

JOURNAL OF THE HOUSE

Sixty-third Legislative Assembly

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Bismarck, April 9, 2013

The House convened at 8:02 a.m., with Speaker Devlin presiding.

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

The roll was called and all members were present except Representatives Pollert and Strinden.

A quorum was declared by the Speaker.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. VIGESAA MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SB 2030, Engrossed SB 2087, SB 2114, SB 2162, SB 2201, Engrossed SB 2243, Reengrossed SB 2244, Engrossed SB 2352, Reengrossed SB 2353, and SB 2361, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

SB 2030: Reps. Porter, Looyesen, Oversen

Engrossed SB 2087: Reps. Hofstad, Kiefert, Muscha

SB 2114: Reps. Anderson, Silbernagel, Mooney

SB 2162: Reps. Drovdal, Dockter, Strinden

SB 2201: Reps. Schatz, Rohr, J. Kelsh

Engrossed SB 2243: Reps. Damschen, Fehr, Mooney

Reengrossed SB 2244: Reps. Hofstad, Laning, Muscha

Engrossed SB 2352: Reps. Klein, Meier, Muscha

Reengrossed SB 2353: Reps. Hatlestad, Toman, J. Kelsh

SB 2361: Reps. Heller, D. Johnson, Hunskor

SIXTH ORDER OF BUSINESS

SPEAKER DEVLIN DEEMED approval of the amendments to SB 2144, Reengrossed SB 2146, SB 2152, Reengrossed SB 2187, SB 2214, SB 2219, and Engrossed SB 2307.

SB 2144, Reengrossed SB 2146, SB 2152, Reengrossed SB 2187, SB 2214, SB 2219, and Engrossed SB 2307, as amended, were placed on the Fourteenth order of business on the calendar.

SIXTH ORDER OF BUSINESS

SB 2205, as engrossed: REP. GLASSHEIM (Appropriations Committee) MOVED that the amendments on HJ pages 1269-1270 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2205: A BILL for an Act to provide an appropriation to the department of human services for providing a grant for administering 2-1-1 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glasheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan;

Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Pollert

Engrossed SB 2205, as amended, passed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4006: A concurrent resolution to create and enact a new section to article III of the Constitution of North Dakota, relating to approval of petitions for proposed initiated constitutional amendments by the attorney general before circulation.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION. The roll was called and there were 11 YEAS, 82 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Damschen; Froseth; Hatlestad; Klemin; Koppelman, B.; Koppelman, K.; Laning; Larson; Maragos; Skarphol; Sukut

NAYS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsovog; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Kreidt; Kretschmar; Kreun; Looyen; Louser; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Steiner; Streyle; Strinden; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Pollert

Engrossed SCR 4006, as amended, was declared lost on a recorded roll call vote.

SECOND READING OF SENATE BILL

SB 2356: A BILL for an Act to provide an appropriation to the department of human services for grants to children's advocacy centers.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Pollert

SB 2356 passed.

SECOND READING OF SENATE BILL

SB 2144: A BILL for an Act to create and enact a new section to chapter 10-31 of the North Dakota Century Code, relating to ownership of professional organizations; to amend and reenact sections 10-31-01, 10-31-02, 10-31-02.1, 10-31-04, and 10-31-13 of the North Dakota Century Code, relating to nonprofessional ownership of professional organizations; and to provide legislative intent.

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 89 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Paur; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weisz; Williams; Zaiser; Speaker Devlin

NAYS: Kreidt; Owens; Toman; Wieland

ABSENT AND NOT VOTING: Pollert

SB 2144, as amended, passed.

MOTION

REP. VIGESAA MOVED that SB 2152 be moved to the top of the Fourteenth order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2152: A BILL for an Act to create and enact a new subsection to section 10-31-13 of the North Dakota Century Code, relating to regulation of professional organizations; to amend and reenact section 10-31-06 of the North Dakota Century Code, relating to ownership of professional organizations; and to provide legislative intent.

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 92 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Kreidt

ABSENT AND NOT VOTING: Pollert

SB 2152, as amended, passed.

SECOND READING OF SENATE BILL

SB 2146: A BILL for an Act to create and enact a new section to chapter 4-01 of the North Dakota Century Code, relating to the grape and wine advisory committee; 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 69 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hawken; Headland; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Kreidt; Kretschmar; Kreun; Laning; Larson; Louser; Maragos; Martinson; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Porter; Ruby; Rust; Sanford; Schatz; Silbernagel; Skarphol; Steiner; Strinden; Thoreson; Trottier; Vigesaa; Wall; Weisz; Williams; Zaiser; Speaker Devlin

NAYS: Becker; Delzer; Dockter; Dosch; Haak; Hanson; Hatlestad; Heller; Keiser; Klein; Klemin; Koppelman, B.; Koppelman, K.; Looyesen; Meier; Mooney; Muscha; Paur; Rohr; Schmidt; Streyle; Sukut; Toman; Wieland

ABSENT AND NOT VOTING: Pollert

Reengrossed SB 2146, as amended, passed.

SECOND READING OF SENATE BILL

SB 2187: A BILL for an Act to create and enact section 6-09-47 of the North Dakota Century Code, relating to a Bank of North Dakota medical facility infrastructure loan program; to amend and reenact section 6-09-47 of the North Dakota Century Code, relating to the medical facility infrastructure loan program; to provide for transfer; to provide a contingent appropriation; to provide a continuing appropriation; to provide an effective date; to provide for a report; and to provide an expiration 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 90 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Porter; Rohr; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Becker; Bellew; Ruby

ABSENT AND NOT VOTING: Pollert

Reengrossed SB 2187, as amended, passed.

ANNOUNCEMENT

SPEAKER DEVLIN ANNOUNCED that the House would stand in recess until 1:00 p.m.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Devlin presiding.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Sixtieth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1219, line 30, after the third "the" insert "amended"

REP. KRETSCHMAR MOVED that the report be adopted, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. VIGESAA MOVED that the House do not concur in the Senate amendments to Engrossed HB 1048 as printed on HJ page 1249 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1048: Reps. Ruby, Heller, Oversen.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. VIGESAA MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SB 2310, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

SB 2310: Reps. Owens, Kreun, Gruchalla

REPORT OF STANDING COMMITTEE

SB 2369, as reengrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2369 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to political party organization; to"

Page 1, line 1, after "sections" insert "16.1-03-01, 16.1-03-02, 16.1-03-03, 16.1-03-05, 16.1-03-07, 16.1-03-08, 16.1-03-11, 16.1-03-14, 16.1-03-17, 16.1-04-01,"

Page 1, line 2, after "to" insert "political party organization, voting precincts, and"

Page 1, line 2, remove "and"

Page 1, line 3, replace "eligibility for minor political parties" with "; and to repeal sections 16.1-03-12 and 16.1-03-19 of the North Dakota Century Code, relating to political party organization"

Page 1, after line 4, insert:

"SECTION 1. A new section to chapter 16.1-03 of the North Dakota Century Code is created and enacted as follows:

Organizations allowed to nominate statewide and legislative candidates.

A political organization may not endorse candidates or have candidates petition for president, vice president, Congress, statewide office, or legislative office as set forth in chapter 16.1-11, unless the organization:

1. Organized according to all requirements of this chapter;
2. Had printed on the ballot at the last preceding general election the names of a set of presidential electors pledged to the election of the party's candidate for president and vice president, a candidate for governor, a candidate for attorney general, or a candidate for secretary of state and those candidates for presidential electors, governor, attorney general, or secretary of state received at least five percent of the total vote cast for presidential electors, the office of governor, attorney general, or secretary of state within this state at that election and organized according to all requirements of this chapter; or
3. Filed a petition with the secretary of state signed by the number of electors required under section 16.1-11-30 to qualify to endorse candidates or to have candidates petition to be included on the primary election ballot in a consolidated column or on a special election ballot.

SECTION 2. AMENDMENT. Section 16.1-03-01 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-01. Precinct caucus to elect precinct committeemen - Time and manner of holding - Caucus call - Notice.

1. Each legislative district party shall organize in conformance with the state legislative district boundaries as established by the legislative assembly and as set forth under chapter 54-03.
2. On or before May fifteenth following the last preceding general election, a party caucus must be held by every election precinct at a site within or reasonably close to the precinct in the manner provided in sections 16.1-03-01 through 16.1-03-03.
- ~~2-3.~~ The legislative district chairman of each party shall issue the call set the date and time for the precinct caucus at least twenty days before the time set for holding the caucus and the. If there is not a district chairman in a legislative district, the state party executive committee may issue the call for the precinct caucus. The call must contain the following:
 - a. Name of party.
 - b. ~~Precinct~~ Legislative district and precinct number or name.
 - c. Date of caucus.
 - d. Place of caucus.
 - e. Hours of caucus.
 - f. A statement of the business to be conducted, including the election of precinct committeemen and such other ~~persons~~ individuals as may be provided by state law and district party rules ~~bylaws~~.
 - g. The name of the district chairman or, if there is not a district chairman, the member of the state party executive committee issuing the call.
- ~~3-4.~~ The district chairman or, if there is not a district chairman, the state party executive committee shall provide ten days' published notice in the

official newspaper in circulation within each precinct in the district. The notices must contain that information set forth in subsection ~~23~~. The ~~district chairman may include the~~ information required by this section for all precincts in the district may be included in one notice for publishing purposes.

SECTION 3. AMENDMENT. Section 16.1-03-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-02. Who may participate in and vote at caucus.

1. Only those ~~persons~~individuals who are qualified electors ~~pursuant to~~under section 16.1-01-04 may vote or be elected as committeemen or officers at the precinct caucus.
2. Only those ~~persons~~individuals who either voted or affiliated with the party at the last general election or intend to ~~vote or~~affiliate with the party and vote with the party at the next general election may vote at the precinct caucus.
3. In case the right of ~~a person~~an individual to participate at the caucus is challenged, the question of the ~~person's~~individual's right to participate must be decided by a vote of the whole caucus. ~~A person~~An individual so challenged may not vote on the question of the ~~person's~~individual's right to participate in the caucus, and a two-thirds vote of the whole caucus is required to exclude ~~a person~~an individual from participation.
4. ~~No person~~An individual may not vote or participate at more than one precinct caucus in any one year.

SECTION 4. AMENDMENT. Section 16.1-03-03 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-03. ~~Caucus business and elections~~ -- Political parties entitled to elect committeemen.

1. ~~Each precinct caucus shall elect a chairman, committeemen as provided in subsection 3, and other officers as may be provided by party rules. The caucus may also discuss party policies, candidates, and any other business as prescribed by party rules.~~
2. ~~No~~A political organization is entitled to elect a precinct committeeman at its precinct caucus ~~unless~~if:
 - a. The organization nominated and had printed on the ballot at the last preceding general election the names of a set of presidential electors pledged to the election of the party's candidates for president and vice president or a candidate for governor, attorney general, or secretary of state; and
 - b. The candidates provided for in subdivision a received at least five percent of the total vote cast for presidential electors or for governor, attorney general, or secretary of state within this state at that election.
- ~~3-2.~~ Each political party in each voting precinct of this state, otherwise qualifying under subsection ~~21~~, is entitled to elect one precinct committeeman for each two hundred fifty votes, or majority of a fraction thereof, cast for the party's presidential electors, governor, attorney general, or secretary of state in the precinct in the last general election. Each precinct is entitled to at least one precinct committeeman for each party which qualifies under subsection ~~21~~. Each precinct committeeman must be an elector of the precinct in which the committeeman resides and must be elected for a two-year term.

3. If a political organization desires to organize under this chapter but has not qualified as provided in subsection 1, the organization may elect one precinct committeeman for each precinct in the district.

SECTION 5. AMENDMENT. Section 16.1-03-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-05. Vacancies in office of precinct committeeman - Filling.

A vacancy in the office of precinct committeeman, which occurs after the organization of the district committee, ~~must~~may be filled by appointment from the precinct by the district executive committee of the party. ~~Notice of the appointment must be given to the county auditor.~~

SECTION 6. AMENDMENT. Section 16.1-03-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-07. Meeting of district committee - Organization.

1. In every odd-numbered year, the district committee of each party shall meet within fifteen days after the precinct caucus provided for in section 16.1-03-01. The day, hour, and site must be set by the existing district committee chairman. ~~The~~Any incumbent members of the legislative assembly, the precinct committeemen of a party, selected as provided by this chapter, ~~with~~and any other persons ~~individual~~ provided for by the district committee's bylaws ~~and as the district committee designates,~~ constitute the district committee of the party. The district committee of a party must be organized to coincide with the geographical boundary lines of state legislative districts. Each member of any committee provided for in this chapter must be a qualified elector ~~and must retain the office the member was elected to until a successor is chosen.~~
2. The district committee shall organize by:
 - a. ~~Selecting a chairman, vice chairman, secretary, and treasurer chosen by precinct committeemen and the incumbent members of the legislative assembly from the district shall select the officers of the district committee. The officers selected, as provided by the district party bylaws,~~ need not be precinct committeemen; however, all the officers must be voting members of the district committee. The district committee shall forward to the state committee the name and contact information of the district committee chairman.
 - b. ~~Adopting rules and modes of procedure not in conflict with law.~~
 - c. ~~Filling any vacancies in the office of precinct committeeman pursuant to section 16.1-03-05.~~
 - d. ~~Selecting~~The district committee may appoint an executive committee consisting of five or more persons chosen from the district committee. ~~The chairman, vice chairman, treasurer, and secretary of the district committee must be members and the officers of the executive committee consistent with the bylaws of the district committee.~~ That party's nominees for and members of the legislative assembly ~~may also be~~shall serve as members of the executive committee.
- 2-3. ~~If the office of chairman becomes vacant, the vice chairman shall hold the office until the next regular election for the office or until a new chairman is selected by the district committee for the balance of the term, whichever occurs first~~vacancy may be filled as provided by the district party bylaws.
4. The bylaws of the state committee or state party may not include any requirement providing directives or procedures for the method of the

organization of district committees nor may the state committee or state party take any action or impose any requirement regarding district party organization which is not consistent with this chapter.

SECTION 7. AMENDMENT. Section 16.1-03-08 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-08. State committee - Membership.

The state committee of each party consists of the chairman of each of the district committees of the party and any ~~person~~individual provided for in the bylaws of the state committee.

SECTION 8. AMENDMENT. Section 16.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-11. State committee - Meetings - Organization--Vacancies.

The state committee shall meet on or before July first of each odd-numbered year. The committee shall organize by selecting a ~~chairman, vice chairman, secretary, and treasurer~~officers as provided for by the state committee bylaws and by adopting rules and modes of procedure, including rules and procedures regarding the selection of state convention delegates. The party's bylaws must be filed with the secretary of state. The officers elected need not be members of the committee, but they shall become voting members of the committee after their election. Within thirty days following the state committee's organization, the newly elected chairman shall notify the secretary of state of the names of the party officers selected. These officers, with any other persons provided for by the party's bylaws and as the state committee designates, constitute the executive committee of the state committee. If the office of chairman becomes vacant, the vice chairman holds the office until the next regular election for the office or until a new chairman is selected by the state committee for the balance of the term, whichever occurs first. A vacancy in an office of the state committee, other than chairman and a party district chairman, must be filled upon a majority vote of the state committee. The chairman of the state committee may temporarily fill any vacancy existing on the state committee until the state committee convenes to fill the vacancy. The secretary of state must be notified of any changes in membership of the state's committee officers.

SECTION 9. AMENDMENT. Section 16.1-03-14 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-14. When state party convention held and duties of stateState party convention.

1. ~~The state party conventions must be held in each presidential election year at a place and time designated by the party state committee~~ shall set the place and time of the state party convention to be held in each general election year. The state party convention provided for in this chapter shall ~~Subject to party rules and bylaws, the state party convention may:~~
 1. ~~a.~~ a. Nominate the legal number of ~~candidates~~qualified electors for its party for the offices of presidential electors.
 2. ~~b.~~ b. Elect the required number of delegates and alternates to the national party convention as provided by the party's bylaws or national party rules.
 3. ~~Conduct other business as shall come before the convention.~~
 - c. Endorse candidates as provided under subsection 2.
2. The candidate or candidates for endorsement or election must be declared endorsed or elected ~~pursuant to~~under the rules of the party involved, and the chairman and secretary of the convention shall issue

certificates of endorsement as provided in section 16.1-11-06 or certificates of election. The names of the ~~candidates~~qualified electors nominated for presidential electors ~~with the surname of the presidential candidate~~ the party wishes to place on the general election ballot must be certified by the chairman and secretary of the convention to the secretary of state by four p.m. on the sixtieth day before the general election to be placed upon the general election ballot as provided in section 16.1-06-07.1.

SECTION 10. AMENDMENT. Section 16.1-03-17 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-17. Political party reorganization after apportionment ~~redistricting~~.

If ~~apportionment~~redistricting of the legislative assembly becomes effective after the organization of political parties as provided in this chapter and before the primary or the general election, the secretary of state shall establish a timetable for the reorganization of the parties as rapidly as possible before the ensuing election. ~~When the timetable is established, the secretary of state shall notify all the county auditors of the timetable and of the details of the legislative apportionment as it affects each county. The secretary of state or county auditor may not require reorganization of precincts in which boundaries are unchanged after apportionment by the board of county commissioners or the governing body of the city pursuant to chapter 16.1-04. Each county auditor shall publish a notice in the official county newspaper containing:~~

1. ~~A statement that legislative apportionment has occurred.~~
2. ~~A description and a map of the new legislative districts and the precincts as established by the governing bodies of the counties and cities in the county, pursuant to section 16.1-04-01.~~
3. ~~The date, time, and places of the precinct caucuses and district committee meetings determined by the secretary of state and the county auditor to be necessary according to the new districts and precincts established.~~

The political parties, in the newly established precincts and districts, shall then proceed to reorganize as closely as possible in conformance with this chapter ~~and in conformance with the timetable established by the secretary of state to assure compliance with primary election filing deadlines.~~

SECTION 11. AMENDMENT. Section 16.1-04-01 of the North Dakota Century Code is amended and reenacted as follows:

16.1-04-01. Precincts - Duties and responsibilities of the board of county commissioners or the governing body of the city.

1. The board of county commissioners of each county:
 - a. Shall divide the county into precincts and establish the precinct boundaries, except that within the boundaries of any incorporated city, the governing body of the city shall divide the city into precincts and establish their boundaries pursuant to title 40. Any number of townships or parts of townships may be joined into a single precinct provided that no precinct may encompass more than one legislative district.
 - b. May alter the number and size of precincts within the county by combining or dividing precincts. However, the governing body of any incorporated city has the authority to alter the number and size of precincts located within its boundaries. The board of county commissioners may relinquish the jurisdiction provided under ~~subsection 1~~subdivision a over all or any portion of a township or

townships under its jurisdiction to a city for the purpose of establishing a voting precinct if a majority of the governing body of the city agrees to assume such jurisdiction. The governing body of a city, by majority vote, may return jurisdiction granted herein to the county and the county shall accept that jurisdiction.

2. No precinct may have a population of more than two thousand five hundred, as determined by the last federal decennial census."

Page 6, after line 10, insert:

"**SECTION 16. REPEAL.** Sections 16.1-03-12 and 16.1-03-19 of the North Dakota Century Code are repealed."

Renumber accordingly

SIXTH ORDER OF BUSINESS

SPEAKER DEVLIN DEEMED approval of the amendments to Reengrossed SB 2369.

Reengrossed SB 2369, as amended, was placed on the Fourteenth order of business on the calendar.

MOTION

REP. VIGESAA MOVED that SB 2369, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2214: A BILL for an Act to create and enact a new section to chapter 15.1-27 of the North Dakota Century Code, relating to transition payments for isolated school districts; 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, and has committee recommendation of DO PASS, the roll was called and there were 81 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Fehr; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Rohr; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weisz; Williams; Zaiser; Speaker Devlin

NAYS: Becker; Bellew; Dosch; Drovdal; Grande; Headland; Louser; Porter; Ruby; Streyle; Toman; Wieland

ABSENT AND NOT VOTING: Pollert

SB 2214, as amended, passed and the emergency clause was declared carried.

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 revolving loan 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, and has committee recommendation of DO PASS, the roll was called and there were 82 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Belter; Boe; Boehning; Boschee; Brandenburg; Carlson; Damschen; Delmore; Dockter; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Porter; Rust; Sanford; Schatz; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Becker; Bellew; Brabandt; Delzer; Dosch; Meier; Rohr; Ruby; Schmidt; Streyle; Toman

ABSENT AND NOT VOTING: Pollert

SB 2219, as amended, passed.

SECOND READING OF SENATE BILL

SB 2307: A BILL for an Act to create and enact a new subsection to section 23-35-08, four new subsections to section 61-28-02, and a new section to chapter 61-28 of the North Dakota Century Code, relating to regulation of septic system installers and septic systems; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 20 YEAS, 73 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Boschee; Damschen; Glassheim; Gruchalla; Guggisberg; Hatlestad; Holman; Hunskor; Johnson, N.; Kelsh, J.; Kelsh, S.; Klein; Mock; Nathe; Oversen; Porter; Strinden; Sukut; Williams

NAYS: Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Grande; Haak; Hanson; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Johnson, D.; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Monson; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Pollert

Engrossed SB 2307, as amended, failed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. K. KOPPELMAN MOVED that the House do concur in the Senate amendments to HB 1075 as printed on HJ page 1042, which motion prevailed on a voice vote.

HB 1075, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1075: A BILL for an Act to amend and reenact section 27-05-30 of the North Dakota Century Code, relating to judicial referees.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Pollert

Engrossed HB 1075 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WEISZ MOVED that the House do concur in the Senate amendments to HB 1180 as printed on HJ page 1226, which motion prevailed on a voice vote.

HB 1180, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1180: A BILL for an Act to create and enact two new sections to chapter 50-06.2 and a new section to chapter 50-24.7 of the North Dakota Century Code, relating to a pilot program for independent home and community-based services case managers; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Onstad; Oversen; Owens; Paur; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Hogan; Nelson, M.; Strinden

ABSENT AND NOT VOTING: Pollert

Engrossed HB 1180 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. D. JOHNSON MOVED that the House do concur in the Senate amendments to Engrossed HB 1399 as printed on HJ page 1059, which motion prevailed on a voice vote.

Engrossed HB 1399, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1399: A BILL for an Act to amend and reenact subsection 2 of section 47-05-02.1 of the North Dakota Century Code, relating to duration of waterfowl production area easements; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 85 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

NAYS: Damschen; Gruchalla; Guggisberg; Kelsh, S.; Porter; Strinden; Toman; Zaiser

ABSENT AND NOT VOTING: Pollert

Reengrossed HB 1399 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PORTER MOVED that the House do concur in the Senate amendments to Engrossed HB 1348 as printed on HJ page 1261, which motion prevailed on a voice vote.

Engrossed HB 1348, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1348: A BILL for an Act to amend and reenact section 38-08-05 of the North Dakota Century Code, relating to setbacks for oil and gas wells.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Pollert

Reengrossed HB 1348 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PORTER MOVED that the House do concur in the Senate amendments to Engrossed HB 1352 as printed on HJ page 1261, which motion prevailed on a voice vote.

Engrossed HB 1352, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1352: A BILL for an Act to create and enact a new section to chapter 38-11.1 and a new section to chapter 47-16 of the North Dakota Century Code, relating to mediation of mineral developer and surface owner disputes and resolution of title disputes.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Pollert

Reengrossed HB 1352 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. N. JOHNSON MOVED that the House do concur in the Senate amendments to Engrossed HB 1397 as printed on HJ pages 1261-1262, which motion prevailed on a voice vote.

Engrossed HB 1397, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1397: A BILL for an Act to amend and reenact section 16.1-01-12 of the North Dakota Century Code, relating to election offenses; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Becker; Delzer; Glassheim; Heller

ABSENT AND NOT VOTING: Pollert

Reengrossed HB 1397 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PORTER MOVED that the House do concur in the Senate amendments to Engrossed HB 1440 as printed on HJ pages 1262-1263.

REQUEST

REP. MOCK REQUESTED a verification vote, which request was granted.

The question being on the motion to concur in the Senate amendments to Engrossed

HB 1440, the motion failed on a verification vote.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2356.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2219.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2144, SB 2146, SB 2152, SB 2187, SB 2205.

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 2214.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2307.

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

MR. PRESIDENT: The House has failed to pass, unchanged: SCR 4006.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1362.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1009, HB 1010, HB 1106, HB 1300, HB 1452.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1009

Page 1, remove lines 15 through 24

Page 2, replace lines 1 and 2 with:

"Salaries and wages	\$9,712,364	\$1,572,167	\$11,284,531
Operating expenses	6,451,453	(566,191)	5,885,262
Capital assets	17,000	(5,000)	12,000
Grants	3,170,828	1,505,000	4,675,828
State board of animal health	2,153,952	(18,149)	2,135,803
Wildlife services	1,417,400	0	1,417,400
Crop harmonization board	<u>75,000</u>	<u>0</u>	<u>75,000</u>
Total all funds	\$22,997,997	\$2,487,827	\$25,485,824
Less estimated income	<u>14,801,251</u>	<u>1,044,828</u>	<u>15,846,079</u>
Total general fund	\$8,196,746	\$1,442,999	\$9,639,745
Full-time equivalent positions	77.00	0.00	77.00

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>
Centennial farms program grant	\$0	\$80,000
Total general fund	\$0	\$80,000

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

Page 2, line 8, replace "\$5,997,408" with "\$6,122,681"

Page 2, line 15, remove "agriculture"

Page 2, line 15, after "department" insert "of agriculture"

Page 2, replace lines 25 through 30 with:

"SECTION 8. DEPARTMENT OF AGRICULTURE OFFICE LEASE - TERMINATION. The agriculture commissioner shall terminate any lease of office space off of the capitol grounds if sufficient office space on the capitol grounds is provided to the department of agriculture by the office of management and budget for the biennium beginning July 1, 2013, and ending June 30, 2015.

SECTION 9. AMENDMENT. Section 4-01-21 of the North Dakota Century Code is amended and reenacted as follows:

4-01-21. Salary of agriculture commissioner.

The annual salary of the agriculture commissioner is ~~ninety-two thousand-eight hundred twenty-six~~ninety-nine thousand four hundred thirty-five dollars through June 30, ~~2012~~2014, and ~~ninety-five thousand six hundred ten~~one hundred three thousand four hundred twelve dollars thereafter."

Page 3, line 5, remove "first"

Page 3, line 6, remove "\$485,000 of"

Page 3, line 6, remove "each biennium"

Page 3, line 7, remove "and any remaining fees in the general fund"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1009 - Department of Agriculture - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$11,258,319	\$10,622,109	\$662,422	\$11,284,531
Operating expenses	5,772,262	5,772,262	113,000	5,885,262
Capital assets	12,000	12,000		12,000
Grants	4,050,828	3,970,828	705,000	4,675,828
State Board of Animal Health	2,135,803	2,109,828	25,975	2,135,803
Wildlife Services	1,417,400	1,417,400		1,417,400
Crop Harmonization Board	75,000	75,000		75,000
Accrued leave payments		237,295	(237,295)	
Total all funds	\$24,721,612	\$24,216,722	\$1,269,102	\$25,485,824
Less estimated income	15,209,546	15,024,394	821,685	15,846,079
General fund	\$9,512,066	\$9,192,328	\$447,417	\$9,639,745
FTE	77.00	77.00	0.00	77.00

Department No. 602 - Department of Agriculture - Detail of Senate Changes

	Restores Executive Compensation Package ¹	Removes Separate Line Item for Accrued Leave Payments ²	Restores Funding for Centennial Farms Program Grant ³	Adds Funding for Information Technology Desktop Support ⁴	Expands Mediation Services Program ⁵	Adds Funding for Livestock Auction Market News Reporting ⁶
Salaries and wages	\$451,102	\$211,320				
Operating expenses				48,000	50,000	15,000
Capital assets						
Grants			80,000			
State Board of Animal Health		25,975				
Wildlife Services						
Crop Harmonization Board						
Accrued leave payments		(237,295)				
Total all funds	\$451,102	\$0	\$80,000	\$48,000	\$50,000	\$15,000
Less estimated income	196,685	0	0	0	0	0
	\$254,417	\$0	\$80,000	\$48,000	\$50,000	\$15,000

General fund						
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Increases Federal Funds Authority for Specialty Crop Grants ⁷	Total Senate Changes
Salaries and wages		\$662,422
Operating expenses		113,000
Capital assets		
Grants	625,000	705,000
State Board of Animal Health		25,975
Wildlife Services		
Crop Harmonization Board		
Accrued leave payments		(237,295)
Total all funds	\$625,000	\$1,269,102
Less estimated income	625,000	821,685
General fund	\$0	\$447,417
FTE	0.00	0.00

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

² 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.

³ Funding added in the executive budget recommendation and removed by the House for a grant to the Centennial Farms program is restored as one-time funding.

⁴ Funding for information technology desktop support services is increased by \$48,000 to provide total increased funding of \$96,000 as compared to 2011-13 biennium appropriations.

⁵ Funding is added to expand the mediation services program to address mediation issues arising from energy development.

⁶ Funding from the general fund is added for livestock auction market news reporting to replace estimated decreases in federal funds.

⁷ Other funds authority for specialty crops grants is increased by \$625,000 to reflect anticipated federal funds to be received for the program.

This amendment also:

Total all funds	\$250,897	\$0	\$250,897
Less estimated income	250,897	0	250,897
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

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

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

Section 6 of the Engrossed Bill is changed to provide the Insurance Commissioner with a 4 percent salary increase, the same as the executive budget. The House provided a 3 percent annual salary increase.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1106

Page 1, line 9, after the second comma insert "57-35.3-07,"

Page 1, line 19, after the comma insert "financial institutions tax credit for contributions to the housing incentive fund,"

Page 2, overstrike line 9

Page 2, line 10, overstrike "district receives a portion of the revenue from this tax. The taxing district"

Page 2, line 10, after "allocate" insert "all of"

Page 2, line 11, overstrike "to each ambulance service based upon the taxable value of the"

Page 2, line 12, overstrike "property within each township of the taxing district"

Page 2, line 13, after "~~township~~" insert "collected in a particular township"

Page 2, line 13, remove the overstrike over "~~to the ambulance service that serves the largest area within that township~~"

Page 2, line 13, remove "that is"

Page 2, line 13, remove "located within the service area of that ambulance district"

Page 7, after line 15, insert:

"SECTION 13. AMENDMENT. Section 57-35.3-07 of the North Dakota Century Code is amended and reenacted as follows:

57-35.3-07. (Effective for the first two taxable years beginning after December 31, 2010) Payment of tax.

Three-thirteenths of the tax before credits allowed under section 57-35.3-05, less the credits allowed under subsections 1, 3, 4, and 5 of section 57-35.3-05, must be paid to the tax commissioner on or before April fifteenth of the year in which the return is due, regardless of any extension of the time for filing the return granted under section 57-35.3-06. Ten-thirteenths of the tax before credits allowed under section 57-35.3-05, less the credit allowed under subsection 2 of section 57-35.3-05, must be paid to the tax commissioner on or before January fifteenth of the year after the return is due. Payment must be made in the manner prescribed by the tax commissioner.

(Effective after the first two taxable years beginning after December 31, 2010) Payment of tax. Three-thirteenths of the tax before credits allowed under section 57-35.3-05, less the credits allowed under subsections 1, 3, and 4 of section

57-35.3-05 and section 4 of House Bill No. 1029 if approved by the sixty-third legislative assembly, must be paid to the tax commissioner on or before April fifteenth of the year in which the return is due, regardless of any extension of the time for filing the return granted under section 57-35.3-06. Ten-thirteenths of the tax before credits allowed under section 57-35.3-05, less the credit allowed under subsection 2 of section 57-35.3-05, must be paid to the tax commissioner on or before January fifteenth of the year after the return is due. Payment must be made in the manner prescribed by the tax commissioner."

Page 26, line 8, replace "and 17" with ", 13, 18, 21, and 27"

Page 26, line 9, remove "8, 9,"

Page 26, line 9, replace "23, 29, 30" with "14"

Page 26, line 9, remove "and"

Page 26, line 9, after "33" insert ", 34, 35, 36, 37, 38, 39, and 40"

Page 26, line 10, after the sixth comma insert "and"

Page 26, line 10, remove ", and 37"

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1300

Page 1, line 2, remove "an"

Page 1, line 3, replace "effective date" with "for retroactive application"

Page 1, line 7, remove "and land"

Page 1, line 8, remove the overstrike over "services"

Page 1, line 8, remove "purposes"

Page 1, line 8, remove the overstrike over ", and if on the same"

Page 1, remove the overstrike over lines 9 through 12

Page 1, line 13, remove the overstrike over "building, and up to a maximum of"

Page 1, line 13, after "~~two~~" insert "five"

Page 1, line 13, remove the overstrike over "additional acres ["

Page 1, line 13, after "hectare" insert "2.02 hectares"

Page 1, line 13, remove the overstrike over the overstruck ending bracket

Page 1, line 14, remove the overstrike over "services"

Page 1, line 14, remove "purposes"

Page 1, remove the overstrike over lines 16 through 19

Page 1, remove the overstrike over line 22

Page 1, line 23, remove the overstrike over "from"

Page 1, line 23, remove "person if"

Page 1, line 23, remove "received is used for the religious purposes of the religious"

Page 1, line 24, remove "corporation or organization"

Page 2, line 1, replace "**EFFECTIVE DATE**" with "**RETROACTIVE APPLICATION**"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1452

In lieu of the amendments adopted by the Senate as printed on pages 988-995 of the Senate Journal, Engrossed House Bill No. 1452 is amended as follows:

Page 1, line 1, after "reenact" insert "sections 39-03.1-09 and 39-03.1-10,"

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

Page 1, line 1, after "sections" insert "54-52-02.9, 54-52-05, 54-52-06, 54-52-06.1, 54-52-06.2, 54-52-06.3, and"

Page 1, line 2, after the first comma insert "subsection 6 of section 54-52.6-02, and sections"

Page 1, line 2, remove the second comma

Page 1, line 2, replace "54-52.6-15" with "54-52.6-09"

Page 1, line 2, after "to" insert "increased employer and employee contributions under the highway patrolmen's retirement plan and public employees retirement system and"

Page 1, line 3, remove "and to repeal section 54-52.6-03 of the"

Page 1, remove line 4

Page 1, line 5, replace "public employees retirement system" with "to provide for a legislative management study; to provide an appropriation; to provide an effective date; and to provide an expiration date"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 39-03.1-09 of the North Dakota Century Code is amended and reenacted as follows:

39-03.1-09. Payments by contributors - Employer payment of employee contribution.

1. Every member, except as provided in section 39-03.1-07, shall contribute into the fund ten and thirty-hundredths percent of the member's monthly salary, which sum must be deducted from the member's salary and credited to the member's account in the fund. Member contributions increase by one percent of the member's monthly salary beginning with the monthly reporting period of January 2012, and ~~with an additional increase of annually by~~ one percent, beginning with the monthly reporting period of January 2013, January 2014, and January 2015.
2. The state of North Dakota, at its option, may pay the member contributions required by subsection 1 for all compensation earned after June 30, 1983, and may pay the member contributions required to purchase service credit on a pretax basis pursuant to subsection 8 of section 39-03.1-08.2. The amount paid must be paid by the state in lieu of contributions by the member. A member may not receive the contributed amounts directly once the employer has elected to pay the member contributions. If the state decides not to pay the contributions, the amount that would have been paid will continue to be deducted from compensation. If contributions are paid by the state, they must be treated as employer contributions in determining tax treatment under this code and the federal Internal Revenue Code. If contributions are paid by the state, they must not be included as gross income of the member in

determining tax treatment under this code and the Internal Revenue Code until they are distributed or made available. The state shall pay these member contributions from the same source of funds used in paying compensation to the members. The state shall pay these contributions by effecting an equal cash reduction in the gross salary of the employee or by an offset against future salary increases or by a combination of a reduction in gross salary and offset against future salary increases. If member contributions are paid by the state, they must be treated for the purposes of this chapter in the same manner and to the same extent as member contributions made prior to the date the contributions were assumed by the state. The option given employers by this subsection must be exercised in accordance with rules adopted by the board.

3. For compensation earned after August 1, 2009, all employee contributions required under subsection 1, and not otherwise paid under subsection 2, must be paid by the state in lieu of contributions by the member. All contributions paid by the state under this subsection must be treated as employer contributions in determining tax treatment under this code and the federal Internal Revenue Code. Contributions paid by the state under this subsection may not be included as gross income of the member in determining tax treatment under this code and the Internal Revenue Code until the contributions are distributed or made available. Contributions paid by the state in accordance with this subsection must be treated for the purposes of this chapter in the same manner and to the same extent as member contributions made before the date the contributions were assumed by the state. The state shall pay these member contributions from the same source of funds used in paying compensation to the members. The state shall pay these contributions by effecting an equal cash reduction in the gross salary of the employee. The state shall continue making payments under this section unless otherwise specifically provided for under the agency's biennial appropriation or by law.

SECTION 2. AMENDMENT. Section 39-03.1-10 of the North Dakota Century Code is amended and reenacted as follows:

39-03.1-10. Contributions by the state.

The state shall contribute to the fund a sum equal to sixteen and seventy-hundredths percent of the monthly salary or wage of a participating member. State contributions increase by one percent of the monthly salary or wage of a participating member beginning with the monthly reporting period of January 2012, and ~~with an additional increase of annually by~~ one percent, beginning with the reporting period of January 2013, January 2014, and January 2015. If the member's contribution is paid by the state under subsection 2 of section 39-03.1-09, the state shall contribute, in addition, an amount equal to the required member's contribution. The state shall pay the associated employer contribution for those members who elect to exercise their rights under subsection 3 of section 39-03.1-10.1."

Page 1, after line 21, insert:

"SECTION 4. AMENDMENT. Section 54-52-02.9 of the North Dakota Century Code is amended and reenacted as follows:

54-52-02.9. Participation by temporary employees.

A temporary employee may elect, within one hundred eighty days of beginning employment, to participate in the public employees retirement system and receive credit for service after enrollment. The temporary employee shall pay monthly to the fund an amount equal to eight and twelve-hundredths percent times the temporary employee's present monthly salary. The amount required to be paid by a temporary employee increases by two percent times the temporary employee's present monthly salary beginning with the monthly reporting period of January 2012, and ~~with an additional increase annually by~~ two percent increase, beginning with the

reporting period of January 2013, January 2014, and January 2015. The temporary employee shall also pay the required monthly contribution to the retiree health benefit fund established under section 54-52.1-03.2. This contribution must be recorded as a member contribution pursuant to section 54-52.1-03.2. An employer may not pay the temporary employee's contributions. A temporary employee may continue to participate as a temporary employee in the public employees retirement system until termination of employment or reclassification of the temporary employee as a permanent employee. A temporary employee may not purchase any additional credit, including additional credit under section 54-52-17.4 or past service under section 54-52-02.6.

SECTION 5. AMENDMENT. Section 54-52-05 of the North Dakota Century Code is amended and reenacted as follows:

54-52-05. Membership and assessments - Employer payment of employee contributions.

1. Every eligible governmental unit employee concurring in the plan must so state in writing and all future eligible employees are participating members. An employee who was not enrolled in the retirement system when eligible to participate must be enrolled immediately upon notice of the employee's eligibility, unless the employee waives in writing the employee's right to participate for the previous time of eligibility, to avoid contributing to the fund for past service. An employee who is eligible for normal retirement who accepts a retirement benefit under this chapter and who subsequently becomes employed with a participating employer other than the employer with which the employee was employed at the time the employee retired under this chapter may, before reenrolling in the retirement plan, elect to permanently waive future participation in the retirement plan and the retiree health program and maintain that employee's retirement status. An employee making this election is not required to make any future employee contributions to the public employees retirement system nor is the employee's employer required to make any further contributions on behalf of that employee.
2. Each member must be assessed and required to pay monthly four percent of the monthly salary or wage paid to the member, and such assessment must be deducted and retained out of such salary in equal monthly installments commencing with the first month of employment. Member contributions increase by one percent of the monthly salary or wage paid to the member beginning with the monthly reporting period of January 2012, and ~~with an additional increase of~~ annually by one percent, beginning with the monthly reporting period of January 2013, January 2014, and January 2015.
3. Each employer, at its option, may pay all or a portion of the employee contributions required by subsection 2 and sections 54-52-06.1, 54-52-06.2, 54-52-06.3, and 54-52-06.4 or the employee contributions required to purchase service credit on a pretax basis pursuant to subsection 5 of section 54-52-17.4. Employees may not receive the contributed amounts directly once the employer has elected to pay the employee contributions. The amount paid must be paid by the employer in lieu of contributions by the employee. If the state determines not to pay the contributions, the amount that would have been paid must continue to be deducted from the employee's compensation. If contributions are paid by the employer, they must be treated as employer contributions in determining tax treatment under this code and the federal Internal Revenue Code. If contributions are paid by the employer, they may not be included as gross income of the employee in determining tax treatment under this code and the Internal Revenue Code until they are distributed or made available. The employer shall pay these employee contributions from the same source of funds used in paying compensation to the employee or from the levy authorized by subsection 5 of section 57-15-28.1. The employer shall pay these contributions by effecting an equal cash reduction in the gross salary of

the employee or by an offset against future salary increases or by a contribution of a reduction in gross salary and offset against future salary increases. If employee contributions are paid by the employer, they must be treated for the purposes of this chapter in the same manner and to the same extent as employee contributions made prior to the date on which employee contributions were assumed by the employer. An employer exercising its option under this subsection shall report its choice to the board in writing.

4. For compensation earned after August 1, 2009, all employee contributions required under section 54-52-06.1 and the job service North Dakota retirement plan, and not otherwise paid under subsection 3, must be paid by the employer in lieu of contributions by the member. All contributions paid by the employer under this subsection must be treated as employer contributions in determining tax treatment under this code and the Internal Revenue Code. Contributions paid by the employer under this subsection may not be included as gross income of the member in determining tax treatment under this code and the Internal Revenue Code until the contributions are distributed or made available. Contributions paid by the employer in accordance with this subsection must be treated for the purposes of this chapter in the same manner and to the same extent as member contributions made before the date the contributions were assumed by the employer. The employer shall pay these member contributions from the same source of funds used in paying compensation to the employee. The employer shall pay these contributions by effecting an equal cash reduction in the gross salary of the employee. The employer shall continue making payments under this section unless otherwise specifically provided for under the agency's biennial appropriation or by amendment to law.

SECTION 6. AMENDMENT. Section 54-52-06 of the North Dakota Century Code is amended and reenacted as follows:

54-52-06. Employer's contribution to retirement plan.

Each governmental unit shall contribute an amount equal to four and twelve-hundredths percent of the monthly salary or wage of a participating member. Governmental unit contributions increase by one percent of the monthly salary or wage of a participating member beginning with the monthly reporting period of January 2012, and ~~with an additional increase of annually by one percent, beginning with the reporting period of January 2013, January 2014, and January 2015.~~ For those members who elect to exercise their rights under section 54-52-17.14, the employing governmental unit, or in the case of a member not presently under covered employment the most recent employing governmental unit, shall pay the associated employer contribution. If the employee's contribution is paid by the governmental unit under subsection 3 of section 54-52-05, the employer unit shall contribute, in addition, an amount equal to the required employee's contribution. Each governmental unit shall pay the contribution monthly, or in the case of an election made pursuant to section 54-52-17.14 a lump sum, into the retirement fund from its funds appropriated for payroll and salary or any other funds available for these purposes. Any governmental unit failing to pay the contributions monthly, or in the case of an election made pursuant to section 54-52-17.14 a lump sum, is subject to a civil penalty of fifty dollars and, as interest, one percent of the amount due for each month of delay or fraction thereof after the payment became due. In lieu of assessing a civil penalty or one percent per month, or both, interest at the actuarial rate of return may be assessed for each month the contributions are delinquent. If contributions are paid within ninety days of the date they became due, penalty and interest to be paid on delinquent contributions may be waived. An employer is required to submit contributions for any past eligible employee who was employed after July 1, 1977, for which contributions were not made if the employee would have been eligible to become vested had the employee participated and if the employee elects to join the public employees retirement system. Employer contributions may not be assessed for eligible service that an employee has waived pursuant to subsection 1 of section 54-52-05. The board shall report to each session of the

legislative assembly the contributions necessary, as determined by the actuarial study, to maintain the fund's actuarial soundness.

SECTION 7. AMENDMENT. Section 54-52-06.1 of the North Dakota Century Code is amended and reenacted as follows:

54-52-06.1. Contribution by supreme and district court judges - Employer contribution.

Each judge of the supreme or district court who is a member of the public employees retirement system must be assessed and required to pay monthly five percent of the judge's monthly salary. Member contributions increase by one percent of the judge's monthly salary beginning with the monthly reporting period of January 2012, and ~~with an additional~~ increase ~~of annually by~~ one percent, beginning with the reporting period of January 2013, ~~January 2014,~~ and January 2015. The assessment must be deducted and retained out of the judge's salary in equal monthly installments. The state shall contribute an amount equal to fourteen and fifty-two one-hundredths percent of the monthly salary of a supreme or district court judge who is a participating member of the system, which matching contribution must be paid from its funds appropriated for salary, or from any other funds available for such purposes. State contributions increase by one percent of the monthly salary of a supreme or district court judge who is a participating member of the system beginning with the monthly reporting period of January 2012, and ~~with an additional~~ increase ~~of annually by~~ one percent, beginning with the monthly reporting period of January 2013, ~~January 2014,~~ and January 2015. If the judge's contribution is paid by the state under subsection 3 of section 54-52-05, the state shall contribute, in addition, an amount equal to the required judge's contribution.

SECTION 8. AMENDMENT. Section 54-52-06.2 of the North Dakota Century Code is amended and reenacted as follows:

54-52-06.2. Contribution by national guard security officers or firefighters - Employer contribution.

Each national guard security officer or firefighter who is a member of the public employees retirement system is assessed and shall pay monthly four percent of the employee's monthly salary. Member contributions increase annually by one-half of one percent of the member's monthly salary beginning with the monthly reporting period of January 2014 and January 2015. The assessment must be deducted and retained out of the employee's salary in equal monthly installments. The national guard security officer's or firefighter's employer shall contribute an amount determined by the board to be actuarially required to support the level of benefits specified in section 54-52-17. The employer's contribution must be paid from funds appropriated for salary or from any other funds available for such purposes. If the security officer's or firefighter's assessment is paid by the employer under subsection 3 of section 54-52-05, the employer shall contribute, in addition, an amount equal to the required national guard security officer's or firefighter's assessment.

SECTION 9. AMENDMENT. Section 54-52-06.3 of the North Dakota Century Code is amended and reenacted as follows:

54-52-06.3. Contribution by peace officers and correctional officers employed by political subdivisions - Employer contribution.

Each peace officer or correctional officer employed by a political subdivision that enters into an agreement with the retirement board on behalf of its peace officers and correctional officers separately from its other employees and who is a member of the public employees retirement system is assessed and shall pay monthly four percent of the employee's monthly salary. Peace officer or correctional officer contributions increase by one-half of one percent of the member's monthly salary beginning with the monthly reporting period of January 2012, and ~~with an additional~~ increase ~~of annually by~~ one-half of one percent, beginning with the monthly reporting period of January 2013, ~~January 2014,~~ and January 2015. The assessment must be deducted and retained out of the employee's salary in equal monthly

installments. The peace officer's or correctional officer's employer shall contribute an amount determined by the board to be actuarially required to support the level of benefits specified in section 54-52-17. If the peace officer's or correctional officer's assessment is paid by the employer under subsection 3 of section 54-52-05, the employer shall contribute, in addition, an amount equal to the required peace officer's or correctional officer's assessment."

Page 2, line 12, replace "is hired after July 30, 2013" with "elects to participate in the retirement plan under this chapter"

Page 3, after line 2, insert:

"SECTION 11. AMENDMENT. Subsection 6 of section 54-52.6-02 of the North Dakota Century Code is amended and reenacted as follows:

6. A participating member who becomes a temporary employee may still participate in the defined contribution retirement plan upon filing an election with the board within one hundred eighty days of transferring to temporary employee status. The participating member may not become a member of the defined benefit plan as a temporary employee. The temporary employee electing to participate in the defined contribution retirement plan shall pay monthly to the fund an amount equal to eight and twelve-hundredths percent times the temporary employee's present monthly salary. The amount required to be paid by a temporary employee increases by two percent times the temporary employee's present monthly salary beginning with the monthly reporting period of January 2012, and ~~with an additional increase of~~ increases annually by two percent, beginning with the monthly reporting period of January 2013, January 2014, and January 2015. The temporary employee shall also pay the required monthly contribution to the retiree health benefit fund established under section 54-52.1-03.2. This contribution must be recorded as a member contribution pursuant to section 54-52.1-03.2. An employer may not pay the temporary employee's contributions. A temporary employee may continue to participate as a temporary employee until termination of employment or reclassification of the temporary employee as a permanent employee."

Page 6, line 3, remove "At the time of hire the"

Page 6, replace lines 4 through 10 with "The board shall provide an opportunity for eligible employees who are new members of the public employees retirement system under chapter 54-52 to transfer to the defined contribution plan under this chapter pursuant to the rules and policies adopted by the board."

Page 6, line 11, replace "an eligible employee to participate in" with "a member of the public employees retirement system under chapter 54-52 to transfer to"

Page 6, line 12, remove "In the case of an eligible employee"

Page 6, remove line 13

Page 6, line 14, replace "eligible employee transferring" with "For an individual who elects to transfer"

Page 6, line 16, remove "and"

Page 6, line 22, remove "The board shall calculate the actuarial present value of the individual's"

Page 6, remove lines 23 and 24

Page 6, line 25, remove "retirement age."

Page 7, remove lines 27 through 31

Page 8, replace lines 1 through 8 with:

"SECTION 13. AMENDMENT. Section 54-52.6-09 of the North Dakota Century Code is amended and reenacted as follows:

54-52.6-09. Contributions - Penalty.

1. Each participating member shall contribute monthly four percent of the monthly salary or wage paid to the participant, and this assessment must be deducted from the participant's salary in equal monthly installments commencing with the first month of participation in the defined contribution retirement plan established under this chapter. Participating member contributions increase by one percent of the monthly salary or wage paid to the participant beginning with the monthly reporting period of January 2012, and ~~with an additional increase of annually by one percent, beginning with the reporting period of January 2013, January 2014, and January 2015.~~
2. The employer shall contribute an amount equal to four and twelve-hundredths percent of the monthly salary or wage of a participating member. Employer contributions increase by one percent of the monthly salary or wage of a participating member beginning with the monthly reporting period of January 2012, and with an additional increase of ~~annually by one percent, beginning with the monthly reporting period of January 2013, January 2014, and January 2015.~~ If the employee's contribution is paid by the employer under subsection 3, the employer shall contribute, in addition, an amount equal to the required employee's contribution. The employer shall pay monthly such contribution into the participating member's account from its funds appropriated for payroll and salary or any other funds available for such purposes. If the employer fails to pay the contributions monthly, it is subject to a civil penalty of fifty dollars and, as interest, one percent of the amount due for each month of delay or fraction thereof after the payment became due.
3. Each employer, at its option, may pay the employee contributions required by this section for all compensation earned after December 31, 1999. The amount paid must be paid by the employer in lieu of contributions by the employee. If the employer decides not to pay the contributions, the amount that would have been paid will continue to be deducted from the employee's compensation. If contributions are paid by the employer, they must be treated as employer contributions in determining tax treatment under this code and the federal Internal Revenue Code. Contributions paid by the employer may not be included as gross income of the employee in determining tax treatment under this code and the federal Internal Revenue Code until they are distributed or made available. The employer shall pay these employee contributions from the same source of funds used in paying compensation to the employee. The employer shall pay these contributions by effecting an equal cash reduction in the gross salary of the employee or by an offset against future salary increases or by a combination of a reduction in gross salary and offset against future salary increases. Employee contributions paid by the employer must be treated for the purposes of this chapter in the same manner and to the same extent as employee contributions made before the date on which employee contributions were assumed by the employer. An employer shall exercise its option under this subsection by reporting its choice to the board in writing.

SECTION 14. LEGISLATIVE MANAGEMENT STUDY - NORTH DAKOTA RETIREMENT PLANS. During the 2013-14 interim, the legislative management shall consider studying the feasibility and desirability of existing and possible state retirement plans. The study must include an analysis of both a defined benefit plan and a defined contribution plan with considerations and possible consequences for transitioning to a state defined contribution plan. The study may not be conducted by the employee benefits programs committee. The legislative management shall report

its findings and recommendations, together with any legislation needed to implement the recommendations, to the sixty-fourth legislative assembly.

SECTION 15. APPROPRIATION. There is appropriated from special funds derived from public employees retirement system income not otherwise appropriated, the sum of \$22,000, or so much of the sum as may be necessary, to the public employees retirement system board for the purpose of implementing this Act, for the biennium beginning July 1, 2013, and ending June 30, 2015.

SECTION 16. EFFECTIVE DATE. Sections 3, 10, and 12 of this Act become effective on October 1, 2013.

SECTION 17. EXPIRATION DATE - SUSPENSION. Sections 3, 10, and 12 of this Act are effective through July 31, 2017, and after that date are ineffective. Section 54-52.6-03 is suspended from October 1, 2013, through July 31, 2017. Section 54-52.6-03, as it existed on September 30, 2013, becomes effective on August 1, 2017."

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1063, HB 1170.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1063

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

Page 1, line 1, remove ", 61-15-01, and 61-15-02"

Page 1, line 2, remove "and water conservation"

Page 1, line 3, replace "section" with "sections 61-15-01, 61-15-02, and"

Page 1, remove lines 20 through 23

Page 2, remove lines 1 through 19

Page 2, line 20, replace "Section" with "Sections 61-15-01, 61-15-02, and"

Page 2, line 20, replace "is" with "are"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1170

Page 1, line 2, after "ratesetting" insert "; and to amend and reenact section 50-24.4-06 of the North Dakota Century Code, relating to allowable costs in nursing home ratesetting"

Page 1, after line 14, insert:

"SECTION 2. AMENDMENT. Section 50-24.4-06 of the North Dakota Century Code is amended and reenacted as follows:

50-24.4-06. Rate determination.

1. The department shall determine prospective payment rates for resident care costs. The department shall develop procedures for determining operating cost payment rates that take into account the mix of resident needs and other factors as determined by the department.
2. The department shall establish, by rule, limitations on compensation recognized in the historical base for top management personnel. Compensation for top management personnel must be categorized as a

general and administrative cost and is subject to any limits imposed on that cost category.

3. For purposes of determining rates, the department shall:
 - a. Include, contingent upon approval of the medicaid state plan by the centers for medicare and medicaid services, allowable bad debt expenses in an amount not to exceed one hundred eighty days of resident care per year or an aggregate of three hundred sixty days of resident care for any one individual; and
 - b. Include allowable bad debt expenses in the property cost category in the report year in which the bad debt is determined to be uncollectible with no likelihood of future recovery.
 - c. Notwithstanding section 50-24.4-07, include as an allowable cost any tax paid by a basic care or nursing facility due to provisions of the federal Patient Protection and Affordable Care Act [Pub. L. 111-148], as amended by the Health Care and Education Reconciliation Act of 2010 [Pub. L. 111-152]."

Renumber accordingly

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 1061.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1061

Page 1, line 1, after "61-03-23" insert ", 61-04-27,"

Page 1, line 2, remove "penalties for violation of provisions for the appropriation of"

Page 1, line 2, after "water" insert "rights"

Page 1, line 12, after the period insert "The civil penalty for violation of an irrigation appropriation permit may not exceed five thousand dollars for each day the violation occurred and continues to occur."

Page 1, after line 21, insert:

"SECTION 2. AMENDMENT. Section 61-04-27 of the North Dakota Century Code is amended and reenacted as follows:

61-04-27. Information filed with state engineer - Installation of measuring devices.

On or before the ~~first thirty-first~~ day of ~~February~~ March of each year all persons holding a water permit, ~~including irrigation districts, federal agencies, and political subdivisions,~~ shall file with the state engineer, on forms supplied by the state engineer, topographic, mapping, foundation test borings, design, water use, and such other information as the state engineer shall require. The state engineer may also require any such persons to install measuring devices, which must conform to the state engineer's specifications, at all points specified by the state engineer."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1455.

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 1075, HB 1180, HB 1348, HB 1352, HB 1397, and HB 1399.

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 1048, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1048: Reps. Ruby; Heller; Oversen

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 2030: Reps. Porter; Looyesen; Oversen
SB 2087: Reps. Hofstad; Kiefert; Muscha
SB 2114: Reps. Anderson; Silbernagel; Mooney
SB 2162: Reps. Drovdal; Dockter; Strinden
SB 2201: Reps. Schatz; Rohr; J. Kelsh
SB 2243: Reps. Damschen; Fehr; Mooney
SB 2244: Reps. Hofstad; Laning; Muscha
SB 2352: Reps. Klein; Meier; Muscha
SB 2353: Reps. Hatlestad; Toman; J. Kelsh
SB 2361: Reps. Heller; D. Johnson; Hunskor

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 2310: Reps. Owens; Kreun; Gruchalla

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1026, HB 1052, HB 1054, HB 1085, HB 1091, HB 1117, HB 1130, HB 1185, HB 1241, HB 1247, HB 1267, HB 1402.

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

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

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

MR. SPEAKER: The President has signed: HB 1026, HB 1052, HB 1054, HB 1085, HB 1091, HB 1117, HB 1130, HB 1185, HB 1241, HB 1247, HB 1267, HB 1402.

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

MR. SPEAKER: The President has signed: HB 1192.

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

MR. SPEAKER: The President has signed: SB 2060, SB 2076.

MOTION

REP. VIGESAA MOVED that the absent members be excused, which motion prevailed.

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Wednesday, April 10, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2005: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2005 was placed on the Sixth order on the calendar.

"Salaries and wages	\$601,373	\$236,038	\$837,411
Accrued leave payments	0	8,421	8,421
Operating expenses	<u>221,505</u>	<u>(55,237)</u>	<u>166,268</u>
Total general fund	\$822,878	\$189,222	\$1,012,100"

Page 1, after line 14, insert:

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

<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
Native American health system program administrator	\$0	\$184,284
Total general fund	\$0	\$184,284

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

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2005 - Indian Affairs Commission - House Action

	<u>Executive Budget</u>	<u>Senate Version</u>	<u>House Changes</u>	<u>House Version</u>
Salaries and wages	\$867,214	\$867,214	(\$29,803)	\$837,411
Operating expenses	166,268	166,268		166,268
Accrued leave payments			8,421	8,421
Total all funds	\$1,033,482	\$1,033,482	(\$21,382)	\$1,012,100
Less estimated income	0	0	0	0
General fund	\$1,033,482	\$1,033,482	(\$21,382)	\$1,012,100
FTE	5.00	5.00	0.00	5.00

Department No. 316 - Indian Affairs Commission - Detail of House Changes

	<u>Corrects Executive Compensation Package¹</u>	<u>Adjusts State Employee Compensation and Benefits Package²</u>	<u>Provides Separate Line Item for Accrued Leave Payments³</u>	<u>Total House Changes</u>
Salaries and wages	\$4,777	(\$26,159)	(\$8,421)	(\$29,803)
Operating expenses				
Accrued leave payments			8,421	8,421
Total all funds	\$4,777	(\$26,159)	\$0	(\$21,382)
Less estimated income	0	0	0	0
General fund	\$4,777	(\$26,159)	\$0	(\$21,382)
FTE	0.00	0.00	0.00	0.00

¹Funding is added due to a calculation error in the executive compensation package.

²This 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.

³A portion of salaries and wages funding from the general fund (\$8,421) 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.

This amendment adds a new section to designate the funding for the new Native American health system program administrator position as one-time funding.

REPORT OF STANDING COMMITTEE

SB 2008, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2008 was placed on the Sixth order on the calendar.

Page 1, replace line 11 with:

"Salaries and wages	\$5,356,855	\$393,779	\$5,750,634
Accrued leave payments	0	120,783	120,783"

Page 1, replace line 14 with:

"Total special funds	\$6,836,318	\$619,544	\$7,455,862"
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Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2008 - Department of Financial Institutions - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$6,055,849	\$6,069,236	(\$318,602)	\$5,750,634
Operating expenses	1,428,445	1,428,445		1,428,445
Contingency	156,000	156,000		156,000
Accrued leave payments			120,783	120,783
Total all funds	\$7,640,294	\$7,653,681	(\$197,819)	\$7,455,862
Less estimated income	7,640,294	7,653,681	(197,819)	7,455,862
General fund	\$0	\$0	\$0	\$0
FTE	29.00	29.00	0.00	29.00

Department No. 413 - Department of Financial Institutions - Detail of House Changes

	Adjusts State Employee Compensation and Benefits Package ¹	Provides Separate Line Item for Accrued Leave Payments ²	Total House Changes
Salaries and wages	(\$197,819)	(\$120,783)	(\$318,602)
Operating expenses			
Contingency			
Accrued leave payments		120,783	120,783
Total all funds	(\$197,819)	\$0	(\$197,819)
Less estimated income	(197,819)	0	(197,819)
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

¹This 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 equity 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.

²A portion of salaries and wages funding from other funds (\$120,783) 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.

REPORT OF STANDING COMMITTEE

SB 2011: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2011 was placed on the Sixth order on the calendar.

Page 1, line 1, after "patrol" insert "; and to provide a contingent appropriation"

Page 1, replace lines 10 through 15 with:

"Administration	\$3,159,842	\$247,380	\$3,407,222
Field operations	40,651,139	8,215,331	48,866,470
Law enforcement training academy	1,602,488	183,456	1,785,944
Accrued leave payments	0	<u>1,110,651</u>	<u>1,110,651</u>
Total all funds	\$45,413,469	\$9,756,818	\$55,170,287
Less estimated income	<u>11,364,325</u>	<u>1,195,720</u>	<u>12,560,045</u>
Total general fund	\$34,049,144	\$8,561,098	\$42,610,242"

Page 1, remove lines 23 and 24

Page 2, remove line 1

Page 2, replace lines 6 through 8 with:

"Total all funds	\$1,237,000	\$1,145,000
Total special funds	<u>161,000</u>	<u>148,000</u>
Total general fund	\$1,076,000	\$997,000"

Page 2, after line 12, insert:

"SECTION 3. CONTINGENT APPROPRIATION - LAW ENFORCEMENT TRAINING FACILITIES. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$6,651,000, or so much of the sum as may be necessary, to the highway patrol for the purpose of constructing law enforcement training facilities in the Devils Lake area, for the biennium beginning July 1, 2013, and ending June 30, 2015. The highway patrol shall coordinate with lake region state college regarding the types of facilities to be constructed and the locations for the facilities. The funding provided under this section is available to the highway patrol only if actual general fund revenues for the period July 1, 2013, through June 30, 2014, exceed estimated general fund revenues for that period by at least \$200,000,000, as determined by the office of management and budget, based on the legislative estimates made at the close of the 2013 regular legislative session. The funding provided under this section is considered one-time funding and the highway patrol shall report to the appropriations committees of the sixty-fourth legislative assembly regarding the use of the funding."

Page 2, line 14, replace "\$7,169,296" with "\$6,091,755"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2011 - Highway Patrol - House Action

	Budget	Version	Changes	Version
Administration	\$3,602,910	\$3,602,910	(\$195,688)	\$3,407,222
Field operations	51,492,863	51,492,863	(2,626,393)	48,866,470
Law Enforcement Training Academy	8,493,527	8,493,527	(6,707,583)	1,785,944
Accrued leave payments			1,110,651	1,110,651
Total all funds	\$63,589,300	\$63,589,300	(\$8,419,013)	\$55,170,287
Less estimated income	13,783,677	13,783,677	(1,223,632)	12,560,045
General fund	\$49,805,623	\$49,805,623	(\$7,195,381)	\$42,610,242
FTE	213.00	213.00	0.00	213.00

Department No. 504 - Highway Patrol - Detail of House Changes

	Corrects Executive Compensation Package ¹	Adjusts State Employee Compensation and Benefits Package ²	Provides Separate Line Item for Accrued Leave Payments ³	Reduces Funding for State Fleet Mileage Rates ⁴	Removes Energy Impact Housing Funding ⁵	Removes Funding for Law Enforcement Training Academy Project ⁶
Administration	\$520	(\$98,509)	(\$94,419)	(\$3,280)		
Field operations	5,436	(1,030,791)	(989,038)	(312,000)	(300,000)	
Law Enforcement Training Academy	147	(27,960)	(27,194)	(1,576)		(6,651,000)
Accrued leave payments			1,110,651			
Total all funds	\$6,103	(\$1,157,260)	\$0	(\$316,856)	(\$300,000)	(\$6,651,000)
Less estimated income	1,343	(252,343)	0	(68,632)	(39,000)	(865,000)
General fund	\$4,760	(\$904,917)	\$0	(\$248,224)	(\$261,000)	(\$5,786,000)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Total House Changes
Administration	(\$195,688)
Field operations	(2,626,393)
Law Enforcement Training Academy	(6,707,583)
Accrued leave payments	1,110,651
Total all funds	(\$8,419,013)
Less estimated income	(1,223,632)
General fund	(\$7,195,381)
FTE	0.00

¹ Funding is added due to a calculation error in the executive compensation package.

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 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.

³ A portion of salaries and wages funding from the general fund (\$866,641) and from other funds (\$244,010) 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.

⁴ Funding for State Fleet Services mileage is reduced to reflect an estimated mileage rate of 70 cents per mile for Highway Patrol vehicles rather than 74 cents per mile.

⁵ One-time funding from the general fund (\$261,000) and the highway tax distribution fund (\$39,000) included in the executive budget recommendation to address employee housing issues in areas affected by energy development is removed.

⁶ One-time funding included in the executive budget recommendation from the general fund (\$5,786,000) and the highway tax distribution fund (\$865,000) for Phase 1 of the law enforcement training academy facility project is removed.

A section is also added to provide a contingent general fund appropriation of \$6,651,000 for the construction of law enforcement training facilities in the Devils Lake area. The funding is contingent upon general fund revenues exceeding legislative estimates by at least \$200 million during the period beginning July 1, 2013, and ending June 30, 2014.

REPORT OF STANDING COMMITTEE

SB 2171, as engrossed and amended: Appropriations Committee (Rep. Delzer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (19 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2171, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1114 and 1115 of the House Journal, Engrossed Senate Bill No. 2171 is amended as follows:

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

Page 1, line 1, after "1" insert "and 5"

Page 1, line 4, replace "Subsection" with "Subsections"

Page 1, line 4, after "1" insert "and 5"

Page 1, line 5, replace "is" with "are"

Page 1, line 16, replace "twenty-six" with "twenty-two"

Page 1, line 20, replace "twenty-six" with "twenty-two"

Page 1, line 21, replace "thirty" with "twenty-six"

Page 2, line 1, replace "thirty" with "twenty-six"

Page 2, line 2, replace "thirty-four" with "thirty"

Page 2, line 6, replace "thirty-four" with "thirty"

Page 2, line 7, replace "thirty-eight" with "thirty-four"

Page 2, line 11, replace "thirty-eight" with "thirty-four"

Page 2, line 12, replace "forty-two" with "thirty-eight"

Page 2, line 28, remove "two hundred"

Page 2, line 28, overstrike "seventy-five" and insert immediately thereafter "two hundred"

Page 3, after line 4, insert:

- "5. For the purposes of this section:
 - a. "Dependent" has the same meaning it has for federal income tax purposes.
 - b. "Homestead" has the same meaning as provided in section 47-18-01.

- c. "Income" means income for the most recent complete taxable year from all sources, including the income of any dependent of the applicant, and including any county, state, or federal public assistance benefits, ~~social security, or other retirement benefits, and eighty percent of social security benefits~~, but excluding any federal rent subsidy, any amount excluded from income by federal or state law, and medical expenses paid during the year by the applicant or the applicant's dependent which is not compensated by insurance or other means.
- d. "Medical expenses" has the same meaning as it has for state income tax purposes, except that for transportation for medical care the person may use the standard mileage rate allowed for state officer and employee use of a motor vehicle under section 54-06-09.
- e. "Permanently and totally disabled" means the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than twelve months as established by a certificate from a licensed physician or a written determination of disability from the social security administration."

Page 3, line 6, after "2012" insert ", for ad valorem property taxes and for taxable years beginning after December 31, 2013, for mobile home taxes"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2238, as engrossed and amended: Appropriations Committee (Rep. Delzer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (18 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2238, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 992 and 993 of the House Journal, Engrossed Senate Bill No. 2238 is amended as follows:

Page 1, line 1, after "districts" insert "and nonpublic schools"

Page 1, line 7, after "districts" insert "and nonpublic schools"

Page 1, line 8, after the period insert "The superintendent of public instruction may not spend the funds appropriated in this section for any other purpose and any funds remaining unspent at the end of the biennium must be canceled in accordance with provisions of section 54-44.1-11."

Page 1, line 9, replace "In order to be eligible for a" with "A school district may be eligible for"

Page 1, line 9, replace ", a" with "if the"

Page 1, line 9, remove "shall set"

Page 1, line 10, replace "aside" with "utilizes"

Page 1, line 12, after "possible" insert "and provides in-kind or cash match for the reimbursement requested. A nonpublic school may be eligible for reimbursement under this section if the nonpublic school utilizes one high school class period in a required course of the school's choosing, for the purpose of providing instruction in cardiopulmonary resuscitation to as many students as possible and provides in-kind or cash match for the reimbursement requested. Total in-kind or cash match must equal or exceed twenty-five percent of the cost of the program during the first year of the biennium and fifty percent of the cost of the program during the second year of the biennium"

Page 1, line 20, replace the second "the" with "each"

Page 1, line 20, after "district" insert "and nonpublic school"

Page 1, line 21, replace "and" with a comma

Page 1, line 22, remove "by the district"

Page 1, line 22, after "training" insert ", and evidence of appropriate in-kind or cash match"

Page 2, line 4, replace "\$30" with "\$22.50 multiplied by the number of district students undergoing the training during the first year of the biennium and \$15"

Page 2, line 5, after "training" insert "during the second year of the biennium, based on the number of hours and level of certification offered. A nonpublic school's reimbursement may not exceed the equivalent of \$22.50 multiplied by the number of the school's students undergoing the training during the first year of the biennium and \$15 multiplied by the number of the school's students undergoing the training during the second year of the biennium, based on the number of hours and level of certification offered"

Page 2, line 6, replace "A school district" with "School districts and nonpublic schools"

Page 2, line 6, after "districts" insert "and nonpublic schools"

Page 2, line 9, after "districts" insert "and nonpublic schools"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2354: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2354 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "\$180,000" with "\$120,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2354 - State Department of Health - House Action

	Executive Budget	Senate Version	House Changes	House Version
Dental loan repayment program		\$180,000	(\$60,000)	\$120,000
Total all funds	\$0	\$180,000	(\$60,000)	\$120,000
Less estimated income	0	0	0	0
General fund	\$0	\$180,000	(\$60,000)	\$120,000
FTE	0.00	0.00	0.00	0.00

Department No. 301 - State Department of Health - Detail of House Changes

	Decreases Funding for Nonprofit Dental Loan Repayment Program ¹	Total House Changes
Dental loan repayment program	(\$60,000)	(\$60,000)
Total all funds	(\$60,000)	(\$60,000)
Less estimated income	0	0
General fund	(\$60,000)	(\$60,000)
FTE	0.00	0.00

¹ Funding for a loan repayment program for dentists who practice in a public setting or nonprofit dental clinic using a sliding fee scale schedule to bill patients is reduced to provide \$120,000 from the general fund to provide for two new dentists.

The House stood adjourned pursuant to Representative Vigesaa's motion.

Buell J. Reich, Chief Clerk

