

JOURNAL OF THE SENATE

Sixty-third Legislative Assembly

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Bismarck, April 29, 2013

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

The prayer was offered by Kathleen Wrigley, wife of Lt. Governor Wrigley, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

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

MR. PRESIDENT: The Speaker has appointed Rep. Belter to replace Rep. Froseth on the Conference Committee on HB 1198.

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

MR. PRESIDENT: The Speaker has appointed Rep. Weisz to replace Rep. Silbernagel on the Conference Committee on HB 1233.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BOWMAN MOVED that the conference committee report on Engrossed HB 1009 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1009, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1009: A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to create and enact a new section to chapter 19-13.1 of the North Dakota Century Code, relating to license, inspection, and registration fees; to amend and reenact section 4-01-21 of the North Dakota Century Code, relating to the salary of the agriculture commissioner; to provide for transfers; to provide for a legislative management study of the milk marketing board; to provide for a report to the sixty-fourth legislative assembly; and to provide an exemption.

ROLL CALL

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

YEAS: 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 1009, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. WANZEK MOVED that the conference committee report on Engrossed HB 1017 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1017, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1017: A BILL for an Act to provide an appropriation for defraying the expenses of the game and fish department; and to amend and reenact subsection 1 of section 54-17.8-06 of the North Dakota Century Code, as created by House Bill No. 1278,

as approved by the sixty-third legislative assembly, relating to the membership of the outdoor heritage advisory board.

ROLL CALL

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

YEAS: 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 1017, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BOWMAN MOVED that the conference committee report on Engrossed HB 1011 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1011, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1011: A BILL for an Act to provide an appropriation for defraying the expenses of the securities commissioner.

ROLL CALL

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

YEAS: 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 1011, as amended, passed.

MOTION

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

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

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

MR. SPEAKER: The President has appointed Sen. J. Lee to replace Sen. Oehlke for the Seventy-sixth, Seventy-seventh, Seventy-eighth, and Seventy-ninth legislative days on the Conference Committee on HB 1233.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1009, HB 1011, HB 1017.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2002.

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 2007, SB 2009.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2024, SB 2369, SCR 4030.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2233.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1007, HB 1452.

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

MR. PRESIDENT: The Speaker has signed: SB 2024, SB 2233, SB 2369, SCR 4030.

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

MR. PRESIDENT: The Speaker has signed: HB 1004, HB 1005, HB 1025, HB 1041.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on April 26, 2013, I have signed the following: SB 2030, SB 2074, SB 2131, SB 2163, SB 2225, SB 2227, SB 2243, SB 2244, SB 2299, SB 2338, SB 2353, and SB 2361.

REPORT OF CONFERENCE COMMITTEE

SB 2219: Your conference committee (Sens. Burckhard, Krebsbach, Murphy and Reps. Wieland, Bellew, Holman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1210-1211, adopt amendments as follows, and place SB 2219 on the Seventh order:

That the House recede from its amendments as printed on pages 1210 and 1211 of the Senate Journal and pages 1270 and 1271 of the House Journal and that Senate Bill No. 2219 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new chapter to title 6 of the North Dakota Century Code, relating to an energy conservation program; to provide a continuing appropriation; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 6 of the North Dakota Century Code is created and enacted as follows:

Energy conservation program - Revolving fund - Continuing appropriation.

1. A revolving fund must be maintained in the Bank of North Dakota for the purpose of making no-interest loans to low-income and moderate-income homeowners or to homeowners with low-income or moderate-income renters for the installation or implementation of energy conservation measures in homes determined by the department of commerce, in consultation with local agencies, to be eligible for energy conservation alterations or measures.
2. The energy conservation revolving fund consists of all moneys transferred into the fund, interest upon moneys in the fund, and loan repayments made on loans granted under this chapter. The moneys in the fund are appropriated on a continuing basis for disbursement under the requirements of this chapter.

Loan guidelines adopted by department of commerce - Loan application.

1. The department of commerce shall develop policies and guidelines for granting loans under this chapter. The guidelines must:
 - a. Establish income eligibility criteria for homeowners or renters of homeowners at equal to or less than one hundred fifty percent of the federal poverty guidelines;

- b. Provide that a loan under this chapter to an eligible homeowner may not exceed six thousand dollars; and
 - c. Establish contractual conditions, subject to the requirements of this chapter, regarding the forgiveness of a loan granted under this chapter.
2. An application for a grant under this chapter must be made to the department.

Security interest - Forgiveness of loans.

- 1. The department of commerce may grant a loan to an eligible applicant in consideration of the homeowner contracting with the department and granting a security interest to secure the loan.
- 2. In the case of a loan to a homeowner-occupied home, the contract with the homeowner must provide that the loan must be repaid in full within ninety days of the sale of the property or upon the sale or transfer of the property upon the death of the homeowner if there is no surviving spouse. If the homeowner or surviving spouse continues to live in the home beyond ten years after the execution of the contract for the loan, the department shall forgive the repayment of the loan.
- 3. A contract with a homeowner renting the property to an eligible low-income or moderate-income renter must provide that if the eligible renter is evicted without sufficient cause within twelve months after the execution of the contract, the homeowner must repay the loan within one year. Otherwise, the contract must provide that a loan to a homeowner renting the property must be repaid in ten equal annual payments with the first payment due twelve months from the date of execution of the contract.

SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the Bank of North Dakota for the purpose of funding the energy conservation revolving fund as provided under section 1 of this Act, for the biennium beginning July 1, 2013, and ending June 30, 2015. This funding is considered a one-time funding item."

Renumber accordingly

SB 2219 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2298, as engrossed: Your conference committee (Sens. Klein, Laffen, Murphy and Reps. Ruby, Keiser, M. Nelson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1142, adopt amendments as follows, and place SB 2298 on the Seventh order:

That the House recede from its amendments as printed on page 1142 of the Senate Journal and pages 1234 and 1235 of the House Journal and that Engrossed Senate Bill No. 2298 be amended as follows:

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

Page 1, line 3, remove "application"

Page 1, line 8, overstrike "If the organization does not give an injured employee's treating" and insert immediately thereafter "A presumption may not be established in favor of any"

Page 1, overstrike lines 9 through 11

Page 1, line 12, overstrike "employee's record based on one or more of" and insert immediately thereafter ". The organization shall resolve conflicting medical opinions and in doing so the organization shall consider"

Page 1, line 20, remove "At an administrative hearing, the organization's determination under subsection 1 is"

Page 1, remove line 21

Page 1, line 22, remove "3."

Page 2, remove lines 1 and 2

Renumber accordingly

Engrossed SB 2298 was placed on the Seventh order of business on the calendar.

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 Sixty-eighth, Seventieth, Seventy-first, and Seventy-second Days be corrected as follows and when so corrected, recommends that it be approved:

Page 1470, line 49, replace "Engrossed" with "Reengrossed"

Page 1473, line 9, replace "Engrossed" with "Reengrossed"

Page 1582, line 38, remove "amended"

Page 1583, line 23, replace "Reengrossed" with "Engrossed"

Page 1583, line 25, replace "Reengrossed" with "Engrossed"

Page 1583, line 42, replace "Reengrossed" with "Engrossed"

Page 1583, line 47, remove "as amended,"

Page 1584, line 7, remove "amended"

Page 1584, line 17, remove "as amended,"

Page 1584, line 20, remove "Engrossed"

Page 1584, line 23, remove "Engrossed"

Page 1584, line 26, replace "Reengrossed" with "Engrossed"

Page 1584, remove lines 32-37

Page 1589, line 5, remove "Engrossed"

Page 1589, line 8, replace "Reengrossed" with "Engrossed"

Page 1589, line 11, replace "Reengrossed" with "Engrossed"

Page 1589, line 14, replace "Reengrossed" with "Engrossed"

Page 1589, line 16, replace "Reengrossed" with "Engrossed"

Page 1589, line 19, replace "Reengrossed" with "Engrossed"

Page 1591, line 9, replace "Reengrossed" with "Engrossed"

Page 1591, line 12, replace "Reengrossed" with "Engrossed"

Page 1591, line 15, replace "Reengrossed" with "Engrossed"

Page 1591, line 17, replace "Reengrossed" with "Engrossed"

Page 1591, line 34, replace "Reengrossed" with "Engrossed"

Page 1591, line 39, remove "as amended,"

Page 1591, line 45, remove "amended"

Page 1592, line 8, remove "as amended,"

Page 1667, line 30, replace "Reengrossed" with "Engrossed"

Page 1667, line 32, replace "Reengrossed" with "Engrossed"

Page 1668, line 3, replace "Reengrossed" with "Engrossed"

Page 1687, line 39, replace "O'Connell" with "Robinson"

Page 1688, line 3, remove "Engrossed"

Page 1688, line 6, replace "Reengrossed" with "Engrossed"

Page 1719, line 10, insert "Engrossed" before "SB 2298"

Page 1719, line 14, insert "Engrossed" before "SB 2298"

Page 1719, line 15, insert "Engrossed" before "SB 2298"

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. MURPHY MOVED that the conference committee report on SB 2219 as printed on SJ pages 1732-1733 be adopted, which motion prevailed on a voice vote.

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

SECOND READING OF SENATE BILL

SB 2219: A BILL for an Act to create and enact a new chapter to title 6 of the North Dakota Century Code, relating to an energy conservation program; to provide a continuing appropriation; and to provide an appropriation.

ROLL CALL

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

YEAS: Mathern; Sinner; Wardner

NAYS: 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; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schaible; Schneider; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Warner

Engrossed SB 2219 failed.

SENATE INTERIM COMMITTEES

PRESIDENT WRIGLEY ANNOUNCED the following Senate Interim Committees:

Legislative Management

Sen. Cook

Sen. Holmberg
Sen. Oehlke
Sen. Sorvaag
Sen. Heckaman
Sen. Robinson

Capitol Grounds Planning Commission

Sen. Laffen
Sen. Triplett

Comprehensive Health Association of North Dakota Board

Sen. J. Lee

State Council for Interstate Adult Offender Supervision

Sen. Lyson

POINT OF PERSONAL PRIVILEGE

SEN. SINNER rose on a point of personal privilege.

REMARKS OF SENATOR SINNER

MR. PRESIDENT: It is my privilege this afternoon to pay tribute to Governor William Lewis Guy, a close family friend who was so instrumental in ushering in an era of modernization to our great state. As you all know, Governor Guy, passed away on Friday.

Bill Guy was a born leader, serving in top posts in the Boy Scouts & 4-H, as a school board president as well as several leadership positions at the North Dakota Agricultural College before he graduated in 1941. Then, as a truly dedicated American, he joined the United States Navy in 1942 and served his country through the remainder of the war.

Guy continued his service teaching at NDSU while he farmed near Amenia through the 1950s. Then, he crossed the line in 1958 and was elected to the North Dakota House of Representatives. Those of us in this body will have to forgive him for that mistake. In 1960, he was elected to the first of four terms as Governor of North Dakota, the longest service of any governor in the history of our great state.

The 1960s were tumultuous years for this country but North Dakota prospered under Guy's level-headed leadership, a trait made obvious by his preferred hairstyle.

Here at the Capitol, he was instrumental in modernizing the operations of our state government, and the fingerprints of his work can be found in every corner of the state from projects such as Garrison Diversion to helping establish the first regional mental health centers. Additionally, by overseeing the building of our interstate highway system, Governor Guy helped lay the foundation for North Dakota's long-term economic prosperity.

But, more than all of that, Guy ushered in a new generation of leaders to North Dakota. He inspired one particular member of my own family to run for his first public office in 1962 as well as several others including Senators Byron Dorgan and Kent Conrad.

Guy was also responsible for the creation of our state's highest honor - the Theodore Roosevelt Rough Rider award - which was recently granted to its 39th recipient.

Mr. President, William Lewis Guy was a giant of public service in North Dakota. His vision, leadership and charisma will be missed, but his legacy will live on through the countless others he inspired into public service in our state, the true lasting impact of any public servant's work.

REQUEST

SEN. SCHNEIDER REQUESTED that the remarks of Sen. Sinner be printed in the Journal, which request was granted.

MOTION

SEN. KLEIN 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.

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

MR. PRESIDENT: The House has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1233: Reps. Owens; Schmidt; Weisz

HB 1286: Reps. Kasper; B. Koppelman; Amerman

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

MR. PRESIDENT: The House has not adopted the conference committee report on: HB 1233 and HB 1286.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently failed to pass: SB 2219.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1001, HB 1261.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2242.

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: HB 1020.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1009, HB 1011, HB 1017.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2002, SB 2007, SB 2009.

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

MR. SPEAKER: The President has signed: SB 2024, SB 2233, SB 2369, SCR 4030.

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

MR. SPEAKER: The President has signed: HB 1007, HB 1452.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 29, 2013: SB 2024, SB 2233, SB 2369.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on April 29, 2013: SCR 4030.

REPORT OF CONFERENCE COMMITTEE

SB 2001, as engrossed: Your conference committee (Sens. Carlisle, Holmberg, Mathern and Reps. Thoreson, Brandenburg, Guggisberg) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1516-1521, adopt amendments as follows, and place SB 2001 on the Seventh order:

That the House recede from its amendments as printed on pages 1516-1521 of the Senate Journal and pages 1594-1598 of the House Journal and that Engrossed Senate Bill No. 2001 be amended as follows:

Page 1, line 3, after the semicolon insert "to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to promotional expenses;"

Page 1, line 4, after "compensation" insert "and expense reimbursement; to provide legislative intent"

Page 1, replace line 18 with:

"Operating expenses	3,268,968	683,958	3,952,926"
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Page 1, replace line 21 with:

"Total general fund	\$12,025,211	\$1,896,760	\$13,921,971"
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Page 2, replace lines 3 through 9 with:

"Salaries and wages	\$7,574,331	\$1,086,529	\$8,660,860
Accrued leave payments	0	143,087	143,087
Operating expenses	3,305,520	548,007	3,853,527
Capital assets	16,500	8,500	25,000
Total all funds	\$10,896,351	\$1,786,123	\$12,682,474
Less estimated income	70,000	(1)	69,999
Total general fund	\$10,826,351	\$1,786,124	\$12,612,475
Full-time equivalent positions	34.00	3.00	37.00"

Page 2, replace lines 14 through 16 with:

"Grand total general fund	\$22,851,562	\$3,682,884	\$26,534,446
Grand total special funds	70,000	(1)	69,999
Grand total all funds	\$22,921,562	\$3,682,883	\$26,604,445"

Page 2, replace lines 26 and 27 with:

"Information technology projects	159,938	42,000
Total general fund	\$2,242,706	\$542,000"

Page 3, line 18, replace "54-16-05" with "54-16-04"

Page 4, line 24, overstrike "sixty-five" and insert immediately thereafter "seventy"

Page 7, line 15, replace "sixty-five" with "seventy"

Page 10, after line 17, insert:

"SECTION 10. A new section to chapter 54-35 of the North Dakota Century Code is created and enacted as follows:

Legislative promotional expenses.

The legislative management shall establish a policy regarding promotional expenses made on behalf of the legislative assembly. Any expenditure made pursuant to this section must be reported to the legislative management. An expenditure under this section may not be construed as a gift for purposes of section 18 of article X of the Constitution of North Dakota.

SECTION 11. LEGISLATIVE INTENT. It is the intent of the sixty-third legislative assembly that the legislative management consider implementing during the sixty-fourth legislative assembly a limited bill analysis report pilot project to provide bill analysis reports similar to analysis reports prepared in other states."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2001 - Summary of Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Legislative Assembly						
Total all funds	\$14,336,364	\$14,197,971	(\$276,000)	\$13,921,971	\$13,921,971	\$0
Less estimated income	0	0	0	0	0	0

General fund	\$14,336,364	\$14,197,971	(\$276,000)	\$13,921,971	\$13,921,971	\$0
Legislative Council						
Total all funds	\$12,220,456	\$12,175,513	\$506,961	\$12,682,474	\$12,585,640	\$96,834
Less estimated income	69,999	69,999	0	69,999	69,999	0
General fund	\$12,150,457	\$12,105,514	\$506,961	\$12,612,475	\$12,515,641	\$96,834
Bill total						
Total all funds	\$26,556,820	\$26,373,484	\$230,961	\$26,604,445	\$26,507,611	\$96,834
Less estimated income	69,999	69,999	0	69,999	69,999	0
General fund	\$26,486,821	\$26,303,485	\$230,961	\$26,534,446	\$26,437,612	\$96,834

Senate Bill No. 2001 - Legislative Assembly - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$9,205,759	\$9,205,759		\$9,205,759	\$9,205,759	
Operating expenses	4,367,319	4,228,926	(276,000)	3,952,926	3,952,926	
Capital assets	530,000	530,000		530,000	530,000	
National Conf of State Legislatures	233,286	233,286		233,286	233,286	
Total all funds	\$14,336,364	\$14,197,971	(\$276,000)	\$13,921,971	\$13,921,971	\$0
Less estimated income	0	0	0	0	0	0
General fund	\$14,336,364	\$14,197,971	(\$276,000)	\$13,921,971	\$13,921,971	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Department No. 150 - Legislative Assembly - Detail of Conference Committee Changes

	Adds Funding for Connectivity ¹	Removes Funding for Audio/Video ²	Total Conference Committee Changes
Salaries and wages			
Operating expenses	121,000	(397,000)	(276,000)
Capital assets			
National Conf of State Legislatures			
Total all funds	\$121,000	(\$397,000)	(\$276,000)
Less estimated income	0	0	0
General fund	\$121,000	(\$397,000)	(\$276,000)
FTE	0.00	0.00	0.00

¹ The operating expenses line item is increased by \$121,000 to provide a total of \$425,000 for costs associated with providing legislators with remote access to data, including broadband, data plans for cellular phones, and other methods as determined by the Legislative Management's Legislative Procedure and Arrangements Committee, the same as the House version.

² One-time funding is removed for installing audio and video recording equipment in committee rooms, the same as the House version. A section of legislative intent added by the House that the Legislative Management not proceed with implementing a process to record and archive video of standing committee meetings during the legislative session is removed. The Legislative Procedure and Arrangements Committee may use funding available for legislative wing improvements to install audio and video recording equipment in committee rooms.

Sections are added:

- Providing legislative intent that the Legislative Management consider implementing a bill analysis pilot project for the 2015 legislative session, the same as the House version.
- Increasing the monthly limit on legislative lodging reimbursement from 65 to 70 percent of the state employee daily rate. The House had increased the rate to 75 percent of the state employee daily rate retroactively to January 1, 2013. The Senate did not change the current 65 percent rate.

Senate Bill No. 2001 - Legislative Council - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$8,336,986	\$8,336,986	\$323,874	\$8,660,860	\$8,564,026	\$96,834
Operating expenses	3,858,470	3,813,527	40,000	3,853,527	3,853,527	
Capital assets	25,000	25,000		25,000	25,000	
Accrued leave payments			143,087	143,087	143,087	
Total all funds	\$12,220,456	\$12,175,513	\$506,961	\$12,682,474	\$12,585,640	\$96,834
Less estimated income	69,999	69,999	0	69,999	69,999	0
General fund	\$12,150,457	\$12,105,514	\$506,961	\$12,612,475	\$12,515,641	\$96,834
FTE	34.00	34.00	3.00	37.00	37.00	0.00

Department No. 160 - Legislative Council - Detail of Conference Committee Changes

	Adjusts State Employee Compensation and Benefits Package ¹	Provides Separate Line Item for Accrued Leave Payments ²	Adds Fiscal Analyst Positions ³	Adds Funding for Energy Meetings ⁴	Total Conference Committee Changes
Salaries and wages	(\$43,039)	(\$143,087)	\$510,000		\$323,874
Operating expenses			15,000	25,000	40,000
Capital assets					
Accrued leave payments		143,087			143,087
Total all funds	(\$43,039)	\$0	\$525,000	\$25,000	\$506,961
Less estimated income	0	0	0	0	0
General fund	(\$43,039)	\$0	\$525,000	\$25,000	\$506,961
FTE	0.00	0.00	3.00	0.00	3.00

¹ This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

² A portion of salaries and wages funding from the general fund for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees, the same as the House version.

³ Funding is added for three new fiscal analyst positions and related operating expenses,

including information technology and equipment, the same as the House version.

⁴ The operating expenses line item is increased by \$25,000 to provide funding for costs relating to legislators attending meetings of the Energy Producing States Coalition, the same as the House version.

A section added by the House authorizing the hosting of out-of-state dignitaries and the purchase of promotional items is changed to require the Legislative Management to establish a policy regarding promotional expenses.

Engrossed SB 2001 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2019, as engrossed: Your conference committee (Sens. Erbele, Grindberg, O'Connell and Reps. Martinson, Streyle, Williams) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1314-1317, adopt amendments as follows, and place SB 2019 on the Seventh order:

That the House recede from its amendments as printed on pages 1314-1317 of the Senate Journal and pages 1379-1382 of the House Journal and that Engrossed Senate Bill No. 2019 be amended as follows:

Page 1, line 2, remove "to amend and reenact sections 52-08-09, 52-08-10, and"

Page 1, remove line 3

Page 1, line 4, remove "requirements; and"

Page 1, line 4, after "section" insert "; and to provide borrowing authority to Williston state college"

Page 1, replace lines 14 through 23 with:

"Salaries and wages	\$4,362,974	\$306,969	\$4,669,943
Accrued leave payments	0	96,477	96,477
Operating expenses	1,253,339	0	1,253,339
Grants	29,025,000	1,878,698	30,903,698
Grants - postsecondary	357,452	490,000	847,452
Adult farm management	749,802	0	749,802
Workforce training	<u>3,000,000</u>	<u>1,000,000</u>	<u>4,000,000</u>
Total all funds	\$38,748,567	\$3,772,144	\$42,520,711
Less estimated income	<u>10,766,888</u>	<u>(479,093)</u>	<u>10,287,795</u>
Total general fund appropriation	\$27,981,679	\$4,251,237	\$32,232,916
Full-time equivalent positions	27.50	(0.50)	27.00"

Page 2, remove lines 1 through 31

Page 3, replace lines 1 through 4 with:

**"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>
Workforce training	\$0	\$1,000,000
Total general fund	\$0	\$1,000,000

The 2013-15 one-time funding amounts are not a part of the entity's base budget for the 2015-17 biennium. The state board for career and technical education 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."

Page 3, remove lines 12 through 15

Page 3, line 18, replace "\$300,000" with "\$150,000"

Page 3, after line 22, insert:

"SECTION 5. WORKFORCE TRAINING GRANTS - MATCHING

REQUIREMENT. The workforce training line item in section 1 of this Act includes the sum of \$1,000,000 from the general fund for workforce training grants to the trainND program for the purchase of appropriate equipment specific to each of the four quadrant's workforce training needs. Prior to awarding a grant from these funds, the state board for career and technical education shall verify that the grant recipient has available matching funds from private industry equal to the state grant award, for the biennium beginning July 1, 2013, and ending June 30, 2015.

SECTION 6. BORROWING AUTHORITY - APPROPRIATION - WILLISTON STATE COLLEGE - WORKFORCE TRAINING PROJECT. Williston state college may borrow the sum of \$2,500,000, or so much of the sum as may be necessary, from the Bank of North Dakota, under the terms and conditions as determined by the Bank of North Dakota, for the workforce training facility project, for the biennium beginning July 1, 2013, and ending June 30, 2015. The proceeds of the loan authorized in this section are appropriated to Williston state college for the purpose of constructing a workforce training facility for the biennium beginning July 1, 2013, and ending June 30, 2015."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2019 - Summary of Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Williston State College						
Total all funds	\$0	\$0	\$2,500,000	\$2,500,000	\$2,500,000	\$0
Less estimated income	0	0	2,500,000	2,500,000	2,500,000	0
General fund	\$0	\$0	\$0	\$0	\$0	\$0
Dept. of Career and Technical Education						
Total all funds	\$41,124,457	\$44,531,146	(\$2,010,435)	\$42,520,711	\$41,069,457	\$1,451,254
Less estimated income	10,290,485	13,290,619	(3,002,824)	10,287,795	10,285,770	2,025
General fund	\$30,833,972	\$31,240,527	\$992,389	\$32,232,916	\$30,783,687	\$1,449,229
Bill total						
Total all funds	\$41,124,457	\$44,531,146	\$489,565	\$45,020,711	\$43,569,457	\$1,451,254
Less estimated income	10,290,485	13,290,619	(502,824)	12,787,795	12,785,770	2,025
General fund	\$30,833,972	\$31,240,527	\$992,389	\$32,232,916	\$30,783,687	\$1,449,229

Senate Bill No. 2019 - Williston State College - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Capital assets			\$2,500,000	\$2,500,000	\$2,500,000	
Total all funds	\$0	\$0	\$2,500,000	\$2,500,000	\$2,500,000	\$0
Less estimated income	0	0	2,500,000	2,500,000	2,500,000	0
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Department No. 229 - Williston State College - Detail of Conference Committee Changes

	Adds Funding for Workforce Training Facility ¹	Total Conference Committee Changes
Capital assets	\$2,500,000	\$2,500,000
Total all funds	\$2,500,000	\$2,500,000
Less estimated income	2,500,000	2,500,000
General fund	\$0	\$0
FTE	0.00	0.00

¹ A section is added authorizing Williston State College to borrow up to \$2.5 million from the Bank of North Dakota and appropriates the loan proceeds for the construction of a workforce training facility. The House also added this section.

Senate Bill No. 2019 - Dept. of Career and Technical Education - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$4,860,166	\$4,866,855	(\$196,912)	\$4,669,943	\$4,568,689	\$101,254
Operating expenses	1,253,339	1,253,339		1,253,339	1,253,339	
Grants	30,903,698	30,803,698	100,000	30,903,698	30,903,698	
Grants - Postsecondary	357,452	1,257,452	(410,000)	847,452	497,452	350,000
Adult farm management	749,802	749,802		749,802	749,802	
Workforce training	3,000,000	5,600,000	(1,600,000)	4,000,000	3,000,000	1,000,000
Accrued leave payments			96,477	96,477	96,477	
Total all funds	\$41,124,457	\$44,531,146	(\$2,010,435)	\$42,520,711	\$41,069,457	\$1,451,254
Less estimated income	10,290,485	13,290,619	(3,002,824)	10,287,795	10,285,770	2,025
General fund	\$30,833,972	\$31,240,527	\$992,389	\$32,232,916	\$30,783,687	\$1,449,229
FTE	27.00	27.00	0.00	27.00	27.00	0.00

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

	Adjusts State Employee Compensation and Benefits Package ¹	Provides Separate Line Item for Accrued Leave Payments ²	Reduces Funding for STEM Programs ³	Changes Funding for Additional Workforce Training Grants ⁴	Increases Funding to New and Expanding Programs ⁵	Reduces the Funding for STEM Network ⁶
Salaries and wages	(\$100,435)	(\$96,477)				
Operating expenses						
Grants					100,000	
Grants - Postsecondary			(150,000)			(260,000)
Adult farm management						
Workforce training				(1,600,000)		
Accrued leave payments		96,477				
Total all funds	(\$100,435)	\$0	(\$150,000)	(\$1,600,000)	\$100,000	(\$260,000)
Less estimated income	(2,824)	0	0	(2,600,000)	0	(400,000)
General fund	(\$97,611)	\$0	(\$150,000)	\$1,000,000	\$100,000	\$140,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Total Conference Committee Changes

Salaries and wages	(\$196,912)
Operating expenses	
Grants	100,000
Grants - Postsecondary	(410,000)
Adult farm management	
Workforce training	(1,600,000)
Accrued leave payments	96,477
Total all funds	(\$2,010,435)
Less estimated income	(3,002,824)
General fund	\$992,389
FTE	0.00

¹ This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces the market component from 2 to 4 percent per year to 1 to 2 percent per year for employees below the midpoint of their salary range.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

² A portion of salaries and wages funding from the general fund (\$81,028) and from other funds (\$15,449) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

³ This amendment reduces the funding added by the Senate for science, technology, engineering, and mathematics (STEM) programs to provide a total of \$150,000. The Senate provided \$300,000 for STEM programs; the House removed this funding.

⁴ This amendment changes the funding source of the additional workforce training grants added by the Senate and reduces the total funding to provide an additional \$1 million, all of which is from the general fund, to provide a total of \$4 million. A section has been added to the bill requiring each workforce training quadrant to provide a dollar-for-dollar match from private industry in order to qualify for the grant from the additional \$1 million. The Senate added \$2.6 million, all of which was from the strategic investment and improvements fund. The House removed this funding. The executive budget included \$3 million for workforce training grants. The additional \$1 million provided for workforce training grants is one-time funding.

⁵ This amendment provides additional funding to the new and expanding programs to provide a total of \$700,000, all of which is from the general fund, the same as the House version. The Senate did not change the executive recommendation.

⁶ Adjusts STEM funding to provide a total of \$300,000, including the \$160,000 from the general fund appropriated in House Bill No. 1228 which has been approved by both chambers, and changes the funding source from the strategic investment and improvements fund to the general fund. The same as the House version.

This amendment also:

- Removes Sections 2, 3, and 4 added by the Senate which changed the Workforce Training Board reporting requirements from the State Board of Higher Education to the State Board for Career and Technical Education.

Engrossed SB 2019 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1020, as engrossed: Your conference committee (Sens. Grindberg, Holmberg,

Robinson and Reps. Carlson, Skarphol, Williams) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1677-1681, adopt amendments as follows, and place HB 1020 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1677-1681 of the House Journal and pages 1477-1480 of the Senate Journal and that Engrossed House Bill No. 1020 be amended as follows:

Page 1, line 2, remove "to create and enact a new"

Page 1, remove line 3

Page 1, line 4, remove "policies and procedures of the state water commission;"

Page 1, line 4, replace "sections" with "section"

Page 1, line 5, remove "and 54-35-02.37"

Page 1, line 5, remove "sections 6 and 7 of"

Page 1, line 6, replace "chapter 46 of the 2011 Session Laws" with "section 54-35-02.7 of the North Dakota Century Code as amended by Senate Bill No. 2233, as approved by the sixty-third legislative assembly"

Page 1, line 6, replace the second comma with "and"

Page 1, line 7, remove ", and Fargo flood control project funding"

Page 1, line 8, after the semicolon insert "to provide for a loan from the Bank of North Dakota;"

Page 1, replace lines 17 through 22 with:

"Administrative and support services	\$3,229,873	\$1,531,792	\$4,761,665
Accrued leave payments	0	325,774	325,774
Water and atmospheric resources	<u>498,413,774</u>	<u>324,194,592</u>	<u>822,608,366</u>
Total all funds	\$501,643,647	\$326,052,158	\$827,695,805
Less estimated income	<u>486,648,448</u>	<u>341,047,357</u>	<u>827,695,805</u>
Total general fund	\$14,995,199	(\$14,995,199)	\$0"

Page 2, after line 28, insert:

"SECTION 5. BANK OF NORTH DAKOTA LOAN - WESTERN AREA WATER SUPPLY AUTHORITY. The Bank of North Dakota shall provide a loan of \$40,000,000 to the western area water supply authority for construction of the project. The terms and conditions of the loan must be negotiated by the western area water supply authority and the Bank of North Dakota and any previous loans may be added to and merged into this loan as agreed by the authority and the Bank of North Dakota. The authority may repay the loan from income from specific project features. If the authority is in default in the payment of the principal or interest on the obligation to the Bank of North Dakota for the loan, the authority is subject to the default provisions under section 61-40-09."

Page 3, remove lines 5 through 31

Page 4, replace lines 1 through 13 with:

"SECTION 7. FARGO FLOOD CONTROL PROJECT CONSTRUCTION - LIMITATION. Except for the construction of ring dikes and levees, construction relating to Fargo flood control project components located south of the city of Fargo's extraterritorial zoning jurisdiction may not begin until after July 1, 2014.

SECTION 8. FARGO FLOOD CONTROL PROJECT FUNDING. Funds designated by the sixty-first legislative assembly, the sixty-second legislative assembly, and the sixty-third legislative assembly for Fargo flood control are

available only for levee and dike protection until the Fargo flood control project receives federal authorization, a project partnership agreement is executed, a federal appropriation is provided for project construction, and the budget for the Fargo flood control project is approved by the state water commission.

SECTION 9. FARGO FLOOD CONTROL PROJECT FUNDING

AGREEMENT. Prior to the state water commission expending any state cost-sharing funds, the local Fargo flood control sponsor and state water commission shall enter a cost-sharing agreement. The agreement must provide for the exclusion of state cost-sharing for components of the project identified as recreational by the United States Army Corps of Engineers. The agreement must also provide for the exclusion of state cost-sharing relating to funds expected to be provided for the project by nonfederal entities outside the state of North Dakota. An advance funding agreement between the United States Army Corps of Engineers and the local Fargo flood control sponsor must precede any state funding used to advance construction work considered to be a federal responsibility.

SECTION 10. LEGISLATIVE INTENT - FARGO FLOOD CONTROL

PROJECT FUNDING. It is the intent of the sixty-third legislative assembly that the state provide one-half of the local cost-share of constructing a federally authorized Fargo flood control project and that total Fargo flood control project funding to be provided by the state not exceed \$450,000,000. It is further the intent of the sixty-third legislative assembly that the \$275,000,000 yet to be designated by the state for the Fargo flood control project be made available in equal installments over the next four bienniums."

Page 4, line 19, after "projects" insert ", including levees and dikes"

Page 4, line 21, remove "or for a river diversion project. Notwithstanding"

Page 4, remove lines 22 and 23

Page 4, line 24, remove "Fargo flood control project"

Page 4, line 27, after the period insert "Costs incurred by nonstate entities for dwellings or other real property which are not paid by state funds are eligible for application by the nonstate entity for cost-sharing with the state."

Page 4, remove line 28 through 31

Page 5, remove lines 1 through 3

Page 5, line 13, replace "\$515,000,000" with "\$287,000,000"

Page 5, remove lines 14 through 29

Page 5, line 31, after "section" insert "every six months during the 2013-14 interim regarding"

Page 6, line 2, remove "within ninety days of the state water commission approving the change"

Page 6, after line 3, insert:

"SECTION 15. FARGO FLOOD CONTROL - REPORTS TO THE BUDGET

SECTION. During the 2013-14 interim, the Fargo-Moorhead area diversion authority board shall report to the budget section biannually regarding an update on congressional authorization of the diversion project and the status of the self-insured crop insurance pool; mitigation efforts, alternatives, and costs; easements; and the project budget. The MNDak upstream coalition shall report to the budget section biannually regarding an update on the impacts of the Fargo flood control project and mitigation efforts, alternatives, and costs."

Page 6, remove lines 12 through 30

Page 7, replace lines 1 through 16 with:

"SECTION 17. AMENDMENT. Section 54-35-02.7 of the North Dakota Century Code as amended by Senate Bill No. 2233, as approved by the sixty-third legislative assembly, is amended and reenacted as follows:

54-35-02.7. Water-related topics overview committee - Duties.

The legislative management, during each interim, shall appoint a water-related topics overview committee in the same manner as the legislative management appoints other interim committees. The committee must meet quarterly and is responsible for legislative overview of water-related topics and related matters, the Garrison diversion project, and for any necessary discussions with adjacent states on water-related topics. The committee shall work collaboratively with the state water commission to develop policies to further define the state role in major flood control projects and the prioritization of water projects. The committee shall prepare a schedule of priorities with respect to water projects. The state water commission and state engineer shall assist the committee in developing the schedule of priorities, and the committee may seek input from stakeholders within the state regarding water project priorities. The committee also shall study policies regarding the development and financing of municipal projects, including water treatment plants; pipelines, including pipeline expansion, public and industrial use of water, cost analysis of future project development, and ongoing maintenance cost of current and future projects; and technology, including the use of technology for permitting and electronic metering. During the 2013-14 interim, the committee shall review water supply routes and alternatives for the Red River valley water supply project. The committee consists of thirteen members, and 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."

Page 7, line 17, after "1" insert "of this Act and section 5"

Page 7, line 18, replace "is" with "are"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1020 - State Water Commission - Conference Committee Action

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Administrative and support services	\$4,042,784	\$3,909,500	\$852,165	\$4,761,665	\$4,850,009	(\$88,344)
Water and atmospheric resources	823,096,248	822,339,358	269,008	822,608,366	823,108,562	(500,196)
Accrued leave payments		325,774		325,774		325,774
Total all funds	\$827,139,032	\$826,574,632	\$1,121,173	\$827,695,805	\$827,958,571	(\$262,766)
Less estimated income	809,359,388	826,574,632	1,121,173	827,695,805	827,958,571	(262,766)
General fund	\$17,779,644	\$0	\$0	\$0	\$0	\$0
FTE	90.00	90.00	0.00	90.00	90.00	0.00

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

	Removes House Changes to Executive Compensation Package ¹	Adjusts State Employee Compensation and Benefits Package ²	Increases Funding for Operating Expenses ³	Total Conference Committee Changes
Administrative and support services	\$86,252	(\$39,152)	\$805,065	\$852,165
Water and atmospheric resources	492,622	(223,614)		269,008
Accrued leave payments				
Total all funds	\$578,874	(\$262,766)	\$805,065	\$1,121,173
Less estimated income	578,874	(262,766)	805,065	1,121,173

General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

¹ Changes made by the House to the executive compensation package are removed.

² This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces the market component from 2 to 4 percent per year to 1 to 2 percent per year for employees below the midpoint of their salary range.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

³ The Senate did not remove the House funding source change for the administration of the State Water Commission from the general fund to the resources trust fund. Funding for the following operating expenses is increased to pay fees to other agencies due to the change in funding source for the State Water Commission from the general fund to special funds, the same as the Senate version:

- Audit fees (\$53,000) - State Auditor.
- Attorney's fees (\$321,276) - Attorney General.
- Rent (\$430,789) - Office of Management and Budget.

This amendment removes:

- Sections added by the House to amend 2011 Session Laws and 2009 Session Laws, previously amended in 2011, related to legislative guidelines for Fargo flood control project expenditures, the same as the Senate.
- A section added by the House to provide that total Fargo flood control project funding to be provided by the state not exceed \$325 million, the same as the Senate.
- Sections added by the House directing the State Water Commission to study the use of ring dikes as part of a flood protection plan for the city of Fargo and water supply needs in the Red River Valley, the same as the Senate.
- A section added by the House to require the State Water Commission to adopt policies regarding project development and financing, the same as the Senate.
- A section added by the House to require the State Water Commission to move information technology hardware to the Information Technology Department secure data center, the same as the Senate.

In addition, this amendment:

- Restores the requirement that the State Water Commission receive Budget Section approval prior to spending any additional funds that may become available in the resources trust fund or water development trust fund during the 2013-15 biennium, the same as the House. The Senate removed this requirement.
- Adds a section to provide for a \$40 million loan from the Bank of North Dakota to the Western Area Water Supply Authority for construction of the project, which is declared an emergency measure, the same as the Senate.
- Adds a section to provide that funds designated by the Legislative Assembly for Fargo flood control are available only for levee and dike protection until the project receives federal authorization, a project partnership agreement is executed, a federal appropriation is provided for construction, and the budget for the Fargo flood control project is approved by the State Water Commission, the same as the Senate.
- Adds a section to require the State Water Commission enter a cost-sharing agreement with the Fargo flood control sponsor prior to expending any state funds for the Fargo flood control project. The section also provides that state funds may not be used for recreational components of the project or to cost-share with nonfederal entities outside the state. An advance funding agreement between the United States Army Corps of Engineers and the local Fargo flood control sponsor must precede any state funding used to advance construction work considered to be a federal responsibility. This section was not included in the House or Senate version of the bill.
- Adds a section of legislative intent that the state provide one-half of the local cost-share of constructing a federally authorized Fargo flood control project and that total Fargo flood control project funding not exceed \$450 million, the same as the Senate. In addition, the Conference Committee provided further intent that the \$275 million yet to be designated for Fargo flood control is to be made available in equal installments over the next four bienniums.
- Adds a section which limits Fargo flood control project construction south of the city of Fargo to ring dikes and levees until after July 1, 2014. This section was not included in the House or Senate version of the bill.
- Adds a section requiring the Fargo-Moorhead Area Diversion Authority and the MNDak Upstream Coalition report to the Budget Section, the Senate required only the diversion authority to report.
- Amends guidelines for Fargo flood control project expenditures included in a section added by the House to designate \$100 million for Fargo flood control projects. The guidelines are amended to match the guidelines approved by the 62nd and 61st Legislative Assemblies and to include levees and dikes, the same as the Senate.
- Allows the State Water Commission to use funding in the resources trust fund to pay off or defease outstanding bond issues when the balance in the resources trust fund exceeds \$287 million rather than \$515 million, as provided in the executive recommendation, the same as the Senate.
- Amends a section added by the House to require the State Water Commission to report to the Budget Section within 90 days of any changes made to the water project priority list presented to the Legislative Assembly in 2013 to provide the State Water Commission report every six months. The Senate removed this section.
- Replaces a section added by the House, but removed by the Senate, which increases the membership of the Water-Related Topics Overview Committee and

directs the committee to prepare a water project priority schedule to be included in the committee's final report to the Legislative Management. The new section amends Section 54-35-02.7 related to the Water-Related Topics Overview Committee, as amended by Senate Bill No. 2233, to provide the committee study policies regarding the development and financing of municipal projects. In addition, the amendments require the State Water Commission and the State Engineer assist the committee in developing a schedule of priorities with respect to water projects.

Engrossed HB 1020 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1001, as engrossed: Your conference committee (Sens. Carlisle, Holmberg, O'Connell and Reps. Thoreson, Brandenburg, Glassheim) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1038-1039, adopt amendments as follows, and place HB 1001 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1038 and 1039 of the House Journal and pages 809-811 of the Senate Journal and that Engrossed House Bill No. 1001 be amended as follows:

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

Page 1, line 3, after the second "governor" insert "; and to provide for a report to the legislative management"

Page 1, replace lines 12 and 13 with:

"Salaries and wages	\$3,278,486	\$262,499	\$3,540,985
Accrued leave payments	0	67,722	67,722"

Page 1, replace line 17 with:

"Total general fund	\$3,708,942	\$324,931	\$4,033,873"
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Page 2, after line 9, insert:

"SECTION 4. APPOINTMENTS - LEGISLATIVE MANAGEMENT REPORT.

The governor or the governor's designee shall report to the legislative management annually regarding the status of gender balance on appointive boards, commissions, committees, and councils as provided in section 54-06-19 and within the governor's appointive cabinet for the biennium beginning July 1, 2013, and ending June 30, 2015.

Page 2, line 13, replace "twenty" with "twenty-one"

Page 2, line 13, overstrike "five" and insert immediately thereafter "six"

Page 2, line 14, replace "eleven" with "eighty-one"

Page 2, line 14, replace "twenty-four" with "twenty-five"

Page 2, line 15, overstrike "one" and insert immediately thereafter "three"

Page 2, line 15, replace "twenty-six" with "thirty-one"

Page 2, line 19, replace "ninety-three" with "ninety-four"

Page 2, line 19, replace "five" with "four"

Page 2, line 20, replace "fifty-four" with "sixty-two"

Page 2, line 20, replace "ninety-six" with "ninety-seven"

Page 2, line 21, replace "three" with "two"

Page 2, line 21, replace "sixty-one" with "ninety-six"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1001 - Governor's Office - Conference Committee Action

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$3,553,129	\$3,491,675	\$49,310	\$3,540,985	\$3,625,896	(\$84,911)
Operating expenses	404,366	404,366		404,366	404,366	
Contingencies	10,000	10,000		10,000	10,000	
Roughrider awards	10,800	10,800		10,800	10,800	
Accrued leave payments		67,722		67,722		67,722
Total all funds	\$3,978,295	\$3,984,563	\$49,310	\$4,033,873	\$4,051,062	(\$17,189)
Less estimated income	0	0	0	0	0	0
General fund	\$3,978,295	\$3,984,563	\$49,310	\$4,033,873	\$4,051,062	(\$17,189)
FTE	18.00	18.00	0.00	18.00	18.00	0.00

Department No. 101 - Governor's Office - Detail of Conference Committee Changes

	Removes House Changes to Executive Compensation Package ¹	Adjusts State Employee Compensation and Benefits Package ²	Total Conference Committee Changes
Salaries and wages	\$66,499	(\$17,189)	\$49,310
Operating expenses			
Contingencies			
Roughrider awards			
Accrued leave payments			
Total all funds	\$66,499	(\$17,189)	\$49,310
Less estimated income	0	0	0
General fund	\$66,499	(\$17,189)	\$49,310
FTE	0.00	0.00	0.00

¹ Changes made by the House to the executive compensation package are removed.

² This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

A section is added providing that the Governor report to the Legislative Management on the gender balance of the Governor's appointments. The Senate provided for a report to the Budget Section.

Sections 4 and 5 of the bill are changed to provide a 4 percent first year and a 3 percent second year salary increase for the Governor and Lieutenant Governor. The Senate and the executive budget provided 4 percent annual increases. The House provided 3 percent annual increases.

Engrossed HB 1001 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1261: Your conference committee (Sens. Schaible, Flakoll, Marcellais and Reps. Rust, Schatz, Hunskor) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1361 and place HB 1261 on the Seventh order.

HB 1261 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LAFFEN MOVED that the conference committee report on Engrossed SB 2298 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2298, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2298: A BILL for an Act to amend and reenact section 65-05-08.3 of the North Dakota Century Code, relating to workers' compensation consideration of treating doctor's opinions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 24 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Armstrong; Berry; Burckhard; Campbell; Cook; Flakoll; Grindberg; Hogue; Holmberg; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lyson; Miller; Poolman; Schaible; Sorvaag; Unruh; Wanzek; Wardner

NAYS: Axness; Bowman; Carlisle; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Kilzer; Lee, J.; Luick; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oehlke; Robinson; Schneider; Sinner; Triplett; Warner

ABSENT AND NOT VOTING: Sitte

Reengrossed SB 2298 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. CARLISLE MOVED that the conference committee report on Engrossed SB 2001 as printed on SJ pages 1734-1737 be adopted, which motion prevailed on a voice vote.

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

SECOND READING OF SENATE BILL

SB 2001: A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of state government; to provide for applications, transfers, and cancellation of unexpended appropriations; to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to promotional expenses; to amend and reenact sections 54-03-20 and 54-35-10 of the North Dakota Century Code, relating to legislative compensation and expense reimbursement; to provide legislative intent; to provide an effective date; and to declare an emergency.

ROLL CALL

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

YEAS: Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Campbell; Carlisle; Cook; Dotzenrod; Erbele; Flakoll; 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; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Dever; Grabinger

ABSENT AND NOT VOTING: Sitte

Reengrossed SB 2001 passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. GRINDBERG MOVED that the conference committee report on Engrossed SB 2019 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2019, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2019: A BILL for an Act to provide an appropriation for defraying the expenses of the state board for career and technical education; to provide for a report to the budget section; and to provide borrowing authority to Williston state college.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Sitte

Reengrossed SB 2019 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. CARLISLE MOVED that the conference committee report on Engrossed HB 1001 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1001, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1001: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor; and to provide for a report to the legislative management.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Sitte

Engrossed HB 1001, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. GRINDBERG MOVED that the conference committee report on Engrossed HB 1020 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1020, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1020: A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to provide exemptions; to provide legislative intent; to amend and reenact section 6-09.5-03 of the North Dakota Century Code and section 54-35-02.7 of the North Dakota Century Code as amended by Senate Bill No. 2233, as approved by the sixty-third legislative assembly, relating to the community water facility loan fund and the water-related topics overview committee; to provide for legislative management reports; to provide for a loan from the Bank of North Dakota; 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 39 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Cook; Dotzenrod; Erbele; Larsen; Luick; Wanzek; Warner

ABSENT AND NOT VOTING: Sitte

Engrossed HB 1020, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SCHAIBLE MOVED that the conference committee report on HB 1261 be adopted, which motion prevailed on a voice vote.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1261.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2019, SB 2298.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1001.

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 2001.

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 1020.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1250.

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

MR. PRESIDENT: The Speaker has signed: SB 2002, SB 2007, SB 2009.

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

MR. SPEAKER: The President has signed: SB 2002, SB 2007, SB 2009.

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

MR. SPEAKER: The President has signed: HB 1009, HB 1011, HB 1017.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on April 29, 2013, I have signed the following: SB 2006, SB 2008, SB 2016, SB 2017, SB 2022, SB 2023, SB 2072, SB 2094, SB 2160, SB 2211, SB 2226, SB 2267, and SB 2354.

MOTION

SEN. KLEIN MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Tuesday, April 30, 2013, which motion prevailed.

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

William R. Horton, Secretary