

## JOURNAL OF THE SENATE

## Sixty-second Legislative Assembly

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Bismarck, April 28, 2011

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

The prayer was offered by Pastor Rebecca Aardahl, Missouri Slope Lutheran Care Center, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ROBINSON MOVED** that the conference committee report on Engrossed SB 2020 as printed on SJ pages 1780-1783 be adopted.

**REQUEST**

**SEN. ANDRIST REQUESTED** a recorded roll call vote, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the conference committee report on Engrossed SB 2020, the roll was called and there were 13 YEAS, 34 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Cook; Dotzenrod; Fischer; Grindberg; Heckaman; Holmberg; Mathern; Oehlke; Robinson; Sorvaag; Stenehjelm; Taylor; Uglem

**NAYS:** Andrist; Berry; Bowman; Burckhard; Christmann; Dever; Erbele; Flakoll; Freborg; Hogue; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Olafson; Schaible; Schneider; Sitte; Triplett; Wanzek; Wardner; Warner

The conference committee report on Engrossed SB 2020 was rejected on a recorded roll call vote.

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

**MR. SPEAKER:** The Senate has not adopted the conference committee report on: SB 2020.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1004.

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

**MR. SPEAKER:** The President has signed: HB 1004, HB 1015, HB 1021.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 9:00 a.m., which motion prevailed.

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

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. GRINDBERG MOVED** that the conference committee report on Engrossed SB 2057 as printed on SJ pages 1783-1805 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2057, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2057:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of commerce; to create and enact section 10-30.5-13, a new chapter to

title 17, two new sections to chapter 54-60, a new chapter to title 54, a new subdivision to subsection 7 of section 57-38-30.3, and a new section to chapter 57-38 of the North Dakota Century Code, relating to a small business technology investment program, a biofuel blender pump incentive program, the internship fund, an electronic portfolio program, centers of research excellence, and income tax credits for purchases of manufacturing machinery and equipment for the purpose of automating manufacturing processes; to amend and reenact sections 10-30.5-02, 15-69-01, 15-69-03, 15-69-04, and 15-69-05 of the North Dakota Century Code, relating to the North Dakota development fund, incorporated, and centers of excellence program; to repeal chapter 15-69 of the North Dakota Century Code, relating to the centers of excellence program; to provide for a legislative management study; to provide a vaccinology initiative grant; to provide a continuing appropriation; to provide exemptions; to provide for transfers; to provide legislative intent; to provide an effective date; to provide an expiration date; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Christmann; Hogue; Larsen; Miller; Sitte; Stenehjem; Warner

Reengrossed SB 2057 passed and the emergency clause was declared carried.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2057.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2276.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2276.

#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 12:00 p.m., which motion prevailed.

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

#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 12:15 p.m., which motion prevailed.

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

#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate reconsider its action whereby the conference committee report on Engrossed SB 2017 failed, which motion prevailed on a verification vote.

#### MOTION

**SEN. CHRISTMANN MOVED** that SB 2017 be placed at the top of the Eleventh order, which motion prevailed.

#### MOTION

**SEN. CHRISTMANN MOVED** that Senate Rule 333 be temporarily suspended, which

motion prevailed.

### SECOND READING OF SENATE BILL

**SB 2017:** A BILL for an Act to provide an appropriation for defraying the expenses of the game and fish department; to provide legislative intent; and to declare an emergency.

### MOTION

**SEN. CHRISTMANN MOVED** that Engrossed SB 2017 be amended as follows, which motion prevailed on a voice vote.

In lieu of the amendments adopted by the House as printed on pages 1219-1221 of the Senate Journal, Engrossed Senate Bill No. 2017 is amended as follows:

Page 1, line 2, after "department" insert "; to provide for a transfer"

Page 1, replace lines 14 and 15 with:

"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 line 22 with:

"Total special funds	\$59,463,938	\$6,223,804	\$65,687,742"
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Page 2, after line 10, insert:

**"SECTION 3. APPROPRIATION - TRANSFER - GENERAL FUND - GAME AND FISH FUND.** There is appropriated out of any moneys in the general fund, not otherwise appropriated, the sum of \$300,000 which the office of management and budget shall transfer to the game and fish fund to be provided to the agriculture commissioner, for the biennium beginning July 1, 2011, and ending June 30, 2013. Of the funding provided in this section, \$199,461 relates to expenses of the state board of animal health and \$100,539 relates to the wildlife services program."

Page 2, after line 14, insert:

**"SECTION 5. 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."

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 - Revised Senate Version

	Executive Budget	Senate Version	Revised Senate Version Changes	Revised Senate Version	House Version	Comparison to House
Office of Management and Budget						
Total all funds	\$0	\$0	\$300,000	\$300,000	\$0	\$300,000
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$300,000	\$300,000	\$0	\$300,000

Game and Fish Department						
Total all funds	\$64,737,742	\$64,537,742	\$1,150,000	\$65,687,742	\$65,918,942	(\$231,200)
Less estimated income	64,737,742	64,537,742	1,150,000	65,687,742	65,918,942	(231,200)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
Bill total						
Total all funds	\$64,737,742	\$64,537,742	\$1,450,000	\$65,987,742	\$65,918,942	\$68,800
Less estimated income	64,737,742	64,537,742	1,150,000	65,687,742	65,918,942	(231,200)
General fund	\$0	\$0	\$300,000	\$300,000	\$0	\$300,000

### Senate Bill No. 2017 - Office of Management and Budget - Revised Senate Version

	Executive Budget	Senate Version	Revised Senate Version Changes	Revised Senate Version	House Version	Comparison to House
Transfer to game and fish fund			\$300,000	\$300,000		\$300,000
Total all funds	\$0	\$0	\$300,000	\$300,000	\$0	\$300,000
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$300,000	\$300,000	\$0	\$300,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

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

	Transfer to Game and Fish Fund <sup>1</sup>	Revised Senate Version Changes
Transfer to game and fish fund	\$300,000	\$300,000
Total all funds	\$300,000	\$300,000
Less estimated income	0	0
General fund	\$300,000	\$300,000
FTE	0.00	0.00

<sup>1</sup> This amendment provides for the Office of Management and Budget to transfer \$300,000 from the general fund to the game and fish fund. The funding is to be used as a portion of the funds provided to the Agriculture Commissioner for expenses of the State Board of Animal Health and the Wildlife Services program.

### Senate Bill No. 2017 - Game and Fish Department - Revised Senate Version

	Executive Budget	Senate Version	Revised Senate Version Changes	Revised Senate Version	House Version	Comparison to House
Salaries and wages	\$24,019,028	\$24,019,028		\$24,019,028	\$24,019,028	
Operating expenses	12,524,493	12,524,493		12,524,493	12,524,493	
Capital assets	4,183,170	4,183,170		4,183,170	4,883,170	(700,000)
Grants	7,718,500	7,418,500	300,000	7,718,500	7,718,500	
Land habitat and deer	12,054,686	12,054,686	850,000	12,904,686	12,904,686	
Noxious weed control	600,000	600,000		600,000	600,000	
Missouri River enforcement	200,000	200,000		200,000	200,000	
Grants, gifts, and donations	800,000	800,000		800,000	800,000	
Nongame wildlife conservation	120,000	120,000		120,000	120,000	
Lonetree Reservoir	1,749,065	1,749,065		1,749,065	1,749,065	
Wildlife Services	768,800	868,800		868,800	400,000	468,800
Total all funds	\$64,737,742	\$64,537,742	\$1,150,000	\$65,687,742	\$65,918,942	(\$231,200)
Less estimated income	64,737,742	64,537,742	1,150,000	65,687,742	65,918,942	(231,200)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	157.00	157.00	0.00	157.00	157.00	0.00

### Department No. 720 - Game and Fish Department - Detail of Revised Senate Version Changes

	Restores Funding for Grahams Island State Park Road Project <sup>1</sup>	Increases Spending Authority for Hunting Access and Deer Depredation <sup>2</sup>	Total Revised Senate Version Changes
Salaries and wages			
Operating expenses			
Capital assets			
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			
Total all funds	\$300,000	\$850,000	\$1,150,000
Less estimated income	300,000	850,000	1,150,000
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

<sup>1</sup> 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.

<sup>2</sup> 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.

This amendment also adds a section to provide 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.

### ROLL CALL

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

**YEAS:** Andrist; Berry; Burckhard; Christmann; 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; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**NAYS:** Bowman; Larsen

Reengrossed SB 2017 passed and the emergency clause was declared carried.

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### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. HOLMBERG MOVED** that the conference committee report on Engrossed HB 1003 as printed on SJ pages 1805-1822 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1003, as amended, was placed on the Fourteenth order of business.

### SECOND READING OF HOUSE BILL

**HB 1003:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system; to provide borrowing authority; to provide an exemption; to provide for transfer of funds; to authorize the state board of higher education to issue and sell bonds for capital projects; to amend and reenact sections 15-10-08 and 15-70-04, subsection 3 of section 43-12.2-03, and subsection 3 of

section 43-17.2-03 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 reports; to provide for legislative management studies; and to declare an emergency.

### ROLL CALL

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

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

**NAYS:** Christmann; Dever; Klein; Stenehjem

Engrossed HB 1003, as amended, passed and the emergency clause was declared carried.

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

**MR. SPEAKER:** The Senate has not adopted the conference committee report, has amended, subsequently passed, and the emergency clause carried: SB 2017.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2017.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1003.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2057.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1004, HB 1015, HB 1021.

### MOTION

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 2:00 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 Eighteenth, Twenty-third, Thirty-seventh, Fifty-second, Sixty-fifth, Sixty-seventh, Seventy-third, Seventy-fourth, and Seventy-seventh Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 199, line 16, replace "January" with "JANUARY"

Page 199, lines 19 and 21, after "amended" insert ", "

Page 265, line 17, replace "43" with "47"

Page 607, line 15, replace "10" with "6"

Page 819, line 18, replace "2" with "3"

Page 1381, line 36, replace "5" with "6"

Page 1381, line 37, replace "10" with "11"

Page 1381, line 38, replace "12" with "13"

Page 1381, line 39, replace "13" with "14"

Page 1381, line 40, replace "16" with "17"

Page 1381, line 41, replace "17" with "18"

Page 1400, lines 40 and 42, replace "Reengrossed" with "Engrossed"

Page 1603, line 33, replace "50" with "52"

Page 1603, line 34, replace "50" with "40"

Page 1621, line 48, replace "\$1,950.57" with "\$1,905.57"

Page 1622, line 19, replace "\$135,350" with "\$139,350"

Page 1622, line 31, replace "\$424.10" with "\$435.64"

Page 1773, lines 7 and 9, replace "Engrossed" with "Reengrossed"

Page 1800, line 52, replace "Section 35" with "Section 34"

Page 1808, line 12, replace "\$183,052,504" with "\$184,052,504"

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

#### **MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 3:00 p.m., which motion prevailed.

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

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

**SB 2020, as engrossed:** Your conference committee (Sens. Fischer, Holmberg, Robinson and Reps. Skarphol, Monson, Williams) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1364-1365, adopt amendments as follows, and place SB 2020 on the Seventh order:

That the House recede from its amendments as printed on pages 1364 and 1365 of the Senate Journal and pages 1523 and 1524 of the House Journal and that Engrossed Senate Bill No. 2020 be amended as follows:

Page 1, line 2, after the semicolon insert "to create and enact a new subsection to section 11-37-02 and a new section to chapter 61-04 of the North Dakota Century Code, relating to joint powers entities and commerce authorities and metering certain water sources;"

Page 1, line 2, after "reenact" insert "subsection 2 of section 11-37-03, section 11-37-04, subsection 8 of section 11-37-06, and subsection 1 of section 11-37-08 of the North Dakota Century Code and"

Page 1, line 3, after the first "to" insert "conversion of joint powers entities to commerce authorities and additional powers of commerce authorities and"

Page 1, line 3, after the second semicolon insert "to provide a transfer;"

Page 1, line 5, after the third semicolon insert "to provide for application; to provide an expiration date;"

Page 1, replace line 19 with:

"Water and atmospheric resources	307,768,034	140,645,740	448,413,774"
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Page 1, replace lines 21 and 22 with:

"Total all funds	\$311,087,708	\$148,327,712	\$459,415,420
Less estimated income	<u>297,263,809</u>	<u>147,156,412</u>	<u>444,420,221"</u>

Page 2, line 19, after "**APPROPRIATION**" insert "**- BUDGET SECTION APPROVAL**"

Page 2, line 23, after the period insert "The state water commission shall request and receive budget section approval prior to the expenditure of any funds in excess of the \$448,413,774 of funding appropriated in the water and atmospheric resources line item in section 1 of this Act."

Page 3, line 9, remove the overstrike over "land purchases"

Page 3, line 10, remove the overstrike over "and"

Page 3, line 10, after "costs" insert "and may not be used for the purchase of dwellings"

Page 3, line 15, after the underscored period insert "Costs incurred by nonstate entities for dwellings or other real property that are not paid by state funds are eligible for application by the nonstate entity for cost-sharing with the state."

Page 3, line 22, after "for" insert "land purchases and"

Page 3, line 22, after "costs" insert "and may not be used for the purchase of dwellings"

Page 3, line 25, after the period insert "Costs incurred by nonstate entities for dwellings or other real property that are not paid by state funds are eligible for application by the nonstate entity for cost-sharing with the state."

Page 4, replace lines 3 through 6 with:

**"SECTION 9. LEGISLATIVE INTENT - REMOTE METERING OF WATER PERMITS - FUNDING.** It is the intent of the sixty-second legislative assembly that of the funds appropriated from the resources trust fund in the water and atmospheric resources line item in section 1 of this Act, the state water commission provide up to \$500,000 for a reimbursement program for the purchase and installation of remote water metering devices, for the biennium beginning with the effective date of this Act and ending June 30, 2013.

**SECTION 10.** A new subsection to section 11-37-02 of the North Dakota Century Code is created and enacted as follows:

Provide a method to convert an existing joint powers entity to a commerce authority for the purpose of achieving status as a political subdivision.

**SECTION 11. AMENDMENT.** Subsection 2 of section 11-37-03 of the North Dakota Century Code is amended and reenacted as follows:

2. Two or more political subdivisions, whether in this state or in an adjoining state provided that at least one political subdivision is in this state, may create by execution of a joint agreement authorized by resolution of the governing body of each participating subdivision, a commerce authority that may exercise its functions upon the issuance by the secretary of state of a certificate of incorporation. Two or more political subdivisions, which are parties to a joint powers agreement under chapter 54-40 or 54-40.3, may convert an existing joint powers entity to a commerce authority by execution of a joint agreement authorized by resolution of the governing body of each participating political subdivision. The



governing bodies of the participating political subdivisions shall appoint, pursuant to the joint agreement, no fewer than five persons as commissioners of the commerce authority.

**SECTION 12. AMENDMENT.** Section 11-37-04 of the North Dakota Century Code is amended and reenacted as follows:

**11-37-04. Filing of agreement and resolutions - Certificate of incorporation - Beginning of corporate existence.**

The joint agreement, if applicable, and a certified copy of the resolution of each political subdivision creating or agreeing to participate in a commerce authority, or converting an existing joint powers entity to a commerce authority, must be filed with the secretary of state. If the agreement and resolutions conform to the requirements of section 11-37-03, the secretary of state shall issue a certificate of incorporation that states the name of the commerce authority and the date of incorporation. The existence of the commerce authority as a political subdivision of this state begins upon the issuance of the certificate of incorporation. The certificate of incorporation is conclusive evidence of the existence of the commerce authority.

**SECTION 13. AMENDMENT.** Subsection 8 of section 11-37-06 of the North Dakota Century Code is amended and reenacted as follows:

8. Establish the geographical boundaries of the commerce authority within or coextensive with the geographical boundaries of one or more of the participating political subdivisions, or coextensive with the geographical boundaries of the area to be served by the commerce authority.

**SECTION 14. AMENDMENT.** Subsection 1 of section 11-37-08 of the North Dakota Century Code is amended and reenacted as follows:

1. A commerce authority may borrow money and issue bonds, including refunding bonds, in the form and upon the terms as it may determine, payable out of any revenues of the commerce authority. If a commerce authority is formed by conversion of a joint powers entity to a commerce authority under subsection 2 of section 11-37-03, the commerce authority may borrow money and issue bonds to refinance existing obligations of the participating political subdivisions without the provisions of subsection 8 as long as the existing obligations were incurred by the participating political subdivision for the benefit of the converted joint powers entity.

**SECTION 15.** A new section to chapter 61-04 of the North Dakota Century Code is created and enacted as follows:

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

The state engineer shall require permitholders to purchase and maintain remote metering devices for the metering of water used pursuant to a temporary, conditional, or perfected water permit and sold for oil and gas purposes. The metering requirement must not apply to water permits used exclusively for irrigation purposes or to temporary permits that have been returned to irrigation use. Except for nonpotable ground water used for enhanced oil recovery purposes and water uses of less than fifteen acre-feet per year, all other permitted and temporarily permitted industrial water supplies sold for oil and gas purposes are subject to the metering requirements of this section. The state engineer shall develop rules to provide:

1. The specifications for remote terminal water metering devices;
2. That metering be operational by July 1, 2012;
3. That meters be available for inspection by state water commission staff on a daily basis;
4. That meters be sealed and tamperproof;

5. That meters may be replaced only under supervision of the state engineer;
6. That the penalty for circumventing the provisions of this section must be a thirty-day suspension of the noncompliant permit; and
7. That subsequent violations within a year result in a doubling of the penalty for the prior violation.

The state engineer shall establish a reimbursement policy for the purchase and installation of the remote terminal water metering devices. Permitholders may apply to the state engineer for reimbursement of one-half of the cost of a qualifying metering device, including installation, up to a total reimbursement of five thousand dollars per metering device installed.

**SECTION 16. TRANSFER - PERMANENT OIL TAX TRUST FUND - 2009-11 BIENNIUM.** The office of management and budget shall transfer any unexpended funds appropriated from the permanent oil tax trust fund in chapter 25 of the 2009 Session Laws to the water commission fund at the end of the biennium beginning July 1, 2009, and ending June 30, 2011. For the purposes of this section, "end of the biennium" means thirty days after the close of the biennial period but prior to the cancellation of unexpended appropriations under section 54-44.1-11.

**SECTION 17. APPLICATION.** A commerce authority formed by the conversion of a joint powers agreement under this Act remains a valid commerce authority after the expiration date of this Act. Sections 10 through 14 of this Act do not grant any additional authority to exercise the power of eminent domain or issue general obligation bonds to a commerce authority formed by a conversion of a joint powers agreement under this Act.

**SECTION 18. EXPIRATION DATE.** Sections 10 through 14 of this Act are effective through July 31, 2013, and after that date are ineffective."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2020 - State Water Commission - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Grants local cost-share	\$500,000	\$500,000		\$500,000	\$500,000	
Administrative and support services	3,229,873	3,229,873		3,229,873	3,229,873	
Water and atmospheric resources	447,913,774	447,913,774	500,000	448,413,774	447,913,774	500,000
Federal stimulus funds	7,271,773	7,271,773		7,271,773	7,271,773	
Total all funds	\$458,915,420	\$458,915,420	\$500,000	\$459,415,420	\$458,915,420	\$500,000
Less estimated income	443,688,322	443,920,221	500,000	444,420,221	443,920,221	500,000
General fund	\$15,227,098	\$14,995,199	\$0	\$14,995,199	\$14,995,199	\$0
FTE	87.00	87.00	0.00	87.00	87.00	0.00

#### Department No. 770 - State Water Commission - Detail of Conference Committee Changes

	Adds Funding for Remote Metering Devices <sup>1</sup>	Total Conference Committee Changes
Grants local cost-share		
Administrative and support services		
Water and atmospheric resources	500,000	500,000
Federal stimulus funds		
Total all funds	\$500,000	\$500,000

Less estimated income	500,000	500,000
General fund	\$0	\$0
FTE	0.00	0.00

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<sup>1</sup> Adds funding from the resources trust fund for a remote metering device reimbursement program.

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The conference committee restored a grant to Wildlife Services in a legislative intent section to \$250,000, the same as the Senate. The House reduced the grant to \$100,000.

The conference committee added a section relating to the metering of certain water sources, the same as the House, but did not include legislative intent relating to the use of funds for water project priorities included in the House version.

The conference committee restored a section repealing Section 5 of Chapter 535 of the 1999 Session Laws relating to a pledge of revenues from the Grand Forks Corporate Center removed by the House.

A legislative intent section relating to the Garrison Diversion Conservancy District removed by the House was not restored by the conference committee.

In addition, the conference committee adopted the following amendments not included in the Senate or House versions:

- Added a provision to Section 4 requiring the State Water Commission receive Budget Section approval prior to the expenditure of any funds in excess of the funding provided in the water and atmospheric resources line item.
- Amended sections of the bill relating to Fargo flood control.
- Added sections relating to joint powers entities and commerce authorities. Sections were also added to provide for the application and expiration of these sections.
- Added a section to provide for a transfer from the permanent oil tax trust fund of any unexpended funds appropriated by the 2009 Legislative Assembly prior to the end of the 2009-11 biennium.
- Added a legislative intent section relating to the funding of a reimbursement program for the remote metering of water permits.

Engrossed SB 2020 was placed on the Seventh order of business on the calendar.

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

**SEN. ROBINSON MOVED** that the conference committee report on Engrossed SB 2020 as printed on SJ pages 1833-1837 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2020, as amended, was placed on the Eleventh order of business.

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

**SB 2020:** A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to create and enact a new subsection to section 11-37-02 and a new section to chapter 61-04 of the North Dakota Century Code, relating to joint powers entities and commerce authorities and metering certain water sources; to amend and reenact subsection 2 of section 11-37-03, section 11-37-04, subsection 8 of section 11-37-06, and subsection 1 of section 11-37-08 of the North Dakota Century Code and section 7 of chapter 20 of the 2009 Session Laws, relating to conversion of joint powers entities to commerce authorities and additional powers of commerce authorities and Fargo flood control project funding; to provide exemptions; to provide a transfer; to repeal section 5 of chapter 535 of the 1999 Session Laws, relating to pledge of revenues from the Grand Forks corporate center; to provide legislative intent; to provide for retroactive application; to provide for application; to provide an expiration date; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Andrist; Berry; Burckhard; Christmann; 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; Uglem; Wanzek; Wardner

**NAYS:** Bowman; Larsen; Triplett; Warner

Reengrossed SB 2020 passed and the emergency clause was declared carried.

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**SENATE INTERIM COMMITTEES**

**PRESIDENT WRIGLEY ANNOUNCED** the following Senate Interim Committees:

Legislative Management

Sen. Erbele  
Sen. Hogue  
Sen. Holmberg  
Sen G. Lee  
Sen. Heckaman  
Sen. Robinson

Capitol Grounds Planning Commission

Sen. Laffen  
Sen. Marcellais

Comprehensive Health Association of North Dakota Board

Sen. J. Lee

State Council for Interstate Adult Offender Supervision

Sen. Lyson

**MOTION**

**SEN. G. LEE MOVED** that Sen. Schaible be elected to the position of member of the Education Commission of the States, which motion prevailed.

**POINT OF PERSONAL PRIVILEGE**

**SEN. NETHING** rose on a point of personal privilege.

**REMARKS OF SENATOR NETHING**

**MR. PRESIDENT:** At the end of the 1979 session, I gave the following speech to the Senate: "Mr. President, Ladies and Gentlemen of the Senate, throughout this legislative session as well as every session I have served in the Senate, I have attempted to cast my vote with four overriding considerations: (1) Individual conscience, (2) What is best for all of North Dakota, (3) What effect it has on my district, and (4) The political considerations of my party which philosophy recognizes fiscal responsibility, free enterprise system, and the rights of each individual.

I know many of you in this body also have set your own criteria and, hopefully, you have structured your considerations similar to those I have mentioned.

As we end this legislative session, I recognize it to be my last since at this time I do not intend to seek re-election. Between now and September 15th of this year, I will be asking for advice to aid me in deciding whether or not to seek my party's nomination for Governor of North Dakota. My evaluation will relate to: (1) What effect will my candidacy have on my family, (2) Will my philosophy, coupled with my legislative experience be beneficial to the State, and (3) Will there be a broad base of support should my decision be in the affirmative.

Should my decision be not to seek this nomination or should I be unsuccessful in my efforts, it will then be my hope that the electors in my district will return me to the North Dakota Senate, inasmuch as I would be privileged to continue helping to resolve state problems as

an elected Senator. Because of my present plans, I intend to keep a low profile as a member of the Legislative Council during the next biennium.

My purpose in making this announcement today is to inform you, my colleagues, as to what my political interests are in the future. There are people who believe that I have different political ambitions than those I have now expressed. They infer that I will seek other offices. I assure you that what I have said today represents the interests in my heart. I do not want conjecture by others regarding what my future plans are to deter those individuals who may be willing to seek state or federal office.

I also want each of you to know what an honor it has been for me to serve as Senate Majority Leader. It is an experience which falls to very few. Hopefully, it has made me a better person to meet the personal and political challenges that lie ahead.

In conclusion, I want to ask each of you to remember each legislator was elected from a district of 12,500 people. Never forget, when working with each Senator or House member, those 12,500 people must consistently be respected. By doing this, we will always preserve the integrity of this great deliberative body."

Now, 32 years later, I address this body once again to announce my intentions to each of you. Before I do, I want to take a moment to extend my personal congratulations to each of the ten first term Senators. In my 23 legislative sessions, you are truly one of the most outstanding groups I have had the pleasure of serving with. From your first day in this Senate, each of you has conducted yourself admirably, coupled with a fast learning curve. Your constituents can be proud of your work and I personally hope you will be able to serve North Dakota with this same diligence for many years in the future.

I have tried to serve my constituents by being rational, logical, deliberate, steady, measured, consensual, results-oriented, tolerant, and to be a problem solver, not a problem maker. Hopefully, these attributes may be adopted by each of you.

Now for my future. At this time in my extended youth, all of my decisions are based on two things: personal health and family circumstances. Giving consideration to both, I intend to run for re-election in 2012. However, if health or circumstances change, or I am unsuccessful in my efforts, I want you to remember the inscription which will be on my cemetery marker, "Old Senators never die, they just lose their vote."

#### **REQUEST**

**SEN. STENEHJEM REQUESTED** that the remarks of Sen. Nething be printed in the Journal, which request was granted.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2020.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2020.

#### **MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 4:30 p.m., which motion prevailed.

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

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

**SB 2015, as engrossed:** Your conference committee (Sens. Holmberg, Stenehjem, Taylor and Reps. Carlson, Delzer, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1496-1501, adopt amendments as follows, and place SB 2015 on the Seventh order:

That the House recede from its amendments as printed on pages 1496-1501 of the Senate Journal and pages 1781-1785 of the House Journal and that Engrossed Senate Bill No. 2015 be amended as follows:

Page 1, line 2, after "budget" insert ", the superintendent of public instruction, the state board of higher education, and the department of human services; to create and enact a new section to chapter 48-01.2, a new subdivision to subsection 1 of section 54-10-14, and a new section to chapter 54-27 of the North Dakota Century Code and a new section to House Bill No. 1185, a new section to Senate Bill No. 2083, and a new subdivision to subsection 6 of section 1 of House Bill No. 1438, as approved by the sixty-second legislative assembly, relating to public improvement bids and contracts, entities required to be audited by the state auditor, a report on federal grants, an emergency declaration, and an employer's prohibition on firearm possession; to amend and reenact section 39-02-03, subdivision a of subsection 2 of section 54-03-20, and sections 54-16-03.1 and 54-35-02.3 of the North Dakota Century Code and sections 1 and 8 of House Bill No. 1014 and sections 1 and 8 of House Bill No. 1020, as approved by the sixty-second legislative assembly, relating to the powers and duties of the director of the department of transportation, housing reimbursement for members of the legislative assembly, petitions to the emergency commission, legislative management employee benefits programs committee, appropriations for the industrial commission, and appropriations to the branch research centers"

Page 1, line 3, remove "and"

Page 1, line 3, after "intent" insert "; to provide for legislative management reports; and to declare an emergency"

Page 1, replace line 17 with:

"Capital assets	2,420,298	6,369,845	8,790,143"
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Page 1, replace line 19 with:

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

"Total all funds	\$50,937,875	(\$7,909,715)	\$43,028,160
Less estimated income	14,688,779	(4,174,318)	10,514,461
Total general fund	\$36,249,096	(\$3,735,397)	\$32,513,699"

Page 2, replace line 7 with:

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

"Capitol complex parking lot repairs	0	800,000"
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Page 2, replace line 15 with:

"Total all funds	\$6,681,735	\$3,650,000"
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Page 2, replace line 17 with:

"Total general fund	\$4,858,100	\$3,650,000"
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Page 2, after line 21, insert:

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

Page 2, line 22, replace "LANDS AND MINERALS TRUST" with "STRATEGIC INVESTMENT AND IMPROVEMENTS"

Page 2, line 24, replace "\$239,000,000" with "\$305,000,000"

Page 2, line 24, remove "lands and minerals"

Page 2, line 25, replace "trust" with "strategic investment and improvements"

Page 2, remove lines 26 through 31

Page 3, remove lines 1 and 2

Page 3, replace lines 18 through 30 with:

**"SECTION 8. STATE EMPLOYEE COMPENSATION ADJUSTMENTS - GUIDELINES.** It is the intent of the sixty-second legislative assembly that 2011-13 biennium compensation adjustments for regular nonclassified state employees are to be based on documented performance and equity and are not to be the same percentage increase for each employee. Compensation adjustments for the 2011-13 biennium for regular classified state employees are to be based on guidelines developed by the office of management and budget in accordance with section 10 of this Act.

General increases based on legislative appropriations are to be given beginning with the month of July 2011, to be paid in August 2011, and beginning with the month of July 2012, to be paid in August 2012. Each agency appropriation is increased by three percent for the first year of the 2011-13 biennium and three percent for the second year of the 2011-13 biennium. Employees whose overall documented performance level does not meet standards are not eligible for any salary increase.

Probationary employees are not entitled to the general increases. However, probationary employees may be given all or a portion of the increases effective in July, paid in August, or upon completion of probation, at the discretion of the appointing authority.

**SECTION 9. EXTERNAL COMPETITIVENESS TARGET - CLASSIFIED STATE EMPLOYEE COMPENSATION ADJUSTMENT GUIDELINES - 2011-13 BIENNIUM.** The office of management and budget shall set the external competitiveness target for the classified state employee compensation system based on the funding provided by the sixty-second legislative assembly for classified state employee compensation, for the biennium beginning July 1, 2011, and ending June 30, 2013. The office of management and budget shall develop guidelines for use by state agencies for providing compensation adjustments for regular classified state employees, for the biennium beginning July 1, 2011, and ending June 30, 2013. The guidelines must be developed in accordance with the compensation philosophy statement and compensation system initiatives included in House Bill No. 1031, as approved by the sixty-second legislative assembly, and the external competitiveness target as determined by the office of management and budget.

**SECTION 10. OFFICE OF MANAGEMENT AND BUDGET - REPORTS TO LEGISLATIVE MANAGEMENT - STATE EMPLOYEE COMPENSATION SYSTEM CHANGES.** The office of management and budget shall provide periodic reports to the legislative management during the 2011-12 interim on the status of implementation and administration of the compensation philosophy statement and compensation system initiatives included in House Bill No. 1031, as approved by the sixty-second legislative assembly.

**SECTION 11. INFORMATION TECHNOLOGY PROJECT PLANNING.** Each executive branch state agency, excluding entities under the control of the state board of higher education, considering the development of an information technology project with an estimated cost of \$100,000 or more shall involve the information technology department in the planning and study of the project, for the biennium beginning July 1, 2011, and ending June 30, 2013. A state agency must receive a recommendation from the information technology department prior to proceeding with any study relating to the project.

**SECTION 12. DRAFT APPROPRIATIONS ACTS - ALTERNATIVE  
FORMAT PILOT PROJECT - SIXTY-THIRD LEGISLATIVE ASSEMBLY -**

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

**SECTION 13. DEPARTMENT OF TRANSPORTATION MOTOR VEHICLE  
BRANCH OFFICE AUTHORIZATION.** Notwithstanding any other provision of law, the department of transportation is authorized to design and procure or construct additional office space, including modular buildings or onsite construction, for use as a motor vehicle branch office, for the period beginning with the effective date of this Act and ending June 30, 2013.

**SECTION 14. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,474,362, or so much of the sum as may be necessary, to the department of human services for the purpose of completing the medicaid management information system replacement project, for the biennium beginning July 1, 2011, and ending June 30, 2013. This funding is considered to be one-time funding for the 2011-13 biennium and is not to be part of the department's base budget for the 2013-15 biennium. The department shall report to the appropriations committees of the sixty-third legislative assembly on the use of this one-time funding.

**SECTION 15. AMENDMENT.** Section 1 of House Bill No. 1014, as approved by the sixty-second legislative assembly, is amended and reenacted as follows:

**SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the state industrial commission and agencies under its control for the purpose of defraying the expenses of the state industrial commission and agencies under its control, for the biennium beginning July 1, 2011, and ending June 30, 2013, as follows:

Subdivision 1.

	INDUSTRIAL COMMISSION		
	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$9,321,995	\$2,889,625	\$12,211,620
Operating expenses	2,646,426	847,318	3,493,744
Capital assets	49,000	(49,000)	0
Grants - Lignite research and development	19,971,300	0	19,971,300
Grants - Bond payments	27,441,865	(2,052,132)	25,389,733
Mineral resources contingency	0	743,972	743,972
Carbon dioxide storage facility administrative fund	0	532,000	532,000
Renewable energy development	0	1,500,000	1,500,000
Total all funds	\$59,430,586	\$4,411,783	\$63,842,369
Less estimated income	<u>49,308,484</u>	<u>(1,797,756)</u>	<u>47,510,728</u>
Total general fund	\$10,122,102	\$6,209,539	\$16,331,641
Less estimated income	<u>49,308,484</u>	<u>(2,541,728)</u>	<u>46,766,756</u>
Total general fund	\$10,122,102	\$6,953,511	\$17,075,613
Full-time equivalent positions	61.06	13.00	74.06

Subdivision 2.

BANK OF NORTH DAKOTA - OPERATIONS



	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Bank of North Dakota operations	\$41,762,274	\$3,824,881	\$45,587,155
Capital assets	<u>1,455,000</u>	<u>(189,000)</u>	<u>1,266,000</u>
Total special funds	\$43,217,274	\$3,635,881	\$46,853,155
Full-time equivalent positions	176.50	0.00	176.50

## Subdivision 3.

## BANK OF NORTH DAKOTA - ECONOMIC DEVELOPMENT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Partnership in assisting community expansion fund	\$8,000,000	(\$2,000,000)	\$6,000,000
Agriculture partnership in assisting community expansion fund	1,400,000	(400,000)	1,000,000
Beginning farmer revolving loan fund	950,000	450,000	1,400,000
Biofuels partnership in assisting community expansion fund	<u>0</u>	<u>1,000,000</u>	<u>1,000,000</u>
Total all funds	\$10,350,000	(\$950,000)	\$9,400,000
Less beginning farmer revolving loan fund	<u>950,000</u>	<u>(950,000)</u>	<u>0</u>
Total general fund	\$9,400,000	\$0	\$9,400,000

## Subdivision 4.

## MILL AND ELEVATOR ASSOCIATION

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$22,599,324	\$3,418,684	\$26,018,008
Operating expenses	16,982,918	3,460,951	20,443,869
Contingencies	325,000	75,000	400,000
Agriculture promotion	<u>150,000</u>	<u>60,000</u>	<u>210,000</u>
Total from mill and elevator fund	\$40,057,242	\$7,014,635	\$47,071,877
Full-time equivalent positions	131.00	0.00	131.00

## Subdivision 5.

## HOUSING FINANCE AGENCY

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$5,981,828	\$534,449	\$6,516,277
Operating expenses	8,677,581	(3,562,732)	5,114,849
Grants	26,224,360	634,560	26,858,920
Housing finance agency contingencies	<u>100,000</u>	<u>0</u>	<u>100,000</u>
Total special funds	\$40,983,769	(\$2,393,723)	\$38,590,046
Full-time equivalent positions	46.00	0.00	46.00

## Subdivision 6.

## BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$19,522,102	\$6,209,539	\$25,731,641
Grand total special funds	<u>174,516,769</u>	<u>5,509,037</u>	<u>180,025,806</u>
Grand total general fund	\$19,522,102	\$6,953,511	\$26,475,613
Grand total special funds	<u>174,516,769</u>	<u>4,765,065</u>	<u>179,281,834</u>
Grand total all funds	\$194,038,871	\$11,718,576	\$205,757,447

**SECTION 16. AMENDMENT.** Section 8 of House Bill No. 1014, as approved by the sixty-second legislative assembly, is amended and reenacted as follows:

**SECTION 8. CONTINGENT DEPARTMENT OF MINERAL RESOURCES FUNDING—PERMANENT OIL TAX TRUST FUND - EMERGENCY COMMISSION**

**APPROVAL.** Of the funds appropriated in the mineral resources contingency line item in subdivision 1 of section 1 of this Act, \$743,972 is from the ~~permanent oil tax trust~~ general fund. If funds are required due to the drilling rig count exceeding one hundred eighty for at least thirty consecutive days, the oil and gas division may

spend up to \$192,393 of these funds and hire one full-time equivalent position, upon emergency commission approval, and further if funds are required due to the drilling rig count exceeding one hundred ninety for at least thirty consecutive days, the oil and gas division may spend up to an additional \$192,393 of these funds and hire one full-time equivalent position, upon emergency commission approval. If funds are required due to the total number of oil wells in the state exceeding nine thousand three hundred, the oil and gas division may spend up to \$359,186 and hire two full-time equivalent positions, upon emergency commission approval.

**SECTION 17. AMENDMENT.** Section 1 of House Bill No. 1020, as approved by the sixty-second legislative assembly, is amended and reenacted as follows:

**SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the North Dakota state university extension service, the northern crops institute, the upper great plains transportation institute, the main research center, branch research centers, and agronomy seed farm for the purpose of defraying the expenses of the North Dakota state university extension service, the northern crops institute, the upper great plains transportation institute, the main research center, branch research centers, and agronomy seed farm, for the biennium beginning July 1, 2011, and ending June 30, 2013, as follows:

Subdivision 1.

NORTH DAKOTA STATE UNIVERSITY EXTENSION SERVICE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Extension service	\$47,091,489	(\$64,835)	\$47,026,654
Soil conservation committee	837,800	150,000	987,800
Total all funds	\$47,929,289	\$85,165	\$48,014,454
Less estimated income	25,928,877	(2,800,067)	23,128,810
Total general fund	\$22,000,412	\$2,885,232	\$24,885,644
Full-time equivalent positions	255.75	1.00	256.75

Subdivision 2.

NORTHERN CROPS INSTITUTE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Total all funds	\$3,037,486	\$309,821	\$3,347,307
Less estimated income	1,598,265	56,460	1,654,725
Total general fund	\$1,439,221	\$253,361	\$1,692,582
Full-time equivalent positions	11.00	0.00	11.00

Subdivision 3.

UPPER GREAT PLAINS TRANSPORTATION INSTITUTE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Total all funds	\$23,326,992	\$742,969	\$24,069,961
Less estimated income	21,737,199	413,134	22,150,333
Total general fund	\$1,589,793	\$329,835	\$1,919,628
Full-time equivalent positions	52.30	0.00	52.30

Subdivision 4.

MAIN RESEARCH CENTER

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Main research center	\$87,530,418	\$11,059,555	\$98,589,973
Deferred maintenance	0	0	0
Grape and wine program committee	0	0	0
Federal fiscal stimulus 2009	0	0	0
Total all funds	\$87,530,418	\$11,059,555	\$98,589,973
Less estimated income	45,013,267	(879,692)	44,133,575
Total general fund	\$42,517,151	\$11,939,247	\$54,456,398
Full-time equivalent positions	329.26	4.00	333.26

## Subdivision 5.

## RESEARCH CENTERS

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Dickinson research center	\$5,012,580	\$1,375,982	\$6,388,562
Central grasslands research center	2,560,602	305,245	2,865,847
Hettinger research center	2,995,155	378,020	3,373,175
Langdon research center	2,091,572	287,235	2,378,807
North central research center	3,973,952	425,869	4,399,821
Williston research center	2,922,183	487,906	3,410,089
Carrington research center	6,727,962	398,526	7,126,488
Total all funds	\$26,284,006	\$3,658,783	\$29,942,789
Less estimated income	<u>13,916,816</u>	<u>1,880,765</u>	<u>15,797,581</u>
Total general fund	12,367,190	1,778,018	14,145,208
Less estimated income	<u>13,916,816</u>	<u>1,080,765</u>	<u>14,997,581</u>
Total general fund	\$12,367,190	\$2,578,018	\$14,945,208
Full-time equivalent positions	95.49	2.00	97.49

## Subdivision 6.

## AGRONOMY SEED FARM

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Agronomy seed farm	\$1,275,238	\$159,930	\$1,435,168
Total special funds	\$1,275,238	\$159,930	\$1,435,168
Full-time equivalent positions	3.00	0.00	3.00

## Subdivision 7.

## BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$79,913,767	\$17,185,693	\$97,099,460
Grand total special funds	<u>109,469,662</u>	<u>(1,169,470)</u>	<u>108,300,192</u>
Grand total general fund	\$79,913,767	\$17,985,693	\$97,899,460
Grand total special funds	<u>109,469,662</u>	<u>(1,969,470)</u>	<u>107,500,192</u>
Grand total all funds	\$189,383,429	\$16,016,223	\$205,399,652

**SECTION 18. AMENDMENT.** Section 8 of House Bill No. 1020, as approved by the sixty-second legislative assembly, is amended and reenacted as follows:

**SECTION 8. PERMANENT OIL TAX TRUST FUND -- DICKINSON RESEARCH CENTER - OPERATING POOL FUNDING.** The estimated income general fund line item in subdivision 5 of section 1 of this Act includes \$800,000 from the permanent oil tax trust fund. This operating pool funding is available only for defraying the costs of operations of the Dickinson research center, for the biennium beginning July 1, 2011, and ending June 30, 2013.

**SECTION 19. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$211,264, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of allocation of mill levy reduction grants to school districts under chapter 57-64, for the period beginning with the effective date of this Act and ending June 30, 2011.

**SECTION 20. APPROPRIATION - STATE BOARD OF HIGHER EDUCATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$150,000, or so much of the sum as may be necessary, to the state board of higher education for the purpose of supporting educational leadership programs at the university of North Dakota and North Dakota state university, for the biennium beginning July 1, 2011, and ending June 30, 2013.

**SECTION 21.** A new section to House Bill No. 1185, as approved by the sixty-second legislative assembly, is created and enacted as follows:

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

**SECTION 22.** A new subdivision to subsection 6 of section 1 of House Bill No. 1438, as enacted by the sixty-second legislative assembly, is created and enacted as follows:

The state hospital.

**SECTION 23.** A new section to Senate Bill No. 2083, as approved by the sixty-second legislative assembly, is created and enacted as follows:

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

**SECTION 24. AMENDMENT.** Section 39-02-03 of the North Dakota Century Code is amended and reenacted as follows:

**39-02-03. Powers and duties of director and department.**

The director, subject to the approval of the governor, may adopt and enforce such administrative rules and designate such agencies and establish such branch offices as may be necessary to carry out the laws applicable to the director's office and department. The director shall provide suitable forms for applications, registration cards, license number plates, and all other forms requisite for the operation of the director's office and department, and shall prepay all transportation charges thereon. In addition, the director shall provide for a uniform maximum fee schedule for the various services provided by the branch offices. Any branch office may establish a different fee schedule if the schedule does not contain a fee that exceeds a maximum fee established by the director and is approved by the director. All branch office managers must be bonded. The department may lease or provide office space or other overhead costs as necessary to independent motor vehicle branch managers. All rents collected under this section must be deposited in the state highway fund. The department and the officers thereof shall enforce the provisions of all laws pertaining to the director and the department.

**SECTION 25.** A new section to chapter 48-01.2 of the North Dakota Century Code is created and enacted as follows:

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

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

**SECTION 26. AMENDMENT.** Subdivision a of subsection 2 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

- a. Each member of the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed per calendar month the amount established under this subdivision by the director of the office of management and budget for lodging in state and which may not exceed the rate provided in section 44-08-04 for each calendar day during the period of any organizational, special, or regular session. On August first of each even-numbered year, the director of the office of management and budget shall set the maximum monthly reimbursement for the subsequent two-year period at an amount equal to thirty times ~~fifty-fivesixty-five~~ percent of

the daily lodging reimbursement in effect on that date as provided under subdivision d of subsection 2 of section 44-08-04.

**SECTION 27.** A new subdivision to subsection 1 of section 54-10-14 of the North Dakota Century Code as amended by section 1 of House Bill No. 1145, as approved by the sixty-second legislative assembly, is created and enacted as follows:

Housing authorities not required to be audited by the federal department of housing and urban development.

**SECTION 28. AMENDMENT.** Section 54-16-03.1 of the North Dakota Century Code is amended and reenacted as follows:

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

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

**SECTION 29.** A new section to chapter 54-27 of the North Dakota Century Code is created and enacted as follows:

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

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

**SECTION 30. AMENDMENT.** Section 54-35-02.3 of the North Dakota Century Code is amended and reenacted as follows:

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

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

**SECTION 31. DEPARTMENT OF COMMERCE - TOURISM  
INFRASTRUCTURE GRANTS - EMERGENCY COMMISSION AND BUDGET  
SECTION APPROVAL.**

Funding provided to the department of commerce for tourism infrastructure grants in Senate Bill No. 2057, as approved by the sixty-second legislative assembly, may be awarded and spent only upon emergency commission and budget section approval, for the biennium beginning July 1, 2011, and ending June 30, 2013.

**SECTION 32. EMERGENCY.** Sections 13, 19, 21, 23, and 24 of this Act are declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2015 - Summary of Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Office of Management and Budget						
Total all funds	\$42,965,298	\$44,465,298	(\$1,337,138)	\$43,128,160	\$42,828,160	\$300,000
Less estimated income	10,914,461	10,914,461	(400,000)	10,514,461	10,514,461	0
General fund	\$32,050,837	\$33,550,837	(\$937,138)	\$32,613,699	\$32,313,699	\$300,000
University System Office						
Total all funds	\$0	\$0	\$150,000	\$150,000	\$0	\$150,000
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$150,000	\$150,000	\$0	\$150,000
Department of Human Services						
Total all funds	\$0	\$0	\$1,474,362	\$1,474,362	\$0	\$1,474,362
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$1,474,362	\$1,474,362	\$0	\$1,474,362
Bill total						
Total all funds	\$42,965,298	\$44,465,298	\$287,224	\$44,752,522	\$42,828,160	\$1,924,362
Less estimated income	10,914,461	10,914,461	(400,000)	10,514,461	10,514,461	0
General fund	\$32,050,837	\$33,550,837	\$687,224	\$34,238,061	\$32,313,699	\$1,924,362

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

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$18,517,763	\$18,517,763		\$18,517,763	\$18,517,763	
Operating expenses	13,765,254	13,765,254		13,765,254	13,765,254	
Capital assets	8,390,143	9,390,143	(600,000)	8,790,143	8,490,143	300,000
Grants	55,000	55,000		55,000	55,000	
Emergency Commission contingency fund	700,000	700,000		700,000	700,000	
Prairie Public Broadcasting	1,337,138	1,837,138	(837,138)	1,000,000	1,000,000	
State student internship program	200,000	200,000		200,000	200,000	
Transfer to public transportation fund			100,000	100,000	100,000	
Total all funds	\$42,965,298	\$44,465,298	(\$1,337,138)	\$43,128,160	\$42,828,160	\$300,000
Less estimated income	10,914,461	10,914,461	(400,000)	10,514,461	10,514,461	0
General fund	\$32,050,837	\$33,550,837	(\$937,138)	\$32,613,699	\$32,313,699	\$300,000
FTE	131.50	131.50	0.00	131.50	131.50	0.00

**Department No. 110 - Office of Management and Budget - Detail of Conference Committee Changes**

	Reduces Funding for Prairie Public Broadcasting <sup>1</sup>	Removes Funding for Capitol Grounds Signage Projects <sup>2</sup>	Reduces Funding for Parking Lot Repairs <sup>3</sup>	Adds Transfer to Public Transportation Fund <sup>4</sup>	Total Conference Committee Changes
Salaries and wages					
Operating expenses					
Capital assets		(400,000)	(200,000)		(600,000)
Grants					
Emergency Commission contingency fund					
Prairie Public Broadcasting	(837,138)				(837,138)
State student internship program					
Transfer to public transportation fund				100,000	100,000

Total all funds	(\$837,138)	(\$400,000)	(\$200,000)	\$100,000	(\$1,337,138)
Less estimated income	0	(400,000)	0	0	(400,000)
General fund	(\$837,138)	\$0	(\$200,000)	\$100,000	(\$937,138)
FTE	0.00	0.00	0.00	0.00	0.00

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

<sup>2</sup> Funding from the Capitol building fund for exterior signage at the Capitol complex is removed. The House also removed this funding.

<sup>3</sup> Funding for Capitol complex parking lot repairs is reduced by \$200,000 to provide total funding of \$800,000. The Senate added a total of \$1,000,000 from the general fund for Capitol complex parking lot repairs and the House reduced funding for parking lot repairs to \$500,000.

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

#### Senate Bill No. 2015 - University System Office - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Educational leadership programs			\$150,000	\$150,000		\$150,000
Total all funds	\$0	\$0	\$150,000	\$150,000	\$0	\$150,000
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$150,000	\$150,000	\$0	\$150,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

#### Department No. 215 - University System Office - Detail of Conference Committee Changes

	Adds Funding for Educational Leadership Programs <sup>1</sup>	Total Conference Committee Changes
Educational leadership programs	\$150,000	\$150,000
Total all funds	\$150,000	\$150,000
Less estimated income	0	0
General fund	\$150,000	\$150,000
FTE	0.00	0.00

<sup>1</sup> This amendment provides \$150,000 from the general fund to the State Board of Higher Education for educational leadership programs at the University of North Dakota and North Dakota State University.

#### Senate Bill No. 2015 - Department of Human Services - Conference Committee Action

Executive Budget	Senate Version	Conference Committee	Conference Committee	House Version	Comparison to House
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			Changes	Version		
Medicaid management information system			\$1,474,362	\$1,474,362		\$1,474,362
Total all funds	\$0	\$0	\$1,474,362	\$1,474,362	\$0	\$1,474,362
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$1,474,362	\$1,474,362	\$0	\$1,474,362
FTE	0.00	0.00	0.00	0.00	0.00	0.00

### Department No. 325 - Department of Human Services - Detail of Conference Committee Changes

	Provides MMIS Project <sup>1</sup>	Total Conference Committee Changes
Medicaid management information system	\$1,474,362	\$1,474,362
Total all funds	\$1,474,362	\$1,474,362
Less estimated income	0	0
General fund	\$1,474,362	\$1,474,362
FTE	0.00	0.00

<sup>1</sup> Funding is provided for the completion of the Department of Human Services' Medicaid management information system (MMIS) project. The funding was originally appropriated from the permanent oil tax trust fund. Due to the elimination of the permanent oil tax trust fund in House Bill No. 1451, funding is changed to the general fund.

### Senate Bill No. 2015 - Other Changes - Conference Committee Action

This amendment also:

- Adjusts Section 2 to reflect the removal of one-time funding for Prairie Public Broadcasting and the reduction of funding for Capitol complex parking lot repairs.
- Removes Section 5 which transfers \$388,580,000 from the permanent oil tax trust fund to the property tax relief sustainability fund. The House also removed this section.
- Adds three sections to provide that classified state employee compensation adjustments are based on a competitiveness target set by the Office of Management and Budget in accordance with the compensation philosophy statement and compensation initiatives included in House Bill No. 1031. The House provided intent that each state agency receive funding equal to a 3 percent state employee salary increase each year of the 2011-13 biennium, the same as the executive recommendation. The Senate included intent that funding is provided equal to a salary increase of 4 percent the first year of the biennium and 1 percent the second year of the biennium.
- Adds a section regarding Information Technology Department review of proposed state agency information technology projects with an estimated cost of \$100,000 or more. The House also added this section.
- Adds a section to require certain draft appropriations acts to be submitted to the 63rd Legislative Assembly in an alternative format. The House also added this section.
- Enacts two new sections to the North Dakota Century Code relating to public improvement project bids and reports on federal grants. The House also added this section.
- Amends Section 54-16-03.1 relating to the action of the Emergency Commission. The House also amended this section.
- Amends Section 54-35-02.3 relating to the membership of the Employee Benefits Programs Committee. The House also amended this section.



- Amends Section 54-03-20 relating to lodging reimbursement for members of the Legislative Assembly.
- Adds a section to create a new subdivision to subsection 6 of a new unnumbered section added to Chapter 52.1-02 in 2011 House Bill No. 1438 relating to an employer's prohibition of firearms.
- Adds a section to add a new subdivision to subsection 1 of section 54-10-14 as amended in House Bill No. 1145 regarding auditing provisions of political subdivisions and other entities.
- Adds sections to declare House Bill No. 1185 and Senate Bill No. 2083 emergency measures.
- Adds a section regarding Department of Transportation motor vehicle branch office buildings, including the lease of department office space to independent motor vehicle branch managers.
- Amends House Bill Nos. 1014 and 1020 to change the funding source of certain items from the permanent oil tax trust fund to the general fund.
- Provides a 2009-11 biennium appropriation to the Superintendent of Public Instruction for mill levy reduction grants for school districts.
- Adds a section requiring Emergency Commission and Budget Section approval of Department of Commerce tourism infrastructure grants.

Engrossed SB 2015 was placed on the Seventh order of business on the calendar.

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

**SEN. HOLMBERG MOVED** that the conference committee report on Engrossed SB 2015 as printed on SJ pages 1839-1851 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2015, as amended, was placed on the Eleventh order of business.

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

**SB 2015:** A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget, the superintendent of public instruction, the state board of higher education, and the department of human services; to create and enact a new section to chapter 48-01.2, a new subdivision to subsection 1 of section 54-10-14, and a new section to chapter 54-27 of the North Dakota Century Code and a new section to House Bill No. 1185, a new section to Senate Bill No. 2083, and a new subdivision to subsection 6 of section 1 of House Bill No. 1438, as approved by the sixty-second legislative assembly, relating to public improvement bids and contracts, entities required to be audited by the state auditor, a report on federal grants, an emergency declaration, and an employer's prohibition on firearm possession; to amend and reenact section 39-02-03, subdivision a of subsection 2 of section 54-03-20, and sections 54-16-03.1 and 54-35-02.3 of the North Dakota Century Code and sections 1 and 8 of House Bill No. 1014 and sections 1 and 8 of House Bill No. 1020, as approved by the sixty-second legislative assembly, relating to the powers and duties of the director of the department of transportation, housing reimbursement for members of the legislative assembly, petitions to the emergency commission, legislative management employee benefits programs committee, appropriations for the industrial commission, and appropriations to the branch research centers; to provide an exemption; to provide for various transfers; to provide legislative intent; to provide for legislative management reports; and to declare an emergency.

#### **ROLL CALL**

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

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

**NAYS:** Larsen; Marcellais; Mathern; Triplett

Reengrossed SB 2015 passed and the emergency clause was declared carried.

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#### **MOTION**

**SEN. CHRISTMANN MOVED** that the President appoint a committee of three to notify the House that the Senate has completed its business and is about to adjourn, which motion prevailed.

**PRESIDENT WRIGLEY APPOINTED** as such committee, Sens. Wardner, Krebsbach, and Robinson.

#### **MOTION**

**SEN. CHRISTMANN MOVED** that the President appoint a committee of three to notify the Governor that the Senate has completed its business and is about to adjourn, which motion prevailed.

**PRESIDENT WRIGLEY APPOINTED** as such committee, Sens. Nething, Freborg, and O'Connell.

#### **REQUEST**

**SEN. WARDNER REQUESTED** that the committee appointed to inform the House that the Senate has completed its business and is about to adjourn be discharged, as the committee has completed its task, which request was granted.

#### **REQUEST**

**SEN. NETHING REQUESTED** that the committee appointed to notify the Governor that the Senate has completed its business and is about to adjourn be discharged, as the committee has completed its task, which request was granted.

#### **REMARKS OF MAJORITY LEADER STENEHJEM**

Mr. President and Fellow Senators: I stand before you to offer my heartfelt appreciation for your hard work and dedication throughout our time together in the 62nd Legislative Session. It has truly been an honor working with each and every one of you. We can all stand proud of the work that we have accomplished together over the last four months. Joining our already exceptional group this year was perhaps the most impressive group of freshmen Senators that I have had the pleasure of welcoming into this body. I thank all of you new members for answering the call to public service and for doing a fine job of representing your constituents.

The work of the Senate would not be possible without the diligent and hard-working people responsible for carrying out its day to day operations. On behalf of all my colleagues, I offer thanks and gratitude to the members of the Legislative Council, the Legal Staff, the Fiscal Staff, the desk force, the office staff, pages, committee clerks, sergeants-at-arms, and all other employees who played a part in the legislative process. Your tireless efforts on behalf of the people of North Dakota, though all too often unnoticed by those outside of this building, are truly appreciated. Please know that your work has made a positive difference to this state and its people. I am sure that I speak for my colleagues when I say that it has been a privilege working alongside you.

To my caucus members, thank you. The faith and trust you placed in me by allowing me to serve as your Majority Leader for another session is indeed humbling. It has been a tremendous honor and a privilege to serve you in this capacity. I sincerely appreciate the work of Senator Jerry Klein as our Caucus Leader and Senator Randy Christmann as Assistant Majority Leader. These two positions are vital for the legislative process to run smoothly and on course. Your work, dedication, and friendship are deeply appreciated.

Not to be overshadowed in terms of their contribution to this process are our committee chairmen. Your passion for the issues you preside over drives those issues to the forefront of the public eye and has resulted in well developed and sustainable public policy. I thank you for your leadership and dedication.

I would also like to thank our presiding officers. There was a new face at the rostrum this

session with the addition of our new Lieutenant Governor and President of the Senate. Lieutenant Governor Drew Wrigley has demonstrated his dedication to this body with distinction. We are proud to have him serve as one of our presiding officers. Also keeping the Senate moving forward were Senator Rich Wardner and Senator Ralph Kilzer as Presidents Pro Tempore. Thank you for your service.

Throughout this session, each one of us has experienced both triumph and defeat. Nonetheless, we have emerged from this process with sound public policy that will serve the people of North Dakota well into the future. Though political parties often threaten to divide society into an "us" versus "them" mentality, this chamber has stood united under the common banner of providing for and improving the lives of all the citizens of North Dakota. Success in this objective is due in part to the positive working relationship between the members of our different political parties. I thank my fellow Senate Leader, Senator Ryan Taylor for his leadership and friendship. Though I have had the pleasure of working with Senator Taylor as Majority Leader only during this session, this is the fifth session we have shared in this chamber. I have come to know Senator Taylor as a man of integrity, hard work, and professionalism. I respect and appreciate Senator Taylor's dedication to reaching beyond party lines for the good of this great state and know that working together toward our common goal will continue into the future.

Our state is seeing unprecedented growth and development in virtually all areas. With growth and prosperity, however, come challenges. Essential investments were made during this session that improved our state's ability to do business. We were able to invest substantially in North Dakota's highway and road infrastructure, ultimately passing close to \$1 billion for the rebuilding and repairing of state highways as well as county, city, and township roads and highways throughout the state. These investments will go far to ensure that the engines of our state economy continue to grow and run effectively.

We addressed the critical needs in our state's oil producing region. Financing of the new Western Area Water Supply Authority will provide water crucial to the oil and gas industry, while making a much needed water source available to the rural communities of the area. We also invested over \$100 million to address the needs of communities impacted by the oil and gas industry including housing projects, public utility improvements, increases in emergency and public safety personnel, and other public services.

In terms of spending, North Dakota has seen unprecedented increases in this session. The economy of our state continues to grow, aided by the expansion of several key industries including energy, agriculture, and tourism. I have a strong belief that we must continue to sustain and grow our quality of life in North Dakota. We have been successful in putting into place many safeguards to ensure that this occurs. My concern has been and continues to be how we will carry on sustaining the quality of life in North Dakota beyond this initial economic boom and far into the future. It is my goal that we will maintain our ongoing costs at affordable and sustainable levels to ensure a bright future for generations to come.

Enjoying a balanced budget and a positive ending balance, our state is in a unique position when compared to the rest of the country. North Dakota is truly the envy of the nation. We have passed an exceptional tax relief package, putting nearly \$500 million back into the pockets of hard working North Dakota taxpayers. This package is the largest in state history and one that did not come at the expense of other priorities.

We have also provided for our future generations through sound fiscal planning and sustainable growth. As most other states in our country struggle to gain financial footing by cutting programs and services, the people of North Dakota will enjoy an increase in the quality of life that we all have come to appreciate through our investments in human services, education, infrastructure, and others. We can all be proud of our accomplishments this session, and I believe the people of North Dakota will agree.

In closing, I would like to thank the citizens of North Dakota themselves. It is truly a great honor to represent such an industrious, hard-working, and affable group of people. My colleagues and I are proud to have had the opportunity to work with you in ensuring a promising future for our state. I sincerely thank each of you who sent an email or letter, testified at a committee hearing, or visited with one of us at a local town hall meeting. Citizen participation is absolutely essential to the success of a democratic government, and I appreciate your participation in this important process. I hope that you are proud of the many accomplishments we have achieved on your behalf.

Thank you all once again. I look forward to the day we meet again. I wish you all safe travels as you return to your families. Please share with your constituents the successes and achievements we have had during this legislative session. As a state, we have a lot for which we can be proud. Thank you, may God bless you, and may God bless the great State of North Dakota.

#### **REMARKS OF MINORITY LEADER TAYLOR**

First I would like to take the time to thank all of the people who made this session possible. I would like to thank the Senate support staff, Sergeants at arms, the committee clerks, interns, legislative council staff, department staff, cafeteria staff, facilities management, parking lot attendants, and all other employees that help us get the information we need and help us run the session here. I would also like to thank Lt. Governor Drew Wrigley for serving as our presiding officer day in and day out and for the help and leadership of the entire executive branch as we carry out our legislative business.

I would like to thank our office staff. We would be no where without Kathy Wachter, who works so hard to help our caucus operate day in and day out, and has been a great help to me in my first session. I would also like to thank Mandy Kubik, Meredith Pickett, and Wanda Baar- Hoechst for all of their hard work during the session.

My family helps me put politics in prospective, and I couldn't serve here without my wife Nikki and my three children. I thank my family for coming down to Bismarck with me each session and if I didn't have their support none of this would be possible for me.

This is my first session as Senate Minority Leader and I would like to thank everyone in this chamber for helping me in this role. I would not have been able to succeed without my right hand man, Senator Mac Schneider. I hear nice things about Mac all the time, and from both sides of the aisle. He is extremely bright, good humored, and unquestionably devoted to his district and the State of North Dakota. Having Senator Schneider as my assistant leader and a friend has made this job a lot easier and a whole lot more fun.

We have also all benefited greatly from the leadership of our caucus chair, Senator John Warner. Senator Warner is a statesman, one who all of us try and be more like in our own public service and someone who we are glad to call a friend. Understated and poetic, he has shown great dedication to our caucus for years and we thank him, again, for his hard work this session.

Above all else I am tremendously proud of my caucus. A lot has been said about our low numbers. And yes, there are only twelve of us. But I can honestly say that every single one of them was able to make legislation better and make a difference for the people of this state. It's the old saying, "leave something better than you found it." If one of my members was involved on an issue, they did whatever they could to leave it better than they found it, whether that was reaching across the aisle to their colleagues, bringing forth another viewpoint, adding crucial amendments, or just bringing ideas to the table. It is not always easy to be in the minority. But these twelve Senators have worked tirelessly to do whatever possible to make things in this state better for the people they represent, and never lost sight of the fact that the people who need their help the most are children, the underprivileged, and the disenfranchised. Any public servant would be very proud and privileged to serve as the leader of such a group of citizen legislators, and please know that it has been a great honor for me.

I would like to thank the Majority Leader, Senator Bob Stenehjem, and all of the Republican leadership, for their assistance and guidance this session. The majority does a lot of heavy lifting, and bears much of the session's workload and they have welcomed me into the leadership role and helped me along the way. And I also thank my Republican colleagues. You know, this is a truly citizen legislature with people from all over the state and all walks of life. And although we have our differences, we really do get to know our friends across the aisle and work with them on our common goals. I know I speak for the caucus when I say that we value the expertise on different issues, the committee leadership that we serve under, and the chance to work together with members from across the aisle for these 78 days.

A lot has been said about priorities in this session. We've talked a lot about Democratic-NPL

priorities vs. Republican priorities, Eastern priorities vs. Western priorities, rural vs. urban priorities, and our differences in the nature of government. We've talked about all of those until we were blue in the face, sometimes red in the face, and now is not the time to rehash old battles. We know about the things we differ on, and the priorities that we share. So with the 62nd legislative session coming to a close, my greatest hope, and one that I think is shared with many in this chamber, is that we always strive to close the space between our differences, agree on more than we disagree, and always, above all else, work together for a better North Dakota.

I thank the people of District 7 for the privilege of serving in the North Dakota state senate, and thank you all for the privilege as serving as your minority leader. I hope you all have safe journeys home, enjoy your time with your families and friends, and I look forward to seeing you all in November.

#### **REMARKS OF PRESIDENT OF THE SENATE WRIGLEY**

I rise out of respect and to take just a moment to thank this Senate for your many courtesies across the months of this 62nd Legislative Assembly. Your patience with the new President has been much appreciated, because the ways and customs, the rules and modes of this body are not intuitively obvious to the uninitiated. Uninitiated I was when I first presided at the onset of this session. For instance, you may recall that it took a few weeks to get used to the idea that Senators like to debate before they are asked to vote. We'd have saved a lot of time if we had done it my way, incidentally. And while I see the wisdom in your insistence that the side with the most votes wins, you would have to admit that it would introduce some drama to these proceedings if we followed the alternate approach I took on the three or four occasions where I messed up the announcement of a vote count.

The Session comes to a close. In my middle-age, I have come to realize the humbling speed with which seasons pass. Just as when I shared historical footnotes with you each Friday before we adjourned, too, the day will come where a Senate President will announce that "100 years ago this week in the 62nd Legislative Assembly (fill in the blank)...." If they accurately reflect your work here in the Senate, they will need to applaud you for your attention to the important work that the Majority Leader spoke of, moments ago. Perhaps they'll even say: "Senator Randy Christmann arose in the final hours to speak eloquently in favor of limited government, spending restraint, and statesmanship, providing a stem-winder of a speech that erupted into a show of Senatorial principle in voting down the conference committee report on SB 2017." April 2011...It will sound distant to the Senators of that time, all of it will, but your work will have mattered; this Senate will have played its role in the progress of North Dakota. What a privilege.

I know that each Senator joins me in thanking the fine Senate and legislative staff who have worked so ably and cheerily throughout this session. Each member of the staff, the front desk crew, all of you at your stations throughout the Senate, you have our thoughts and our gratitude. Thank you for your service to the Great State of North Dakota.

Whatever battles or elections come next, we should also keep in mind that we were joined here together...that we were friends first. It's an honor serving with each of you, and you can each know that you have a friend in the Lieutenant Governor's office, of course, who cares, right? It's the Governor that matters! (And, by the way, Governor Dalrymple joins me in saying thanks for your service, and safe travels as you make your way home).

Let me end where we should also always begin: May God bless each and every one of you; May God bless our beloved State and the United States of America; and may God bless the State Senate of North Dakota.

#### **MOTION**

**SEN. CHRISTMANN MOVED** that the remarks of Majority Leader Stenehjem, Minority Leader Taylor, and President of the Senate Wrigley be printed in the Journal, which motion prevailed.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2015.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently

passed, and the emergency clause carried: SB 2015.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2015, SB 2020.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2017, SB 2057.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1003.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2015, SB 2020.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2017, SB 2057.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1003.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HB 1003.

#### **MOTION**

**SEN. STENEHJEM MOVED** that the Senate be on the Fourth, Fifteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned sine die.

Pursuant to Senator Stenehjem's motion, the Senate stood adjourned sine die.

**William R. Horton, Secretary**