

JOURNAL OF THE SENATE

Sixty-third Legislative Assembly

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Bismarck, March 21, 2013

The Senate convened at 1:00 p.m., with President Pro Tempore Wanzek presiding.

The prayer was offered by Pastor Donna Dohrmann, Lutheran Church of the Cross, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President Pro Tempore.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 748, line 11, replace ""or"" with "or"

Page 748, line 11, replace "thru" with "and"

Page 782, delete lines 25-27

Page 809, delete lines 13-14

Page 809, after line 21, insert:

"SIGNING OF BILLS AND RESOLUTIONS

The President has signed the following enrolled resolution: SMR 8001."

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

CONSIDERATION OF AMENDMENTS

HB 1005, as reengrossed: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1014, as engrossed: SEN. WARNER (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1236, as engrossed: SEN. MILLER (Finance and Taxation Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1185, as engrossed: SEN. SINER (Industry, Business and Labor Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1276, as engrossed: SEN. ANDERSON (Human Services Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1075: SEN. ARMSTRONG (Judiciary Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1001, as engrossed: SEN. O'CONNELL (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1201: SEN. AXNESS (Human Services Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1002, as engrossed: SEN. CARLISLE (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1360, as engrossed: SEN. ANDERSON (Human Services Committee) MOVED that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1309: A BILL for an Act to amend and reenact sections 54-06-32, 54-06-33, and 54-06-34 of the North Dakota Century Code, relating to state agency reporting requirements for employee service awards, employer-paid tuition, and employer-paid dues and memberships; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed HB 1309, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1247: A BILL for an Act to create and enact a new section to chapter 4-01 of the North Dakota Century Code, relating to a database of agricultural wetland credits.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed HB 1247, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1227: A BILL for an Act to create and enact section 19-20.1-17.1 of the North Dakota Century Code, relating to the imposition of civil penalties; to amend and reenact sections 19-20.1-02, 19-20.1-03, 19-20.1-03.1, 19-20.1-03.3, 19-20.1-03.4, 19-20.1-04, 19-20.1-06, 19-20.1-08, 19-20.1-10, 19-20.1-11, 19-20.1-12, 19-20.1-13, 19-20.1-14, 19-20.1-15, 19-20.1-16, 19-20.1-17, and 19-20.1-18 of the North Dakota Century Code, relating to fertilizers, fertilizer materials, micronutrients, specialty fertilizers, soil amendments, and plant amendments; to repeal sections 19-20.1-01, 19-20.1-03.3, 19-20.1-05.1, 19-20.1-07, and 19-20.2-11 of the North Dakota Century Code, relating to the agriculture commissioner, protected information, rulemaking, and storage and fees; and to provide a penalty.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

Engrossed HB 1227, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1336: A BILL for an Act to create and enact a new subsection to section 20.1-08-04 of the North Dakota Century Code, relating to the proclamation for paddlefish tags.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

HB 1336, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1084: A BILL for an Act to create and enact two new sections to chapter 13-05, two new sections to chapter 13-08, two new sections to chapter 13-09, and a new section to chapter 13-11 of the North Dakota Century Code, relating to a six-month extension of a collection agency license, a deferred presentment service provider license, and a money transmitter license during the 2014 calendar year, and the confidentiality of information submitted or received by the commissioner or commissioner's designee to a nationwide multistate licensing system; and to amend and reenact subsection 4 of section 6-01-07.1, sections 13-05-03, 13-05-05, 13-08-04, and 13-08-09, subsections 6 and 7 of section 13-08-12, and sections 13-09-07, 13-09-10, and 13-11-03 of the North Dakota Century Code, relating to the confidentiality of information shared with a nationwide multistate licensing system, collection agency license applications, the expiration and renewal of a collection agency license, deferred presentment service provider license applications, the expiration and renewal of a deferred presentment service provider license, deferred presentment

service transaction procedures, money transmitter license applications, the expiration and renewal of a money transmitter license, and debt-settlement provider license applications.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: O'Connell

Engrossed HB 1084 passed.

SECOND READING OF HOUSE BILL

HB 1301: A BILL for an Act to amend and reenact sections 15.1-29-14 and 15.1-32-19 of the North Dakota Century Code, relating to the reimbursement of school districts for boarding care costs; to provide an effective date; and to declare an emergency.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

HB 1301 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1359: A BILL for an Act to amend and reenact sections 49-07-01.1, 49-23-04, and 49-23-05 of the North Dakota Century Code, relating to the one-call notice system; 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 PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Grindberg; Krebsbach

Engrossed HB 1359 passed.

SECOND READING OF HOUSE BILL

HB 1228: A BILL for an Act to create and enact a new section to chapter 15-20.1 of the North Dakota Century Code, relating to science, technology, engineering, and mathematics advancement grants; to provide an appropriation; and to provide a continuing appropriation.

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: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Grindberg; Krebsbach

Engrossed HB 1228 passed.

SECOND READING OF HOUSE BILL

HB 1153: A BILL for an Act to amend and reenact section 26.1-17-33.1 of the North Dakota Century Code, relating to restructuring of nonprofit mutual insurance companies; and to declare an emergency.

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: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Grindberg; Krebsbach

Engrossed HB 1153 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1350: A BILL for an Act to amend and reenact section 38-11.1-07 of the North Dakota Century Code, relating to statute of limitations for actions for injury due to oil and gas production.

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 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Mathern

ABSENT AND NOT VOTING: Grindberg; Krebsbach

Engrossed HB 1350 passed.

SECOND READING OF HOUSE BILL

HB 1270: A BILL for an Act to provide for open and fair competition in governmental construction; to provide for application; and to declare an emergency.

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 32 YEAS, 13 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Erbele; Flakoll; Hogue; Holmberg; Kilzer; Klein; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Oehlke; Poolman; Schaible; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner

NAYS: Axness; Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Murphy; Nelson; O'Connell; Robinson; Schneider; Triplett; Warner

ABSENT AND NOT VOTING: Grindberg; Krebsbach

Engrossed HB 1270 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1357: A BILL for an Act to amend and reenact section 47-14-09 of the North Dakota Century Code, relating to usury and pawnbrokers.

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 40 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner

NAYS: Flakoll; Mathern; O'Connell; Oehlke; Warner

ABSENT AND NOT VOTING: Grindberg; Krebsbach

HB 1357 passed.

MOTION

SEN. KLEIN MOVED that HB 1233 be returned to the Senate floor from the **Appropriations Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, HB 1233 was rereferred.

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: HCR 3003, HCR 3011, HCR 3034, HCR 3039.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2190, SB 2312.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2259.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2045, SB 2071, SB 2119, SB 2120, SB 2188, SB 2246, SB 2278, SB 2287.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1077, HB 1243.

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

MR. PRESIDENT: The Speaker has signed: SB 2045, SB 2071, SB 2119, SB 2120, SB 2188, SB 2246, SB 2278, SB 2287.

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

MR. SPEAKER: The President has signed: SB 2045, SB 2071, SB 2119, SB 2120, SB 2188, SB 2246, SB 2278, SB 2287.

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

MR. SPEAKER: The President has signed: SB 2102, SB 2209, SB 2259, SB 2270, SB 2311, SCR 4001, SCR 4005, SCR 4012, SCR 4013.

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

MR. SPEAKER: The President has signed: HB 1042, HB 1043, HB 1057, HB 1058, HB 1078, HB 1083, HB 1088, HB 1098.

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

MR. SPEAKER: The President has signed: HB 1107, HB 1124, HB 1132, HB 1137, HB 1147, HB 1152, HB 1156, HB 1161, HB 1162, HB 1164, HB 1177, HB 1178, HB 1181, HB 1195.

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

MR. SPEAKER: The President has signed: HB 1224, HB 1252, HB 1264, HB 1282.

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

MR. SPEAKER: The President has signed: HB 1321, HB 1326, HB 1339, HB 1346, HB 1354, HB 1369, HB 1371, HB 1391, HB 1434.

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

MR. PRESIDENT: The Speaker has signed: HB 1042, HB 1043, HB 1057, HB 1058, HB 1078, HB 1083, HB 1088, HB 1098.

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

MR. PRESIDENT: The Speaker has signed: HB 1107, HB 1124, HB 1132, HB 1137, HB 1147, HB 1152, HB 1156, HB 1161, HB 1162, HB 1164, HB 1177, HB 1178, HB 1181, HB 1195.

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

MR. PRESIDENT: The Speaker has signed: HB 1224, HB 1252, HB 1264, HB 1282.

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

MR. PRESIDENT: The Speaker has signed: HB 1321, HB 1326, HB 1339, HB 1346, HB 1354, HB 1369, HB 1371, HB 1391, HB 1434.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, March 22, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1011, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1011 was placed on the Sixth order on the calendar.

Page 1, replace lines 11 through 16 with:

"Salaries and wages	\$1,519,978	\$221,718	\$1,741,696
Operating expenses	<u>706,441</u>	<u>(121,349)</u>	<u>585,092</u>
Total all funds	\$2,226,419	\$100,369	\$2,326,788
Less estimated income	<u>317,199</u>	<u>(147,199)</u>	<u>170,000</u>
Total general fund	\$1,909,220	\$247,568	\$2,156,788"

Page 1, after line 17, insert:

"SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
Information technology equipment upgrades	\$0	\$25,850
Retirement leave payouts	<u>0</u>	<u>38,927</u>
Total general fund	\$0	\$64,777

The 2013-15 one-time funding amounts are not a part of the entity's base budget for the 2015-17 biennium. The securities commissioner shall report to the appropriations committees of the sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2013, and ending June 30, 2015."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1011 - Securities Department - Senate Action

	<u>Executive Budget</u>	<u>House Version</u>	<u>Senate Changes</u>	<u>Senate Version</u>
Salaries and wages	\$1,735,950	\$1,640,682	\$101,014	\$1,741,696
Operating expenses	585,092	585,092		585,092
Accrued leave payments		<u>38,927</u>	<u>(38,927)</u>	
Total all funds	\$2,321,042	\$2,264,701	\$62,087	\$2,326,788
Less estimated income	<u>195,850</u>	<u>195,850</u>	<u>(25,850)</u>	<u>170,000</u>
General fund	\$2,125,192	\$2,068,851	\$87,937	\$2,156,788
FTE	9.00	9.00	<u>0.00</u>	9.00

Department No. 414 - Securities Department - Detail of Senate Changes

	<u>Restores Executive Compensation Package¹</u>	<u>Removes Separate Line Item for Accrued Leave Payments²</u>	<u>Adjusts Funding Source for Information Technology Upgrades³</u>	<u>Total Senate Changes</u>
Salaries and wages	\$62,087	\$38,927		\$101,014
Operating expenses				
Accrued leave payments		<u>(38,927)</u>		<u>(38,927)</u>
Total all funds	\$62,087	\$0	\$0	\$62,087
Less estimated income	<u>0</u>	<u>0</u>	<u>(25,850)</u>	<u>(25,850)</u>
General fund	\$62,087	\$0	\$25,850	\$87,937
FTE	0.00	0.00	0.00	<u>0.00</u>

¹Funding reductions made by the House to the state employee compensation and benefits package are restored to the Governor's recommended level.

²The accrued leave payments line item added by the House is removed and the associated funding returned to line items with salaries and wages funding.

³The funding source for \$25,850 of information technology upgrades for the Securities Department is changed from the investor education and technology fund to the general fund.

This amendment also adds a section to provide that funding from the general fund for information technology upgrades and retirement leave payouts is considered one-time funding.

REPORT OF STANDING COMMITTEE

HB 1129: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1129 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1196: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1196 was placed on the Sixth order on the calendar.

Page 1, line 7, after "carrier" insert "or producer"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1216, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1216 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1219, as engrossed: Education Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1219 was placed on the Sixth order on the calendar.

Page 1, line 13, overstrike "a person" and insert immediately thereafter "an individual"

Page 1, line 15, overstrike "due to"

Page 1, line 15, after "as" insert ":

1. Due to"

Page 1, line 16, overstrike "or person" and insert immediately thereafter ":

2. Due to the return of the individual"

Page 1, line 16, replace ", or due to the death of the disabled" with "": or

3. Because the"

Page 1, line 17, replace ", if the dependent was duly accepted for enrollment before the death" with "had a one hundred percent service-connected disability at the time of death"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1245: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1245 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1253, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1253 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1261: Education Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1261 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "\$17,000,000" with "\$13,600,000"

Page 1, replace lines 9 through 18 with:

- "1. A district is eligible to receive a grant under this section if the number of students reflected in the district's September tenth enrollment report:
 - a. Exceeds the number of students in average daily membership by at least twenty; and
 - b. Represents an increase in students equal to at least four percent.
2. In order to calculate the amount to which an eligible district is entitled, the superintendent of public instruction shall:
 - a. Determine the actual percentage increase in the number of students;
 - b. Subtract 2.0 from the percentage established under subdivision a;
 - c. Determine the number of students represented by the difference determined under subdivision b; and
 - d. Multiply the number of students determined under subdivision c by \$3,900."

Page 1, line 23, replace "\$8,500,000" with "\$6,800,000"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1272, as engrossed: Education Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1272 was placed on the Sixth order on the calendar.

Page 1, line 23, after "A" insert "benefited employee of the North Dakota university system:

f. The"

Page 1, line 23, overstrike "or dependent"

Page 2, line 6, replace "An" with "A benefited"

Page 2, line 6, overstrike "any institution of higher education in this state"

Page 2, line 7, after "any" insert "the North Dakota university system"

Page 2, line 9, overstrike "f." and insert immediately thereafter "g."

Page 2, line 9, after "person" insert "A dependent of:

- (1) A full-time active duty member of the armed forces;
- (2) A member of the North Dakota national guard;

- (3) A member of the armed forces reserve component stationed in this state;
- (4) A veteran, as defined in section 37-01-40, provided the veteran is eligible to transfer entitlement under the Post 9-11 Veterans Educational Assistance Act of 2008 [38 U.S.C. 3301];
- (5) A benefited employee of the North Dakota university system; or
- (6) Any other individual who is a resident for tuition purposes;

h."

Page 2, line 11, overstrike "g." and insert immediately thereafter "i."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1289, as reengrossed: Education Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1289 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide an appropriation for veterans' higher education assistance programs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$400,000, or so much of the sum as may be necessary, to the department of veterans' affairs for the purpose of providing assistance to eligible veterans, for the biennium beginning July 1, 2013, and ending June 30, 2015.

1. An eligible veteran must be:
 - a. Enrolled at or in the process of enrolling at an institution of higher education located in this state; or
 - b. Enrolled at or in the process of enrolling at an institution of higher education located in an adjacent state, provided the institution participates in a course exchange agreement with an institution of higher education located in this state.
2. The department of veterans' affairs may accept and expend gifts, grants, and donations, for the purpose of providing additional assistance to eligible veterans."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1292, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1292 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1316, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1316 was placed on the Sixth order on the calendar.

Page 2, line 18, after "state" insert ", Minnesota, Montana, or South Dakota"

Page 2, line 23, after "transaction" insert "in this state, Minnesota, Montana, or South Dakota"

Page 3, line 14, after "disclose" insert "to the seller"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3020: Transportation Committee (Sen. Oehlke, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HCR 3020 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3003: A concurrent resolution to amend and reenact section 24 of article X of the Constitution of North Dakota, relating to allocation of revenue from oil extraction taxes.

Was read the first time and referred to the **Judiciary Committee**.

HCR 3011: A concurrent resolution to amend and reenact section 2 of article III of the Constitution of North Dakota, relating to the fiscal impact of initiated measures.

Was read the first time and referred to the **Judiciary Committee**.

HCR 3034: A concurrent resolution to amend and reenact sections 5, 6, and 7 of article III of the Constitution of North Dakota, relating to petition requirements for initiated measures.

Was read the first time and referred to the **Judiciary Committee**.

HCR 3039: A concurrent resolution to create and enact a new section to article IV of the Constitution of North Dakota, relating to consideration by the legislative assembly of amendments to the United States Constitution.

Was read the first time and referred to the **Judiciary Committee**.

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

William R. Horton, Secretary