

JOURNAL OF THE SENATE

Sixty-second Legislative Assembly

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Bismarck, February 17, 2011

The Senate convened at 12:30 p.m., with President Wrigley presiding.

The prayer was offered by Pastor Larry Giese, Lord of Life Lutheran Church, Bismarck.

The roll was called and all members were present except Senators Grindberg, Mathern, and Nelson.

A quorum was declared by the President.

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 Thirty-first Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 431, line 10, replace "member" with "members"

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

CONSIDERATION OF AMENDMENTS

SB 2329: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ pages 433-435 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2059: SEN. DOTZENROD (Finance and Taxation Committee) MOVED that the amendments on SJ pages 432-433 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2050: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ pages 431-432 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2349: SEN. NETHING (Judiciary Committee) MOVED that the amendments on SJ pages 435-436 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that SB 2349 be placed at the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2349: A BILL for an Act to provide for a legislative management study of election laws, campaign contribution and expenditure reporting requirements, and reporting of legislative travel and financial interests.

ROLL CALL

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

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nething;

Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Grindberg; Mathern; Nelson

Engrossed SB 2349 passed.

SECOND READING OF SENATE BILL

SB 2310: A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to reporting of certain travel expenses of members of the legislative assembly.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 34 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heckaman; Marcellais; Murphy; Robinson; Schneider; Sitte; Taylor; Triplett; Warner

NAYS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Schaible; Sorvaag; Stenehjerm; Uglem; Wanzek; Wardner

ABSENT AND NOT VOTING: Grindberg; Mathern; Nelson

SB 2310 lost.

SECOND READING OF SENATE BILL

SB 2319: A BILL for an Act to amend and reenact sections 16.1-08.1-01, 16.1-08.1-03.3, 16.1-08.1-03.5, and 16.1-08.1-05 of the North Dakota Century Code, relating to campaign contributions and independent expenditures; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 36 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Freborg; Marcellais; Murphy; Robinson; Schneider; Taylor; Triplett; Warner

NAYS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjerm; Uglem; Wanzek; Wardner

ABSENT AND NOT VOTING: Grindberg; Mathern; Nelson

SB 2319 lost.

SECOND READING OF SENATE BILL

SB 2359: A BILL for an Act to amend and reenact section 16.1-11.1-01 of the North Dakota Century Code, relating to polling place open for mail ballot elections.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 34 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heckaman; Marcellais; Murphy; O'Connell; Robinson; Schneider; Taylor; Triplett; Warner

NAYS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjem; Uglem; Wanzek; Wardner

ABSENT AND NOT VOTING: Grindberg; Mathern; Nelson

SB 2359 lost.

SECOND READING OF SENATE BILL

SB 2232: A BILL for an Act to create and enact a new section to chapter 44-04, a new subsection to section 44-04-18.7, and a new section to chapter 54-40.3 of the North Dakota Century Code, relating to the exemption of medical treatment information in an emergency response record, the exemption of crime scene images, and to joint powers agreements between political subdivisions for a joint emergency services communications system; to amend and reenact sections 32-12.2-12 and 44-04-17.1, subsections 2 and 3 of section 44-04-18, subsection 2 of section 44-04-18.1, subsection 1 of section 44-04-18.3, subsection 3 of section 44-04-18.7, and subsections 2, 3, 4, and 6 of section 44-04-20 of the North Dakota Century Code, relating to state agency loss control committee meetings, the definition of information technology resources, fees and access to electronic records, exempt personal information of a public employee, release of personnel records of employees of the department of corrections and rehabilitation, definition of criminal intelligence information, and public meeting notices posted on a website of a public entity; and to declare an emergency.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Mathern; Nelson

Engrossed SB 2232 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2265: A BILL for an Act to create and enact two new sections to chapter 25-16.2 of the North Dakota Century Code, relating to a statement of purpose and work activity center contracts; and to amend and reenact sections 25-16.2-01 and 25-16.2-03, subsection 1 of section 54-44.4-05, and subdivision e of subsection 2 of section 54-44.4-05 of the North Dakota Century Code, relating to work activity centers and procurement of services by state agencies.

ROLL CALL

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

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

Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern; Nelson

Engrossed SB 2265 passed.

SECOND READING OF SENATE BILL

SB 2285: A BILL for an Act to amend and reenact section 12.1-10-05 of the North Dakota Century Code, relating to disobedience of a judicial order; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Sitte

ABSENT AND NOT VOTING: Mathern; Nelson

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

SECOND READING OF SENATE BILL

SB 2160: A BILL for an Act to create and enact subsection 4 to section 57-35.3-05 of the North Dakota Century Code, relating to a financial institutions tax credit for charitable gifts to qualified endowments by financial institutions; to amend and reenact sections 57-35.3-07 and 57-38-01.21 of the North Dakota Century Code, relating to the tax credit for charitable gifts, planned gifts, or endowments; and to provide an effective date.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Mathern; Nelson

SB 2160 passed.

SECOND READING OF SENATE BILL

SB 2008: A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; to amend and reenact section 49-01-05 of the North Dakota Century Code, relating to the salary of public service commissioners; and to authorize a transfer.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee

recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mathern; Nelson

SB 2008 passed.

SECOND READING OF SENATE BILL

SB 2021: A BILL for an Act to provide an appropriation for defraying the expenses of workforce safety and insurance.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Mathern; Nelson

SB 2021 passed.

SECOND READING OF SENATE BILL

SB 2354: A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to an eating disorder training program; and to provide for a report to the legislative management regarding eating disorders.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Mathern; Nelson

Engrossed SB 2354 passed.

SECOND READING OF SENATE BILL

SB 2348: A BILL for an Act to amend and reenact section 57-51.2-02 of the North Dakota Century Code, relating to requirements for agreements with the Three Affiliated Tribes for the taxation and regulation of oil and gas exploration and production within the boundaries of the Fort Berthold Indian Reservation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Marcellais; Warner

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

ABSENT AND NOT VOTING: Mathern; Nelson

SB 2348 lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4012: A concurrent resolution directing the Legislative Management to study the feasibility and desirability of placing the entire Fort Berthold Reservation in a single public health unit.

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

SCR 4012 was declared adopted on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4005: A concurrent resolution directing the Legislative Management to study the impact of the Patient Protection and Affordable Care Act on the Comprehensive Health Association of North Dakota and the statutes governing the Comprehensive Health Association of North Dakota.

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

SCR 4005 was declared adopted on a voice vote.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2109, SB 2119, SB 2124, SB 2195, SB 2199, SB 2237, SB 2241, SB 2247, SB 2249, SB 2268, SB 2286, SB 2295, SB 2317, SB 2327, SB 2352, SB 2367, SCR 4016.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2003, SB 2070, SB 2206.

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

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1046, HB 1165, HB 1217, HB 1245, HB 1246, HCR 3016, HCR 3024.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1461.

MOTION

SEN. CHRISTMANN MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, February 18, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2013: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2013 was placed on the Sixth order on the calendar.

Page 1, line 3, after the second "for" insert "regional education association grants, alternative education program grants,"

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

Page 1, line 5, after the first semicolon insert "to repeal section 15.1-13-33 of the North Dakota Century Code, relating to the national board certification fund;"

Page 1, line 5, after the second semicolon insert "to provide for a transfer;"

Page 1, replace line 21 with:

"Operating expenses	30,770,801	(1,019,614)	29,751,187"
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Page 2, replace line 3 with:

"Grants - Other grants	245,203,721	57,760,261	302,963,982"
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Page 2, remove line 5

Page 2, replace line 9 with:

"Total all funds	\$1,468,777,356	\$225,829,307	\$1,694,606,663"
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Page 2, replace line 10 with:

"Less estimated income	<u>360,597,766</u>	<u>432,395,657</u>	<u>792,993,423"</u>
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Page 2, replace line 11 with:

"Total general fund	\$1,108,179,590	(\$206,566,350)	\$901,613,240"
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Page 3, replace lines 11 and 12 with:

"Capital assets	<u>39,500</u>	<u>25,500</u>	<u>65,000"</u>
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Page 3, replace line 13 with:

"Total all funds	\$4,237,770	\$394,561	\$4,632,331"
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Page 3, replace line 15 with:

"Total general fund	\$3,421,868	\$375,372	\$3,797,240"
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Page 3, replace line 21 with:

"Grand total general fund	\$1,122,401,382	(\$205,008,155)	\$917,393,227"
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Page 3, replace line 22 with:

"Grand total special funds	\$364,672,954	\$433,378,177	\$798,051,131"
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Page 3, replace line 23 with:

Page 6, remove lines 24 through 30

Page 7, remove lines 1 through 10

Page 8, after line 8, insert:

"SECTION 16. CONTINGENT APPROPRIATION - SCHOOL DISTRICT DEFERRED MAINTENANCE AND PHYSICAL PLANT IMPROVEMENT GRANTS.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$7,000,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of awarding to eligible school districts deferred maintenance and physical plant improvement grants, in accordance with the provisions of this section, for the biennium beginning July 1, 2011, and ending June 30, 2013.
2. If the office of management and budget determines by April 30, 2012, that the June 30, 2012, ending balance of the state general fund will be more than \$30,000,000 in excess of the amount predicted by the office of management and budget at the conclusion of the 2011 legislative session, the superintendent of public instruction shall forward to each eligible school district:
 - a. Ten thousand dollars; plus
 - b. The school district's pro rata share of the remaining appropriation, calculated by using the latest available average daily membership of each school district.
3. If the general fund balance requirements of subsection 2 are not met and if the office of management and budget determines by April 30, 2013, that the June 30, 2013, ending balance of the state general fund will be more than \$30,000,000 in excess of the amount predicted by the office of management and budget at the conclusion of the 2011 legislative session, the superintendent of public instruction shall forward to each eligible school district:
 - a. Ten thousand dollars; plus
 - b. The school district's pro rata share of the remaining appropriation, calculated by using the latest available average daily membership of each school district.
4. Each school district accepting funds under this section shall apply those funds toward deferred maintenance and physical plant improvements and shall, by June 30, 2014:
 - a. Submit to the superintendent of public instruction documentation indicating the appropriate expenditure of the funds; or
 - b. Return the funds to the superintendent of public instruction for deposit in the general fund.
5. For purposes of this section, an "eligible school district" is a school district that:
 - a. Has a general fund levy equal to at least one hundred fifty mills, before any reduction for property tax allocations under chapter 57-64;
 - b. Is not precluded from receiving state aid by the provisions of section 15.1-27-35.3; and
 - c. Provides an equal monetary match for any amount received under this section."

Page 9, after line 28, insert:

"SECTION 19. TRANSFER - NATIONAL BOARD CERTIFICATION FUND - GENERAL FUND. The office of management and budget shall transfer any balance remaining in the national board certification fund at the end of the 2011-13 biennium to the general fund. For purposes of this section, "at the end of the 2011-13 biennium" means after cancellation of unexpended appropriations under section 54-44.1-11."

Page 10, after line 4, insert:

"SECTION 21. REPEAL. Section 15.1-13-33 of the North Dakota Century Code is repealed."

Page 10, line 5, replace "15" with "17"

Page 10, line 5, replace "16" with "18"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2013 - Summary of Senate Action

	Executive Budget	Senate Changes	Senate Version
Department of Public Instruction			
Total all funds	\$1,694,573,163	\$33,500	\$1,694,606,663
Less estimated income	<u>792,508,423</u>	<u>485,000</u>	<u>792,993,423</u>
General fund	\$902,064,740	(\$451,500)	\$901,613,240
State Library			
Total all funds	\$7,398,585	\$0	\$7,398,585
Less estimated income	<u>2,134,610</u>	<u>0</u>	<u>2,134,610</u>
General fund	\$5,263,975	\$0	\$5,263,975
School for the Deaf			
Total all funds	\$8,806,779	\$0	\$8,806,779
Less estimated income	<u>2,088,007</u>	<u>0</u>	<u>2,088,007</u>
General fund	\$6,718,772	\$0	\$6,718,772
Vision Services - School for the Blind			
Total all funds	\$4,915,331	(\$283,000)	\$4,632,331
Less estimated income	<u>835,091</u>	<u>0</u>	<u>835,091</u>
General fund	\$4,080,240	(\$283,000)	\$3,797,240
Bill total			
Total all funds	\$1,715,693,858	(\$249,500)	\$1,715,444,358
Less estimated income	<u>797,566,131</u>	<u>485,000</u>	<u>798,051,131</u>
General fund	\$918,127,727	(\$734,500)	\$917,393,227

Senate Bill No. 2013 - Department of Public Instruction - Senate Action

	Executive Budget	Senate Changes	Senate Version
Salaries and wages	\$14,409,300		\$14,409,300
Operating expenses	29,651,187	100,000	29,751,187
Grants - State school aid	919,459,478		919,459,478
Grants - Special education contracts	16,000,000		16,000,000
Grants - Transportation	48,500,000		48,500,000
Grants - Other education	302,730,482	233,500	302,963,982
Grants - Mill levy reduction	341,790,000		341,790,000
ATCS review panel	300,000	(300,000)	
Education jobs fund	21,517,716		21,517,716
Transportation efficiency	30,000		30,000
National board certification	185,000		185,000
Total all funds	\$1,694,573,163	\$33,500	\$1,694,606,663
Less estimated income	<u>792,508,423</u>	<u>485,000</u>	<u>792,993,423</u>

General fund	\$902,064,740	(\$451,500)	\$901,613,240
FTE	99.75	0.00	99.75

Department No. 201 - Department of Public Instruction - Detail of Senate Changes

	Increases Funding for Grants ¹	Changes Funding Source for Mainframe Rewrite Project ²	Changes Funding Source for National Board Certification ³	Increases Funding for Administering Summative Assessments ⁴	Removes Funding for Alternative Teacher Compensation System Review ⁵	Removes Funding for Principal Mentoring Grants ⁶
Salaries and wages						
Operating expenses				100,000		
Grants - State school aid						
Grants - Special education contracts						
Grants - Transportation						
Grants - Other education	235,000					(461,500)
Grants - Mill levy reduction						
ATCS review panel					(300,000)	
Education jobs fund						
Transportation efficiency						
National board certification						
Total all funds	\$235,000	\$0	\$0	\$100,000	(\$300,000)	(\$461,500)
Less estimated income	0	200,000	185,000	100,000	0	0
General fund	\$235,000	(\$200,000)	(\$185,000)	\$0	(\$300,000)	(\$461,500)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds Funding for Alternative Education Program Grants ⁷	Total Senate Changes
Salaries and wages		
Operating expenses		100,000
Grants - State school aid		
Grants - Special education contracts		
Grants - Transportation		
Grants - Other education	460,000	233,500
Grants - Mill levy reduction		
ATCS review panel		(300,000)
Education jobs fund		
Transportation efficiency		
National board certification		
Total all funds	\$460,000	\$33,500
Less estimated income	0	485,000
General fund	\$460,000	(\$451,500)
FTE	0.00	0.00

¹ Funding for general fund grants is increased as follows:

	Increase	Total provided
Rural art outreach project	\$20,000	\$380,000
Red River writing project	5,000	75,000
North Dakota young entrepreneur education program	10,000	120,000
Adult education grants	<u>200,000</u>	<u>2,050,000</u>
Total	\$235,000	\$2,625,000

² The source of **one-time funding** for an Education Standards and Practices Board approval

and accreditation mainframe rewrite is changed to provide funding from the national board certification fund rather than the general fund.

³ The source of funds for the national board certification program is changed to provide funding from the national board certification fund rather than the general fund.

⁴ Additional funding from the national board certification fund is provided for the cost of administering the ACT and WorkKeys assessments, including the writing test, to all 11th grade students to provide a total of \$778,400, of which \$678,400 is from the general fund.

⁵ Funding for the Alternative Teacher Compensation System Review Panel and contracted program adviser is removed.

⁶ Funding for principal mentoring grants is removed.

⁷ Funding is added for payments to eligible school districts that offer alternative education programs to students in grades six through eight.

Sections are added relating to:

- Providing that any funds remaining in the national board certification fund at the end of the 2011-13 biennium be transferred to the general fund. This provision is estimated to result in additional 2011-13 general fund revenues of \$15,000.
- Regional education association grants.
- Alternative education programs.
- Providing a contingent appropriation for deferred maintenance.
- A repeal of the national board certification fund.

Senate Bill No. 2013 - Vision Services - School for the Blind - Senate Action

	Executive Budget	Senate Changes	Senate Version
Salaries and wages	\$3,815,825		\$3,815,825
Operating expenses	751,506		751,506
Capital assets	48,000	17,000	65,000
Contingency	300,000	(300,000)	
Total all funds	\$4,915,331	(\$283,000)	\$4,632,331
Less estimated income	835,091	0	835,091
General fund	\$4,080,240	(\$283,000)	\$3,797,240
FTE	29.50	0.00	29.50

Department No. 253 - Vision Services - School for the Blind - Detail of Senate Changes

	Removes Contingent One-Time Funding ¹	Adds One-Time Funding to Purchase a Tractor ²	Total Senate Changes
Salaries and wages			
Operating expenses			
Capital assets		17,000	17,000
Contingency	(300,000)		(300,000)
Total all funds	(\$300,000)	\$17,000	(\$283,000)
Less estimated income	0	0	0
General fund	(\$300,000)	\$17,000	(\$283,000)
FTE	0.00	0.00	0.00

¹ Contingent one-time funding for salary and operating expenses (\$150,000) and remodeling

and improvement costs (\$150,000) necessary to accommodate a new tenant in the school building is removed.

² One-time funding is added to purchase a tractor.

REPORT OF STANDING COMMITTEE

SB 2063: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2063 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2129: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2129 was placed on the Sixth order on the calendar.

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

Page 1, line 1, after "57-51.1-07" insert ", 57-51.1-07.2, and 57-51.1-07.3"

Page 1, line 3, after "against" insert "related"

Page 1, line 3, after "reductions" insert "and oil and gas gross production and oil extraction tax deposits in the permanent oil tax trust fund"

Page 1, line 21, overstrike "state general" and insert immediately thereafter "permanent oil tax trust"

Page 2, line 15, replace "state general" with "permanent oil tax trust"

Page 2, line 24, overstrike "state general" and insert immediately thereafter "permanent oil tax trust"

Page 4, line 30, overstrike "state general" and insert immediately thereafter "permanent oil tax trust"

Page 7, line 24, overstrike "state's general" and insert immediately thereafter "permanent oil tax trust"

Page 7, line 24, overstrike "for general"

Page 7, line 25, overstrike "state purposes"

Page 7, after line 25, insert:

"SECTION 3. AMENDMENT. Section 57-51.1-07.2 of the North Dakota Century Code is amended and reenacted as follows:

57-51.1-07.2. Permanent oil tax trust fund - Deposits - Interest - Adjustment of distribution formula.

The state treasurer shall deposit ~~seventy-one million dollars of revenue derived from taxes imposed on oil and gas in the permanent oil tax trust fund as directed under chapters 57-51 and 57-51.1 into the general fund. Revenue exceeding~~ As funds become available in the permanent oil tax trust fund, the state treasurer shall transfer a total of seventy-one million dollars must be deposited by the state treasurer in each biennium from the permanent oil tax trust fund to the state general fund. Interest earnings of the permanent oil tax trust fund must be credited to the general fund. The principal of the permanent oil tax trust fund may not be expended except upon a two-thirds vote of the members elected to each house of the legislative assembly.

~~If the distribution formulas under chapter 57-51 or 57-51.1 are amended effective after June 30, 1997, the director of the budget shall adjust the seventy-one million dollar amount in this section by the same percentage increase or decrease in~~

~~the amount of revenue allocable to the general fund after the change in the allocation formula, and transfers to the permanent oil tax trust fund shall thereafter be made using that adjusted figure so that the dollar amount of the transfers to the permanent oil tax trust fund is not increased or decreased merely because of changes in the distribution formulas.~~

SECTION 4. AMENDMENT. Section 57-51.1-07.3 of the North Dakota Century Code is amended and reenacted as follows:

57-51.1-07.3. Oil and gas research fund - Deposits - Continuing appropriation.

There is established a special fund in the state treasury to be known as the oil and gas research fund. Before depositing oil and gas gross production tax and oil extraction tax revenues in the general fund or the permanent oil tax trust fund, two percent of the revenues must be deposited monthly into the oil and gas research fund, up to four million dollars per biennium. All moneys deposited in the oil and gas research fund and interest on all such moneys are appropriated as a continuing appropriation to the oil and gas research council to be used for purposes stated in chapter 54-17.6."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2130, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2130 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2150, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2150 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "a" with "four"

Page 1, line 1, replace the second "section" with "sections"

Page 1, line 10, remove "to provide an"

Page 1, line 11, remove the first "appropriation;"

Page 1, line 12, remove "the use of federal education jobs fund program"

Page 1, line 13, remove "grants,"

Page 1, line 13, remove "and regional education association grants"

Page 7, after line 9, insert:

"SECTION 6. A new section to chapter 15.1-18.2 of the North Dakota Century Code is created and enacted as follows:

Teacher support program - Establishment.

The education standards and practices board shall:

1. Establish and administer a teacher support program;
2. Employ an individual to serve as a teacher support program coordinator;
3. a. Select and train experienced teachers who will serve as mentors for first-year teachers and assist the first-year teachers with instructional skills development; or

b. If a school district or other employing entity listed in section 8 of this Act is not in need of mentors for its first-year teachers, select and train experienced teachers who will work with school district administrators and administrators from the other employing entities to identify the needs of the non-first-year teachers and help the non-first-year teachers address their particular needs through the use of:

- (1) Research-validated interventions; and
- (2) Proven instructional methods.

SECTION 7. A new section to chapter 15.1-18.2 of the North Dakota Century Code is created and enacted as follows:

Teacher support program - Availability of services.

The education standards and practices board may use any moneys it receives for the teacher support program to provide staff compensation, training, evaluation, and stipends for mentors and experienced teachers who assist first-year and non-first-year teachers participating in the program, and to pay for any other administrative expenses resulting from the program; provided, however, that the board may not expend more than five percent of the moneys for administrative purposes.

SECTION 8. A new section to chapter 15.1-18.2 of the North Dakota Century Code is created and enacted as follows:

Teacher support program - Authorized service recipients.

The education standards and practices board may provide support services to teachers employed by:

1. School districts;
2. Special education units;
3. Area career and technology centers;
4. Regional education associations; and
5. Schools funded by the bureau of Indian education."

Page 16, line 29, after "assessments" insert ", including the writing test."

Page 33, remove lines 1 through 25

Page 35, remove lines 8 through 31

Page 36, remove lines 1 through 30

Page 37, remove lines 1 through 12

Page 38, line 12, replace "18" with "21"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2211: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2211 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2218: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2218 was placed on the

Sixth order on the calendar.

Page 1, line 8, replace "ten" with "eight"

Page 1, line 8, remove the overstrike over "~~five hundred thousand~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2254: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2254 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2258: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2258 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "34-15-01,"

Page 1, line 4, remove the first "and"

Page 1, line 4, remove "subsection 3 of section 34-15-05, sections"

Page 4, remove lines 10 through 30

Page 5, remove lines 1 through 7

Page 5, line 13, remove "or contractor"

Page 5, line 14, after "insurance" insert "to the employee"

Page 5, line 17, remove "or contractors"

Page 5, line 17, remove "or hired"

Page 5, line 19, remove "or contractors"

Page 5, line 27, remove "or"

Page 5, line 28, remove "contractor"

Page 6, remove lines 1 through 3

Page 6, line 7, remove the overstrike over "~~W-4 form~~"

Page 6, line 7, remove the overstrike over "~~or~~"

Page 6, line 8, remove the overstrike over "~~an equivalent~~"

Page 6, remove lines 19 through 24

Page 8, line 20, after the underscored comma insert "was"

Page 10, line 17, replace "10" with "8"

Page 10, line 18, replace "10" with "8"

Page 10, line 20, replace "16" with "14"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2291: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT**

PASS (11 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2291 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2294: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2294 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact section 57-02-50 of the North Dakota Century Code,"

Page 1, line 2, remove "relating to joint powers agreements among political subdivisions; and to"

Page 3, line 10, after "Whenever" insert "an investigation by the state supervisor of assessments shows there is probable cause to believe"

Page 3, line 11, replace "fails" with "has failed"

Page 3, after line 19, insert:

"d. An individual whose certificate has been suspended or revoked in the manner provided in this section may appeal that determination to the district court.

e. The documented inability of a holder of a certificate to gain entry to the interior of a residential or commercial building, structure, or other improvement of property alone does not constitute cause for the state supervisor of assessments to petition the tax commissioner to suspend or revoke a certificate."

Page 4, line 15, replace "include" with "maintain"

Page 4, line 15, remove "in a county database of"

Page 4, line 16, remove "taxable property to be maintained in that office"

Page 4, line 21, remove "The records in the possession of a county or city must be available."

Page 4, remove line 22

Page 4, line 25, after the underscored period insert "If a property owner refuses to allow the required inspection or the assessor or assessor's representative is otherwise unable to gain entry to the interior of the residential or commercial building, structure, or other improvement of property, that fact and the grounds for a lack of interior inspection must be noted on the property record."

Page 4, line 27, replace "a five-year" with "an alternative"

Page 5, remove lines 5 through 14

Page 6, line 22, overstrike "taxpayer's" and insert immediately thereafter "property owner's"

Page 10, line 20, after "assessment" insert "and equalization"

Page 11, line 26, after "reassessment" insert "terms and conditions of the"

Page 11, line 26, after "assessment" insert "order"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2300: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS**

AS FOLLOWS and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2300 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to provide an expiration date;"

Page 1, line 11, remove "or the commissioner's designee"

Page 2, remove lines 2 through 4

Page 2, line 5, replace "l." with "j."

Page 2, line 5, remove "senate"

Page 2, line 5, after "leader" insert "of the senate"

Page 2, line 5, remove "and"

Page 2, replace lines 6 through 8 with:

"k. One legislator appointed by the majority leader of the senate; and

l. One legislator appointed by the majority leader of the house of representatives; and"

Page 2, after line 18, insert:

"1."

Page 2, after line 22, insert:

"2. Notwithstanding subsection 1, in order for a motion to be adopted by the commission, other than a motion pertaining solely to procedural matters:

a. The motion must be consented to by any seven of the thirteen commission members; and

b. Three of the five legislators serving on the commission must be on the prevailing side."

Page 3, line 10, after "**Duties**" insert "**- Reports**"

Page 3, after line 31, insert:

"3. The North Dakota commission on higher education funding shall provide reports to the legislative management and the state board of higher education during the 2011-12 interim and the 2013-14 interim.

SECTION 5. EXPIRATION DATE. This Act is effective through December 31, 2014, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2309: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (3 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2309 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "nullification of"

Page 1, line 2, remove "; and to provide a"

Page 1, line 3, remove "penalty"

Page 1, line 7, replace "Nullification of federal" with "Federal"

Page 1, line 12, replace "and are declared to be invalid in this state, may not be" with an underscored period

Page 1, remove lines 13 and 14

Page 1, line 15, after "shall" insert "consider"

Page 1, line 15, replace "enact" with "enacting"

Page 1, remove lines 18 through 24

Page 2, remove lines 1 and 2

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2314: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2314 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "drug-free schools program"

Page 1, line 2, remove "and to the department of human services for drug-free"

Page 1, line 3, replace "schools efforts" with "to the prevention advisory task force"

Page 1, line 6, replace "\$1,500,000" with "\$200,000"

Page 1, line 8, remove "school districts to implement risk behavior prevention and intervention"

Page 1, line 9, replace "programs" with "the prevention advisory task force"

Page 1, remove lines 10 through 14

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2332: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2332 was placed on the Sixth order on the calendar.

Page 1, line 22, remove "remitted to the state board of animal health. Permit fees are appropriated on a"

Page 1, line 23, replace "continuing basis to the board for administrative expenses incurred under this section" with "deposited in the agriculture commissioner's operating fund and are appropriated on a continuing basis to the state board of animal health for purposes of enforcing this section"

Page 2, line 8, replace "species" with "livestock defined as nontraditional livestock or as farmed elk in section 36-01-00.1"

Page 2, line 13, replace "ungulates" with "cervidae livestock"

Page 2, line 15, after the underscored period insert "A big game hunting preserve in operation before January 1, 2011, may be less than one hundred sixty acres [64.75 hectares], but in no case may the acreage be less than eighty acres [32.37 hectares]."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2339: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2339 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2351: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2351 was placed on the Sixth order on the calendar.

Page 2, line 8, replace "institutions" with "each individual institution"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2353: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (4 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). SB 2353 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2356: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2356 was placed on the Sixth order on the calendar.

Page 1, line 17, after the period insert "A municipality may not issue warrants, bonds, or any other form of indebtedness in anticipation of the levy and collection of assessments under this chapter."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4020: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4020 was placed on the Sixth order on the calendar.

Page 1, line 2, after "utilization" insert "and the impact of federal health care reform"

Page 1, line 13, after the semicolon insert "and

WHEREAS, the federal Patient Protection and Affordable Care Act will increase the future expenditures of the Department of Human Services beyond the control of the state of North Dakota; "

Page 1, line 17, after "utilization" insert "and the impact of federal health care reform"

Renumber accordingly

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

William R. Horton, Secretary