

**JOURNAL OF THE SENATE**

**Sixty-third Legislative Assembly**

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**Bismarck, April 11, 2013**

The Senate convened at 8:00 a.m., with President Pro Tempore Wanzek presiding.

The prayer was offered by Chaplain Kari Bitz, Cord of Three Ministries, Bismarck.

The roll was called and all members were present except Senators Campbell, Hogue, and Triplett.

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 Sixty-second Day be corrected as follows and when so corrected, recommends that it be approved:

Page 1161, line 31, replace "passed" with "failed"

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

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MILLER MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2211 as printed on SJ pages 1088-1093 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2211: Sens. Miller, Klein, Heckaman.

**CONSIDERATION OF AMENDMENTS**

**HB 1167, as engrossed: SEN. SCHAIBLE (Government and Veterans Affairs 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.

**SECOND READING OF HOUSE BILL**

**HB 1167:** A BILL for an Act to create and enact a new section to chapter 21-10 of the North Dakota Century Code, relating to the definition of earnings of the legacy fund.

**ROLL CALL**

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

**YEAS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; 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; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Campbell; Hogue; Triplett

Engrossed HB 1167, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1205, as engrossed and amended: SEN. G. LEE (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.

#### **SECOND READING OF HOUSE BILL**

**HB 1205:** A BILL for an Act to amend and reenact sections 39-04-10.3 and 39-04-10.14 and subdivisions j and o of subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to number license plates for certain veterans.

#### **ROLL CALL**

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

**YEAS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; 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; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Campbell; Hogue; Triplett

Engrossed HB 1205, as amended, passed.

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#### **CONSIDERATION OF AMENDMENTS**

**HB 1041, as engrossed and amended: SEN. MATHERN (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.

#### **SECOND READING OF HOUSE BILL**

**HB 1041:** A BILL for an Act to provide appropriations to the office of management and budget and the supreme court for guardianship and public administrator services.

#### **ROLL CALL**

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

**YEAS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; 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; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Campbell; Hogue; Triplett

Engrossed HB 1041, as amended, passed.

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#### **CONSIDERATION OF AMENDMENTS**

**HB 1099, as engrossed: SEN. SCHAIBLE (Government and Veterans Affairs 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.

#### **SECOND READING OF HOUSE BILL**

**HB 1099:** A BILL for an Act to amend and reenact sections 54-44.1-04 and 54-44.1-06 of the North Dakota Century Code, relating to agency budget requests and the preparation of budget data.

#### **ROLL CALL**

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

**YEAS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; 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; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Campbell; Hogue; Triplett

Engrossed HB 1099, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1136: SEN. SITTE (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.

#### SECOND READING OF HOUSE BILL

**HB 1136:** A BILL for an Act to amend and reenact sections 11-18-01, 11-18-05, 35-13-02, 35-17-04, 35-17-07, 35-17-08, 35-20-15.1, 35-20-16, 35-29-02, 35-29-04, 35-29-05, 35-30-02, 35-30-05, 35-30-06, 35-31-02, 35-31-05, 35-31-06, 35-34-04, 35-34-06, 35-35-03, 35-37-04, 41-09-72, 41-09-73, and 41-09-84, subsection 2 of section 41-09-87, sections 41-09-94 and 41-09-96, subsection 3 of section 41-09-135, sections 41-10-01, 41-10-05, 47-16-03, 54-09-08, 54-09-09, 54-09-10, and 54-09-11, subsection 5 of section 57-34-10, subsection 4 of section 57-36-09.5, section 57-38-49, subsection 4 of section 57-39.2-13, subsection 4 of section 57-40.2-16, subsection 3 of section 57-40.3-07.1, subsection 4 of section 57-43.1-17.4, subsection 4 of section 57-43.2-16.3, subsection 4 of section 57-43.3-22, subsection 2 of section 57-51-11, and subsection 4 of section 57-63-10 of the North Dakota Century Code, relating to filing liens and security interests electronically; to repeal section 57-28-29 of the North Dakota Century Code, relating to filing tax liens; to provide for application; to provide for a report to the legislative assembly; and to provide a contingent effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of **DO PASS**, the roll was called and there were 29 YEAS, 15 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Dever; Erbele; Flakoll; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, J.; Lyson; Nelson; Poolman; Robinson; Schaible; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner

**NAYS:** Carlisle; Cook; Dotzenrod; Grabinger; Heckaman; Lee, G.; Luick; Marcellais; Mathern; Miller; Murphy; O'Connell; Oehlke; Schneider; Warner

**ABSENT AND NOT VOTING:** Campbell; Hogue; Triplett

HB 1136, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1019, as reengrossed: SEN. KREBSBACH (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.

#### SECOND READING OF HOUSE BILL

**HB 1019:** A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department and for providing a grant to the International Peace Garden; to provide for matching funds; to provide an exemption; 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 41 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Marcellais; Miller; Schaible

**ABSENT AND NOT VOTING:** Campbell; Hogue; Triplett

Reengrossed HB 1019, as amended, passed and the emergency clause was declared carried.

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**CONSIDERATION OF AMENDMENTS**

**HB 1294: SEN. NELSON (Judiciary Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1294:** A BILL for an Act to amend and reenact section 54-58-03 of the North Dakota Century Code, relating to negotiation of tribal-state gaming contracts.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 17 YEAS, 27 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Armstrong; Berry; Carlisle; Cook; Erbele; Kilzer; Klein; Larsen; Lee, G.; Lee, J.; Luick; Schaible; Sitte; Unruh; Wanzek

**NAYS:** Axness; Bowman; Burckhard; Dever; Dotzenrod; Flakoll; Grabinger; Grindberg; Heckaman; Holmberg; Krebsbach; Laffen; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oehlke; Poolman; Robinson; Schneider; Sinner; Sorvaag; Wardner; Warner

**ABSENT AND NOT VOTING:** Campbell; Hogue; Triplett

HB 1294, as amended, failed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1022, 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.

**SECOND READING OF HOUSE BILL**

**HB 1022:** A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies; and to provide various transfers.

**ROLL CALL**

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

**YEAS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; 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; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Campbell; Hogue; Triplett

Engrossed HB 1022, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1290, as reengrossed: SEN. BURCKHARD (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.

#### SECOND READING OF HOUSE BILL

**HB 1290:** A BILL to provide for a legislative management study of controlling the growth in property tax levies.

#### 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 35 YEAS, 9 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Armstrong; Berry; Bowman; Burckhard; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; O'Connell; Oehlke; Poolman; Robinson; Schaible; Sinner; Sitte; Sorvaag; Unruh; Wanzek; Wardner

**NAYS:** Axness; Grabinger; Heckaman; Marcellais; Mathern; Murphy; Nelson; Schneider; Warner

**ABSENT AND NOT VOTING:** Campbell; Hogue; Triplett

Reengrossed HB 1290, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1033, as reengrossed and amended: 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.

#### SECOND READING OF HOUSE BILL

**HB 1033:** A BILL for an Act to require authorization of the purchase or lease of aircraft; to provide for the use of department of transportation airplanes; to provide for the sale of airplanes; to provide for budget section approval; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson; Miller

**ABSENT AND NOT VOTING:** Campbell; Hogue; Triplett

Reengrossed HB 1033, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1306, as reengrossed and amended: 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.

**SECOND READING OF HOUSE BILL**

**HB 1306:** A BILL for an Act to amend and reenact section 57-02-08.8 of the North Dakota Century Code, relating to disabled veteran's eligibility for a homestead tax credit and a renter credit; to provide for a legislative management study; to provide an appropriation; and to provide an effective date.

**ROLL CALL**

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

**YEAS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; 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; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Campbell; Hogue; Triplett

Reengrossed HB 1306, as amended, passed.

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**SECOND READING OF HOUSE BILL**

**HB 1145:** A BILL for an Act to amend and reenact sections 18-04-02, 18-04-05, 23-46-05, 26.1-01-07.5, and 26.1-03-17 of the North Dakota Century Code, relating to use of insurance premium tax collections for firefighting; to provide a continuing appropriation; and to provide an 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; 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; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Campbell; Hogue; Triplett

Reengrossed HB 1145 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1105:** A BILL for an Act to amend and reenact subdivision d of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to the expiration of federal income tax treatment of the long-term capital gain and qualified dividend income tax exclusion; and to provide an effective date.

**ROLL CALL**

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

**NAYS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Carlisle; Cook;

Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; 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; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Campbell; Hogue; Triplett

HB 1105 failed.

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#### 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.

#### SECOND READING OF HOUSE BILL

**HB 1319:** A BILL for an Act to create and enact sections 15.1-27-04.1, 15.1-27-04.2, and 15.1-27-45 of the North Dakota Century Code, relating to determination of state aid payable to school districts; to amend and reenact sections 15-39.1-28, 15.1-09-33, 15.1-09-39, 15.1-09-40, 15.1-09-47, 15.1-09-48, 15.1-09-49, 15.1-22-01, 15.1-27-03.1, 15.1-27-03.2, 15.1-27-17, 15.1-27-35, 15.1-27-35.3, 15.1-27-39, 15.1-29-15, 15.1-30-04, 15.1-36-02, 40-55-08, 40-55-09, 57-15-01.1, 57-15-14, 57-15-14.2, 57-15-14.5, 57-15-17, 57-15-17.1, 57-15-31, 57-19-01, 57-19-02, 57-19-09, and 57-20-07.1 of the North Dakota Century Code, relating to the determination of state aid payable to school districts; to repeal sections 15.1-27-07.1 and 57-19-10 of the North Dakota Century Code, relating to kindergarten payments and special reserve funds; to provide an appropriation; to provide for a legislative management study; to provide for a suspension; to provide an effective date; and to provide an expiration date.

#### MOTION

**SEN. HECKAMAN MOVED** that Reengrossed HB 1319, as amended, be amended as follows.

That the proposed amendments to Reengrossed House Bill No. 1319 as printed on pages 1020-1050 of the Senate Journal be amended as follows:

Page 1035 of the Senate Journal, line 27, replace "twenty-seven" with "thirty-two"

Page 1035 of the Senate Journal, line 27, overstrike "five hundred"

Renumber accordingly

#### REQUEST

**SEN. HECKAMAN REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed HB 1319, as amended, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed amendments to Reengrossed HB 1319, as amended, the roll was called and there were 14 YEAS, 31 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Campbell; Hogue

The proposed amendments to Reengrossed HB 1319, as amended, failed on a recorded roll

call vote.

### ROLL CALL

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

**YEAS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; 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

**ABSENT AND NOT VOTING:** Campbell; Hogue

Reengrossed HB 1319, as amended, passed.

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### APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. KLEIN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1061, Engrossed HB 1063, Engrossed HB 1139, Engrossed HB 1166, and Engrossed HB 1440, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on:

**Engrossed HB 1061:** Sens. Unruh, Lyson, Murphy  
**Engrossed HB 1063:** Sens. Burckhard, Unruh, Triplett  
**Engrossed HB 1139:** Sens. Campbell, Sitte, Sinner  
**Engrossed HB 1166:** Sens. Campbell, Cook, Triplett  
**Engrossed HB 1440:** Sens. Andrist, J. Lee, Dotzenrod

### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to SB 2005 as printed on SJ pages 1235-1236 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

### APPOINTMENT OF CONFERENCE COMMITTEE

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2005: Sens. Carlisle, Bowman, Warner.

### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2008 as printed on SJ page 1237 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

### APPOINTMENT OF CONFERENCE COMMITTEE

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2008: Sens. G. Lee, Bowman, Robinson.

### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to SB 2011 as printed on SJ pages 1237-1239 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

### APPOINTMENT OF CONFERENCE COMMITTEE

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2011: Sens. Krebsbach, Wanzek, O'Connell.

### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to SB 2016 as printed on SJ pages 1248-1249 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2016: Sens. Grindberg, Carlisle, Warner.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to Reengrossed SB 2021 as printed on SJ pages 1249-1251 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Reengrossed SB 2021: Sens. Wanzek, G. Lee, Robinson.

**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senator George Nodland

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2022 as printed on SJ pages 1251-1253 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2022: Sens. Kilzer, Carlisle, Warner.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to SB 2023 as printed on SJ pages 1253-1254 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2023: Sens. Erbele, Bowman, Warner.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2024 as printed on SJ pages 1254-1255 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2024: Sens. Kilzer, Grindberg, Mathern.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LYSON MOVED** that the Senate do not concur in the House amendments to SB 2219 as printed on SJ pages 1210-1211 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2219: Sens. Burckhard, Krebsbach, Murphy.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2171 as printed on SJ pages 1239-1241 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2171: Sens. Miller, Oehlke, Dotzenrod.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2338 as printed on SJ page 1013 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2338: Sens. Cook, Burckhard, Triplett.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do not concur in the House amendments to Engrossed SCR 4030 as printed on SJ pages 1013-1015 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SCR 4030: Sens. Cook, Campbell, Dotzenrod.

**SECOND READING OF HOUSE BILL**

**HB 1355:** A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to definition of commencement of drilling operations.

**ROLL CALL**

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

**YEAS:** Andrist; Warner

**NAYS:** Anderson; Armstrong; Axness; Berry; Bowman; Burckhard; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; 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

**ABSENT AND NOT VOTING:** Campbell; Hogue

Engrossed HB 1355 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1322:** A BILL for an Act to amend and reenact section 20.1-02-05.1 of the North Dakota Century Code, relating to game and fish department land purchases.

**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; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; 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

**ABSENT AND NOT VOTING:** Campbell; Hogue

HB 1322 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1291:** A BILL for an Act to amend and reenact sections 15.1-21-02.4, 15.1-21-02.5, and 15.1-21-02.6 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education; to provide for a transfer; to provide an appropriation; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; 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

**ABSENT AND NOT VOTING:** Campbell; Hogue

Engrossed HB 1291, as amended, passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1413:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales tax exemption for tangible personal property used to construct or expand a facility for use of coal gasification byproducts; to amend and reenact section 57-40.2-03.3 of the North Dakota Century Code, relating to a sales tax exemption for tangible personal property used to construct or expand a facility for use of coal gasification byproducts; and to provide an effective date.

**ROLL CALL**

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

**YEAS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; 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

**ABSENT AND NOT VOTING:** Campbell; Hogue

HB 1413 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1213:** A BILL for an Act to amend and reenact section 23-11-29 of the North Dakota Century Code, relating to the real property tax exemption status of a housing authority; and to provide an effective date.

**ROLL CALL**

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

**YEAS:** Anderson; Andrist; Armstrong; Axness; Berry; Bowman; Burckhard; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Grindberg; Heckaman; 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

**ABSENT AND NOT VOTING:** Campbell; Hogue

HB 1213 passed.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1145.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1213, HB 1322, HB 1413.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1022, HB 1033, HB 1041, HB 1099, HB 1136, HB 1167, HB 1205, HB 1290, HB 1306.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1319.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1019.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1291.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1294.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1105.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1355.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2006, SB 2010, SB 2017, SB 2019.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2006

Page 1, replace line 12 with:

"Salaries and wages	\$1,005,639	\$114,597	\$1,120,236
Accrued leave payments	0	10,772	10,772"

Page 1, replace lines 15 through 18 with:

"Grants	<u>9,040,000</u>	<u>6,460,000</u>	<u>15,500,000</u>
Total all funds	\$13,083,688	\$5,914,369	\$18,998,057
Less estimated income	<u>12,533,688</u>	<u>(85,631)</u>	<u>12,448,057</u>
Total general fund	\$550,000	\$6,000,000	\$6,550,000"

Page 1, line 20, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY"

Page 1, line 21, after "biennium" insert "and the 2013-15 one-time funding items included in the appropriation in section 1 of this Act"

Page 1, replace lines 23 and 24 with:

"Anemometer tower database	\$4,500	\$0
Grants to airports	0	6,000,000
Total general fund	\$4,500	\$6,000,000"

Page 2, remove lines 1 through 5

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2006 - Aeronautics Commission - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$1,150,090	\$1,156,409	(\$36,173)	\$1,120,236
Operating expenses	1,977,049	1,977,049		1,977,049
Capital assets	390,000	390,000		390,000
Grants	9,500,000	9,500,000	6,000,000	15,500,000
Additional airport grants		6,000,000	(6,000,000)	
Accrued leave payments			10,772	10,772
Total all funds	\$13,017,139	\$19,023,458	(\$25,401)	\$18,998,057
Less estimated income	12,467,139	18,473,458	(6,025,401)	12,448,057
General fund	\$550,000	\$550,000	\$6,000,000	\$6,550,000
FTE	6.00	6.00	0.00	6.00

#### Department No. 412 - Aeronautics Commission - Detail of House Changes

	Adjusts State Employee Compensation and Benefits Package <sup>1</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>2</sup>	Changes Funding Source for Airport Grants <sup>3</sup>	Total House Changes
Salaries and wages	(\$25,401)	(\$10,772)		(\$36,173)
Operating expenses				
Capital assets				
Grants			6,000,000	6,000,000
Additional airport grants			(6,000,000)	(6,000,000)
Accrued leave payments		10,772		10,772
Total all funds	(\$25,401)	\$0	\$0	(\$25,401)
Less estimated income	(25,401)	0	(6,000,000)	(6,025,401)
General fund	\$0	\$0	\$6,000,000	\$6,000,000
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

<sup>2</sup> A portion of salaries and wages funding from other funds (\$10,772) 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.

<sup>3</sup> This amendment changes the funding source for airport grants from the strategic investment and improvements fund to the general fund. The Senate version added a section to provide a separate appropriation from the strategic investments and improvements fund for airport grants.

This amendment also removes a section added by the Senate relating to grants to airports

and designates the \$6 million grants to airports as one-time funding.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2010**

Page 1, line 2, after "arts" insert "; and to provide a matching requirement"

Page 1, replace line 11 with:

"Salaries and wages	\$741,580	\$33,224	\$774,804
Accrued leave payments	0	7,933	7,933"

Page 1, replace line 14 with:

"Total all funds	\$3,218,462	\$14,605	\$3,233,067"
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Page 1, replace line 16 with:

"Total general fund	\$1,363,602	\$124,548	\$1,488,150"
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Page 2, after line 7, insert:

**"SECTION 4. MATCHING REQUIREMENT - INSTITUTIONAL SERVICES GRANT PROGRAM.** The grants line item in section 1 of this Act includes the sum of \$50,000 from the general fund for increased funding from the general fund to replace an anticipated reduction in federal funding for the institutional services grant program, for the biennium beginning July 1, 2013, and ending June 30, 2015. The council on the arts may not award grants from the funds appropriated from the general fund referred to in this section unless grant recipients provide matching funds from nonstate sources on a dollar-for-dollar basis."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2010 - Council on the Arts - House Action**

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$808,731	\$808,731	(\$33,927)	\$774,804
Operating expenses	348,023	348,023		348,023
Grants	2,102,307	2,102,307		2,102,307
Accrued leave payments			7,933	7,933
Total all funds	\$3,259,061	\$3,259,061	(\$25,994)	\$3,233,067
Less estimated income	1,744,917	1,744,917	0	1,744,917
General fund	\$1,514,144	\$1,514,144	(\$25,994)	\$1,488,150
FTE	5.00	5.00	0.00	5.00

**Department No. 709 - Council on the Arts - Detail of House Changes**

	Corrects Executive Compensation Package <sup>1</sup>	Adjusts State Employee Compensation and Benefits Package <sup>2</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>3</sup>	Total House Changes
Salaries and wages	\$4,546	(\$30,540)	(\$7,933)	(\$33,927)
Operating expenses				
Grants				
Accrued leave payments			7,933	7,933
Total all funds	\$4,546	(\$30,540)	\$0	(\$25,994)
Less estimated income	0	0	0	0
General fund	\$4,546	(\$30,540)	\$0	(\$25,994)
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is added due to a calculation error in the executive compensation package.

<sup>2</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

<sup>3</sup> A portion of salaries and wages funding from the general fund (\$7,933) 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.

A new section is added to provide matching requirements for the institutional services grant program.

### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2017

Page 1, replace line 10 with:

"Salaries and wages	\$978,182	\$60,251	\$1,038,433
Accrued leave payments	0	10,698	10,698"

Page 1, replace line 12 with:

"Total special funds	\$1,827,199	\$970,955	\$2,798,154"
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Re-number accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2017 - Office of Administrative Hearings - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$1,075,272	\$1,082,165	(\$43,732)	\$1,038,433
Operating expenses	1,749,023	1,749,023		1,749,023
Accrued leave payments			10,698	10,698
Total all funds	\$2,824,295	\$2,831,188	(\$33,034)	\$2,798,154
Less estimated income	2,824,295	2,831,188	(33,034)	2,798,154
General fund	\$0	\$0	\$0	\$0
FTE	5.00	5.00	0.00	5.00

#### Department No. 140 - Office of Administrative Hearings - Detail of House Changes

	Adjusts State Employee Compensation and Benefits Package <sup>1</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>2</sup>	Total House Changes
Salaries and wages	(\$33,034)	(\$10,698)	(\$43,732)
Operating expenses			
Accrued leave payments		10,698	10,698
Total all funds	(\$33,034)	\$0	(\$33,034)
Less estimated income	(33,034)	0	(33,034)
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

<sup>1</sup>This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

<sup>2</sup>A portion of salaries and wages funding from other funds 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.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2019**

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

Page 1, replace lines 3 and 4 with "and to provide borrowing authority to Williston state college."

Page 1, replace line 14 with:

"Salaries and wages	\$4,362,974	\$205,715	\$4,568,689
Accrued leave payments	0	96,477	96,477"

Page 1, replace lines 16 and 17 with:

"Grants	29,025,000	1,878,698	30,903,698
Grants - postsecondary	357,452	140,000	497,452"

Page 1, replace lines 19 through 22 with:

"Workforce training	<u>3,000,000</u>	<u>0</u>	<u>3,000,000</u>
Total all funds	\$38,748,567	\$2,320,890	\$41,069,457
Less estimated income	<u>10,766,888</u>	(481,118)	<u>10,285,770</u>
Total general fund appropriation	\$27,981,679	\$2,802,008	\$30,783,687"

Page 2, remove lines 1 through 31

Page 3, replace lines 1 through 22 with:

**"SECTION 2. 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 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 House Action**

	Executive Budget	Senate Version	House Changes	House Version
Williston State College				
Total all funds	\$0	\$0	\$2,500,000	\$2,500,000
Less estimated income	0	0	2,500,000	2,500,000
General fund	\$0	\$0	\$0	\$0

Dept. of Career and Technical Education				
Total all funds	\$41,124,457	\$44,531,146	(\$3,461,689)	\$41,069,457
Less estimated income	10,290,485	13,290,619	(3,004,849)	10,285,770
General fund	\$30,833,972	\$31,240,527	(\$456,840)	\$30,783,687
Bill total				
Total all funds	\$41,124,457	\$44,531,146	(\$961,689)	\$43,569,457
Less estimated income	10,290,485	13,290,619	(504,849)	12,785,770
General fund	\$30,833,972	\$31,240,527	(\$456,840)	\$30,783,687

**Senate Bill No. 2019 - Williston State College - House Action**

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

**Department No. 229 - Williston State College - Detail of House Changes**

	Adds Funding for Workforce Training Facility <sup>1</sup>	Total House 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

<sup>1</sup>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.

**Senate Bill No. 2019 - Dept. of Career and Technical Education - House Action**

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$4,860,166	\$4,866,855	(\$298,166)	\$4,568,689
Operating expenses	1,253,339	1,253,339		1,253,339
Grants	30,903,698	30,803,698	100,000	30,903,698
Grants - Postsecondary	357,452	1,257,452	(760,000)	497,452
Adult farm management	749,802	749,802		749,802
Workforce training	3,000,000	5,600,000	(2,600,000)	3,000,000
Accrued leave payments			96,477	96,477
Total all funds	\$41,124,457	\$44,531,146	(\$3,461,689)	\$41,069,457
Less estimated income	10,290,485	13,290,619	(3,004,849)	10,285,770
General fund	\$30,833,972	\$31,240,527	(\$456,840)	\$30,783,687
FTE	27.00	27.00	0.00	27.00

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

	Adjusts State Employee Compensation and Benefits Package <sup>1</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>2</sup>	Reduces Funding to the Workforce Training Regions <sup>3</sup>	Removes Funding for STEM Infusion Initiative <sup>4</sup>	Removes Funding for STEM Programs <sup>5</sup>	Increases Funding to New and Expanding Programs <sup>6</sup>
Salaries and wages	(\$201,689)	(\$96,477)				
Operating expenses						
Grants						100,000
Grants - Postsecondary				(200,000)	(300,000)	
Adult farm management						
Workforce training			(2,600,000)			

Accrued leave payments		96,477				
Total all funds	(\$201,689)	\$0	(\$2,600,000)	(\$200,000)	(\$300,000)	\$100,000
Less estimated income	(4,849)	0	(2,600,000)	0	0	0
General fund	(\$196,840)	\$0	\$0	(\$200,000)	(\$300,000)	\$100,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adjusts STEM Network Funding <sup>7</sup>	Total House Changes
Salaries and wages		(\$298,166)
Operating expenses		
Grants		100,000
Grants - Postsecondary	(260,000)	(760,000)
Adult farm management		
Workforce training		(2,600,000)
Accrued leave payments		96,477
Total all funds	(\$260,000)	(\$3,461,689)
Less estimated income	(400,000)	(3,004,849)
General fund	\$140,000	(\$456,840)
FTE	0.00	0.00

<sup>1</sup>This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

<sup>2</sup>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.

<sup>3</sup>This amendment removes the funding added by the Senate to the workforce training regions to provide a total of \$3 million, the same amount provided in the executive budget.

<sup>4</sup>This amendment removes the funding added by the Senate for the STEM infusion initiative.

<sup>5</sup>This amendment removes the funding added by the Senate for STEM programs.

<sup>6</sup>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.

<sup>7</sup>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.

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This amendment also:

- Removes Sections 2, 3, and 4 which changed the Workforce Training Board reporting requirements from the State Board of Higher Education to the State Board for Career and Technical Education.
- Removes Section 5 which required the Department of Career and Technical Education to report the performance measures of the STEM network to the Budget Section.
- Removes Section 7 relating to matching funds for STEM grants, the funding for which is removed by the House.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2007.

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2007**

Page 1, line 2, replace the second "and" with "to provide legislative intent;"

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

Page 1, replace lines 14 and 15 with:

"Salaries and wages	\$13,916,861	\$1,039,596	\$14,956,457
Accrued leave payments	0	458,196	458,196
Operating expenses	5,942,285	(583,435)	5,358,850"

Page 1, replace lines 19 through 22 with:

"Total all funds	\$20,896,646	\$2,287,097	\$23,183,743
Less estimated income	<u>15,343,323</u>	<u>482,888</u>	<u>15,826,211</u>
Total general fund	\$5,553,323	\$1,804,209	\$7,357,532
Full-time equivalent positions	120.72	(4.00)	116.72"

Page 2, replace lines 3 and 4 with:

"Veterans' affairs	\$1,099,626	\$207,143	\$1,306,769
Accrued leave payments	<u>0</u>	<u>10,123</u>	<u>10,123</u>
Total general fund	\$1,099,626	\$217,266	\$1,316,892"

Page 2, replace lines 10 through 12 with:

"Grand total general fund	\$6,652,949	\$2,021,475	\$8,674,424
Grand total special funds	<u>15,343,323</u>	<u>482,888</u>	<u>15,826,211</u>
Grand total all funds	\$21,996,272	\$2,504,363	\$24,500,635"

Page 2, replace lines 19 through 21 with:

"Veterans' home			
Demolition of old veterans' home		0	1,121,000
Shop addition		0	788,200
Department of veterans' affairs			"

Page 2, replace lines 27 through 29 with:

"Total all funds	\$317,593	\$1,924,200
Less estimated income	0	<u>1,348,700</u>
Total general fund	\$317,593	\$575,500"

Page 3, after line 8, insert:

**"SECTION 4. FUNDING TRANSFER - EXCEPTION - AUTHORIZATION.**

Notwithstanding section 54-16-04, the veterans' home may transfer up to \$170,000 from the operating expenses line item to the salaries and wages line item, for the biennium beginning July 1, 2011, and ending June 30, 2013. The veterans' home shall notify the office of management and budget of any transfer made pursuant to this section."

Page 3, line 9, remove "ADDITIONAL INCOME - APPROPRIATION -"

Page 3, line 10, replace "BUDGET SECTION APPROVAL" with "MELVIN NORGARD MEMORIAL FUND"

Page 3, line 12, remove ", subject to budget section approval,"

Page 3, line 13, remove ". Any additional"

Page 3, remove lines 14 and 15

Page 3, line 16, replace "or for other projects benefiting veterans for" with "during"

Page 3, after line 17, insert:

**"SECTION 6. LEGISLATIVE INTENT - 2015-17 DEPARTMENT OF VETERANS' AFFAIRS APPROPRIATION BILL.** It is the intent of the sixty-third legislative assembly that the governor include the recommended funding for the department of veterans' affairs in a separate draft appropriations act for introduction to the sixty-fourth legislative assembly.

**SECTION 7. EMERGENCY.** Section 4 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2007 - Summary of House Action**

	Executive Budget	Senate Version	House Changes	House Version
Veterans' Home				
Total all funds	\$23,861,920	\$24,657,607	(\$1,473,864)	\$23,183,743
Less estimated income	15,773,626	16,561,826	(735,615)	15,826,211
General fund	\$8,088,294	\$8,095,781	(\$738,249)	\$7,357,532
Department of Veterans' Affairs				
Total all funds	\$1,343,167	\$1,347,673	(\$30,781)	\$1,316,892
Less estimated income	0	0	0	0
General fund	\$1,343,167	\$1,347,673	(\$30,781)	\$1,316,892
Bill total				
Total all funds	\$25,205,087	\$26,005,280	(\$1,504,645)	\$24,500,635
Less estimated income	15,773,626	16,561,826	(735,615)	15,826,211
General fund	\$9,431,461	\$9,443,454	(\$769,030)	\$8,674,424

**Senate Bill No. 2007 - Veterans' Home - House Action**

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$16,781,030	\$16,788,517	(\$1,832,060)	\$14,956,457
Operating expenses	5,458,850	5,458,850	(100,000)	5,358,850
Capital assets	1,622,040	1,622,040		1,622,040
Shop addition		788,200		788,200
Accrued leave payments			458,196	458,196
	<u>\$23,861,920</u>	<u>\$24,657,607</u>	<u>(\$1,473,864)</u>	<u>\$23,183,743</u>

Total all funds				
Less estimated income	15,773,626	16,561,826	(735,615)	15,826,211
General fund	\$8,088,294	\$8,095,781	(\$738,249)	\$7,357,532
FTE	120.72	120.72	(4.00)	116.72

### Department No. 313 - Veterans' Home - Detail of House Changes

	Adjusts State Employee Compensation and Benefits Package <sup>1</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>2</sup>	Removes 4 FTE Positions <sup>3</sup>	Decreases Funding for Operating Expenses <sup>4</sup>	Removes Funding for Hay Group Plan <sup>5</sup>	Total House Changes
Salaries and wages	(\$638,249)	(\$458,196)	(\$303,589)		(\$432,026)	(\$1,832,060)
Operating expenses				(100,000)		(100,000)
Capital assets						
Shop addition						
Accrued leave payments		458,196				458,196
Total all funds	(\$638,249)	\$0	(\$303,589)	(\$100,000)	(\$432,026)	(\$1,473,864)
Less estimated income	0	0	(303,589)	0	(432,026)	(735,615)
General fund	(\$638,249)	\$0	\$0	(\$100,000)	\$0	(\$738,249)
FTE	0.00	0.00	(4.00)	0.00	0.00	(4.00)

<sup>1</sup>This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

<sup>2</sup>A portion of salaries and wages funding from the general fund (\$177,368) and from other funds (\$280,828) 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.

<sup>3</sup>This amendment removes 4 FTE resident living specialist positions and related funding.

<sup>4</sup>Operating expenses are decreased by \$100,000.

<sup>5</sup>Funding provided in the executive recommendation and approved by the Senate for pay grade changes resulting from the implementation of the Hay Group plan is removed.

A section is added to the bill to allow the Veterans' Home to transfer \$170,000 from the operating expenses line item to the salaries and wages line item during the 2011-13 biennium to provide for a shift from contract nursing services to temporary nursing positions. A section is also added to provide the transfer is an emergency measure.

The section related to the shop addition project is amended to remove the requirement that the Veterans' Home seek Budget Section approval prior to beginning the project if funds are sufficient to provide for all costs of the project. The appropriation of additional income in the Melvin Norgard memorial fund for costs related to furnishing and equipping the shop or for other projects is removed.

**Senate Bill No. 2007 - Department of Veterans' Affairs - House Action**

	Executive Budget	Senate Version	House Changes	House Version
Veterans' affairs	\$1,343,167	\$1,347,673	(\$40,904)	\$1,306,769
Accrued leave payments			10,123	10,123
Total all funds	\$1,343,167	\$1,347,673	(\$30,781)	\$1,316,892
Less estimated income	0	0	0	0
General fund	\$1,343,167	\$1,347,673	(\$30,781)	\$1,316,892
FTE	8.00	8.00	0.00	8.00

**Department No. 321 - Department of Veterans' Affairs - Detail of House Changes**

	Adjusts State Employee Compensation and Benefits Package <sup>1</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>2</sup>	Adds Funding for Stand Down Events <sup>3</sup>	Total House Changes
Veterans' affairs	(\$40,781)	(\$10,123)	\$10,000	(\$40,904)
Accrued leave payments		10,123		10,123
Total all funds	(\$40,781)	\$0	\$10,000	(\$30,781)
Less estimated income	0	0	0	0
General fund	(\$40,781)	\$0	\$10,000	(\$30,781)
FTE	0.00	0.00	0.00	0.00

<sup>1</sup>This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

<sup>2</sup>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.

<sup>3</sup>Funding is added for two stand down events. This funding was not included in the executive recommendation.

A section is added to the bill to provide legislative intent that the Office of Management and Budget present separate budget bills for the Department of Veterans' Affairs and the Veterans' Home for the 2015 legislative session rather than a combined funding bill.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2009.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2009**

Page 1, line 2, after the semicolon insert "to provide space for highway patrol training;"

Page 1, replace lines 11 through 13 with:

"Capital assets	\$210,000	\$2,290,000	\$2,500,000
Premiums	<u>520,000</u>	<u>26,000</u>	<u>546,000</u>
Total general fund	\$730,000	\$2,316,000	\$3,046,000"

Page 1, replace lines 19 and 20 with:

"Repair flood damage	\$0	\$2,500,000
Total general fund	\$0	\$2,500,000"

Page 1, after line 24, insert:

**"SECTION 3. EMERGENCY VEHICLE OPERATIONS COURSE.** The state fair association shall allow the highway patrol to use parking lot space on the state fairgrounds for an emergency vehicle operations course and shall provide temporary classroom space as needed for related training courses, for the biennium beginning July 1, 2013, and ending June 30, 2015."

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2009 - State Fair Association - House Action

	Executive Budget	Senate Version	House Changes	House Version
Capital assets	\$3,500,000	\$3,500,000	(\$1,000,000)	\$2,500,000
Premiums	546,000	546,000		546,000
Total all funds	\$4,046,000	\$4,046,000	(\$1,000,000)	\$3,046,000
Less estimated income	0	0	0	0
General fund	\$4,046,000	\$4,046,000	(\$1,000,000)	\$3,046,000
FTE	0.00	0.00	0.00	0.00

#### Department No. 665 - State Fair Association - Detail of House Changes

	Reduces Funding for Flood Damage Repair <sup>1</sup>	Total House Changes
Capital assets	(\$1,000,000)	(\$1,000,000)
Premiums		
Total all funds	(\$1,000,000)	(\$1,000,000)
Less estimated income	0	0
General fund	(\$1,000,000)	(\$1,000,000)
FTE	0.00	0.00

<sup>1</sup> This amendment reduces funding for flood damage repair by \$1 million from \$3.5 million to \$2.5 million. The executive recommendation provided \$3.5 million.

This amendment also adds a new section to allow the Highway Patrol to use space on the state fairgrounds for an emergency vehicle operations course and related training.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2269.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2005, SB 2008, SB 2011, SB 2016, SB 2021, SB 2022, SB 2023, SB 2024, and SB 2219, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2005:** Sens. Carlisle; Bowman; Warner  
**SB 2008:** Sens. G. Lee; Bowman; Robinson  
**SB 2011:** Sens. Krebsbach; Wanzek; O'Connell  
**SB 2016:** Sens. Grindberg; Carlisle; Warner  
**SB 2021:** Sens. Wanzek; G. Lee; Robinson  
**SB 2022:** Sens. Kilzer; Carlisle; Warner

**SB 2023:** Sens. Erbele; Bowman; Warner  
**SB 2024:** Sens. Kilzer; Grindberg; Mathern  
**SB 2219:** Sens. Burckhard; Krebsbach; Murphy

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2171, SB 2338, and SCR 4030, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2171:** Sens. Miller; Oehlke; Dotzenrod  
**SB 2338:** Sens. Cook; Burckhard; Triplett  
**SCR 4030:** Sens. Cook; Campbell; Dotzenrod

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2211, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2211:** Sens. Miller; Klein; Heckaman

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2115:** Reps. Boehning; Steiner; Hanson  
**SB 2132:** Reps. Louser; Ruby; Gruchalla  
**SB 2144:** Reps. Ruby; Kasper; Boschee  
**SB 2152:** Reps. Kasper; Rohr; Boschee  
**SB 2210:** Reps. Rohr; Karls; Strinden  
**SB 2225:** Reps. Paur; Toman; Hogan  
**SB 2299:** Reps. Louser; Laning; Mooney

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2131:** Reps. Looyesen; Anderson; Mooney

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1027 and HB 1451.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1061 and HB 1063, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1061:** Reps. Anderson; Silbernagel; S. Kelsh  
**HB 1063:** Reps. Schmidt; Brabandt; Mock

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1261, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1261:** Reps. Rust; Schatz; Hunsakor

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

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

**HB 1061:** Sens. Unruh; Lyson; Murphy  
**HB 1063:** Sens. Burckhard; Unruh; Triplett  
**HB 1166:** Sens. Campbell; Cook; Triplett

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

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

**HB 1139:** Sens. Campbell; Sitte; Sinner  
**HB 1440:** Sens. Andrist; J. Lee; Dotzenrod

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2108, SB 2125, SB 2214, SB 2229, SB 2251, SB 2323, SB 2345, SB 2356.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2108, SB 2125, SB 2214, SB 2229, SB 2251, SB 2323, SB 2345, SB 2356.

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

**MR. SPEAKER:** The President has signed: SB 2108, SB 2125, SB 2214, SB 2229, SB 2251, SB 2323, SB 2345, SB 2356.

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

**MR. SPEAKER:** The President has signed: HB 1263, HCR 3010.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1075, HB 1180, HB 1348, HB 1352, HB 1362, HB 1397, HB 1399.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 11, 2013: SB 2067, SB 2068, SB 2085, SB 2096, SB 2116, SB 2128, SB 2164, SB 2165, SB 2180, SB 2239, SB 2294, SB 2308, SB 2314, SB 2340, SB 2342.

**COMMUNICATION FROM GOVERNOR JACK DALRYMPLE**

This is to inform you that on April 11, 2013, I have signed the following: SB 2041, SB 2060, SB 2076, SB 2140, SB 2166, and SB 2306.

**MOTION**

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

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Friday, April 12, 2013, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1003, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1003 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "sections" with "section"

Page 1, line 2, replace "54-59-22" with "subsection 1 of section 57-51-15"

Page 1, line 3, remove "required use of information technology"

Page 1, line 4, replace "services" with "gross production tax allocation; to provide for a report to the budget section"

Page 1, remove lines 13 through 24

Page 2, replace lines 1 and 2 with:

"Salaries and wages	\$29,506,046	\$7,425,372	\$36,931,418
Operating expenses	16,418,016	4,135,959	20,553,975
Capital assets	1,943,783	419,294	2,363,077
Grants	3,420,000	(1,046,053)	2,373,947
Energy impact - law enforcement	0	10,000,000	10,000,000
Litigation fees	50,000	0	50,000
Abortion litigation fees	0	400,000	400,000
Medical examinations	660,000	0	660,000
North Dakota lottery	3,700,242	433,579	4,133,821
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	<u>7,368</u>	<u>0</u>	<u>7,368</u>
Total all funds	\$55,715,455	\$21,768,151	\$77,483,606
Less estimated income	<u>24,485,610</u>	<u>14,681,010</u>	<u>39,166,620</u>
Total general fund	\$31,229,845	\$7,087,141	\$38,316,986
Full-time equivalent positions	204.00	11.50	215.50"

Page 2, after line 10, insert:

"Energy impact grants - law enforcement	0	10,000,000"
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Page 2, replace lines 12 through 14 with:

"Total all funds	\$3,253,967	\$10,198,000
Total special funds	<u>2,941,567</u>	<u>10,000,000</u>
Total general fund	\$312,400	\$198,000"

Page 2, after line 22, insert:

**"SECTION 4. ENERGY IMPACT - LAW ENFORCEMENT - OIL AND GAS IMPACT GRANT FUND - REPORT TO BUDGET SECTION.** The energy impact - law enforcement line item in section 1 of this Act includes \$10,000,000, or so much of the sum as may be needed, from the oil and gas impact grant fund, for grants to law enforcement agencies, for crime-related needs of the office of attorney general, and for the development of a uniformed law enforcement and custody manual. The drug and violent crime policy board of the attorney general shall, with approval of the board of university and school lands, grant funds to law enforcement agencies in oil-impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those counties. The attorney general may spend up to ten percent of the funding provided under this section for defraying the expenses of additional staffing or other needs necessary to accomplish the role of the office of attorney general as an assisting agency in ensuring public safety in the affected areas. The attorney general may use up to \$750,000 of the funding provided under this section for the development of a uniformed law enforcement and custody manual. The attorney general shall report to the budget section after June 30, 2014, on the impact the grant funding has had on crime-related activities."

Page 2, line 26, replace "forty-two" with "forty-three"

Page 2, line 27, replace "three" with "six"

Page 2, line 27, replace "four" with "eighty-five"

Page 2, line 28, replace "forty-six" with "forty-nine"

Page 2, line 28, replace "five" with "four"

Page 2, line 28, replace "seventy-three" with "thirty-two"

Page 2, remove lines 29 and 30

Page 3, replace lines 1 through 13 with:

**"SECTION 6. AMENDMENT.** Subsection 1 of section 57-51-15 of the North Dakota Century Code is amended and reenacted as follows:

1. First the tax revenue collected under this chapter equal to one percent of the gross value at the well of the oil and one-fifth of the tax on gas must be deposited with the state treasurer who shall:
  - a. Allocate five hundred thousand dollars per fiscal year to each city in an oil-producing county which has a population of seven thousand five hundred or more and more than two percent of its private covered employment engaged in the mining industry, according to data compiled by job service North Dakota. The allocation under this subdivision must be doubled if the city has more than seven and one-half percent of its private covered employment engaged in the mining industry, according to data compiled by job service North Dakota;
  - b. Credit revenues to the oil and gas impact grant fund, but not in an amount exceeding one hundred ten million dollars per biennium; and
  - c. Allocate the remaining revenues under subsection 3."

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1003 - Attorney General - Senate Action**

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$35,825,800	\$32,664,181	\$4,267,237	\$36,931,418
Operating expenses	20,946,586	20,685,614	(131,639)	20,553,975
Capital assets	2,363,077	2,303,077	60,000	2,363,077
Grants	2,373,947	2,373,947		2,373,947
Litigation fees	50,000	50,000		50,000
Medical examinations	660,000	660,000		660,000
North Dakota Lottery	4,133,821	4,133,821		4,133,821
Arrest and return of fugitives	10,000	10,000		10,000
Gaming Commission	7,368	7,368		7,368
Accrued leave payments		1,057,247	(1,057,247)	
Abortion litigation fees			400,000	400,000
Energy impact - law enforcement			10,000,000	10,000,000
Total all funds	\$66,370,599	\$63,945,255	\$13,538,351	\$77,483,606
Less estimated income	29,012,463	28,124,131	11,042,489	39,166,620
General fund	\$37,358,136	\$35,821,124	\$2,495,862	\$38,316,986
FTE	211.50	205.00	10.50	215.50

**Department No. 125 - Attorney General - Detail of Senate Changes**

	Restores Executive Compensation Package <sup>1</sup>	Removes Separate Line Item for Accrued Leave Payments <sup>2</sup>	Restores Concealed Weapons Permit FTE Positions <sup>3</sup>	Restores FTE Positions for Western North Dakota <sup>4</sup>	Restores Uniform Crime Reporting System Position <sup>5</sup>	Restores Attorney Position <sup>6</sup>
Salaries and wages	\$1,334,630	\$1,057,247	\$39,074	\$386,237	\$98,780	\$198,738
Operating expenses				100,559	14,676	41,115
Capital assets				40,000		
Grants						
Litigation fees						
Medical examinations						
North Dakota Lottery						
Arrest and return of fugitives						
Gaming Commission						
Accrued leave payments		(1,057,247)				
Abortion litigation fees						
Energy impact - law						

enforcement						
Total all funds	\$1,334,630	\$0	\$39,074	\$526,796	\$113,456	\$239,853
Less estimated income	252,572	0	39,074	69,650	113,456	239,853
General fund	\$1,082,058	\$0	\$0	\$457,146	\$0	\$0
FTE	0.00	0.00	0.50	3.00	1.00	1.00

	Restores Investigator Position <sup>7</sup>	Restores Oil Impact Assistance Funding <sup>8</sup>	Adds Sex Offender Registry FTE Position <sup>9</sup>	Adds Computerized Business Project FTE Positions <sup>10</sup>	Workforce Safety Insurance Premium Increase <sup>11</sup>	Adds Funding for Law Enforcement Needs <sup>12</sup>
Salaries and wages	\$143,729	\$78,210	\$101,737	\$486,855		
Operating expenses	47,742	56,880	14,676	(486,855)	79,568	
Capital assets	20,000					
Grants						
Litigation fees						
Medical examinations						
North Dakota Lottery						
Arrest and return of fugitives						
Gaming Commission						
Accrued leave payments						
Abortion litigation fees						
Energy impact - law enforcement						10,000,000
Total all funds	\$211,471	\$135,090	\$116,413	\$0	\$79,568	\$10,000,000
Less estimated income	211,471	0	116,413	0	0	10,000,000
General fund	\$0	\$135,090	\$0	\$0	\$79,568	\$0
FTE	1.00	0.00	1.00	3.00	0.00	0.00

	Adds Equity Increase for Scientists <sup>13</sup>	Adds Funding for Abortion Litigation Fees <sup>14</sup>	Total Senate Changes
Salaries and wages	\$342,000		\$4,267,237
Operating expenses			(131,639)
Capital assets			60,000
Grants			
Litigation fees			
Medical examinations			
North Dakota Lottery			
Arrest and return of fugitives			
Gaming Commission			
Accrued leave payments			(1,057,247)
Abortion litigation fees		400,000	400,000
Energy impact - law enforcement			10,000,000
Total all funds	\$342,000	\$400,000	\$13,538,351
Less estimated income	0	0	11,042,489
General fund	\$342,000	\$400,000	\$2,495,862
FTE	0.00	0.00	10.50

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

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

<sup>3</sup> This amendment restores a .5 FTE position for processing concealed weapons permits removed by the House. The executive budget recommendation added 2 FTE positions for this purpose, of which 1.5 FTE positions were previously paid for with federal funds related to the National Instant Check System (NICS).

<sup>4</sup> Funding included in the executive budget recommendation but removed by the House for 2 FTE criminal investigator positions and 1 FTE administrative assistant position, and related operating and motor vehicle expenses for law enforcement activities in western North Dakota is restored.

<sup>5</sup> Funding is restored for 1 FTE administrative assistant position and related operating expenses for the uniform crime reporting system added in the executive budget recommendation but removed by the House.

<sup>6</sup> Funding is restored for 1 FTE attorney position and related operating expenses added in the executive budget recommendation to review mineral leases and other legal information relating to the Department of Trust Lands. This position was removed by the House.

<sup>7</sup> Funding is restored for 1 FTE organized crime investigator position and related operating and motor vehicle expenses added in the executive budget recommendation but removed by the House.

<sup>8</sup> Funding is restored for salary add-ons and housing assistance for employees in oil-impacted areas, which was included in the executive budget recommendation but removed by the House.

<sup>9</sup> Funding is added for a sex offender registry FTE position. This position was not included in the executive budget recommendation.

<sup>10</sup> Funding provided in the executive budget recommendation to contract for computerized business projects is converted to funding for 3 FTE information technology positions.

<sup>11</sup> Funding is added for Workforce Safety Insurance premium increases. This funding was not included in the executive budget recommendation.

<sup>12</sup> Funding is added from the oil and gas impact grant fund for law enforcement needs in areas affected by oil development.

<sup>13</sup> Funding is added to provide equity increases of \$6,000 per year per scientist at the state crime laboratory.

<sup>14</sup> This amendment adds funding for litigation fees associated with any legal challenges of abortion-related legislation approved by the sixty-third legislative assembly.

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This amendment removes a section added by the House to amend Section 54-59-22 to remove the exemption for the Attorney General, the Public Employees Retirement System, and the Retirement and Investment Office from the use of information technology services of the Information Technology Department.

Sections are added to increase the amount of oil and gas tax revenue deposited in the oil and gas impact grant fund each biennium by \$10 million, from \$100 million to \$110 million, and to designate the use of the additional funding.

Section 4 of the bill is changed to provide 4 percent annual salary increases for the Attorney General, the same as the executive budget recommendation. The House provided 3 percent annual increases.

#### REPORT OF STANDING COMMITTEE

**HB 1006, 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 1006 was placed on the Sixth order on the calendar.

Page 1, line 4, after the semicolon insert "to provide an exemption;"

Page 1, replace lines 14 through 23 with:

"Salaries and wages	\$18,797,710	\$2,276,184	\$21,073,894
Operating expenses	6,398,031	2,273,803	8,671,834
Capital assets	16,000	50,000	66,000

Homestead tax credit	8,792,788	17,392,212	26,185,000
Disabled veterans credit	<u>4,243,920</u>	<u>3,434,080</u>	<u>7,678,000</u>
Total all funds	\$38,248,449	\$25,426,279	\$63,674,728
Less estimated income	<u>10,000</u>	<u>115,000</u>	<u>125,000</u>
Total general fund	\$38,238,449	\$25,311,279	\$63,549,728
Full-time equivalent positions	134.00	0.00	134.00"

Page 2, after line 12, insert:

**"SECTION 3. EXEMPTION.** Up to \$50,000 of the general fund appropriation to the tax commissioner in section 1 of chapter 6 of the 2009 Session Laws continued into the 2011-13 biennium is not subject to provisions of section 54-44.1-11, and may be distributed by the tax commissioner as a grant to North Dakota state university department of agribusiness and applied economics, for the purpose of converting the software of the core model used for the preparation of agricultural land valuations as required under section 57-02-27.2, during the biennium beginning July 1, 2013, and ending June 30, 2015."

Page 2, line 21, replace "four" with "five"

Page 2, line 22, replace "forty" with "fifty-one"

Page 2, line 22, replace "seven" with "nine"

Page 2, line 23, replace "one hundred sixty-one" with "two hundred fifty-three"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1006 - State Tax Commissioner - Senate Action**

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$21,151,815	\$19,758,455	\$1,315,439	\$21,073,894
Operating expenses	8,684,314	8,606,834	65,000	8,671,834
Capital assets	66,000	16,000	50,000	66,000
Homestead tax credit	30,685,000	10,685,000	15,500,000	26,185,000
Disabled veterans credit	7,178,000	7,178,000	500,000	7,678,000
Accrued leave payments		624,818	(624,818)	
Total all funds	\$67,765,129	\$46,869,107	\$16,805,621	\$63,674,728
Less estimated income	<u>125,000</u>	<u>10,000</u>	<u>115,000</u>	<u>125,000</u>
General fund	\$67,640,129	\$46,859,107	\$16,690,621	\$63,549,728
FTE	134.00	134.00	0.00	134.00

**Department No. 127 - State Tax Commissioner - Detail of Senate Changes**

	Restores Executive Compensation Package <sup>1</sup>	Removes Separate Line Item for Accrued Leave Payments <sup>2</sup>	Restores Funding for Homestead Tax Credit Expansion <sup>3</sup>	Adds Funding for the Disabled Veterans Credit <sup>4</sup>	Restores Funding for Motor Fuel Tax Enforcement <sup>5</sup>	Total Senate Changes
Salaries and wages	\$690,621	\$624,818				\$1,315,439
Operating expenses					65,000	65,000
Capital assets					50,000	50,000
Homestead tax credit			15,500,000			15,500,000
Disabled veterans credit				500,000		500,000
Accrued leave payments		(624,818)				(624,818)
Total all funds	\$690,621	\$0	\$15,500,000	\$500,000	\$115,000	\$16,805,621
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>115,000</u>	<u>115,000</u>
General fund	\$690,621	\$0	\$15,500,000	\$500,000	\$0	\$16,690,621
FTE	0.00	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding reductions made by the House to the state employee compensation and benefits

package are restored to the Governor's recommended level.

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

<sup>3</sup> Funding is provided for expanding the homestead tax credit program. The executive budget recommendation included \$20 million for the expansion which the House removed.

<sup>4</sup> Funding is added for the disabled veterans tax credit program to provide for a total of \$7,678,000.

<sup>5</sup> Funding removed by the House for motor fuels tax enforcement program activities is restored to the Governor's recommended level.

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A section is added to allow carryover authority for general fund expenditures relating to a grant to NDSU for software conversion.

Section 4 of the bill is amended to provide 4 percent annual salary increases for the Tax Commissioner, the same as the executive budget recommendation. The House provided 3 percent annual increases.

#### REPORT OF STANDING COMMITTEE

**HB 1198, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1198, as amended, was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1234, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1234, as amended, was placed on the Sixth order on the calendar.

That the amendments adopted by the Senate to Engrossed House Bill No. 1234 as printed on pages 1119-1131 of the Senate Journal be amended as follows:

Page 1131, after line 35, insert:

"12. The agreement must require that the Three Affiliated Tribes report annually to the budget section of the legislative management and that the report, at a minimum, informs the budget section of tribal investments in essential infrastructure and fees, expenses, and charges the tribe imposes on the oil industry."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1312, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1312, as amended, was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1447, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1447 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3017: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3017 was placed on the Sixth order on the calendar.

Page 2, line 6, replace "have demonstrated no regard for" with "need to consider"

Page 2, line 10, after the semicolon insert "and

**WHEREAS**, this state has the governmental agencies and resources to manage wetlands; and

**WHEREAS**, the waterfowl population is stable and secure, and the United States Fish and Wildlife Service should allow this state to manage wetlands within the state's boundaries;"

Renumber accordingly

#### REPORT OF CONFERENCE COMMITTEE

**SB 2113, as engrossed:** Your conference committee (Sens. Berry, Armstrong, Grabinger and Reps. Klemin, Maragos, Hogan) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 939 and place SB 2113 on the Seventh order.

Engrossed SB 2113 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2310:** Your conference committee (Sens. Sitte, Armstrong, Nelson and Reps. Owens, Kreun, Gruchalla) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 918-919, adopt amendments as follows, and place SB 2310 on the Seventh order:

That the House recede from its amendments as printed on pages 918 and 919 of the Senate Journal and page 1021 of the House Journal and that Senate Bill No. 2310 be amended as follows:

Page 1, line 1, replace "subsection" with "subsections"

Page 1, line 1, after "4" insert "and 6"

Page 1, line 10, remove "In addition, any information contained in the report which"

Page 1, replace lines 11 through 14 with "In addition, the following information contained in the report is an exempt record as defined in section 44-04-17.1 unless the requester is a party to the accident, a party's legal representative, the insurer of any party to the accident, the agent of that insurer, or the legal representative or insurer of an individual involved in defending or investigating a prior or subsequent claim or accident involving a party to the accident:

- a. Driver identification number of a party in the report;
- b. Telephone number of a party in the report;
- c. Insurance company name and policy number of a party in the report;  
and
- d. Day and month of birth of a party in the report.

**SECTION 2. AMENDMENT.** Subsection 6 of section 39-08-13 of the North Dakota Century Code is amended and reenacted as follows:

6. Upon request of any person and upon payment of a fee of two dollars, the director or the law enforcement agency may furnish to a requester a copy of that portion of an investigating officer's accident report which does not disclose the opinion of the reporting officer or contain any exempt information that may not be disclosed, if the report shows that the

accident is one for which a driver is required to file a report under section 39-08-09."

Renumber accordingly

SB 2310 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2352, as engrossed:** Your conference committee (Sens. Andrist, Sorvaag, Dotzenrod and Reps. Klein, Meier, Muscha) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1066 and place SB 2352 on the Seventh order.

Engrossed SB 2352 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2087, as engrossed:** Your conference committee (Sens. Larsen, Anderson, Axness and Reps. Hofstad, Kiefert, Muscha) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 878 and place SB 2087 on the Seventh order.

Engrossed SB 2087 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2114:** Your conference committee (Sens. Anderson, Larsen, Axness and Reps. Anderson, Silbernagel, Mooney) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 939 and place SB 2114 on the Seventh order.

SB 2114 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2207:** Your conference committee (Sens. Oehlke, Campbell, Triplett and Reps. Hatlestad, Trottier, S. Kelsh) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 899 and place SB 2207 on the Seventh order.

SB 2207 was placed on the Seventh order of business on the calendar.

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

**William R. Horton, Secretary**

