaman; Holmberg; Laffen; Lee, J.; Mathern; Nelson; O'Connell; Olafson; Warner

Engrossed HB 1469, as amended, passed and the emergency clause was declared carried.

MOTION

SEN. CHRISTMANN MOVED that HB 1450, which is on the Sixth order, be laid over one legislative day, and that HB 1003, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that HB 1363, which is on the Fourteenth order, be laid over one legislative day, and that HB 1325, which is on the Fourteenth order, be laid over one legislative day, and that HB 1364, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1047, as engrossed and amended: SEN. COOK (Appropriations Committee) MOVED that the amendments on SJ page 1191 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 1047: A BILL for an Act to amend and reenact sections 57-15-01.1, 57-64-01, 57-64-02, 57-64-03, and 57-64-04 of the North Dakota Century Code, relating to allocation of state funding to school districts for mill levy reduction grants and property tax levies of school districts; to repeal chapter 57-16 of the North Dakota Century Code,

relating to certain excess levies of school districts; to provide an appropriation; to provide for transfers; and to provide an effective date.

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; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed HB 1047, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1006: SEN. KREBSBACH (Appropriations Committee) MOVED that the amendments on SJ pages 1168-1169 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 1006: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota aeronautics commission.

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 46 YEAS, 1 NAY, 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; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Mathern

HB 1006, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1041, as engrossed and amended: SEN. KILZER (Appropriations Committee) MOVED that the amendments on SJ pages 1171-1172 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 1041: A BILL for an Act to create and enact a new chapter to title 23, subsection 13 to section 43-12.1-04, and section 43-12.1-16.1 of the North Dakota Century Code, relating to a nurse aide registry, individuals exempt from regulation by the state board of nursing, and supervision of nursing interventions; to amend and reenact subsection 9 of section 43-12.1-02 and section 43-12.1-16 of the North Dakota Century Code, relating to definitions, individuals exempt from regulation by the state board of nursing, and delegation of medication administration; and to provide an appropriation.

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; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed HB 1041, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1019, as engrossed: SEN. ERBELE (Appropriations Committee) MOVED that the amendments on SJ pages 1184-1186 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 1019: A BILL for an Act to provide an appropriation for defraying the expenses of the state board for career and technical education.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed HB 1019, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1021, as engrossed: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments on SJ pages 1186-1188 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 1021: A BILL for an Act to provide an appropriation for defraying the expenses of the information technology department; to provide for an appropriation to the department of human services; to provide for various transfers; and to amend and reenact section 7 of chapter 49 and section 8 of chapter 519 of the 2009 Session Laws, relating to statewide longitudinal data system expenditures and health information technology.

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 46 YEAS, 1 NAY, 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; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Sitte

Engrossed HB 1021, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1046, as engrossed and amended: SEN. MILLER (Appropriations Committee) MOVED that the amendments on SJ pages 1189-1191 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 1046: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 and chapter 57-65 of the North Dakota Century Code, relating to a sales tax exemption for potash and byproducts of potash and taxation of potash and byproducts; to amend and reenact subsection 32 of section 57-02-08 of the North Dakota Century Code, relating to exemption of minerals subject to in lieu of taxes; to provide for a legislative management study; to provide a continuing appropriation and a statement of legislative intent regarding a future appropriation; to provide a penalty; to provide an effective date; and to provide an expiration date.

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 39 YEAS, 8 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; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Sitte; Sorvaag; Stenehjem; Uglem; Wanzek; Wardner

NAYS: Marcellais; Mathern; Murphy; Nelson; Schneider; Taylor; Triplett; Warner

Engrossed HB 1046, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1033: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments on SJ pages 1188-1189 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 1033: A BILL for an Act to amend and reenact sections 54-44.1-04 and 54-44.1-06 of the North Dakota Century Code, relating to budget requests and block grant appropriations for the North Dakota university system; and to provide for a legislative management study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAY, 0 EXCUSED, 1 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; Olafson; Robinson; Schaible; Schneider; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Sitte

ABSENT AND NOT VOTING: Oehlke

HB 1033, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1194, as engrossed: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ pages 1191-1195 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 1194: A BILL for an Act to create and enact chapter 57-15.1 of the North Dakota Century Code, relating to truth in property taxation and determination and application of a certified tax rate for cities, counties, school districts, and city park districts; to amend and reenact sections 11-23-03, 40-40-04, 40-40-06, and 57-15-13 of the North Dakota Century Code, relating to county, city, park district, and school district property tax levies and hearings; and to provide an effective date.

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 29 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Laffen; Larsen; Lee, G.; Miller; Nething; O'Connell; Oehlke; Robinson; Schaible; Sitte; Stenehjem; Uglem; Wanzek; Wardner

NAYS: Bowman; Flakoll; Heckaman; Krebsbach; Lee, J.; Luick; Lyson; Marcellais; Mathern; Murphy; Nelson; Nodland; Olafson; Schneider; Sorvaag; Taylor; Triplett; Warner

Engrossed HB 1194, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1199: A BILL for an Act to amend and reenact section 50-06-24 of the North Dakota Century Code, relating to guardianship services; and to provide an appropriation.

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; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed HB 1199, as amended, passed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. CHRISTMANN 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 1174, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1174: Sens. Uglem, Berry, J. Lee

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2271 as printed on SJ pages 1153-1160 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 2271: Sens. Dever, Berry, Mathern.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2019 as printed on SJ pages 1162-1164 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 2019: Sens. Krebsbach, Erbele, O'Connell.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DEVER MOVED that the Senate do not concur in the House amendments to SB 2253 as printed on SJ pages 1151-1153 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 2253: Sens. Sorvaag, Schaible, Marcellais.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DEVER MOVED that the Senate do not concur in the House amendments to Engrossed SB 2327 as printed on SJ pages 1091-1092 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 2327: Sens. Dever, Cook, Nelson.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1034, HB 1035, HB 1138.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1006, HB 1015, HB 1019, HB 1021, HB 1033, HB 1041, HB 1046, HB 1047, HB 1152, HB 1194, HB 1199.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1469.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1149, HB 1369, HCR 3046.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2163.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2002, SB 2010, SB 2012, SB 2024, SB 2043, SB 2268, SB 2298, SB 2306, SCR 4015.

HOUSE AMENDMENTS TO SENATE BILL NO. 2002

Page 2, after line 27, insert:

"SECTION 3. MAINFRAME MIGRATION COMPUTER PROJECT - FUNDING LIMITATION. One-time funding of \$3,500,000 from the general fund for the mainframe migration computer project included in the operating expenses line item of subdivision 1 of section 1 of this Act may not be used for any other purpose and

the appropriation authority must be canceled on June 30, 2013, in accordance with provisions of section 54-44.1-11."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of House Action

	Executive Budget	Senate Version	House Changes	House Version
Secretary of State				
Total all funds	\$15,803,144	\$15,803,144	\$0	\$15,803,144
Less estimated income	6,786,984	6,786,984	0	6,786,984
General fund	\$9,016,160	\$9,016,160	\$0	\$9,016,160
Public Printing				
Total all funds	\$310,000	\$310,000	\$0	\$310,000
Less estimated income	0	0	0	0
General fund	\$310,000	\$310,000	\$0	\$310,000
Bill total				
Total all funds	\$16,113,144	\$16,113,144	\$0	\$16,113,144
Less estimated income	6,786,984	6,786,984	0	6,786,984
General fund	\$9,326,160	\$9,326,160	\$0	\$9,326,160

Senate Bill No. 2002 - Secretary of State - House Action

A section is added to provide that one-time funding for the mainframe migration computer project may not be used for any other purpose and is canceled on June 30, 2013, pursuant to Section 54-44.1-11.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2010

Page 1, line 3, remove the first "and"

Page 1, line 4, after "salary" insert "; and to provide for reports to the budget section"

Page 1, replace line 12 with:

"Salaries and wages	\$6,335,670	\$524,160	\$6,859,830"
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Page 1, replace lines 15 and 16 with:

"Grants	<u>6,990,000</u>	<u>50,000</u>	<u>7,040,000</u>
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Total special funds	\$15,558,934	\$1,842,796	\$17,401,730"
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Page 1, line 23, remove "**PREMIUM**"

Page 1, line 24, replace "\$6,820,000" with "\$6,870,000"

Page 1, line 24, remove "premium"

Page 2, line 1, replace "\$620,000" with "\$670,000"

Page 2, after line 23, insert:

"SECTION 9. REPORTS TO BUDGET SECTION. The insurance commissioner shall report at each budget section meeting during the 2011-12 interim on the status of provisions of the Patient Protection and Affordable Care Act."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2010 - Insurance Department - House Action**

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$7,677,595	\$6,894,013	(\$34,183)	\$6,859,830
Operating expenses	3,699,553	3,431,900		3,431,900
Capital assets	70,000	70,000		70,000
Grants	<u>6,990,000</u>	<u>6,990,000</u>	<u>50,000</u>	<u>7,040,000</u>
Total all funds	\$18,437,148	\$17,385,913	\$15,817	\$17,401,730
Less estimated income	<u>18,437,148</u>	<u>17,385,913</u>	<u>15,817</u>	<u>17,401,730</u>
General fund	\$0	\$0	\$0	\$0
FTE	50.50	45.50	0.00	45.50

Department No. 401 - Insurance Department - Detail of House Changes

	Adds Funding for Auto Extrication Training¹	Removes Remaining Salary Authority for FTE Positions Removed by the Senate²	Total House Changes
Salaries and wages		(\$34,183)	(\$34,183)
Operating expenses			
Capital assets			
Grants	<u>50,000</u>		<u>50,000</u>
Total all funds	\$50,000	(\$34,183)	\$15,817
Less estimated income	<u>50,000</u>	<u>(34,183)</u>	<u>15,817</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

¹ Funding is provided from the insurance tax distribution fund to the North Dakota Firefighter's Association for auto extrication training.

² The Senate removed funding provided in the executive budget for 5 FTE positions and temporary employees related to federal health care reform. The compensation package adjustment for these positions was not removed. This amendment removes the remaining salary authority related to the compensation package adjustment for the 5 FTE positions removed by the Senate.

A section is added to the bill to require reports to the Budget Section at each meeting during the 2011-12 interim by the Insurance Commissioner regarding the status of provisions of the Patient Protection and Affordable Care Act.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

Page 1, line 2, remove "and to amend and"

Page 1, remove line 3

Page 1, line 4, replace "children's health insurance program" with "to provide for legislative management studies; and to provide for a department of human services study"

Page 1, replace lines 16 through 21 with:

"Salaries and wages	\$14,231,353	\$2,226,715	\$16,458,068
Operating expenses	46,548,787	15,735,631	62,284,418

Capital assets	<u>0</u>	<u>138,400</u>	<u>138,400</u>
Total all funds	\$60,780,140	\$18,100,746	\$78,880,886
Less estimated income	<u>34,477,817</u>	<u>13,285,595</u>	<u>47,763,412</u>
Total general fund	\$26,302,323	\$4,815,151	\$31,117,474"

Page 2, replace lines 3 through 10 with:

"Salaries and wages	\$41,389,716	\$8,330,668	\$49,720,384
Operating expenses	75,461,417	16,961,863	92,423,280
Capital assets	8,580	(8,580)	0
Grants	452,990,742	34,015,295	487,006,037
Grants - Medical assistance	<u>1,300,642,323</u>	<u>260,496,543</u>	<u>1,561,138,866</u>
Total all funds	\$1,870,492,778	\$319,795,789	\$2,190,288,567
Less estimated income	<u>1,381,801,240</u>	<u>92,820,911</u>	<u>1,474,622,151</u>
Total general fund	\$488,691,538	\$226,974,878	\$715,666,416"

Page 2, replace lines 15 through 27 with:

"Northwest human service center	\$8,452,001	\$222,567	\$8,674,568
North central human service center	19,208,018	1,694,208	20,902,226
Lake region human service center	10,886,645	357,661	11,244,306
Northeast human service center	25,768,431	2,321,019	28,089,450
Southeast human service center	30,139,636	7,868,498	38,008,134
South central human service center	15,567,495	1,291,516	16,859,011
West central human service center	24,683,076	1,669,367	26,352,443
Badlands human service center	10,857,338	850,716	11,708,054
State hospital	65,641,609	7,581,591	73,223,200
Developmental center	<u>52,939,281</u>	<u>(1,130,034)</u>	<u>51,809,247</u>
Total all funds	\$264,143,530	\$22,727,109	\$286,870,639
Less estimated income	<u>132,787,875</u>	<u>(7,198,220)</u>	<u>125,589,655</u>
Total general fund	\$131,355,655	\$29,925,329	\$161,280,984"

Page 3, replace lines 3 through 6 with:

"Grand total general fund	\$646,349,516	\$261,715,358	\$908,064,874
Grand total special funds	<u>1,549,066,932</u>	<u>98,908,286</u>	<u>1,647,975,218</u>
Grand total all funds	\$2,195,416,448	\$360,623,644	\$2,556,040,092
Full-time equivalent positions	2,216.88	(27.53)	2,189.35"

Page 3, after line 15, insert:

"Supplemental payment	0	200,000"
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Page 3, replace lines 17 through 20 with:

"State hospital capital projects	<u>0</u>	<u>1,800,000</u>
Total all funds	\$92,329,503	\$2,519,175
Less estimated income	<u>88,033,205</u>	<u>719,175</u>
Total general fund	\$4,296,298	\$1,800,000"

Page 4, remove lines 9 through 30

Page 5, replace lines 1 through 23 with:

**"SECTION 5. GENERAL FUND TRANSFER TO BUDGET SECTION
STABILIZATION FUND - EXCEPTION - USE OF GENERAL FUND AMOUNTS.**

Notwithstanding section 54-27.2-02, the state treasurer and the office of management and budget may not include in the amount used to determine general fund transfers to the budget stabilization fund at the end of the 2009-11 biennium under chapter 54-27.2 any general fund amounts resulting from the increased federal share of medical assistance payments resulting from federal medical assistance percentage changes under the American Recovery and Reinvestment Act of 2009 and H.R. 1586. The state treasurer and the office of management and budget shall separately account for these amounts resulting from federal medical assistance percentage changes under the American Recovery and Reinvestment Act of 2009 and H.R. 1586 and use these amounts to defray the expenses of continuing program costs of the department of human services from the general fund, for the biennium beginning July 1, 2011, and ending June 30, 2013, including \$25,516,808 for inflationary increases for human services providers.

SECTION 6. DEPARTMENT OF HUMAN SERVICES STUDY - HUMAN SERVICES DELIVERY SYSTEM. During the 2011-12 interim, the department of human services shall review, study, and develop various plans for restructuring the human services delivery system in this state. The review and study must consider the requirements imposed on the department of human services by federal agencies under federal law, federal regulations, program state plans, and program waivers for the administration of and receipt of payment under federal programs. One of the plans for restructuring must provide for the creation of administrative units that are authorized to deliver all of the economic assistance and therapeutic social services programs and services that are currently being provided or authorized to be provided by counties and regional human service centers. The administrative units must have a direct relationship with the department of human services in administering federal programs in the state and must be locally administered. Before August 1, 2012, the department shall present its findings and plans to the legislative management.

SECTION 7. 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 would result in North Dakotans experiencing health care savings and improved medical results as well as whether implementation would impact 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 8. REPORT ON THE DEMENTIA CARE SERVICES PROGRAM. During the 2011-12 interim, the department of human services shall periodically report to the legislative management regarding the status of the dementia care services program. The reports must include information on budgeted and actual program expenditures, program services, and program outcomes.

SECTION 9. RISK BEHAVIOR PREVENTION GRANTS - MATCHING REQUIREMENTS. The department of human services shall use \$250,000 of federal funding appropriated in subdivision 2 of section 1 of this Act for the mental health and substance abuse division for providing grants to support a statewide school and community-based youth network dedicated to implementing risk behavior prevention efforts, for the biennium beginning July 1, 2011, and ending June 30, 2013. The department shall require an entity receiving a grant under this section to provide one dollar of matching funds for each dollar of state funds provided.

SECTION 10. LEGISLATIVE INTENT - DEVELOPMENTAL DISABILITIES GRANTS. It is the intent of the legislative assembly that the department of human services use any anticipated unexpended appropriation authority relating to developmental disabilities grants resulting from caseload or cost changes during the 2011-13 biennium for costs associated with transitioning individuals from the developmental center to communities during the 2011-13 biennium.

SECTION 11. LEGISLATIVE MANAGEMENT STUDY - QUALIFIED SERVICE PROVIDER SYSTEM. During the 2011-12 interim, the legislative management shall consider studying and evaluating the state's qualified service provider system. 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 12. SUPPLEMENTAL PAYMENT - HEALTH CARE TRUST FUND. The grants - medical assistance line item in subdivision 2 of section 1 of this Act includes \$200,000 from the health care trust fund which the department shall provide as a one-time grant to the hospital in a city with a population of less than five hundred according to the 2000 census which also has a government nursing facility that participated in the intergovernmental transfer payment program."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2012 - Summary of House Action

	Executive Budget	Senate Version	House Changes	House Version
DHS - Management				
Total all funds	\$79,059,874	\$79,059,874	(\$178,988)	\$78,880,886
Less estimated income	47,538,412	47,538,412	225,000	47,763,412
General fund	\$31,521,462	\$31,521,462	(\$403,988)	\$31,117,474
DHS - Program/Policy				
Total all funds	\$2,241,950,229	\$2,255,138,635	(\$64,850,068)	\$2,190,288,567
Less estimated income	1,510,481,136	1,518,090,686	(43,468,535)	1,474,622,151
General fund	\$731,469,093	\$737,047,949	(\$21,381,533)	\$715,666,416
DHS - State Hospital				
Total all funds	\$73,473,200	\$73,635,040	(\$411,840)	\$73,223,200
Less estimated income	20,146,403	20,146,403	0	20,146,403
General fund	\$53,326,797	\$53,488,637	(\$411,840)	\$53,076,797
DHS - Developmental Center				
Total all funds	\$51,809,247	\$51,809,247	\$0	\$51,809,247
Less estimated income	31,391,817	31,391,817	0	31,391,817
General fund	\$20,417,430	\$20,417,430	\$0	\$20,417,430
DHS - Northwest HSC				
Total all funds	\$8,749,068	\$8,749,068	(\$74,500)	\$8,674,568
Less estimated income	3,790,236	3,790,236	0	3,790,236
General fund	\$4,958,832	\$4,958,832	(\$74,500)	\$4,884,332
DHS - North Central HSC				
Total all funds	\$22,433,884	\$22,433,884	(\$1,531,658)	\$20,902,226
Less estimated income	9,023,857	9,023,857	0	9,023,857
General fund	\$13,410,027	\$13,410,027	(\$1,531,658)	\$11,878,369
DHS - Lake Region HSC				
Total all funds	\$11,418,231	\$11,418,231	(\$173,925)	\$11,244,306
Less estimated income	4,536,041	4,536,041	(52,047)	4,483,994
General fund	\$6,882,190	\$6,882,190	(\$121,878)	\$6,760,312
DHS - Northeast HSC				

Total all funds	\$28,182,609	\$28,182,609	(\$93,159)	\$28,089,450
Less estimated income	14,972,886	14,972,886	0	14,972,886
General fund	\$13,209,723	\$13,209,723	(\$93,159)	\$13,116,564
DHS - Southeast HSC				
Total all funds	\$38,464,720	\$38,464,720	(\$456,586)	\$38,008,134
Less estimated income	16,278,987	16,278,987	0	16,278,987
General fund	\$22,185,733	\$22,185,733	(\$456,586)	\$21,729,147
DHS - South Central HSC				
Total all funds	\$16,953,699	\$16,953,699	(\$94,688)	\$16,859,011
Less estimated income	7,610,152	7,610,152	0	7,610,152
General fund	\$9,343,547	\$9,343,547	(\$94,688)	\$9,248,859
DHS - West Central HSC				
Total all funds	\$26,740,493	\$26,740,493	(\$388,050)	\$26,352,443
Less estimated income	12,630,961	12,630,961	0	12,630,961
General fund	\$14,109,532	\$14,109,532	(\$388,050)	\$13,721,482
DHS - Badlands HSC				
Total all funds	\$11,789,654	\$11,789,654	(\$81,600)	\$11,708,054
Less estimated income	5,260,362	5,260,362	0	5,260,362
General fund	\$6,529,292	\$6,529,292	(\$81,600)	\$6,447,692
Bill total				
Total all funds	\$2,611,024,908	\$2,624,375,154	(\$68,335,062)	\$2,556,040,092
Less estimated income	1,683,661,250	1,691,270,800	(43,295,582)	1,647,975,218
General fund	\$927,363,658	\$933,104,354	(\$25,039,480)	\$908,064,874

Senate Bill No. 2012 - DHS - Management - House Action

	Executive Budget	Senate Version	House Changes ¹	House Version
Salaries and wages	\$16,513,336	\$16,513,336	(\$55,268)	\$16,458,068
Operating expenses	62,408,138	62,408,138	(123,720)	62,284,418
Capital assets	138,400	138,400		138,400
Total all funds	\$79,059,874	\$79,059,874	(\$178,988)	\$78,880,886
Less estimated income	47,538,412	47,538,412	225,000	47,763,412
General fund	\$31,521,462	\$31,521,462	(\$403,988)	\$31,117,474
FTE	116.10	116.10	0.00	116.10

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MANAGEMENT SUBDIVISION	FTE	General Fund	Estimated Income	Total
Senate version	116.10	\$31,521,462	\$47,538,412	\$79,059,874
Management - House changes:				
Administration - Support				
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover		(\$31,930)	\$0	(\$31,930)
Reduce funding for operating expenses (departmentwide reduction)		(16,275)	0	(16,275)
Reduce funding for operating expenses (division-specific reduction)		(102,300)	0	(102,300)
Information Technology Services				
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover		(23,338)	0	(23,338)
Reduce funding for operating expenses (departmentwide reduction)		(134,672)	0	(134,672)
Reduce funding for operating expenses (division-specific reduction)		(120,473)	0	(120,473)

Add funding for activities relating to the eligibility system replacement project	25,000	225,000	250,000
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Total House changes - Management	0.00	(\$403,988)	\$225,000	(\$178,988)
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House version - Management Subdivision	116.10	\$31,117,474	\$47,763,412	\$78,880,886
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Other changes affecting Management programs or multiple programs of the department:

Section 6 of the engrossed bill is removed relating to office space lease limitation. This section was added by the Senate.

A section is added relating to a study of the human services delivery system.

A section is added relating to a Legislative Management study of patient-centered medical homes.

A section is added providing for a report to the Legislative Management on the dementia care services program.

Senate Bill No. 2012 - DHS - Program/Policy - House Action

	Executive Budget	Senate Version	House Changes¹	House Version
Salaries and wages	\$50,346,211	\$50,346,211	(\$625,827)	\$49,720,384
Operating expenses	90,850,363	90,850,363	1,572,917	92,423,280
Grants	487,016,037	487,006,037		487,006,037
Grants - Medical assistance	1,613,737,618	1,626,936,024	(65,797,158)	1,561,138,866
Total all funds	\$2,241,950,229	\$2,255,138,635	(\$64,850,068)	\$2,190,288,567
Less estimated income	1,510,481,136	1,518,090,686	(43,468,535)	1,474,622,151
General fund	\$731,469,093	\$737,047,949	(\$21,381,533)	\$715,666,416
FTE	374.50	374.50	(7.00)	367.50

1

PROGRAM AND POLICY SUBDIVISION	FTE	General Fund	Estimated Income	Total
Senate version	374.50	\$737,047,949	\$1,518,090,686	\$2,255,138,635
Program and Policy - House changes:				
Economic Assistance Policy Program				
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover		(\$12,054)	\$0	(\$12,054)
Remove position and funding added in the executive budget relating to health care reform	(1.00)	(17,805)	0	(17,805)
Child Support Program				
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover		(36,574)	0	(36,574)
Remove position and funding added in the executive budget relating to health care reform	(1.00)	(62,714)	(121,742)	(184,456)
Medical Services Program				
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover		(24,105)	0	(24,105)
Reduce funding for operating expenses (departmentwide reduction)		(180,116)	0	(180,116)

Remove funding added by the Senate to increase eligibility for the state children's health insurance program from 160 percent of the federal poverty level to 175 percent of the federal poverty level	(567,367)	(1,266,990)	(1,834,357)
Reduce funding for the state children's health insurance program to reflect a revised premium amount	(42,989)	(95,928)	(138,917)
Remove positions and funding added in the executive budget relating to health care reform	(5.00)	(144,988)	(183,846)
Decrease funding for medical services to reduce projected caseload/utilization rates	(2,739,780)	(3,460,220)	(6,200,000)
Reduce funding for Medicaid payments to physicians to 100 percent of the Medicare rate	(17,448,925)	(22,037,214)	(39,486,139)
Remove funding included in the executive budget for 3 percent per year inflationary adjustments for physicians	(2,065,704)	(2,634,500)	(4,700,204)
Add one-time funding from the health care trust fund for a grant to a hospital in a city that has a government nursing facility which participated in the intergovernmental transfer payment program	0	200,000	200,000
Long-Term Care Program			
Remove funding added by the Senate to provide for a supplemental payment to allow for a 50-cent salary and benefit increase for developmental disabilities providers employees beginning July 1, 2011	(5,021,489)	(6,342,560)	(11,364,049)
Add funding for long-term care program expenditures. The executive budget allowed the department to continue unspent general fund appropriations for the 2009-11 biennium and utilize unexpended funding in the 2011-13 biennium. This amendment removes Section 5 of the engrossed bill relating to the carryover of general fund authority; requires the department to turn back any unexpended general fund authority from the 2009-11 biennium; and appropriates funds from the general fund for the 2011-13 biennium.	12,800,000	0	12,800,000
Add funding for House Bill No. 1169 which relates to allowable education expenditures in nursing facility rates	56,423	70,085	126,508
Decrease funding for long-term care to reduce projected caseload/utilization rates	(6,716,880)	(8,483,120)	(15,200,000)
Aging Services Program			
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover	(5,263)	0	(5,263)
Reduce funding for operating expenses (departmentwide reduction)	(17,231)	0	(17,231)
Children and Family Services Program			
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover	(5,697)	0	(5,697)
Mental Health and Substance Abuse Program			
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover	(6,240)	0	(6,240)
Reduce funding for operating expenses (departmentwide reduction)	(26,706)	0	(26,706)
Developmental Disabilities Council			
No changes	0	0	0
Developmental Disabilities Division			

Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover	(2,804)	0	(2,804)
Add funding for expenses associated with implementing the developmental disabilities system reimbursement project provided for in Senate Bill No. 2043	887,500	887,500	1,775,000
Increase funding for petitioning costs for indigent people with developmental disabilities	21,970	0	21,970
Vocational Rehabilitation			
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover	(1,995)	0	(1,995)
Total House changes - Program and Policy	<u>(7.00)</u>	<u>(\$21,381,533)</u>	<u>(\$43,468,535)</u>
House version - Program and policy subdivision	<u>367.50</u>	<u>\$715,666,416</u>	<u>\$1,474,622,151</u>

Other changes affecting Program and Policy programs:

A section is added to provide that the department utilize \$250,000 of federal funds appropriated to the mental health and substance abuse division for grants to support a statewide school and community-based youth network dedicated to implementing risk behavior prevention efforts.

A section is added to provide legislative intent regarding developmental disabilities grants.

A section is added to provide for a Legislative Management study of the state's qualified service provider system.

Senate Bill No. 2012 - DHS - State Hospital - House Action

	Executive Budget	Senate Version	House Changes¹	House Version
State Hospital	\$73,473,200	\$73,635,040	(\$411,840)	\$73,223,200
Total all funds	\$73,473,200	\$73,635,040	(\$411,840)	\$73,223,200
Less estimated income	20,146,403	20,146,403	0	20,146,403
General fund	\$53,326,797	\$53,488,637	(\$411,840)	\$53,076,797
FTE	467.51	467.51	0.00	467.51

1

STATE HOSPITAL	FTE	General Fund	Estimated Income	Total
Senate version	467.51	\$53,488,637	\$20,146,403	\$73,635,040
State Hospital - House changes:				
Remove funding added by the Senate for one-time capital projects. The Senate had added \$161,840 from the general fund to provide a total of \$1,961,840 from the general fund for one-time capital projects.		(\$161,840)	\$0	(\$161,840)
Reduce funding for operating expenses (division-specific reduction)		(250,000)	0	(250,000)
Total House changes - State Hospital	<u>0.00</u>	<u>(\$411,840)</u>	<u>\$0</u>	<u>(\$411,840)</u>
House version - State Hospital	<u>467.51</u>	<u>\$53,076,797</u>	<u>\$20,146,403</u>	<u>\$73,223,200</u>

Senate Bill No. 2012 - DHS - Developmental Center - House Action

The House did not change the Senate version for the Developmental Center.

Senate Bill No. 2012 - Human Service Centers - General Fund Summary

	Executive Budget	Senate Version	House Changes¹	House Version
DHS - Northwest HSC	4,958,832	4,958,832	(74,500)	4,884,332
DHS - North Central HSC	13,410,027	13,410,027	(1,531,658)	11,878,369
DHS - Lake Region HSC	6,882,190	6,882,190	(121,878)	6,760,312
DHS - Northeast HSC	13,209,723	13,209,723	(93,159)	13,116,564
DHS - Southeast HSC	22,185,733	22,185,733	(456,586)	21,729,147
DHS - South Central HSC	9,343,547	9,343,547	(94,688)	9,248,859
DHS - West Central HSC	14,109,532	14,109,532	(388,050)	13,721,482
DHS - Badlands HSC	6,529,292	6,529,292	(81,600)	6,447,692
Total general fund	\$90,628,876	\$90,628,876	(\$2,842,119)	\$87,786,757

Senate Bill No. 2012 - Human Service Centers - Other Funds Summary

	Executive Budget	Senate Version	House Changes¹	House Version
DHS - Northwest HSC	3,790,236	3,790,236		3,790,236
DHS - North Central HSC	9,023,857	9,023,857		9,023,857
DHS - Lake Region HSC	4,536,041	4,536,041	(52,047)	4,483,994
DHS - Northeast HSC	14,972,886	14,972,886		14,972,886
DHS - Southeast HSC	16,278,987	16,278,987		16,278,987
DHS - South Central HSC	7,610,152	7,610,152		7,610,152
DHS - West Central HSC	12,630,961	12,630,961		12,630,961
DHS - Badlands HSC	5,260,362	5,260,362		5,260,362
Total other funds	\$74,103,482	\$74,103,482	(\$52,047)	\$74,051,435

Senate Bill No. 2012 - Human Service Centers - All Funds Summary

	Executive Budget	Senate Version	House Changes¹	House Version
DHS - Northwest HSC	8,749,068	8,749,068	(74,500)	8,674,568
DHS - North Central HSC	22,433,884	22,433,884	(1,531,658)	20,902,226
DHS - Lake Region HSC	11,418,231	11,418,231	(173,925)	11,244,306
DHS - Northeast HSC	28,182,609	28,182,609	(93,159)	28,089,450
DHS - Southeast HSC	38,464,720	38,464,720	(456,586)	38,008,134
DHS - South Central HSC	16,953,699	16,953,699	(94,688)	16,859,011
DHS - West Central HSC	26,740,493	26,740,493	(388,050)	26,352,443
DHS - Badlands HSC	11,789,654	11,789,654	(81,600)	11,708,054
Total all funds	\$164,732,358	\$164,732,358	(\$2,894,166)	\$161,838,192
FTE	837.48	837.48	0.00	837.48

1

	FTE	General Fund	Estimated Income	Total
NORTHWEST HUMAN SERVICE CENTER				
Senate version	45.75	\$4,958,832	\$3,790,236	\$8,749,068
Northwest Human Service Center - House changes:				
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover		(\$74,500)	\$0	(\$74,500)
Total House changes - Northwest Human Service Center	0.00	(\$74,500)	\$0	(\$74,500)
House version - Northwest Human Service Center	45.75	\$4,884,332	\$3,790,236	\$8,674,568

General

Estimated

NORTH CENTRAL HUMAN SERVICE CENTER	FTE	Fund	Income	Total
Senate version	117.78	\$13,410,027	\$9,023,857	\$22,433,884
North Central Human Service Center - House changes:				
Remove funding added in the executive budget for contracting for beds in a crisis stabilization unit for the seriously mentally ill		(\$1,444,661)	\$0	(\$1,444,661)
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover		(70,740)	0	(70,740)
Reduce funding for operating expenses (departmentwide reduction)		(16,257)	0	(16,257)
Total House changes - North Central Human Service Center	0.00	(\$1,531,658)	\$0	(\$1,531,658)
House version - North Central Human Service Center	117.78	\$11,878,369	\$9,023,857	\$20,902,226

LAKE REGION HUMAN SERVICE CENTER	FTE	General Fund	Estimated Income	Total
Senate version	60.00	\$6,882,190	\$4,536,041	\$11,418,231
Lake Region Human Service Center - House changes:				
Reduce funding for temporary salaries		(\$37,930)	(\$52,047)	(\$89,977)
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover		(75,320)	0	(75,320)
Reduce funding for operating expenses (departmentwide reduction)		(8,628)	0	(8,628)
Total House changes - Lake Region Human Service Center	0.00	(\$121,878)	(\$52,047)	(\$173,925)
House version - Lake Region Human Service Center	60.00	\$6,760,312	\$4,483,994	\$11,244,306

NORTHEAST HUMAN SERVICE CENTER	FTE	General Fund	Estimated Income	Total
Senate version	138.30	\$13,209,723	\$14,972,886	\$28,182,609
Northeast Human Service Center - House changes:				
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover		(\$72,720)	\$0	(\$72,720)
Reduce funding for operating expenses (departmentwide reduction)		(20,439)	0	(20,439)
Total House changes - Northeast Human Service Center	0.00	(\$93,159)	\$0	(\$93,159)
House version - Northeast Human Service Center	138.30	\$13,116,564	\$14,972,886	\$28,089,450

SOUTHEAST HUMAN SERVICE CENTER	FTE	General Fund	Estimated Income	Total
Senate version	182.15	\$22,185,733	\$16,278,987	\$38,464,720
Southeast Human Service Center - House changes:				
Remove funding added in the department's base budget for additional staff at the Cooper House		(\$350,400)	\$0	(\$350,400)

Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover	(92,100)	0	(92,100)
Reduce funding for operating expenses (departmentwide reduction)	(14,086)	0	(14,086)
Total House changes - Southeast Human Service Center	<u>0.00</u>	<u>(\$456,586)</u>	<u>\$0</u>
House version - Southeast Human Service Center	<u>182.15</u>	<u>\$21,729,147</u>	<u>\$16,278,987</u>

SOUTH CENTRAL HUMAN SERVICE CENTER	FTE	General Fund	Estimated Income	Total
Senate version	<u>85.50</u>	<u>\$9,343,547</u>	<u>\$7,610,152</u>	<u>\$16,953,699</u>
South Central Human Service Center - House changes:				
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover		(\$84,020)	\$0	(\$84,020)
Reduce funding for operating expenses (departmentwide reduction)		(10,668)	0	(10,668)
Total House changes - South Central Human Service Center	<u>0.00</u>	<u>(\$94,688)</u>	<u>\$0</u>	<u>(\$94,688)</u>
House version - South Central Human Service Center	<u>85.50</u>	<u>\$9,248,859</u>	<u>\$7,610,152</u>	<u>\$16,859,011</u>

WEST CENTRAL HUMAN SERVICE CENTER	FTE	General Fund	Estimated Income	Total
Senate version	<u>135.30</u>	<u>\$14,109,532</u>	<u>\$12,630,961</u>	<u>\$26,740,493</u>
West Central Human Service Center - House changes:				
Remove funding added in the executive budget for expanding residential adult crisis bed capacity from 10 beds to 14 beds		(\$309,128)	\$0	(\$309,128)
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover		(61,420)	0	(61,420)
Reduce funding for operating expenses (departmentwide reduction)		(17,502)	0	(17,502)
Total House changes - West Central Human Service Center	<u>0.00</u>	<u>(\$388,050)</u>	<u>\$0</u>	<u>(\$388,050)</u>
House version - West Central Human Service Center	<u>135.30</u>	<u>\$13,721,482</u>	<u>\$12,630,961</u>	<u>\$26,352,443</u>

BADLANDS HUMAN SERVICE CENTER	FTE	General Fund	Estimated Income	Total
Senate version	<u>72.70</u>	<u>\$6,529,292</u>	<u>\$5,260,362</u>	<u>\$11,789,654</u>
Badlands Human Service Center - House changes:				
Reduce funding for salaries and wages for anticipated savings from vacant positions and employee turnover		(\$69,180)	\$0	(\$69,180)
Reduce funding for operating expenses (departmentwide reduction)		(12,420)	0	(12,420)
Total House changes - Badlands Human Service Center	<u>0.00</u>	<u>(\$81,600)</u>	<u>\$0</u>	<u>(\$81,600)</u>
House version - Badlands Human Service Center	<u>72.70</u>	<u>\$6,447,692</u>	<u>\$5,260,362</u>	<u>\$11,708,054</u>

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2024

In lieu of the amendments adopted by the House as printed on pages 1108 and 1109 of the House Journal, Engrossed Senate Bill No. 2024 is amended as follows:

Page 1, line 1, after "12-44.1" insert "and two new sections to chapter 50-24.1"

Page 1, line 2, after "costs" insert ", inmate medical claims processing, and medicaid coverage to inmates in certain situations"

Page 1, line 2, remove the first "and"

Page 1, line 4, after "inmates" insert "; to provide an appropriation; and to provide an effective date"

Page 3, after line 30, insert:

"SECTION 5. Two new sections to chapter 50-24.1 of the North Dakota Century Code are created and enacted as follows:

Processing of claims submitted on behalf of inmates.

The department of human services shall process claims submitted by enrolled medical providers on behalf of inmates at county jails. Each county shall pay the department a processing fee for each claim submission. The department shall establish a processing fee that may not exceed thirty dollars and shall update the fee annually on July first. The processing fee must be based on the annual costs to the department of the claims processing operations divided by the annual volume of claims submitted. The department shall invoice each county for payment of the processing fee. Beginning July 1, 2011, the department of human services shall increase the claims processing fee to recover the cost of the medicaid claims system changes. The department shall deposit the portion of the fee associated with recovering the costs of the medicaid claims system changes in the general fund.

Department to expand medicaid coverage.

After implementation of the medicaid management information system, the department of human services shall expand medicaid coverage to include medicaid-covered services provided to an inmate of the state penitentiary or a county jail who would be eligible for medicaid if the inmate were not incarcerated and who is admitted to an inpatient hospital setting.

SECTION 6. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$149,094, or so much of the sum as may be necessary, to the department of human services for the purpose of modifying the department's medicaid claims system to process claims submitted by enrolled medicaid providers on behalf of inmates of county jails under section 5 of this Act, for the biennium beginning July 1, 2011, and ending June 30, 2013.

SECTION 7. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$36,162, or so much of the sum as may be necessary, and from special funds derived from federal funds and other income, the sum of \$36,162, to the department of human services for the purpose of modifying the department's eligibility systems to process inpatient hospital claims for inmates of the state penitentiary and county jails under section 5 of this Act, for the biennium beginning July 1, 2011, and ending June 30, 2013.

SECTION 8. EFFECTIVE DATE. Section 5 of this Act becomes effective upon the completion of the necessary changes to the department of human services' medicaid claims processing and eligibility systems."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2043

In lieu of the amendments adopted by the House as printed on page 1067 of the House Journal, Engrossed Senate Bill No. 2043 is amended as follows:

Page 1, line 5, after "payment" insert "system"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2268

In lieu of the amendments adopted by the House as printed on page 1115 of the House Journal, Engrossed Senate Bill No. 2268 is amended as follows:

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

1. The pilot program must provide a matching grant to a qualified applicant that is a nonprofit intermediate care facility for the mentally retarded which is licensed by the department of human services.
2. A qualified applicant shall establish the availability of one dollar of nonstate, cash matching funds for each grant dollar awarded under this section. The source of the matching funds may not be a gift or grant, but must be funds of the applicant.
3. A qualified applicant shall submit a plan for the funding, development, and delivery of skilled services to individuals with autism spectrum disorder who reside within the applicant's service region. The plan must provide for the establishment of a regional autism spectrum disorder center of early intervention and achievement in a city with a population of more than ten thousand.
4. As a condition of award of a grant under this program, a qualified applicant shall agree to collaborate with the department of human services in developing and implementing the plan as well as postaward monitoring by the department of human services.
5. The department of human services shall report to the legislative management before September 1, 2012, on the preliminary findings and recommendations of the pilot program.

SECTION 2. AUTISM STUDY - LEGISLATIVE MANAGEMENT STUDY. During the 2011-12 interim, the legislative management shall consider studying the current system for the diagnosis of, early treatment of, care for, and education of individuals with autism spectrum disorder. The study must include a review of a sliding fee scale for payment of services and the value of services provided. The study must consider the recommendations of the autism spectrum disorder task force and must seek input from stakeholders in the private and public sectors, including families impacted by autism spectrum disorder, insurers, educators, treatment providers, early childhood service providers, caretakers, and nonprofit intermediate care facilities for the mentally retarded. The legislative management

shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly.

SECTION 3. EXPIRATION DATE. Section 1 of this Act is effective through December 31, 2012, and after that date is ineffective."

Renumber accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2298

In lieu of the amendments adopted by the House as printed on page 1073 of the House Journal, Reengrossed Senate Bill No. 2298 is amended as follows:

Page 1, line 4, after the first semicolon insert "and"

Page 1, line 4, remove "; and to provide an"

Page 1, line 5, remove "appropriation"

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

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

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

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

Page 3, remove lines 23 through 31

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2306

Page 1, line 1, replace the second "and" with a comma

Page 1, line 1, after "6-09.7-03" insert ", and 6-09.7-05"

Page 1, line 2, remove "and"

Page 1, line 4, after "guarantees" insert "; and to provide an expiration date"

Page 1, line 23, after the second comma insert "farm credit associations."

Page 2, line 6, replace "twenty-five" with "twelve"

Page 2, line 6, remove the overstrike over "~~five hundred thousand~~"

Page 2, line 7, replace "fifty" with "twenty-five"

Page 2, after line 7, insert:

"SECTION 3. AMENDMENT. Section 6-09.7-05 of the North Dakota Century Code is amended and reenacted as follows:

6-09.7-05. Establishment and maintenance of adequate guarantee funds - Use of lands and minerals trust.

The Bank of North Dakota shall establish and at all times maintain an adequate guarantee reserve fund in a special account in the Bank. ~~The guarantee-reserve fund must be maintained~~Bank may request the director of the office of management and budget to transfer funds from the lands and minerals trust created by section 15-08.1-08 ~~and any moneys transferred from the lands and minerals trust to maintain the~~to maintain twenty-five percent of the guarantee reserve fund balance. Transfers from the lands and minerals trust may not exceed a total of six million two hundred fifty thousand dollars. Moneys in the guarantee reserve fund are available to

reimburse lenders for guaranteed loans in default. The securities in which the moneys in the reserve fund may be invested must meet the same requirements as those authorized for investment under the state investment board. The income from such investments must be made available for the costs of administering the state guarantee loan program and income in excess of that required to pay the cost of administering the program shall be deposited in the reserve fund. The amount of reserves for all guaranteed loans must be determined by a formula which will assure, as determined by the Bank, an adequate amount of reserve."

Page 2, after line 8, insert:

"SECTION 5. EXPIRATION DATE. This Act is effective through July 31, 2013, and after that date is ineffective."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE CONCURRENT RESOLUTION
NO. 4015**

Page 1, line 1, after "peace" insert "through strength"

Page 1, line 2, replace "disengage" with "support"

Page 1, line 2, replace "from" with "on"

Page 1, line 2, after "countries" insert "and around the world"

Page 1, line 4, replace "reduce" with "prevent"

Page 1, line 4, replace "Sates and" with "States"

Page 1, line 5, after "environment" insert "and to encourage a just rule of law"

Page 1, remove lines 6 and 7

Page 1, line 9, replace "continued" with "declining"

Page 1, replace lines 13 through 15 with:

"WHEREAS, it would be disruptive in the move toward democracy to abandon the cause to which our brave patriots have sacrificed so much while we enjoy our safety and security here at home; and"

Page 1, line 17, after "Iraq" insert "and Afghanistan"

Page 1, line 17, remove "Afghanistan and"

Page 1, line 18, after "Iraq" insert "and Afghanistan"

Page 1, line 18, after "peace" insert "and freedom"

Page 1, line 22, after "peace" insert ", freedom, and democratic rule of law"

Page 1, line 22, after the first "and" insert "a just rule of law in"

Page 1, line 22, replace "with" with "through"

Page 1, line 23, replace "the" with "international and"

Page 1, line 23, replace the comma with "as they disengage from conflict and assist these countries in the transition to peaceful and stable governments while continuing"

Page 1, line 23, replace "disengage and safely withdraw" with "support and honor"

Page 1, line 23, remove "from those"

Page 1, line 24, replace "countries at the appropriate time" with "who have dedicated themselves to protecting the United States of America and helped to bring an end to violence against women and all citizens and have promoted the just cause of freedom around the world"

Page 1, line 24, remove "reasonable expenditures of funds,"

Page 1, line 25, replace "peaceful methods for decreasing" with "appropriate means, our brave military personnel and their families, and to support effective and secure governments in Iraq and Afghanistan which will decrease"

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 2017, SB 2227, SB 2308, SB 2369.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2017

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

Page 1, replace lines 13 through 15 with:

"Capital assets	3,965,000	918,170	4,883,170
Grants	6,544,000	1,174,500	7,718,500
Land habitat and deer	11,080,162	1,824,524	12,904,686"

Page 1, replace lines 21 and 22 with:

"Wildlife services	<u>768,800</u>	<u>(368,800)</u>	<u>400,000</u>
Total special funds	\$59,463,938	\$6,455,004	\$65,918,942"

Page 2, after line 14, insert:

"SECTION 4. MISSOURI RIVER ENFORCEMENT. The Missouri River enforcement line item in section 1 of this Act includes the sum of \$200,000 for salaries and operating expenses of department employees coordinating or performing Missouri River law enforcement activities and for grants to local law enforcement agencies performing Missouri River law enforcement activities. The department may not use any of the funds for the purchase of equipment with a cost of \$3,000 or more.

SECTION 5. LEGISLATIVE MANAGEMENT STUDY - WILDLIFE SERVICES. During the 2011-12 interim, the legislative management shall consider studying the cooperative agreement between the agriculture commissioner and the United States department of agriculture wildlife services program. The study, if conducted, must include a review of current program funding sources and a review of wildlife damage control programs in other states. 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 2, line 15, replace "\$100,000" with "\$400,000"

Page 2, line 17, after "road" insert ", funding of \$850,000 included in the land habitat and deer line item in section 1 of this Act relating to hunting access and deer depredation,"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2017 - Game and Fish Department - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$24,019,028	\$24,019,028		\$24,019,028
Operating expenses	12,524,493	12,524,493		12,524,493
Capital assets	4,183,170	4,183,170	700,000	4,883,170
Grants	7,718,500	7,418,500	300,000	7,718,500
Land habitat and deer	12,054,686	12,054,686	850,000	12,904,686
Noxious weed control	600,000	600,000		600,000
Missouri River enforcement	200,000	200,000		200,000
Grants, gifts, and donations	800,000	800,000		800,000
Nongame wildlife conservation	120,000	120,000		120,000
Lonetree Reservoir	1,749,065	1,749,065		1,749,065
Wildlife Services	768,800	868,800	(468,800)	400,000
Total all funds	\$64,737,742	\$64,537,742	\$1,381,200	\$65,918,942
Less estimated income	64,737,742	64,537,742	1,381,200	65,918,942
General fund	\$0	\$0	\$0	\$0
FTE	157.00	157.00	0.00	157.00

Department No. 720 - Game and Fish Department - Detail of House Changes

	Adds Funding for Land Purchases¹	Restores Funding for Grahams Island State Park Road Project²	Increases Spending Authority for Hunting Access and Deer Depredation³	Adjusts Funding for Wildlife Services⁴	Total House Changes
Salaries and wages					
Operating expenses					
Capital assets	700,000				700,000
Grants		300,000			300,000
Land habitat and deer			850,000		850,000
Noxious weed control					
Missouri River enforcement					
Grants, gifts, and donations					
Nongame wildlife conservation					
Lonetree Reservoir					
Wildlife Services				(468,800)	(468,800)
Total all funds	\$700,000	\$300,000	\$850,000	(\$468,800)	\$1,381,200
Less estimated income	700,000	300,000	850,000	(468,800)	1,381,200
General fund	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00

¹ Funding for Game and Fish Department land purchases is increased by \$700,000 to provide total funding of \$1.5 million.

² Funding of \$300,000 removed by the Senate for the Grahams Island State Park road project is restored to provide total grant funding of \$400,000 for the project.

³ The land habitat and deer depredation line item is increased due to anticipated additional federal funding for hunting access programs and greater than anticipated requests for deer depredation assistance. The funding is declared to be an emergency measure.

⁴ Funding provided to the Agriculture Department from the game and fish fund for wildlife depredation purposes is reduced from \$868,800 to \$400,000.

This amendment also:

- Provides that funding for Missouri River law enforcement activities may be used for salaries and operating expenses for department employees coordinating or performing Missouri River law enforcement activities and for grants to local law enforcement agencies performing Missouri River law enforcement activities. The funding may not be used to purchase equipment with a cost of \$3,000 or more.

- Provides for a Legislative Management study of the United States Department of Agriculture Wildlife Services program.
-

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2227

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "20.1-02-05" insert ", and a new section to chapter 20.1-02"

Page 1, line 3, after "reenact" insert "subsection 17 of section 20.1-02-05 and"

Page 1, line 4, after "to" insert "the private land habitat and access improvement program,"

Page 1, line 5, after "program" insert a comma

Page 1, line 11, replace the first "or" with an underscored comma

Page 1, line 11, after the first underscored comma insert "or"

Page 1, line 11, remove ", or for any other economic purpose"

Page 1, line 18, after the underscored period insert "A landowner dissatisfied with a decision of the director under this subsection may submit the decision to the agricultural mediation service for mandatory mediation. A decision of an agricultural mediation service negotiator is subject to review by the credit review board. A decision of the credit review board under this subsection is final."

Page 1, line 19, replace "March" with "January"

Page 1, after line 20, insert:

"SECTION 3. AMENDMENT. Subsection 17 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

17. Carry out a private land habitat and access improvement program by:
 - a. Entering cost-sharing, habitat enhancement, and access agreements with landowners or agencies working on private land to help defray all or a portion of their share of local, state, or federally sponsored conservation practices considered beneficial to fish and wildlife.
 - b. Leasing and developing fish and wildlife habitat or sport fishing areas on private land. Public~~Except for purposes of subdivision i, public~~ access to leased land may not be prohibited.
 - c. Carrying out practices that will alleviate depredations caused by predatory animals and big game animals.
 - d. Publishing a brochure on an annual basis describing areas funded from the game and fish department private land habitat and access improvement fund which are open to public access in this state.
 - e. Receiving advice from the game and fish advisory board concerning expenditures from the game and fish department private land habitat and access improvement fund.
 - f. Working with livestock producers experiencing chronic deer depredation problems to develop site-specific deer depredation management plans.
 - g. Giving first consideration to producers impacted by deer foraging on stored winter forage when purchasing winter deer management supplies.

- h. Making available the sum of one million dollars from each biennial game and fish department appropriation to be used to provide feeding and other winter management practices to alleviate depredation caused by big game animals. Any unexpended funds under this subdivision, up to two million dollars, are not subject to section 54-44.1-11 and may be carried forward for expenditure in future bienniums.
- i. Making available the sum of one hundred thousand dollars from each biennial game and fish appropriation to be used for food plots on private property for the purpose of providing winter feed. These food plots are not subject to public access considerations."

Page 2, line 9, after the second period insert "For winter management program purposes of this section, a person may not willfully hunt, harass, chase, pursue, take, attempt to take, possess, transport, ship, convey by common carrier, sell, barter, or exchange a deer except as provided in this title.

SECTION 5. A new section to chapter 20.1-02 of the North Dakota Century Code is created and enacted as follows:

Deer reduction programs.

The director or the director's designee may authorize an individual to euthanize injured, sick, or emaciated deer under conditions determined by the director. The director may authorize targeted deer reduction programs to alleviate deer depredation."

Page 2, line 13, replace "A" with "Except as otherwise provided in section 20.1-02-28, a"

Page 2, line 13, remove "willfully"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2308

In addition to the amendments adopted by the House as printed on page 1138 of the House Journal, Engrossed Senate Bill No. 2308 is further amended as follows:

Page 1, after line 23, insert:

"SECTION 4. PROJECT PLANNING AND IMPLEMENTATION. The highway patrol shall involve the information technology department in the study and planning of the motor carrier electronic permit project, for the biennium beginning July 1, 2011, and ending June 30, 2013. The highway patrol shall include representatives of the information technology department on the project team responsible for the study and planning of the project and receive approval from the information technology department prior to proceeding with any study recommendations relating to the project."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2369

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

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

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

Page 1, after line 4, insert:

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

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

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

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

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

Page 1, remove line 14

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

Page 1, line 18, after the period insert "The funding provided in this section is to be considered one-time funding and any unspent funds are not available for future snow removal assistance, but may be used only for the state share of funding required to match federal funds for expenses associated with presidential-declared disasters in the state."

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

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

Page 2, line 4, remove "for"

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

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

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

Page 2, line 7, after "State" insert "share of funding required to match federal funds for"

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

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

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

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

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

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

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

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

Page 2, replace lines 13 and 14 with:

- "b. The adjutant general may spend funds for purposes as provided for in this subsection only to the extent that federal funds are not available for this flood disaster relief or these disaster mitigation projects as certified by the adjutant general to the office of management and budget.

- c. Total expenses paid from the state disaster relief fund under this subsection may not exceed \$3,200,000.
- 3. a. Notwithstanding the provisions of section 37-17.1-27, grants to political subdivisions for a portion of the local share required to match federal funds on road grade raising projects located on any natural body of water without a natural outlet that comprises more than one hundred fifty thousand acres at current water levels and has risen more than twenty-five feet since 1993, subject to the road:
 - (1) Qualifying for federal emergency management agency grade raise matching funds;
 - (2) Being expected to become inundated for six months or more after April 1, 2011;
 - (3) Being the only access road to a residence; and
 - (4) Being identified as a primary road in the county strategic road plan.
- b. The state will pay the state share required to match federal funds on eligible road grade raising projects and:
 - (1) Fifty percent of the local share on eligible county or township roads for a county or township that has lost up to thirty-three percent of its taxable land within the township where the road is located due to inundated lands since 1993.
 - (2) Seventy-five percent of the local share on eligible county or township roads for a county or township that has lost more than thirty-three percent but less than fifty percent of its taxable land within the township where the road is located due to inundated lands since 1993.
 - (3) Ninety percent of the local share on eligible county or township roads for a county or township that has lost fifty percent or more of its taxable land within the township where the road is located due to inundated lands since 1993."

Page 2, line 15, replace "3." with "4."

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

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2369 - Adjutant General - House Action

The amendment:

- Changes Section 37-17.1-27, relating to the state disaster relief fund, to limit use of money in the fund for only the required state share of funding to match federal funds for expenses associated with presidential-declared disasters in the state and to require Emergency Commission and Budget Section approval of the use of money in the fund.
- Provides that the \$9 million for emergency snow removal grant is to be considered one-time funding and any unspent funds are not available for future snow removal assistance, but may be used only for the state share of funding required to match

federal funds for expenses associated with presidential-declared disasters in the state. The years used to determine average snow removal costs are changed to 2004 through 2008, rather than 2004 through 2010 with the highest and lowest snow removal cost years being disregarded.

- Limits funding available for flood disaster relief or disaster mitigation projects in eligible incorporated cities to \$3.2 million.
- Adds authorization to provide grants to political subdivisions for a portion of the local share required to match federal funds on road grade raising projects. Road grade raising grants are limited to 50 percent of the local share for political subdivisions that lost up to 33 percent of taxable land due to inundated lands since 1993, 75 percent for political subdivisions that have lost 33 percent to 50 percent, and 90 percent for political subdivisions that have lost 50 percent or more.
- Requires Emergency Commission and Budget Section approval of disaster relief grants, except emergency snow removal grants.
-

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2028.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2019, SB 2253, SB 2271, and SB 2327, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2019: Sens. Krebsbach; Erbele; O'Connell

SB 2253: Sens. Sorvaag; Schaible; Marcellais

SB 2271: Sens. Dever; Berry; Mathern

SB 2327: Sens. Dever; Cook; Nelson

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2047, SB 2129, SB 2161, and SB 2320, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2047: Sens. Hogue; Cook; Dotzenrod

SB 2129: Sens. Burckhard; Miller; Dotzenrod

SB 2161: Sens. Olafson; Andrist; Dotzenrod

SB 2320: Sens. Oehlke; Miller; Triplett

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 2085: Reps. Wall; Schmidt; Mueller

SB 2206: Reps. Kreun; Clark; Boe

SB 2222: Reps. D. Johnson; Trottier; Holman

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 1002, HB 1011, HB 1266, and HB 1468, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1002: Reps. Dahl; Kempenich; Kroeber

HB 1011: Reps. Kempenich; Thoreson; Glassheim

HB 1266: Reps. Hofstad; Devlin; Kilichowski

HB 1468: Reps. Wieland; Grande; Guggisberg

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 1005, HB 1007, HB 1029, HB 1248, and HB 1447, and the Speaker has appointed as a conference

committee to act with a like committee from the Senate on:

HB 1005: Reps. Wieland; Kreidt; Metcalf
HB 1007: Reps. Kreidt; J. Nelson; Metcalf
HB 1029: Reps. Rust; Sanford; Mueller
HB 1248: Reps. Karls; Sanford; Hunskor
HB 1447: Reps. Koppelman; Hatlestad; Zaiser

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 1057: Sens. Hogue; Oehlke; Triplett
HB 1268: Sens. Cook; Hogue; Dotzenrod

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 1174: Sens. Uglem; Berry; J. Lee

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

MR. PRESIDENT: Your signature is respectfully requested on: 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, HB 1313.

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

MR. PRESIDENT: The Speaker has signed: 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 HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The President has signed: SB 2232.

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

MR. SPEAKER: The President has signed: 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.

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

MR. PRESIDENT: The Speaker has signed: HCR 3011, HCR 3015, HCR 3038, HCR 3043, HCR 3045.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on April 6, 2011: SB 2232.

MOTION

SEN. CHRISTMANN 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., Thursday, April 7, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1003, as engrossed: 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). Engrossed HB 1003 was placed on the Sixth order on the calendar.

Page 1, line 3, after "projects" insert "; to amend and reenact sections 15-10-08 and 15-70-04, subsection 3 of section 43-12.2-03, subsection 3 of section 43-17.2-03, and section 57-51.1-07.4 of the North Dakota Century Code, relating to state board of higher education member compensation, eligibility for the medical personnel loan repayment program, eligibility for the physician loan repayment program, and grants for nonbeneficiary students enrolled in tribally controlled community colleges; to provide legislative intent; to provide for a report; to provide for legislative management studies"

Page 1, remove lines 13 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 30

Page 6, remove lines 1 through 29

Page 7, replace lines 1 through 5 with:

"Subdivision 1.

NORTH DAKOTA UNIVERSITY SYSTEM OFFICE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Capital assets	\$12,014,048	\$240,721	\$12,254,769
Competitive research program	7,050,000	0	7,050,000
System governance	7,185,612	(8,340)	7,177,272
Title II	695,600	0	695,600
System information technology	30,230,038	5,776,629	36,006,667
services			
Professional liability insurance	1,100,000	(300,000)	800,000
Student financial assistance grants	19,374,022	0	19,374,022
Professional student exchange program	3,337,100	(15,662)	3,321,438
Academic and technical education	3,000,000	(3,000,000)	0
scholarships			
Two-year campus marketing	800,000	0	800,000
Scholars program	2,113,584	0	2,113,584
Native American scholarships	381,292	192,975	574,267
Tribally controlled community college	700,000	300,000	1,000,000
grants			
Security and emergency preparedness	750,000	(750,000)	0
Education incentive programs	3,176,344	0	3,176,344
Science, technology, engineering, and	1,500,000	(1,500,000)	0

mathematics teacher education			
enhancement			
Grants	100,000	(100,000)	0
Student mental health	0	168,000	168,000
Academic and technical program	<u>0</u>	<u>1,000,000</u>	<u>1,000,000</u>
revolving fund			
Total all funds	\$93,507,640	\$2,004,323	\$95,511,963
Less estimated income	<u>4,748,958</u>	<u>(994,240)</u>	<u>3,754,718</u>
Total general fund	\$88,758,682	\$2,998,563	\$91,757,245
Full-time equivalent positions	23.30	0.00	23.30

Subdivision 2.

BISMARCK STATE COLLEGE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$24,204,005	\$3,531,623	\$27,735,628
Capital assets	<u>243,481</u>	<u>13,767,125</u>	<u>14,010,606</u>
Total all funds	\$24,447,486	\$17,298,748	\$41,746,234
Less estimated income	<u>0</u>	<u>8,835,000</u>	<u>8,835,000</u>
Total general fund	\$24,447,486	\$8,463,748	\$32,911,234
Full-time equivalent positions	111.51	0.00	111.51

Subdivision 3.

LAKE REGION STATE COLLEGE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$7,956,210	\$1,203,282	\$9,159,492
Capital assets	<u>43,662</u>	<u>111,705</u>	<u>155,367</u>
Total all funds	\$7,999,872	\$1,314,987	\$9,314,859
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
Total general fund	\$7,999,872	\$1,314,987	\$9,314,859
Full-time equivalent positions	37.50	0.00	37.50

Subdivision 4.

WILLISTON STATE COLLEGE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$7,696,999	\$1,205,296	\$8,902,295
Capital assets	<u>86,475</u>	<u>5,156,326</u>	<u>5,242,801</u>

Total all funds	\$7,783,474	\$6,361,622	\$14,145,096
Less estimated income	<u>0</u>	<u>4,820,000</u>	<u>4,820,000</u>
Total general fund	\$7,783,474	\$1,541,622	\$9,325,096
Full-time equivalent positions	43.42	0.00	43.42

Subdivision 5.

UNIVERSITY OF NORTH DAKOTA

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$125,036,783	\$15,693,731	\$140,730,514
Capital assets	<u>2,300,545</u>	<u>48,158,167</u>	<u>50,458,712</u>
Total all funds	\$127,337,328	\$63,851,898	\$191,189,226
Less estimated income	<u>0</u>	<u>31,650,000</u>	<u>31,650,000</u>
Total general fund	\$127,337,328	\$32,201,898	\$159,539,226
Full-time equivalent positions	651.91	0.00	651.91

Subdivision 6.

NORTH DAKOTA STATE UNIVERSITY

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$108,367,622	\$17,124,359	\$125,491,981
Capital assets	<u>1,692,225</u>	<u>37,412,702</u>	<u>39,104,927</u>
Total all funds	\$110,059,847	\$54,537,061	\$164,596,908
Less estimated income	<u>0</u>	<u>36,100,000</u>	<u>36,100,000</u>
Total general fund	\$110,059,847	\$18,437,061	\$128,496,908
Full-time equivalent positions	584.88	0.00	584.88

Subdivision 7.

NORTH DAKOTA STATE COLLEGE OF SCIENCE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$31,607,155	\$2,777,695	\$34,384,850
Capital assets	<u>753,332</u>	<u>21,317,713</u>	<u>22,071,045</u>
Total all funds	\$32,360,487	\$24,095,408	\$56,455,895
Less estimated income	<u>0</u>	<u>10,500,000</u>	<u>10,500,000</u>
Total general fund	\$32,360,487	\$13,595,408	\$45,955,895
Full-time equivalent positions	164.87	0.00	164.87

Subdivision 8.

DICKINSON STATE UNIVERSITY

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$20,123,737	\$3,124,204	\$23,247,941
Capital assets	<u>383,690</u>	<u>25,388</u>	<u>409,078</u>
Total all funds	\$20,507,427	\$3,149,592	\$23,657,019
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
Total general fund	\$20,507,427	\$3,149,592	\$23,657,019
Full-time equivalent positions	92.96	0.00	92.96

Subdivision 9.

MAYVILLE STATE UNIVERSITY

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$11,629,616	\$1,304,283	\$12,933,899
Capital assets	<u>208,991</u>	<u>234,514</u>	<u>443,505</u>
Total all funds	\$11,838,607	\$1,538,797	\$13,377,404
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
Total general fund	\$11,838,607	\$1,538,797	\$13,377,404
Full-time equivalent positions	58.72	0.00	58.72

Subdivision 10.

MINOT STATE UNIVERSITY

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$34,623,707	\$3,287,409	\$37,911,116
Capital assets	<u>596,870</u>	<u>21,187,305</u>	<u>21,784,175</u>
Total all funds	\$35,220,577	\$24,474,714	\$59,695,291
Less estimated income	<u>0</u>	<u>15,884,555</u>	<u>15,884,555</u>
Total general fund	\$35,220,577	\$8,590,159	\$43,810,736
Full-time equivalent positions	187.83	0.00	187.83

Subdivision 11.

VALLEY CITY STATE UNIVERSITY

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$16,368,001	\$1,413,578	\$17,781,579
Capital assets	<u>258,416</u>	<u>11,513,319</u>	<u>11,771,735</u>
Total all funds	\$16,626,417	\$12,926,897	\$29,553,314
Less estimated income	<u>0</u>	<u>815,000</u>	<u>815,000</u>
Total general fund	\$16,626,417	\$12,111,897	\$28,738,314

Full-time equivalent positions	90.37	0.00	90.37
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Subdivision 12.

DAKOTA COLLEGE AT BOTTINEAU

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$5,862,372	\$770,850	\$6,633,222
Capital assets	<u>109,725</u>	<u>705,782</u>	<u>815,507</u>
Total all funds	\$5,972,097	\$1,476,632	\$7,448,729
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
Total general fund	\$5,972,097	\$1,476,632	\$7,448,729
Full-time equivalent positions	34.81	0.00	34.81

Subdivision 13.

UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH
SCIENCES

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	<u>\$40,890,401</u>	<u>\$5,155,396</u>	<u>\$46,045,797</u>
Total all funds	\$40,890,401	\$5,155,396	\$46,045,797
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
Total general fund	\$40,890,401	\$5,155,396	\$46,045,797
Full-time equivalent positions	137.43	0.00	137.43

Subdivision 14.

NORTH DAKOTA FOREST SERVICE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$4,471,040	\$641,127	\$5,112,167
Capital assets	<u>36,638</u>	<u>61,153</u>	<u>97,791</u>
Total all funds	\$4,507,678	\$702,280	\$5,209,958
Less estimated income	<u>997,486</u>	<u>0</u>	<u>997,486</u>
Total general fund	\$3,510,192	\$702,280	\$4,212,472
Full-time equivalent positions	26.00	0.00	26.00

Subdivision 15.

BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total all funds	\$539,059,338	\$218,988,355	\$758,047,693
Grand total special funds	<u>5,746,444</u>	<u>107,610,315</u>	<u>113,356,759</u>

Grand total general fund	\$533,312,894	\$111,378,040	\$644,690,934"
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Page 7, replace line 12 with:

"Dickinson state university operating funds	350,000	700,000"
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Page 7, replace lines 17 and 18 with:

"Capital projects - General fund	39,008,248	45,725,000
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Capital projects - Other funds	166,958,000	106,284,555"
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Page 7, replace line 20 with:

"Special assessments payments	0	819,357"
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Page 7, replace lines 23 through 25 with:

"Total all funds	\$257,001,168	\$156,254,912
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Total other funds	<u>197,017,920</u>	<u>108,604,555</u>
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Total general fund	\$59,983,248	\$47,650,357"
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Page 7, remove lines 30 and 31

Page 8, replace lines 1 through 4 with:

"SECTION 3. APPROPRIATION - LEGISLATIVE COUNCIL - LEGISLATIVE MANAGEMENT STUDY OF THE UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the legislative council for the purpose of defraying expenses associated with a legislative management study of the university of North Dakota school of medicine and health sciences as provided under this section, for the biennium beginning July 1, 2011, and ending June 30, 2013.

During the 2011-12 interim, the legislative management shall study the ability of the university of North Dakota school of medicine and health sciences to meet the health care needs of the state. The study must include a review of the health care needs of the state, options to address the health care needs of the state, and the feasibility and desirability of expanding the school of medicine and health sciences to meet the health care needs of the state. 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 8, after line 12, insert:

"SECTION 6. NORTH DAKOTA STATE UNIVERSITY - MINARD HALL - BUDGET SECTION REPORT. North Dakota state university may use funding of \$5,000,000 received during the biennium beginning July 1, 2007, and ending June 30, 2009, and funding of \$13,000,000 received during the biennium beginning July 1, 2009, and ending June 30, 2011, for the Minard hall project, for the biennium beginning July 1, 2011, and ending June 30, 2013. North Dakota state university shall report to the budget section regarding the status of the Minard hall project and may request increased spending authorization from the budget section for the project.

SECTION 7. PERMANENT OIL TAX TRUST FUND - TRIBALLY CONTROLLED COMMUNITY COLLEGE GRANTS. The tribally controlled community college grants line item in subdivision 1 of section 1 of this Act includes the sum of \$1,000,000 from the permanent oil tax trust fund, or so much of the sum as may be necessary, for the purpose of providing grant assistance payments to tribally controlled community colleges, for the biennium beginning July 1, 2011, and

ending June 30, 2013. No more than \$500,000 may be expended for this purpose during the first year of the biennium."

Page 9, after line 10, insert:

"SECTION 12. NORTH DAKOTA UNIVERSITY SYSTEM AND UNIVERSITY OF NORTH DAKOTA JOINT INFORMATION TECHNOLOGY BUILDING - UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES - TRANSFER AUTHORITY. The capital assets line item of subdivision 5 of section 1 of this Act includes \$14,300,000 for the North Dakota university system and university of North Dakota joint information technology building project. The state board of higher education may transfer up to \$1,800,000 of this amount to the university of North Dakota school of medicine and health sciences operations line item in subdivision 13 of section 1 of this Act for the purpose of increasing the number of students at the school of medicine and health sciences and increasing the number of medical student residency positions, for the biennium beginning July 1, 2011, and ending June 30, 2013."

Page 10, after line 4, insert:

"University of North Dakota - Flight operations center renovation 1,500,000"

Page 10, after line 8, insert:

"Minot state university - Food service renovation 1,500,000"

Page 10, replace line 10 with:

"Total special funds \$43,500,000

SECTION 16. AMENDMENT. Section 15-10-08 of the North Dakota Century Code is amended and reenacted as follows:

15-10-08. Compensation of board members - Expenses - Legislative appropriations.

Each member of the state board of higher education, except the student member, is entitled to receive as compensation one hundred forty-eight dollars per day for each calendar day actually spent devoted to the duties of office, and necessary expenses in the same manner and amounts as other state officials for attending meetings and performing other functions of office. The legislative assembly shall provide adequate funds to carry out the functions and duties of the board.

SECTION 17. AMENDMENT. Section 15-70-04 of the North Dakota Century Code is amended and reenacted as follows:

15-70-04. Submission of grant application - Distribution of grants.

1. In order to qualify for a grant under this chapter, ~~an institution~~ a tribally controlled community college shall submit an application at the time and in the manner required by the state board of higher education. The application must ~~document~~:
 - a. Include the name and address of each student who qualifies for financial assistance under this chapter; and
 - b. Document the enrollment status of each student ~~on whose account~~ who qualifies for financial assistance under this chapter is sought.
2. If an application is approved, the state board of higher education shall distribute to ~~each~~ the tribally controlled community college, during each year of the biennium, ~~five thousand three hundred four dollars per full-time equivalent nonbeneficiary student~~ an amount equivalent to the most recent per student payment provided in accordance with the Tribally

Controlled Colleges and Universities Assistance Act of 1978 [25 U.S.C. 20] for each nonbeneficiary student who is a resident of the state. If the amount appropriated is insufficient to meet the requirements of this section, the board shall distribute a prorated amount per full-time-equivalent nonbeneficiary studentprorate the amount to be distributed.

3. If after meeting the requirements of this section any amount remains available for distribution at the conclusion of each year of the biennium, the state board of higher education shall provide prorated distribution based on criteria set forth in this section.
4. At the time and in the manner determined by the state board of higher education, each tribally controlled community college receiving assistance under this section shall file a report indicating:
 - a. The graduation rate of nonbeneficiary students; and
 - b. The ratio between the amount of funding received by the tribally controlled community college under this section and the college's annual budget.

SECTION 18. AMENDMENT. Subsection 3 of section 43-12.2-03 of the North Dakota Century Code is amended and reenacted as follows:

3. A nurse practitioner, physician assistant, or certified nurse midwife who receives loan repayment under this chapter:
 - a. Must be a graduate of an accredited program, located in the United States or Canada, for the preparation of nurse practitioners, physician assistants, or certified nurse midwives;
 - b. ~~Must be enrolled in or have graduated from an accredited training program for nurse practitioners, physician assistants, or certified nurse midwives prior to or within one year after submitting an application to participate in the loan repayment program and may not have practiced full time as a nurse practitioner, physician assistant, or certified nurse midwife in this state for more than one year before the date of the application;~~
 - e. Must be licensed or registered to practice as a nurse practitioner, physician assistant, or certified nurse midwife in this state;
 - ~~d.c.~~ Shall submit an application to participate in the loan repayment program; and
 - e.d. Must have entered into an agreement with a selected community to provide full-time services for a minimum of two years at the selected community if the applicant receives a loan repayment program contract.

SECTION 19. AMENDMENT. Subsection 3 of section 43-17.2-03 of the North Dakota Century Code is amended and reenacted as follows:

3. A physician who receives loan repayment under this chapter:
 - a. Must be a graduate of an accredited four-year allopathic or osteopathic medical school located in the United States, its possessions, territories, or Canada and approved by the state board of medical examiners or by an accrediting body approved by the board;
 - b. ~~Must not have practiced full time medicine in this state for more than one year before the date of the application;~~

- e. Must have a full and unrestricted license to practice medicine in this state;
- ~~d-c.~~ Shall submit an application to participate in the loan repayment program; and
- ~~e-d.~~ Must have entered into an agreement with a selected community to provide full-time medical services for a minimum of two years at the selected community if the applicant receives a loan repayment program contract.

SECTION 20. AMENDMENT. Section 57-51.1-07.4 of the North Dakota Century Code is amended and reenacted as follows:

57-51.1-07.4. Separate allocation of state share of collections from reservation development.

Notwithstanding any other provision of law, the state treasurer shall transfer to the permanent oil tax trust fund the first ~~seven hundred thousand one million~~ dollars of the state's share of tax revenues under this chapter from oil produced from wells within the exterior boundaries of the Fort Berthold Reservation after June 30, ~~2009~~2011.

SECTION 21. LEGISLATIVE INTENT - STUDENT TUITION RATES. It is the intent of the sixty-second legislative assembly that student tuition rate increases are not to be limited due to the level of funding received for the 2011-13 biennium for student affordability. Each campus may increase tuition rates in an amount required to meet campus needs subject to state board of higher education approval. The state board of higher education may not request student affordability funding for the 2013-15 biennium and shall submit a budget request using a funding model that does not include a student affordability funding component.

SECTION 22. LEGISLATIVE INTENT - ENROLLMENT REPORTING. It is the intent of the sixty-second legislative assembly that North Dakota university system enrollment reports detailing fall semester enrollment information only include data for full-time students that are physically present on campus.

SECTION 23. LEGISLATIVE MANAGEMENT STUDY - PROGRAM TUITION RATES - WORKFORCE NEEDS. During the 2011-12 interim, the legislative management shall consider studying programs offered by North Dakota university system institutions that address the workforce needs of the state, including a review of the use of graduated tuition rates to increase enrollment in programs that address workforce needs. 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 10, line 12, replace "3, 4," with "4"

Page 10, line 12, replace "12" with "15"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1003 - Summary of Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Legislative Council				
Total all funds	\$0	\$0	\$100,000	\$100,000
Less estimated income	0	0	0	0
General fund	\$0	\$0	\$100,000	\$100,000
University System Office				
Total all funds	\$103,926,168	\$94,711,963	\$800,000	\$95,511,963
Less estimated income	3,754,718	2,754,718	1,000,000	3,754,718
General fund	\$100,171,450	\$91,957,245	(\$200,000)	\$91,757,245

Bismarck State College				
Total all funds	\$38,053,301	\$36,102,760	\$5,643,474	\$41,746,234
Less estimated income	7,500,000	7,500,000	1,335,000	8,835,000
General fund	\$30,553,301	\$28,602,760	\$4,308,474	\$32,911,234
Lake Region State College				
Total all funds	\$9,314,859	\$8,895,180	\$419,679	\$9,314,859
Less estimated income	0	0	0	0
General fund	\$9,314,859	\$8,895,180	\$419,679	\$9,314,859
Williston State College				
Total all funds	\$11,920,096	\$13,764,268	\$380,828	\$14,145,096
Less estimated income	2,820,000	4,820,000	0	4,820,000
General fund	\$9,100,096	\$8,944,268	\$380,828	\$9,325,096
University of North Dakota				
Total all funds	\$178,573,093	\$177,102,504	\$14,086,722	\$191,189,226
Less estimated income	21,700,000	21,700,000	9,950,000	31,650,000
General fund	\$156,873,093	\$155,402,504	\$4,136,722	\$159,539,226
UND Medical Center				
Total all funds	\$46,653,406	\$45,490,630	\$555,167	\$46,045,797
Less estimated income	0	0	0	0
General fund	\$46,653,406	\$45,490,630	\$555,167	\$46,045,797
North Dakota State University				
Total all funds	\$166,286,316	\$157,432,016	\$7,164,892	\$164,596,908
Less estimated income	36,100,000	36,100,000	0	36,100,000
General fund	\$130,186,316	\$121,332,016	\$7,164,892	\$128,496,908
State College of Science				
Total all funds	\$54,203,080	\$63,865,998	(\$7,410,103)	\$56,455,895
Less estimated income	10,500,000	10,500,000	0	10,500,000
General fund	\$43,703,080	\$53,365,998	(\$7,410,103)	\$45,955,895
Dickinson State University				
Total all funds	\$31,757,019	\$22,186,024	\$1,470,995	\$23,657,019
Less estimated income	0	0	0	0
General fund	\$31,757,019	\$22,186,024	\$1,470,995	\$23,657,019
Mayville State University				
Total all funds	\$13,685,384	\$12,918,898	\$458,506	\$13,377,404
Less estimated income	0	0	0	0
General fund	\$13,685,384	\$12,918,898	\$458,506	\$13,377,404
Minot State University				
Total all funds	\$43,860,736	\$42,990,973	\$16,704,318	\$59,695,291
Less estimated income	5,050,000	5,050,000	10,834,555	15,884,555
General fund	\$38,810,736	\$37,940,973	\$5,869,763	\$43,810,736
Valley City State University				
Total all funds	\$27,259,465	\$18,487,763	\$11,065,551	\$29,553,314
Less estimated income	815,000	815,000	0	815,000
General fund	\$26,444,465	\$17,672,763	\$11,065,551	\$28,738,314
Dakota College at Bottineau				
Total all funds	\$6,748,729	\$6,476,512	\$972,217	\$7,448,729
Less estimated income	0	0	0	0
General fund	\$6,748,729	\$6,476,512	\$972,217	\$7,448,729
Forest Service				
Total all funds	\$5,209,958	\$5,209,958	\$0	\$5,209,958
Less estimated income	997,486	997,486	0	997,486
General fund	\$4,212,472	\$4,212,472	\$0	\$4,212,472
Bill total				
Total all funds	\$737,451,610	\$705,635,447	\$52,412,246	\$758,047,693
Less estimated income	89,237,204	90,237,204	23,119,555	113,356,759
General fund	\$648,214,406	\$615,398,243	\$29,292,691	\$644,690,934

House Bill No. 1003 - Legislative Council - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Legislative Management study			\$100,000	\$100,000
Total all funds	\$0	\$0	\$100,000	\$100,000
Less estimated income	0	0	0	0
General fund	\$0	\$0	\$100,000	\$100,000
FTE	0.00	0.00	0.00	0.00

Department No. 160 - Legislative Council - Detail of Senate Changes

	Adds Funding for a Legislative Management Study ¹	Total Senate Changes
Legislative Management study	\$100,000	\$100,000
Total all funds	\$100,000	\$100,000
Less estimated income	0	0
General fund	\$100,000	\$100,000
FTE	0.00	0.00

¹ Funding is added for a Legislative Management study of the University of North Dakota School of Medicine and Health Sciences.

House Bill No. 1003 - North Dakota University System - General Fund Summary

	Executive Budget	House Version	Senate Changes	Senate Version
University System Office	100,171,450	91,957,245	(200,000)	91,757,245
Bismarck State College	30,553,301	28,602,760	4,308,474	32,911,234
Lake Region State College	9,314,859	8,895,180	419,679	9,314,859
Williston State College	9,100,096	8,944,268	380,828	9,325,096
University of North Dakota	156,873,093	155,402,504	4,136,722	159,539,226
UND Medical Center	46,653,406	45,490,630	555,167	46,045,797
North Dakota State University	130,186,316	121,332,016	7,164,892	128,496,908
State College of Science	43,703,080	53,365,998	(7,410,103)	45,955,895
Dickinson State University	31,757,019	22,186,024	1,470,995	23,657,019
Mayville State University	13,685,384	12,918,898	458,506	13,377,404
Minot State University	38,810,736	37,940,973	5,869,763	43,810,736
Valley City State University	26,444,465	17,672,763	11,065,551	28,738,314
Dakota College at Bottineau	6,748,729	6,476,512	972,217	7,448,729
Forest Service	4,212,472	4,212,472		4,212,472
Total general fund	\$648,214,406	\$615,398,243	\$29,192,691	\$644,590,934

Detail of Senate changes to the General Fund

	Restores Tuition Affordability Funding ¹	Restores Equity Funding ²	Restores STEM Teacher Education Enhancement Funding ³	Reduces Funding for University System Office Operations ⁴	Restores Funding for Tribal College Assistance Grants ⁵	Adds One-Time Funding for Dickinson State University Operations ⁶
University System Office				(\$200,000)		
Bismarck State College	731,556	543,985				
Lake Region State College	200,540	219,139				
Williston State College	214,161	166,667				
University of North Dakota	1,676,738	2,459,984				
UND Medical Center	571,224	591,552				
North Dakota State University	1,858,284	4,698,999				
State College of Science	604,037	166,667				
Dickinson State University	48,128	472,867	250,000			700,000
Mayville State University	41,839	166,667	250,000			
Minot State University	439,621	180,142	250,000			
Valley City State University	148,884	166,667	250,000			
Dakota College at Bottineau	105,550	166,667				
Forest Service						
Total general fund	\$6,640,562	\$10,000,003	\$1,000,000	(\$200,000)	\$0	\$700,000

	Adjusts Funding for Special Assessment Payments ⁷	Adjusts Funding for Master's Degree in Public Health Program ⁸	Adjusts Funding for Capital Projects ⁹	Total General Fund Changes
University System Office				(\$200,000)
Bismarck State College	32,933		3,000,000	4,308,474
Lake Region State College				419,679
Williston State College				380,828
University of North Dakota				4,136,722
UND Medical Center		(607,609)		555,167
North Dakota State University		607,609		7,164,892
State College of Science	(807)		(8,180,000)	(7,410,103)
Dickinson State University				1,470,995
Mayville State University				458,506
Minot State University			5,000,000	5,869,763
Valley City State University			10,500,000	11,065,551

Dakota College at Bottineau Forest Service			700,000	972,217
Total general fund	\$32,126	\$0	\$11,020,000	\$29,192,691

House Bill No. 1003 - North Dakota University System - Other Funds Summary

	Executive Budget	House Version	Senate Changes	Senate Version
University System Office	3,754,718	2,754,718	1,000,000	3,754,718
Bismarck State College	7,500,000	7,500,000	1,335,000	8,835,000
Lake Region State College				
Williston State College	2,820,000	4,820,000		4,820,000
University of North Dakota	21,700,000	21,700,000	9,950,000	31,650,000
UND Medical Center				
North Dakota State University	36,100,000	36,100,000		36,100,000
State College of Science	10,500,000	10,500,000		10,500,000
Dickinson State University				
Mayville State University				
Minot State University	5,050,000	5,050,000	10,834,555	15,884,555
Valley City State University	815,000	815,000		815,000
Dakota College at Bottineau Forest Service	997,486	997,486		997,486
Total other funds	\$89,237,204	\$90,237,204	\$23,119,555	\$113,356,759

Detail of Senate changes to Other Funds

	Restores Tuition Affordability Funding¹	Restores Equity Funding²	Restores STEM Teacher Education Enhancement Funding³	Reduces Funding for University System Office Operations⁴	Restores Funding for Tribal College Assistance Grants⁵	Adds One-Time Funding for Dickinson State University Operations⁶
University System Office					\$1,000,000	
Bismarck State College						
Lake Region State College						
Williston State College						
University of North Dakota						
UND Medical Center						
North Dakota State University						
State College of Science						
Dickinson State University						
Mayville State University						
Minot State University						
Valley City State University						
Dakota College at Bottineau Forest Service						
Total other funds	\$0	\$0	\$0	\$0	\$1,000,000	\$0

	Adjusts Funding for Special Assessment Payments⁷	Adjusts Funding for Master's Degree in Public Health Program⁸	Adjusts Funding for Capital Projects⁹	Total Other Funds Changes
University System Office				\$1,000,000
Bismarck State College			1,335,000	1,335,000
Lake Region State College				
Williston State College				
University of North Dakota			9,950,000	9,950,000
UND Medical Center				
North Dakota State University				
State College of Science				
Dickinson State University				
Mayville State University				
Minot State University			10,834,555	10,834,555
Valley City State University				
Dakota College at Bottineau Forest Service				
Total other funds	\$0	\$0	\$22,119,555	\$23,119,555

House Bill No. 1003 - North Dakota University System - All Funds Summary

	Executive Budget	House Version	Senate Changes	Senate Version
University System Office	103,926,168	94,711,963	800,000	95,511,963
Bismarck State College	38,053,301	36,102,760	5,643,474	41,746,234
Lake Region State College	9,314,859	8,895,180	419,679	9,314,859
Williston State College	11,920,096	13,764,268	380,828	14,145,096
University of North Dakota	178,573,093	177,102,504	14,086,722	191,189,226
UND Medical Center	46,653,406	45,490,630	555,167	46,045,797
North Dakota State University	166,286,316	157,432,016	7,164,892	164,596,908

State College of Science	54,203,080	63,865,998	(7,410,103)	56,455,895
Dickinson State University	31,757,019	22,186,024	1,470,995	23,657,019
Mayville State University	13,685,384	12,918,898	458,506	13,377,404
Minot State University	43,860,736	42,990,973	16,704,318	59,695,291
Valley City State University	27,259,465	18,487,763	11,065,551	29,553,314
Dakota College at Bottineau	6,748,729	6,476,512	972,217	7,448,729
Forest Service	5,209,958	5,209,958		5,209,958
Total all funds	\$737,451,610	\$705,635,447	\$52,312,246	\$757,947,693
FTE	2245.51	2245.51	0.00	2245.51

Detail of Senate changes to All Funds

	Restores Tuition Affordability Funding ¹	Restores Equity Funding ²	Restores STEM Teacher Education Enhancement Funding ³	Reduces Funding for University System Office Operations ⁴	Restores Funding for Tribal College Assistance Grants ⁵	Adds One-Time Funding for Dickinson State University Operations ⁶
University System Office				(\$200,000)	\$1,000,000	
Bismarck State College	731,556	543,985				
Lake Region State College	200,540	219,139				
Williston State College	214,161	166,667				
University of North Dakota	1,676,738	2,459,984				
UND Medical Center	571,224	591,552				
North Dakota State University	1,858,284	4,698,999				
State College of Science	604,037	166,667				
Dickinson State University	48,128	472,867	250,000			700,000
Mayville State University	41,839	166,667	250,000			
Minot State University	439,621	180,142	250,000			
Valley City State University	148,884	166,667	250,000			
Dakota College at Bottineau	105,550	166,667				
Forest Service						
Total all funds	\$6,640,562	\$10,000,003	\$1,000,000	(\$200,000)	\$1,000,000	\$700,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adjusts Funding for Special Assessment Payments ⁷	Adjusts Funding for Master's Degree in Public Health Program ⁸	Adjusts Funding for Capital Projects ⁹	Total All Funds Changes
University System Office				\$800,000
Bismarck State College	32,933		4,335,000	5,643,474
Lake Region State College				419,679
Williston State College				380,828
University of North Dakota			9,950,000	14,086,722
UND Medical Center		(607,609)		555,167
North Dakota State University		607,609		7,164,892
State College of Science	(807)		(8,180,000)	(7,410,103)
Dickinson State University				1,470,995
Mayville State University				458,506
Minot State University			15,834,555	16,704,318
Valley City State University			10,500,000	11,065,551
Dakota College at Bottineau			700,000	972,217
Forest Service				
Total all funds	\$32,126	\$0	\$33,139,555	\$52,312,246
FTE	0.00	0.00	0.00	0.00

¹ Funding removed by the House to limit tuition increases at institutions is restored.

² Funding removed by the House for equity distributions to institutions is restored.

³ Funding removed by the House for STEM teacher education enhancement is restored for nonresearch institutions.

⁴ Operations funding from the general fund for the University System office is reduced by \$200,000.

⁵ Funding from the permanent oil tax trust fund removed by the House for grants to tribally controlled community colleges is restored.

⁶ One-time funding from the general fund is added for Dickinson State University as a result of decreased revenues estimated to be received from oil royalties.

⁷ Funding for 2011-13 special assessment payments is adjusted to reflect updated calculations for Bismarck State College and the State College of Science.

⁸ Funding is transferred from the University of North Dakota School of Medicine and Health Sciences to North Dakota State University for the new joint master's degree in public health program to be administered by both institutions. The executive recommendation provided all funding for the program to the University of North Dakota School of Medicine and Health Sciences.

⁹ Funding is adjusted for the following capital projects:

- **Bismarck State College** - Funding of \$3 million from the general fund and \$1,335,000 from other funds is added for the National Energy Center of Excellence fourth floor project. The House provided funding of \$4,335,000 for the project from unspent 2009-11 general fund appropriations relating to the Great Plains Applied Energy Research Center project which is removed by this amendment.
- **University of North Dakota** - Special fund authority of \$7.7 million is added for the North Dakota University System/University of North Dakota joint information technology building in addition to funding provided from the general fund. The executive recommendation included \$11.2 million of funding from the general fund for the project, and the House increased the general fund amount to \$14.3 million. Special fund authority of \$2.25 million is also provided for the University of North Dakota flight operations center renovation project.
- **State College of Science** - Funding from the general fund of \$8,180,000 for the State College of Science Old Main project is removed.
- **Minot State University** - Funding of \$5 million from the general fund and \$8,734,555 from other funds is added for the geothermal energy project. Special fund authority is also added for a food service remodeling project from revenue bonding proceeds (\$1.5 million) and for the physical plant building project from Bank of North Dakota loan proceeds (\$600,000). The physical plant building project is also estimated to include \$650,000 of unspent 2009-11 biennium general fund appropriations.
- **Valley City State University** - Funding of \$10.5 million from the general fund is provided for the Rhoades Science Center project. The executive recommendation provided funding of \$7,971,000 from the general fund which was removed by the House.
- **Dakota College at Bottineau** - Funding of \$700,000 from the general fund is added for campus improvements.

House Bill No. 1003 - Other Changes - Senate Action

This amendment also:

- Provides North Dakota State University with authority to use 2007-09 and 2009-11 biennium funding for the Minard Hall project in the 2011-13 biennium and requires Budget Section reports on the status of the project.
- Adds a section to allow the State Board of Higher Education to transfer \$1.8 million of the general fund appropriation from the North Dakota University System/University of North Dakota joint information technology building project to the University of North Dakota School of Medicine and Health Sciences for the purpose of increasing medical school class sizes.
- Adjusts Section 15 to provide revenue bonding authorization for the Minot State University food service remodeling project (\$1.5 million) and a portion of the University of North Dakota flight operations center project (\$1.5 million).
- Adds a section to amend Section 15-10-08 to increase the daily compensation of members of the State Board of Higher Education from \$100 per day to \$148 per day.
- Adds two sections to amend Sections 43-12.2-03 and 43-17.2-03 relating to the eligibility requirements for the medical personnel loan repayment program and the physician loan repayment program.
- Adds two sections to amend Sections 15-70-04 and 57-51.1-07.4 relating to grants

to tribally controlled community colleges for nonbeneficiary students.

- Adds a section of legislative intent regarding student tuition rates during the 2011-13 biennium and future budget requests of the University System.
- Adds a section of legislative intent regarding information provided in the University System fall enrollment report.
- Provides for a Legislative Management study of the use of graduated tuition rates for programs that address workforce needs.

REPORT OF STANDING COMMITTEE

HB 1004, 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 1004 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to amend and reenact section 54-27-25 of the"

Page 1, line 3, remove "North Dakota Century Code, relating to the tobacco settlement trust fund;"

Page 1, line 4, remove "and"

Page 1, line 4, after "study" insert "; and to declare an emergency"

Page 1, replace lines 14 and 15 with:

"Salaries and wages	\$44,861,868	\$4,444,535	\$49,306,403
Operating expenses	44,635,794	67,287	44,703,081"

Page 1, replace line 17 with:

"Grants	62,160,510	(6,098,472)	56,062,038"
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Page 1, replace lines 21 through 23 with:

"Total all funds	\$187,614,500	(\$1,732,172)	\$185,882,328
Less estimated income	<u>164,609,206</u>	<u>(6,475,141)</u>	<u>158,134,065</u>
Total general fund	\$23,005,294	\$4,742,969	\$27,748,263"

Page 2, after line 9, insert:

"STEMI response program grant	0	25,000"
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Page 2, replace line 11 with:

"Total all funds	\$17,323,696	\$3,517,228"
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Page 2, replace line 13 with:

"Total general fund	\$4,076,371	\$25,000"
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Page 3, remove lines 10 through 31

Page 4, remove lines 1 through 18

Page 5, after line 3, insert:

"SECTION 8. EMERGENCY. Section 4 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1004 - State Department of Health - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$49,614,394	\$48,907,532	\$398,871	\$49,306,403
Operating expenses	45,223,767	25,015,100	19,687,981	44,703,081
Capital assets	1,998,073	1,998,073		1,998,073
Grants	55,887,778	55,493,320	568,718	56,062,038
Tobacco prevention	6,162,396	6,162,396		6,162,396
WIC food payments	24,158,109	24,158,109		24,158,109
Federal stimulus funds	3,492,228	3,492,228		3,492,228
Contingency		1,000,000		1,000,000
Total all funds	\$186,536,745	\$166,226,758	\$20,655,570	\$186,882,328
Less estimated income	158,456,189	138,865,277	19,768,788	158,634,065
General fund	\$28,080,556	\$27,361,481	\$886,782	\$28,248,263
FTE	343.50	342.50	0.00	342.50

Department No. 301 - State Department of Health - Detail of Senate Changes

	Restores Funding for Universal Vaccines ¹	Removes Funding for Women's Way Care Coordination ²	Changes Funding Source for Heart Disease and Stroke Prevention ³	Changes Funding Source for State Stroke Registry ⁴	Removes Funding for Go Red North Dakota Program ⁵	Restores Funding for Prenatal Alcohol Screening and Intervention ⁶
Salaries and wages						
Operating expenses	19,400,000	(99,260)				
Capital assets						
Grants		(400,740)			(453,000)	388,458
Tobacco prevention						
WIC food payments						
Federal stimulus funds						
Contingency						
Total all funds	\$19,400,000	(\$500,000)	\$0	\$0	(\$453,000)	\$388,458
Less estimated income	19,400,000	(500,000)	(222,624)	(250,700)	(453,000)	0
General fund	\$0	\$0	\$222,624	\$250,700	\$0	\$388,458
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds Matching Funding for STEMI Response Program ⁷	Restores Funding for Health Care Reform ⁸	Total Senate Changes
Salaries and wages		\$398,871	\$398,871
Operating expenses		387,241	19,687,981
Capital assets			
Grants	25,000	1,009,000	568,718
Tobacco prevention			
WIC food payments			
Federal stimulus funds			
Contingency			
Total all funds	\$25,000	\$1,795,112	\$20,655,570
Less estimated income	0	1,795,112	19,768,788
General fund	\$25,000	\$0	\$886,782
FTE	0.00	0.00	0.00

¹ Funding included in the executive recommendation, but removed by the House, for operating expenses related to the purchase of vaccines under a universal immunization system is restored.

² Funding provided by the House from the community health trust fund for Women's Way care coordination, including operating expenses (\$99,260) and grants (\$400,740), is removed. The executive recommendation includes \$500,000 from federal funds for Women's Way care coordination. The House did not remove the federal funding.

³ Funding from the community health trust fund for heart disease and stroke prevention grants included in the executive recommendation is changed to the general fund. The House did not change this funding.

⁴ The source of funding for certain state stroke registry operating expenses (\$78,500) and grants (\$172,200) is changed from the community health trust fund to the general fund, the same as the executive budget. The House changed the funding source for this program to the community health trust fund.

⁵ Funding from the community health trust fund provided by the House for grants to implement the Go Red North Dakota risk awareness and action grants program is removed. The executive recommendation did not include funding for this program.

⁶ Funding for prenatal alcohol screening and intervention grants removed by the House is restored to the level recommended by the Governor.

⁷ This amendment adds funding to provide **one-time** funding from the general fund to the State Department of Health to provide matching funds for an ST-elevated myocardial infarction (STEMI) response program.

⁸ Federal funding, provided in the executive recommendation and removed by the House, is restored for the following health care reform programs, including salaries and wages (\$398,871), operating expenses (\$387,241), and grants (\$1,009,000):

- Abstinence program funding - \$182,100.
- Public health infrastructure program funding - \$200,000.
- Home visiting program funding - \$1,413,012.

In addition, this amendment:

- Removes Section 5 which amended Section 54-27-25 relating to the tobacco settlement trust fund and use of moneys in the community health trust fund for tobacco prevention and control. This amendment was not included in the executive recommendation, but was added by the House.
- Adds a section to declare the contingent appropriation and Bank of North Dakota line of credit provided for litigation and administrative proceedings costs in Section 4 of the bill is an emergency measure.

REPORT OF STANDING COMMITTEE

HB 1014, 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 1014 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 15-02 of the North Dakota Century Code, relating to the authority of the board of university and school lands;"

Page 1, line 4, after the second semicolon insert "to provide for budget section approval;"

Page 1, replace line 16 with:

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

"Renewable energy development	<u>0</u>	<u>2,000,000</u>	<u>2,000,000</u>
Total all funds	\$59,430,586	\$4,911,783	\$64,342,369
Less estimated income	<u>49,308,484</u>	<u>(1,797,756)</u>	<u>47,510,728</u>

Total general fund	\$10,122,102	\$6,709,539	\$16,831,641"
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Page 3, replace lines 3 and 4 with:

"Salaries and wages	\$22,599,324	\$3,712,292	\$26,311,616
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Operating expenses	16,982,918	3,460,951	20,443,869"
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Page 3, replace lines 7 and 8 with:

"Total from mill and elevator fund	\$40,057,242	\$7,308,243	\$47,365,485
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Full-time equivalent positions	131.00	4.00	135.00"
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Page 3, replace lines 23 through 25 with:

"Grand total general fund	\$19,522,102	\$6,709,539	\$26,231,641
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Grand total special funds	<u>174,516,769</u>	<u>5,802,645</u>	<u>180,319,414</u>
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Grand total all funds	\$194,038,871	\$12,512,184	\$206,551,055"
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Page 4, replace line 5 with:

"Renewable energy development program	3,000,000	2,000,000"
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Page 4, replace lines 11 through 13 with:

"Total all funds	\$35,738,726	\$2,709,400
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Total special funds	<u>30,360,574</u>	<u>0</u>
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Total general fund	\$5,378,152	\$2,709,400"
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Page 4, after line 17, insert:

"SECTION 3. A new section to chapter 15-02 of the North Dakota Century Code is created and enacted as follows:

Authority to accept Lake Sakakawea lands.

If, through federal legislation, the United States army corps of engineers returns excess lands around Lake Sakakawea above an elevation of on thousand eight hundred fifty-four feet [565.098 meters] mean sea level and excess lands around Lake Oahe about one thousand six hundred twenty feet [493.766 meters] mean sea level, the board of university and school lands may accept the land on behalf of the state of North Dakota."

Page 7, after line 4, insert:

"SECTION 13. TRANSFER TO OIL AND GAS RESEARCH FUND FROM PERMANENT OIL TAX TRUST FUND - GRANTS - BUDGET SECTION

APPROVAL. During the biennium beginning July 1, 2011, and ending June 30, 2013, the director of the office of management and budget shall transfer \$4,000,000 from the permanent oil tax trust fund to the oil and gas research fund for the oil and gas research program. The moneys may be transferred only if the industrial commission has awarded grants totaling \$4,000,000 from the oil and gas research fund during the 2011-13 biennium and upon approval by the industrial commission and budget section."

Page 7, line 15, replace "12" with "14"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1014 - Summary of Senate Action**

	Executive Budget	House Version	Senate Changes	Senate Version
Industrial Commission				
Total all funds	\$63,633,777	\$63,005,356	\$1,337,013	\$64,342,369
Less estimated income	46,716,149	47,522,658	(11,930)	47,510,728
General fund	\$16,917,628	\$15,482,698	\$1,348,943	\$16,831,641
Bank of North Dakota				
Total all funds	\$56,253,155	\$56,253,155	\$0	\$56,253,155
Less estimated income	46,853,155	46,853,155	0	46,853,155
General fund	\$9,400,000	\$9,400,000	\$0	\$9,400,000
Housing Finance Agency				
Total all funds	\$38,590,046	\$38,590,046	\$0	\$38,590,046
Less estimated income	38,590,046	38,590,046	0	38,590,046
General fund	\$0	\$0	\$0	\$0
Mill and Elevator				
Total all funds	\$46,741,421	\$46,539,135	\$826,350	\$47,365,485
Less estimated income	46,741,421	46,539,135	826,350	47,365,485
General fund	\$0	\$0	\$0	\$0
Bill total				
Total all funds	\$205,218,399	\$204,387,692	\$2,163,363	\$206,551,055
Less estimated income	178,900,771	179,504,994	814,420	180,319,414
General fund	\$26,317,628	\$24,882,698	\$1,348,943	\$26,231,641

House Bill No. 1014 - Industrial Commission - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$11,844,607	\$11,874,607	\$337,013	\$12,211,620
Operating expenses	3,478,744	3,493,744		3,493,744
Grants - Lignite research	19,971,300	19,971,300		19,971,300
Grants - Bond payments	25,339,126	25,389,733		25,389,733
Renewable energy development	3,000,000	1,000,000	1,000,000	2,000,000
Carbon Dioxide Storage Fund		532,000		532,000
Mineral resources contingency		743,972		743,972
Total all funds	\$63,633,777	\$63,005,356	\$1,337,013	\$64,342,369
Less estimated income	46,716,149	47,522,658	(11,930)	47,510,728
General fund	\$16,917,628	\$15,482,698	\$1,348,943	\$16,831,641
FTE	73.06	74.06	0.00	74.06

Department No. 405 - Industrial Commission - Detail of Senate Changes

	Adds Funding for Retention of Employees¹	Adds Funding for Temporary Employees²	Restores Funding for Renewable Energy³	Changes Funding Source for Bond Payments⁴	Total Senate Changes
Salaries and wages	\$247,013	\$90,000			\$337,013
Operating expenses					
Grants - Lignite research					
Grants - Bond payments					
Renewable energy development			1,000,000		1,000,000
Carbon Dioxide Storage Fund					
Mineral resources contingency					
Total all funds	\$247,013	\$90,000	\$1,000,000	\$0	\$1,337,013
Less estimated income	0	0	0	(11,930)	(11,930)
General fund	\$247,013	\$90,000	\$1,000,000	\$11,930	\$1,348,943
FTE	0.00	0.00	0.00	0.00	0.00

¹ This amendment adds funding for retention of Department of Mineral Resources staff.² This amendment adds funding for temporary employees for the Geological Survey Division.

³ This amendment restores \$1 million of the \$2 million of funding removed by the House for renewable energy development to provide a total of \$2 million.

⁴ This amendment adjusts funding for bond payments to reflect a decrease in special funds rather than the general fund as provided in the House version.

This amendment adds sections relating to a transfer from the permanent oil tax trust fund to the oil and gas research fund and to the authority of the Board of University and School Lands.

House Bill No. 1014 - Mill and Elevator - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$26,311,616	\$26,049,330	\$262,286	\$26,311,616
Operating expenses	19,879,805	19,879,805	564,064	20,443,869
Contingencies	400,000	400,000		400,000
Agriculture promotion	150,000	210,000		210,000
Total all funds	\$46,741,421	\$46,539,135	\$826,350	\$47,365,485
Less estimated income	46,741,421	46,539,135	826,350	47,365,485
General fund	\$0	\$0	\$0	\$0
FTE	135.00	131.00	4.00	135.00

Department No. 475 - Mill and Elevator - Detail of Senate Changes

	Restores FTE Positions and Funding Removed by House ¹	Adds Funding for Increased Energy Costs ²	Total Senate Changes
Salaries and wages	\$262,286		\$262,286
Operating expenses		564,064	564,064
Contingencies			
Agriculture promotion			
Total all funds	\$262,286	\$564,064	\$826,350
Less estimated income	262,286	564,064	826,350
General fund	\$0	\$0	\$0
FTE	4.00	0.00	4.00

¹ This amendment restores funding for 4 FTE positions removed by the House, including 2 car checker positions, 1 sales representative position, and 1 laboratory technician position.

² This amendment increases funding for operating expenses due to increased energy costs.

REPORT OF STANDING COMMITTEE

HB 1016, 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 1016 was placed on the Sixth order on the calendar.

Page 1, line 2, after "Dakota" insert "; and to amend and reenact subsection 3 of section 52-02.1-01 and section 52-08-10 of the North Dakota Century Code, relating to the new jobs training program and workforce training program"

Page 1, replace line 16 with:

"Workforce 20/20 1,512,491 18,669 1,531,160"

Page 1, replace line 20 with:

"Total all funds \$62,277,347 \$9,719,351 \$71,996,698"

Page 1, replace line 22 with:

"Total general fund \$1,565,442 \$314,450 \$1,879,892"

Page 2, after line 21, insert:

"SECTION 5. AMENDMENT. Subsection 3 of section 52-02.1-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Community" means the city or county in which an eligible primary sector business is or will be located or a local development corporation, community organization, institution of higher education that is assigned primary responsibility for workforce training under section 52-08-08, or any other group the interest of which is in the economic growth of the area.

SECTION 6. AMENDMENT. Section 52-08-10 of the North Dakota Century Code is amended and reenacted as follows:

52-08-10. Preparation of business plan - Revolving loans.

Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for workforce training shall prepare an annual business plan that must include provisions for use of the training capacity of the tribal colleges within the designated region, in consultation with the workforce training board. The business plan may include preparation as a community under the new jobs training program under chapter 52-02.1. The workforce training board shall approve the business plan and make recommendations for funding of the business plan to the state board of higher education. Any state funds received under this program by the institutions of higher education assigned primary responsibility for workforce training must be used for business and customized training activities. The state board of higher education may establish for each institution of higher education assigned primary responsibility for workforce training a revolving loan fund for workforce training program startups using the borrowing authority provided in section 15-10-16.1."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1016 - Job Service North Dakota - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$35,270,584	\$35,270,584		\$35,270,584
Operating expenses	13,698,670	13,698,670		13,698,670
Capital assets	20,000	20,000		20,000
Grants	7,576,284	7,576,284		7,576,284
Workforce 20/20	1,531,160	1,400,000	131,160	1,531,160
Reed Act - Computer modernization	12,400,000	12,400,000		12,400,000
Federal stimulus funds	1,500,000	1,500,000		1,500,000
Total all funds	\$71,996,698	\$71,865,538	\$131,160	\$71,996,698
Less estimated income	70,116,806	70,116,806	0	70,116,806
General fund	\$1,879,892	\$1,748,732	\$131,160	\$1,879,892
FTE	261.76	261.76	0.00	261.76

Department No. 380 - Job Service North Dakota - Detail of Senate Changes

	Restores Funding for Workforce 20/20 ¹	Total Senate Changes
Salaries and wages		
Operating expenses		

Capital assets		
Grants		
Workforce 20/20	131,160	131,160
Reed Act - Computer modernization		
Federal stimulus funds		
Total all funds	\$131,160	\$131,160
Less estimated income	0	0
General fund	\$131,160	\$131,160
FTE	0.00	0.00

¹ This amendment increases funding for Workforce 20/20 by \$131,160 to provide a total of \$1,531,160 from the general fund for the program. This restores the funding removed by the House and provides the level included in the executive budget.

This amendment also adds two sections to amend North Dakota Century Code relating to the new jobs training program and the workforce training program.

REPORT OF STANDING COMMITTEE

HB 1126, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1126, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1134, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1134, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1136, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1136 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1141, as amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1141, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1225, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1225 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1297, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1297 was placed on the Sixth order on the calendar.

Page 1, line 16, after "diagnosable" insert "intrauterine"

Page 1, line 21, remove the second "or"

Page 1, line 22, after "abortion" insert ";or

c. Treat a woman for an ectopic pregnancy"

Page 2, line 31, remove the overstrike over "and"

Page 3, line 1, remove "and"

Page 3, remove line 2

Page 3, line 3, remove "the decision of whether to undergo the abortion"

Page 6, line 31, after the first underscored comma insert "the possible"

Page 13, line 8, after "abortion" insert "compliance"

Page 13, line 8, after "physician" insert "within twenty-four hours"

Page 13, line 9, after "~~thirty~~" insert "ten business"

Page 13, line 9, remove the overstrike over "~~days~~"

Page 13, line 9, remove "twenty-four hours"

Page 13, line 10, after "All" insert "abortion data and"

Page 13, line 10, after the second "the" insert "attending"

Page 13, line 10, overstrike "providing"

Page 13, line 11, overstrike "the post-abortion care"

Page 13, line 12, overstrike "post-abortion care" and insert immediately thereafter "abortion"

Page 13, line 16, replace "twenty-four hours" with "thirty days"

Page 14, line 12, remove the overstrike over "G"

Page 14, line 12, remove "AA"

Page 14, line 12, remove the overstrike over "~~knowingly, or~~"

Page 14, line 13, remove the overstrike over "~~negligently,~~"

Page 14, line 13, remove "intentionally"

Page 16, line 20, after "diagnosable" insert "intrauterine"

Page 16, line 24, remove "or"

Page 16, line 24, after "abortion" insert "; or treat a woman for an ectopic pregnancy"

Page 17, line 5, replace "July" with "September"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1325, as reengrossed: Appropriations Committee (Sen. Holmberg, Chairman)
recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).
Reengrossed HB 1325 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1352, as engrossed and amended: Human Services Committee (Sen. J. Lee, Chairman)
recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1352, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1363, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1363, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1364, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1364 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1373, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1373 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1424, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1424, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 917-923 of the Senate Journal, Engrossed House Bill No. 1424 is amended as follows:

Page 1, line 1, after "reenact" insert "subsection 2 of section 11-09.1-05, section 40-05.1-06,"

Page 1, line 1, replace the second "and" with ", sections 57-39.2-12.1, 57-39.5-04, and 57-39.6-04,"

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

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

Page 1, line 3, after the first semicolon insert "and"

Page 1, line 3, remove "; and to"

Page 1, line 4, remove "declare an emergency"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 2 of section 11-09.1-05 of the North Dakota Century Code is amended and reenacted as follows:

2. Control its finances and fiscal affairs; appropriate money for its purposes, and make payments of its debts and expenses; subject to the limitations of this section levy and collect property taxes, sales and use taxes, farm machinery gross receipts taxes, alcoholic beverage gross receipts taxes, motor vehicle fuels and special fuels taxes, motor vehicle registration fees, and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; establish charges for any county or other services to the extent authorized by state law; and establish debt and mill levy limitations. Notwithstanding any authority granted under this chapter, all property must be assessed in a uniform manner as prescribed by the state board of equalization and the state supervisor of assessments and all taxable property must be taxed by the county at the same rate unless otherwise provided by law. A charter or ordinance or act of a governing body of a home rule county may not supersede any state

law that determines what property or acts are subject to, or exempt from, ad valorem taxes. A charter or ordinance or act of the governing body of a home rule county may not supersede section 11-11-55.1 relating to the sixty percent petition requirement for improvements and of section 40-22-18 relating to the barring proceeding for improvement projects. After December 31, 2005, sales and use taxes, farm machinery gross receipts taxes, and alcoholic beverage gross receipts taxes levied under this chapter:

- a. Must conform in all respects with regard to the taxable or exempt status of items under chapters 57-39.2, 57-39.5, 57-39.6, and 57-40.2 and may not be imposed at multiple rates with the exception of sales of electricity, piped natural or artificial gas, or other heating fuels delivered by the seller or the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes.
- b. May not be newly imposed or changed except to be effective on the first day of a calendar quarterly period after a minimum of ninety days' notice to the tax commissioner or, for purchases from printed catalogs, on the first day of a calendar quarter after a minimum of one hundred twenty days' notice to the seller.
- c. May not be limited to apply to less than the full value of the transaction or item as determined for state sales and use tax, except for farm machinery gross receipts tax purposes.
- d. Must be subject to collection by the tax commissioner under an agreement under section 57-01-02.1 and must be administered by the tax commissioner in accordance with the relevant provisions of chapter 57-39.2, including reporting and paying requirements, correction of errors, payment of refunds, and application of penalty and interest.

After December 31, 2005, any portion of a charter or any portion of an ordinance or act of a governing body of a home rule county passed pursuant to a charter which does not conform to the requirements of this subsection or the retailer compensation provisions of chapter 57-39.2 or 57-40.2 is invalid to the extent that it does not conform. The invalidity of a portion of a charter or ordinance or act of a governing body of a home rule county because it does not conform to this subsection does not affect the validity of any other portion of the charter or ordinance or act of a governing body of a home rule county or the eligibility for a refund under section 57-01-02.1. Any taxes imposed under this chapter on farm machinery, farm irrigation equipment, and farm machinery repair parts used exclusively for agricultural purposes, or on alcoholic beverages, which were in effect on December 31, 2005, become gross receipts taxes after December 31, 2005.

SECTION 2. AMENDMENT. Section 40-05.1-06 of the North Dakota Century Code is amended and reenacted as follows:

40-05.1-06. Powers.

From and after the filing with the secretary of state of a charter framed and approved in reasonable conformity with the provisions of this chapter, such city, and the citizens thereof, shall, if included in the charter and implemented through ordinances, have the following powers set out in this chapter:

1. To acquire, hold, operate, and dispose of property within or without the corporate limits, and, subject to chapter 32-15, exercise the right of eminent domain for such purposes.
2. To control its finances and fiscal affairs; to appropriate money for its purposes, and make payment of its debts and expenses; to levy and

collect taxes, excises, fees, charges, and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; to contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; to establish charges for any city or other services; and to establish debt and mill levy limitations. Notwithstanding any authority granted under this chapter, all property must be assessed in a uniform manner as prescribed by the state board of equalization and the state supervisor of assessments and all taxable property must be taxed by the city at the same rate unless otherwise provided by law. The authority to levy taxes under this subsection does not include authority to impose income taxes.

3. To fix the fees, number, terms, conditions, duration, and manner of issuing and revoking licenses in the exercise of its governmental police powers.
4. To provide for city officers, agencies, and employees, their selection, terms, powers, duties, qualifications, and compensation. To provide for change, selection, or creation of its form and structure of government, including its governing body, executive officer, and city officers.
5. To provide for city courts, their jurisdiction and powers over ordinance violations, duties, administration, and the selection, qualifications, and compensation of their officers; however, the right of appeal from judgment of such courts shall not be in any way affected.
6. To provide for all matters pertaining to city elections, except as to qualifications of electors.
7. To provide for the adoption, amendment, and repeal of ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety, morals, and welfare, and penalties for a violation thereof.
8. To lay out or vacate streets, alleys, and public grounds, and to provide for the use, operation, and regulation thereof.
9. To define offenses against private persons and property and the public health, safety, morals, and welfare, and provide penalties for violations thereof.
10. To engage in any utility, business, or enterprise permitted by the constitution or not prohibited by statute or to grant and regulate franchises therefor to a private person, firm, corporation, or limited liability company.
11. To provide for zoning, planning, and subdivision of public or private property within the city limits. To provide for such zoning, planning, and subdivision of public or private property outside the city limits as may be permitted by state law.
12. To levy and collect franchise and license taxes for revenue purposes.
13. To exercise in the conduct of its affairs all powers usually exercised by a corporation.
14. To fix the boundary limits of said city and the annexation and deannexation of territory adjacent to said city except that such power shall be subject to, and shall conform with the state law made and provided.
15. To contract with and receive grants from any other governmental entity or agency, with respect to any local, state, or federal program, project, or works.

16. To impose registration fees on motor vehicles, farm machinery gross receipts taxes, alcoholic beverage gross receipts taxes, or sales and use taxes in addition to any other taxes imposed by law. After December 31, 2005, sales and use taxes and gross receipts taxes levied under this chapter:
 - a. Must conform in all respects with regard to the taxable or exempt status of items under chapters 57-39.2, 57-39.5, 57-39.6, and 57-40.2 and may not be imposed at multiple rates with the exception of sales of electricity, piped natural or artificial gas, or other heating fuels delivered by the seller or the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes.
 - b. May not be newly imposed or changed except to be effective on the first day of a calendar quarterly period after a minimum of ninety days' notice to the tax commissioner or, for purchases from printed catalogs, on the first day of a calendar quarter after a minimum of one hundred twenty days' notice to the seller.
 - c. May not be limited to apply to less than the full value of the transaction or item as determined for state sales and use tax purposes, except for farm machinery gross receipts tax.
 - d. Must be subject to collection by the tax commissioner under an agreement under section 57-01-02.1 and must be administered by the tax commissioner in accordance with the relevant provisions of chapter 57-39.2, including reporting and paying requirements, correction of errors, payment of refunds, and application of penalty and interest.

It is the intention of this chapter to grant and confirm to the people of all cities coming within its provisions the full right of self-government in both local and city matters within the powers enumerated herein. The statutes of the state of North Dakota, so far as applicable, shall continue to apply to home rule cities, except insofar as superseded by the charters of such cities or by ordinance passed pursuant to such charters.

After December 31, 2005, any portion of a charter or any portion of an ordinance passed pursuant to a charter which does not conform to the requirements of subsection 16 or the retailer compensation provisions of chapter 57-39.2 or 57-40.2 is invalid to the extent that it does not conform. The invalidity of a portion of a charter or ordinance because it does not conform to subsection 16 does not affect the validity of any other portion of the charter or ordinance or the eligibility for a refund under section 57-01-02.1. Any taxes imposed under this chapter on farm machinery, farm irrigation equipment, and farm machinery repair parts used exclusively for agricultural purposes, or on alcoholic beverages, which were in effect on December 31, 2005, become gross receipts taxes after December 31, 2005."

Page 1, after line 14, insert:

"SECTION 4. AMENDMENT. Section 57-39.2-12.1 of the North Dakota Century Code is amended and reenacted as follows:

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

1. a. A retailer required registered to report and pay monthly remit sales, use, or gross receipts tax imposed under section 57-39.2-12 chapter 57-39.2, 57-39.5, 57-39.6, or 57-40.2 may deduct and retain one and one-half percent of the tax due. The aggregate of deductions allowed by this section and section 57-40.2-07.1 may not exceed eighty-five dollars per month. Retailers that receive compensation under this subsection may not receive additional compensation under subsection 2 or 3 for the same period from the tax remitted to the tax

commissioner compensation or a monetary allowance as provided in this subsection.

b. The following two rates of compensation apply to the combined state and local option sales, use, and gross receipts taxes remitted for each month of activity included in a sales, use, or gross receipts tax return:

- (1) One and one-half percent of the first six thousand two hundred fifty dollars of tax.
- (2) Thirty-three one-hundredths of one percent of tax amounts greater than six thousand two hundred fifty dollars but less than seven hundred fifty thousand dollars of tax.

2. A certified service provider that contracts with retailers to calculate, collect, and remit tax due on behalf of retailers may deduct and retain from the tax remitted to the tax commissioner compensation or a monetary allowance up to the amount approved by the streamlined sales and use tax governing board effective June 1, 2006. The compensation provided in this subsection applies only to tax remitted by certified service providers on behalf of retailers that are remote sellers registered to collect sales and use tax in this state under chapter 57-39.4. Certified service providers that receive compensation under this subsection may not receive additional compensation under subsection 1 or 3 for the same period.
3. A retailer that is a remote seller registered to collect sales and use tax under chapter 57-39.4 and that uses a certified automated system to calculate, report, and remit tax due under chapters 57-39.2, 57-39.4, and 57-40.2 may deduct and retain compensation or a monetary allowance up to the amount approved by the streamlined sales and use tax governing board during its December 2006 meeting. Retailers that receive compensation under this subsection may not receive additional compensation under subsection 1 or 2 for the same period.
4. For purposes of this section, "remote seller" means a retailer that does not have an adequate physical presence to establish nexus in this state for sales and use tax purposes.
5. Compensation may not be deducted and retained under this section unless the tax due is paid within the time limitations under section 57-39.2-12 or 57-40.2-07 or chapter 57-39.4.
6. The deduction allowed retailers or certified service providers by this section is to reimburse retailers directly or indirectly for expenses incurred in keeping records, preparing and filing returns, remitting the tax, and supplying information to the tax commissioner upon request.

SECTION 5. AMENDMENT. Section 57-39.5-04 of the North Dakota Century Code is amended and reenacted as follows:

57-39.5-04. Administration.

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

SECTION 6. AMENDMENT. Section 57-39.6-04 of the North Dakota Century Code is amended and reenacted as follows:

57-39.6-04. Administration.

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

Page 1, after line 23, insert:

"SECTION 8. AMENDMENT. Section 57-40.2-07.1 of the North Dakota Century Code is amended and reenacted as follows:

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

1.
 - a. A retailer required registered to report and pay monthly remit sales, use, or gross receipts tax imposed under section 57-40.2-07 chapter 57-39.2, 57-39.5, 57-39.6, or 57-40.2 may deduct and retain one and one-half percent of the tax due. The aggregate of deductions allowed by this section and section 57-39.2-12.1 may not exceed eighty-five dollars per month. Retailers that receive compensation under this subsection may not receive additional compensation under subsection 2 or 3 for the same period from the tax remitted to the tax commissioner compensation or a monetary allowance as provided in this subsection.
 - b. The following two rates of compensation apply to the combined state and local option sales, use, and gross receipts taxes remitted for each month of activity included in a sales, use, or gross receipts tax return:
 - (1) One and one-half percent of the first six thousand two hundred fifty dollars of tax.
 - (2) Thirty-three one-hundredths of one percent of tax amounts greater than six thousand two hundred fifty dollars but less than seven hundred fifty thousand dollars of tax.
2. A certified service provider that contracts with retailers to calculate, collect, and remit tax due on behalf of retailers may deduct and retain from the tax remitted to the tax commissioner compensation or a monetary allowance up to the amount approved by the streamlined sales and use tax governing board effective June 1, 2006. The compensation provided in this subsection applies only to tax remitted by certified service providers on behalf of retailers that are remote sellers registered to collect sales and use tax in this state under chapter 57-39.4. Certified service providers that receive compensation under this subsection may not receive additional compensation under subsection 1 or 3 for the same period.
3. A retailer that is a remote seller registered to collect sales and use tax under chapter 57-39.4 and that uses a certified automated system to calculate, report, and remit tax due under chapters 57-39.2, 57-39.4, and 57-40.2 may deduct and retain compensation or a monetary allowance up to the amount approved by the streamlined sales and use tax governing board during its December 2006 meeting. Retailers that receive compensation under this subsection may not receive additional compensation under subsection 1 or 2 for the same period.
4. For purposes of this section, "remote seller" means a retailer that does not have an adequate physical presence to establish nexus in this state for sales and use tax purposes.
5. Compensation may not be deducted and retained under this section unless the tax due is paid within the time limitations under section 57-39.2-12 or 57-40.2-07 or chapter 57-39.4.

6. The deduction allowed retailers or certified service providers by this section is to reimburse retailers directly or indirectly for expenses incurred in keeping records, preparing and filing returns, remitting the tax, and supplying information to the tax commissioner upon request."

Page 2, line 2, replace "June 30" with "December 31"

Page 2, remove line 3

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1426, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1426, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1450, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1450 was placed on the Sixth order on the calendar.

Page 5, replace lines 14 through 17 with:

- "b. Medical treatment for life-threatening conditions in pregnancy.
- c. The screening, collecting, preparing, transferring, or cryopreserving of a human being created through in vitro fertilization for the purpose of being transferred to a human uterus.
- d. The disposal or destruction of a fertilized human ovum, zygote, or embryo, created through in vitro fertilization, which has been subject to medical testing and analysis, and in the reasonable judgment of a medical professional, if transferred to a human uterus, would not produce a live birth.
- e. The disposal or destruction of a fertilized human ovum, zygote, or embryo, created through in vitro fertilization which has not progressed in development for thirty-six hours in culture."

Page 5, line 18, replace "d." with "f."

Page 5, after line 19, insert:

- "g. The termination of a pregnancy that resulted from gross sexual imposition, sexual imposition, sexual abuse of a ward, or incest, as those offenses are defined in chapter 12.1-20."

Page 5, remove lines 30 and 31

Page 6, replace lines 1 and 2 with:

- "b. Medical treatment for life-threatening conditions in pregnancy.
- c. The screening, collecting, preparing, transferring, or cryopreserving of a human being created through in vitro fertilization for the purpose of being transferred to a human uterus.
- d. The disposal or destruction of a fertilized human ovum, zygote, or embryo, created through in vitro fertilization, which has been subject to medical testing and analysis, and in the reasonable judgment of a medical professional, if transferred to a human uterus, would not produce a live birth.

- e. The disposal or destruction of a fertilized human ovum, zygote, or embryo, created through in vitro fertilization which has not progressed in development for thirty-six hours in culture."

Page 6, line 3, replace "d." with "f."

Page 6, after line 4, insert:

- "g. The termination of a pregnancy that resulted from gross sexual imposition, sexual imposition, sexual abuse of a ward, or incest, as those offenses are defined in chapter 12.1-20."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1462, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1462 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3018: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3018 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3047: Judiciary Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HCR 3047 was placed on the Fourteenth order on the calendar.

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

William R. Horton, Secretary

