

**JOURNAL OF THE SENATE**

**Sixty-third Legislative Assembly**

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**Bismarck, April 26, 2013**

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

The prayer was offered by Pastor Matt Thompson, Holy Cross Lutheran Church, Bismarck.

The roll was called and all members were present except Senator Berry.

A quorum was declared by the President Pro Tempore.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2222, as engrossed:** Your conference committee (Sens. Flakoll, Poolman, Marcellais and Reps. Dosch, Skarphol, Williams) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1390-1393 and place SB 2222 on the Seventh order.

Engrossed SB 2222 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2369, as reengrossed:** Your conference committee (Sens. Schaible, Dever, Nelson and Reps. Kasper, Boehning, Amerman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1242-1248, adopt amendments as follows, and place SB 2369 on the Seventh order:

That the House recede from its amendments as printed on pages 1242-1248 of the Senate Journal and pages 1285-1291 of the House Journal and that Reengrossed Senate Bill No. 2369 be amended as follows:

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 ~~2~~1, 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 ~~2~~1. 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 from the party, 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 party's 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 state~~State 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 shallSubject 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:
  1. ~~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.
  2. ~~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. When establishing precincts under subsection 1, a board of county commissioners, in cooperation with the county auditor, or a city governing body shall consult with and seek input regarding the size, number, and proposed boundaries of the precincts from representatives of the political parties organized within the county. Upon the request of the district chairman of a political party, a board of county commissioners, in consultation with the county auditor, or the governing body of a city shall consider proposals to change precinct boundaries."

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

Reengrossed SB 2369 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**SCR 4030, as engrossed:** Your conference committee (Sens. Cook, Campbell, Dotzenrod and Reps. Headland, Owens, Zaiser) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1013-1015, adopt amendments as follows, and place SCR 4030 on the Seventh order:

That the House recede from its amendments as printed on pages 1013-1015 of the Senate Journal and pages 1117 and 1118 of the House Journal and that Engrossed Senate Concurrent Resolution No. 4030 be amended as follows:

Page 1, line 1, after "A concurrent resolution" replace the remainder of the resolution with "to provide for a legislative management study of applying property tax rates against true and full value of property.

**WHEREAS**, property taxpayers continue to express frustration with the complexity of the property tax system's three levels of valuation for property and how mill rates are applied to determine the tax bill for a parcel of property; and

**WHEREAS**, it appears feasible and desirable to use true and full valuation of property and a percent of that value as a tax rate, to provide a more comprehensible method of determination of the tax bill for a parcel of property; and

**WHEREAS**, determining the statutory changes necessary to implement such a change will involve detailed consideration and adjustment of a very large volume of statutory provisions, which is feasible only in an interim study setting;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Management study applying property tax rates against true and full value of property; and

**BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-fourth Legislative Assembly."

Renumber accordingly

Engrossed SCR 4030 was placed on the Seventh order of business on the calendar.

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. G. LEE MOVED** that the conference committee report on Engrossed HB 1007 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1007, as amended, was placed on the Fourteenth order of business.

### SECOND READING OF HOUSE BILL

**HB 1007:** A BILL for an Act to provide an appropriation for defraying the expenses of the labor commissioner.

### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Berry

Engrossed HB 1007, as amended, passed.

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### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. DEVER MOVED** that the conference committee report on Engrossed HB 1452 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1452, as amended, was placed on the Fourteenth order of business.

### SECOND READING OF HOUSE BILL

**HB 1452:** A BILL for an Act to create a new section to chapter 39-03.1 and a new section to chapter 54-52 of the North Dakota Century Code, relating to expiration of the increase in highway patrolmen's retirement plan and public employees retirement system member and employer contributions; to amend and reenact sections 39-03.1-09 and 39-03.1-10, subsection 4 of section 54-52-01, sections 54-52-02.9, 54-52-05, 54-52-06, 54-52-06.1, 54-52-06.2, 54-52-06.3, and 54-52.6-01, subsection 6 of section 54-52.6-02, and sections 54-52.6-02 and 54-52.6-09 of the North Dakota Century Code, relating to increased employer and employee contributions under the highway patrolmen's retirement plan and public employees retirement system and eligibility to participate in the defined contribution retirement plan; to provide for a legislative management study; to provide an appropriation; to provide an effective date; 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 44 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Mathern; Murphy

**ABSENT AND NOT VOTING:** Berry

Engrossed HB 1452, as amended, passed.

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### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. COOK MOVED** that the conference committee report on Engrossed SCR 4030 be adopted, which motion prevailed on a voice vote.

Engrossed SCR 4030, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4030:** A concurrent resolution to provide for a legislative management study of applying property tax rates against true and full value of property.

The question being on the final adoption of the amended resolution, which has been read.

Reengrossed SCR 4030 was declared adopted on a voice vote.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. SCHAIBLE MOVED** that the conference committee report on Reengrossed SB 2369 be adopted, which motion prevailed on a voice vote.

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

**SECOND READING OF SENATE BILL**

**SB 2369:** A BILL for an Act to create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to political party organization; to amend and reenact sections 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, 16.1-06-04, 16.1-11-22, 16.1-11-30, and 16.1-12-02 of the North Dakota Century Code, relating to political party organization, voting precincts, and primary election ballot access; and to repeal sections 16.1-03-12 and 16.1-03-19 of the North Dakota Century Code, relating to political party organization.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Armstrong; Axness; Marcellais; Poolman

**ABSENT AND NOT VOTING:** Berry

Reengrossed SB 2369 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. POOLMAN MOVED** that the conference committee report on Engrossed SB 2222 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2222, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2222:** A BILL for an Act to amend and reenact sections 15.1-21-02.4, 15.1-21-02.5, and 15.1-21-02.6 of the North Dakota Century Code, relating to North Dakota scholarships.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 3 YEAS, 43 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Grabinger; Murphy; O'Connell

**NAYS:** Anderson; Andrist; Armstrong; Axness; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grindberg; Heckaman; Hogue; Holmberg;

Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Nelson; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sitte; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Berry

Reengrossed SB 2222 failed.

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**MOTION**

**SEN. KLEIN MOVED** that the Senate stand in recess until 12:30 p.m., which motion prevailed.

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

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1015 and HB 1233, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1015:** Reps. Carlson; Delzer; Onstad

**HB 1233:** Reps. Owens; Schmidt; Silbernagel

**REPORT OF CONFERENCE COMMITTEE**

**SB 2002, as engrossed:** Your conference committee (Sens. Kilzer, Carlisle, Warner and Reps. Sanford, Brandenburg, Guggisberg) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1379-1383, adopt amendments as follows, and place SB 2002 on the Seventh order:

That the House recede from its amendments as printed on pages 1379-1383 of the Senate Journal and pages 1367-1371 of the House Journal and that Engrossed Senate Bill No. 2002 be amended as follows:

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

Page 1, line 2, after "27-02-02" insert ", subsection 1 of section 27-05-02.1,"

Page 1, line 2, after the third "and" insert "section"

Page 1, line 3, after "judges" insert "and disposition of vacant judgeships"

Page 1, replace lines 14 through 18 with:

"Salaries and wages	\$9,116,651	\$2,642,404	\$11,759,055
Accrued leave payments	0	531,696	531,696
Operating expenses	2,315,118	439,136	2,754,254
Capital assets	0	15,000	15,000
Judges' retirement	138,105	(63,088)	75,017
Total general fund	\$11,569,874	\$3,565,148	\$15,135,022"

Page 1, remove lines 23 and 24

Page 2, replace lines 1 through 7 with:

"Salaries and wages	\$54,216,144	\$4,891,521	\$59,107,665
Accrued leave payments	0	2,399,277	2,399,277
Operating expenses	16,658,522	3,619,319	20,277,841
Capital assets	0	833,026	833,026
Judges' retirement	478,997	21,939	500,936
UND central legal research	80,000	0	80,000
Mediation	869,664	219,564	1,089,228
Total all funds	\$72,303,327	\$11,984,646	\$84,287,973

Less estimated income	1,856,775	(48,685)	1,808,090
Total general fund	\$70,446,552	\$12,033,331	\$82,479,883"

Page 2, replace lines 21 through 24 with:

"Grand total general fund	\$82,580,882	\$15,655,111	\$98,235,993
Grand total special funds	<u>2,182,274</u>	<u>(6,685)</u>	<u>2,175,589</u>
Grand total all funds	\$84,763,156	\$15,648,426	\$100,411,582
Full-time equivalent positions	344.00	19.00	363.00"

Page 3, after line 22, insert:

**"SECTION 5. DISTRICT JUDGES.** The appropriation provided in subdivision 2 of section 1 of this Act provides for two additional district court judges in the northwest judicial district and one additional district court judge in the east central judicial district to be assigned pursuant to section 10 of article VI of the Constitution of North Dakota, and to be assigned to chambers by the supreme court. Within thirty days after the effective date of this Act, the judgeship vacancies created by this section must be filled in accordance with section 13 of article VI of the Constitution of North Dakota. In accordance with sections 9 and 13 of article VI of the Constitution of North Dakota, each judge appointed to fill a vacancy created by this section continues in the office until the next general election immediately following two years of service after the appointment. The individual then elected holds office for the remainder of the term and until a successor is elected and duly qualified."

Page 3, line 28, replace "forty-nine" with "forty-seven"

Page 3, line 28, replace "four" with "nine"

Page 3, line 28, replace "thirty-three" with "ninety-six"

Page 4, line 1, replace "ninety-two" with "fifty"

Page 4, after line 2, insert:

**"SECTION 7. AMENDMENT.** Subsection 1 of section 27-05-02.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding section 44-02-03, when a vacancy occurs in the office of district court judge, the supreme court shall determine, within ninety days of receiving notice of the vacancy from the governor and in consultation with the judges and attorneys in the affected judicial district, whether that office is necessary for effective judicial administration or whether the district judgeship may be transferred to another location to fulfill a need for judicial services. The supreme court may, consistent with that determination, order that:
  - a. The vacancy be filled in the manner provided pursuant to chapter 27-25;
  - b. The vacant office be transferred to a judicial district in which an additional judge is necessary for effective judicial administration, and that the vacancy be filled in the manner provided pursuant to chapter 27-25 with respect to that judicial district; or
  - c. The vacant office be abolished with or without transfer of a district judgeship as provided in subsection 3.

Page 4, line 8, replace "thirty-six" with "thirty-five"

Page 4, line 8, replace "nine" with "six"

Page 4, line 8, replace "twenty-seven" with "eleven"

Page 4, line 14, replace "fifty-five" with "seventeen"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2002 - Summary of Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
<b>Supreme Court</b>						
Total all funds	\$15,530,297	\$15,502,599	(\$367,577)	\$15,135,022	\$14,303,642	\$831,380
Less estimated income	0	0	0	0	0	0
General fund	\$15,530,297	\$15,502,599	(\$367,577)	\$15,135,022	\$14,303,642	\$831,380
<b>District Courts</b>						
Total all funds	\$83,073,957	\$82,851,983	\$1,435,990	\$84,287,973	\$84,038,600	\$249,373
Less estimated income	1,808,090	1,808,090	0	1,808,090	1,808,090	0
General fund	\$81,265,867	\$81,043,893	\$1,435,990	\$82,479,883	\$82,230,510	\$249,373
<b>Judicial Conduct Commission</b>						
Total all funds	\$988,587	\$988,587	\$0	\$988,587	\$988,587	\$0
Less estimated income	367,499	367,499	0	367,499	367,499	0
General fund	\$621,088	\$621,088	\$0	\$621,088	\$621,088	\$0
<b>Bill total</b>						
Total all funds	\$99,592,841	\$99,343,169	\$1,068,413	\$100,411,582	\$99,330,829	\$1,080,753
Less estimated income	2,175,589	2,175,589	0	2,175,589	2,175,589	0
General fund	\$97,417,252	\$97,167,580	\$1,068,413	\$98,235,993	\$97,155,240	\$1,080,753

**Senate Bill No. 2002 - Supreme Court - Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$12,684,559	\$12,657,959	(\$898,904)	\$11,759,055	\$10,928,396	\$830,659
Operating expenses	2,754,254	2,754,254		2,754,254	2,754,254	
Capital assets	15,000	15,000		15,000	15,000	
Judges retirement	76,484	75,386	(369)	75,017	74,296	721
Accrued leave payments			531,696	531,696	531,696	
Total all funds	\$15,530,297	\$15,502,599	(\$367,577)	\$15,135,022	\$14,303,642	\$831,380
Less estimated income	0	0	0	0	0	0
General fund	\$15,530,297	\$15,502,599	(\$367,577)	\$15,135,022	\$14,303,642	\$831,380
FTE	45.00	45.00	0.00	45.00	45.00	0.00

**Department No. 181 - Supreme Court - Detail of Conference Committee Changes**

	Adjusts State Employee Compensation and Benefits Package <sup>1</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>2</sup>	Adjusts Salaries for Justices <sup>3</sup>	Adjusts Justices' Retirement <sup>4</sup>	Total Conference Committee Changes
Salaries and wages	(\$353,985)	(\$531,696)	(\$13,223)		(\$898,904)
Operating expenses					
Capital assets					
Judges retirement				(369)	(369)
Accrued leave payments		531,696			531,696
Total all funds	(\$353,985)	\$0	(\$13,223)	(\$369)	(\$367,577)
Less estimated income	0	0	0	0	0
General fund	(\$353,985)	\$0	(\$13,223)	(\$369)	(\$367,577)
FTE	0.00	0.00	0.00	0.00	0.00

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

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

in January 2015.

<sup>2</sup> A portion of salaries and wages funding for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

<sup>3</sup> This amendment provides for a salary increase for justices of 4 percent the first year and 3 percent the second year. The executive budget included a 5 percent increase each year, the Senate provided a 4 percent increase each year, and the House provided a 3 percent increase each year.

<sup>4</sup> This amendment adjusts the retirement payments for retired justices consistent with the compensation package provisions for current justices.

A section is added to amend Section 27-05-02.1 relating to vacancies in judgeships, the same as the House version.

### Senate Bill No. 2002 - District Courts - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$60,398,498	\$60,183,898	(\$1,076,233)	\$59,107,665	\$58,878,041	\$229,624
Operating expenses	20,162,413	20,162,413	115,428	20,277,841	20,262,937	14,904
Capital assets	833,026	833,026		833,026	833,026	
Judges retirement	510,792	503,418	(2,482)	500,936	496,091	4,845
UND central legal research	80,000	80,000		80,000	80,000	
Mediation	1,089,228	1,089,228		1,089,228	1,089,228	
Accrued leave payments			2,399,277	2,399,277	2,399,277	
Total all funds	\$83,073,957	\$82,851,983	\$1,435,990	\$84,287,973	\$84,038,600	\$249,373
Less estimated income	1,808,090	1,808,090	0	1,808,090	1,808,090	0
General fund	\$81,265,867	\$81,043,893	\$1,435,990	\$82,479,883	\$82,230,510	\$249,373
FTE	310.00	310.00	4.00	314.00	314.00	0.00

### Department No. 182 - District Courts - Detail of Conference Committee Changes

	Provides Separate Line Item for Accrued Leave Payments <sup>1</sup>	Adds Three New Judgeships <sup>2</sup>	Removes Two Deputy Clerk Positions <sup>3</sup>	Adjusts Salaries for Judges <sup>4</sup>	Adjusts Judges' Retirement <sup>5</sup>	Adds Funding for Temporary Employees <sup>5</sup>
Salaries and wages	(\$2,399,277)	\$1,575,522	(\$268,822)	(\$213,280)		\$229,624
Operating expenses		115,428	(14,904)			14,904
Capital assets						
Judges retirement					(2,482)	
UND central legal research						
Mediation						
Accrued leave payments	2,399,277					
Total all funds	\$0	\$1,690,950	(\$283,726)	(\$213,280)	(\$2,482)	\$244,528
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$1,690,950	(\$283,726)	(\$213,280)	(\$2,482)	\$244,528
FTE	0.00	6.00	(2.00)	0.00	0.00	0.00

	Total Conference Committee Changes
Salaries and wages	(\$1,076,233)
Operating expenses	115,428
Capital assets	
Judges retirement	(2,482)
UND central legal research	
Mediation	
Accrued leave payments	2,399,277
Total all funds	\$1,435,990

Less estimated income	0
General fund	\$1,435,990
FTE	4.00

<sup>1</sup> A portion of salaries and wages funding from the general fund (\$2,351,291) and other funds (\$47,986) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

<sup>2</sup> Funding is added to add 3 new judgeships--2 for the Northwest judicial district and 1 for the East Central judicial district. The funding includes 3 new judge FTE positions and 3 new court reporter FTE positions.

<sup>3</sup> Funding is removed for 2 deputy clerk FTE positions included in the executive budget recommendation, same as the House version.

<sup>4</sup> This amendment provides for a salary increase for judges of 4 percent the first year and 3 percent the second year. The executive budget included a 5 percent increase each year, the Senate provided a 4 percent increase each year, and the House provided for a 3 percent increase each year.

<sup>5</sup> This amendment adjusts the retirement payments for retired judges consistent with the compensation package provisions for current judges.

<sup>6</sup> Funding is added to provide for two temporary employees for deputy clerk duties.

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#### Senate Bill No. 2002 - Judicial Conduct Commission - Conference Committee Action

The House did not change the Senate version for the Judicial Conduct Commission. The conference committee did not change the House or Senate version for the Judicial Conduct Commission.

Engrossed SB 2002 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2007, as reengrossed:** Your conference committee (Sens. Kilzer, Bowman, Robinson and Reps. Kreidt, J. Nelson, Holman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1317-1320, adopt amendments as follows, and place SB 2007 on the Seventh order:

That the House recede from its amendments as printed on pages 1317-1320 of the Senate Journal and pages 1372-1376 of the House Journal and that Reengrossed Senate Bill No. 2007 be amended as follows:

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

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

Page 1, replace lines 14 and 15 with:

"Salaries and wages	\$13,916,861	\$1,958,006	\$15,874,867
Accrued leave payments	0	458,196	458,196
Operating expenses	5,942,285	(533,435)	5,408,850"

Page 1, replace lines 19 through 22 with:

"Total all funds	\$20,896,646	\$3,255,507	\$24,152,153
Less estimated income	<u>15,343,323</u>	<u>1,086,477</u>	<u>16,429,800</u>

Total general fund	\$5,553,323	\$2,169,030	\$7,722,353
Full-time equivalent positions	120.72	0.00	120.72"

Page 2, replace lines 3 and 4 with:

"Veterans' affairs	\$1,099,626	\$225,954	\$1,325,580
Transport vans	0	30,000	30,000
Accrued leave payments	0	10,123	10,123
Total general fund	\$1,099,626	\$266,077	\$1,365,703"

Page 2, replace lines 10 through 12 with:

"Grand total general fund	\$6,652,949	\$2,435,107	\$9,088,056
Grand total special funds	15,343,323	1,086,477	16,429,800
Grand total all funds	\$21,996,272	\$3,521,584	\$25,517,856"

Page 2, replace lines 19 through 21 with:

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

Page 2, replace line 25 with:

"Vans	50,000	30,000"
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Page 2, replace lines 27 through 29 with:

"Total all funds	\$317,593	\$1,954,200
Less estimated income	0	1,348,700
Total general fund	\$317,593	\$605,500"

Page 3, after line 2, insert:

**"SECTION 3. EXEMPTION - VETERANS' HOME ELECTRONIC HEALTH RECORD SYSTEM PROJECT FUNDING.** The unexpended amount remaining from the appropriation for a veterans' home electronic health record system in chapter 35 of the 2009 Session Laws which was continued into the 2011-13 biennium under section 54-44.1-11 is not subject to the provisions of section 54-44.1-11 at the end of the 2011-13 biennium and may be continued into the 2013-15 biennium for paying expenses of the veterans' home electronic health record system project."

Page 3, after line 8, insert:

**"SECTION 5. FUNDING TRANSFER - EXCEPTION - AUTHORIZATION.** Notwithstanding section 54-16-04, the veterans' home may transfer up to \$170,000 from the operating expenses line item to the salaries and wages line item, for the biennium beginning July 1, 2011, and ending June 30, 2013. The veterans' home shall notify the office of management and budget of any transfer made pursuant to this section."

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

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

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

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

Page 3, remove lines 14 and 15

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

Page 3, after line 17, insert:

**"SECTION 7. LEGISLATIVE INTENT - 2015-17 DEPARTMENT OF VETERANS' AFFAIRS APPROPRIATION BILL.** It is the intent of the sixty-third legislative assembly that the governor include the recommended funding for the department of veterans' affairs in a separate draft appropriations act for introduction to the sixty-fourth legislative assembly.

**SECTION 8. LEGISLATIVE INTENT - TRANSPORT VAN REPLACEMENT PLAN.** It is the intent of the sixty-third legislative assembly that the department of veterans' affairs prepare and provide a transport van replacement plan to the sixty-fourth legislative assembly and introduce legislation seeking state funding for the replacement of transport vans based on the plan.

**SECTION 9. EMERGENCY.** Section 5 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2007 - Summary of Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
<b>Veterans' Home</b>						
Total all funds	\$23,861,920	\$24,657,607	(\$505,454)	\$24,152,153	\$23,183,743	\$968,410
Less estimated income	15,773,626	16,561,826	(132,026)	16,429,800	15,826,211	603,589
General fund	\$8,088,294	\$8,095,781	(\$373,428)	\$7,722,353	\$7,357,532	\$364,821
<b>Department of Veterans' Affairs</b>						
Total all funds	\$1,343,167	\$1,347,673	\$18,030	\$1,365,703	\$1,316,892	\$48,811
Less estimated income	0	0	0	0	0	0
General fund	\$1,343,167	\$1,347,673	\$18,030	\$1,365,703	\$1,316,892	\$48,811
<b>Bill total</b>						
Total all funds	\$25,205,087	\$26,005,280	(\$487,424)	\$25,517,856	\$24,500,635	\$1,017,221
Less estimated income	15,773,626	16,561,826	(132,026)	16,429,800	15,826,211	603,589
General fund	\$9,431,461	\$9,443,454	(\$355,398)	\$9,088,056	\$8,674,424	\$413,632

**Senate Bill No. 2007 - Veterans' Home - Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$16,781,030	\$16,788,517	(\$913,650)	\$15,874,867	\$14,956,457	\$918,410
Operating expenses	5,458,850	5,458,850	(50,000)	5,408,850	5,358,850	50,000
Capital assets	1,622,040	1,622,040		1,622,040	1,622,040	
Shop addition		788,200		788,200	788,200	
Accrued leave payments			458,196	458,196	458,196	
Total all funds	\$23,861,920	\$24,657,607	(\$505,454)	\$24,152,153	\$23,183,743	\$968,410
Less estimated income	15,773,626	16,561,826	(132,026)	16,429,800	15,826,211	603,589
General fund	\$8,088,294	\$8,095,781	(\$373,428)	\$7,722,353	\$7,357,532	\$364,821
FTE	120.72	120.72	0.00	120.72	116.72	4.00

**Department No. 313 - Veterans' Home - Detail of Conference Committee Changes**

	Adjusts State Employee Compensation and Benefits Package <sup>1</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>2</sup>	Decreases Funding for Operating Expenses <sup>3</sup>	Removes Funding for Hay Group Plan <sup>4</sup>	Total Conference Committee Changes
Salaries and wages	(\$323,428)	(\$458,196)		(\$132,026)	(\$913,650)
Operating expenses			(50,000)		(50,000)
Capital assets					
Shop addition					
Accrued leave payments		458,196			458,196
Total all funds	(\$323,428)	\$0	(\$50,000)	(\$132,026)	(\$505,454)
Less estimated income	0	0	0	(132,026)	(132,026)

General fund	(\$323,428)	\$0	(\$50,000)	\$0	(\$373,428)
FTE	0.00	0.00	0.00	0.00	0.00

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

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

<sup>2</sup> A portion of salaries and wages funding from the general fund (\$177,368) and from other funds (\$280,828) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

<sup>3</sup> Operating expenses are decreased by \$50,000. The House reduced operating expenses \$100,000, but the Senate did not change the executive recommendation for operating expenses.

<sup>4</sup> Funding provided in the executive recommendation and approved by the Senate of \$432,026 for pay grade changes resulting from the implementation of the Hay Group plan is reduced to provide \$300,000 for pay grade changes. The House removed this funding.

The Conference Committee restored the 4 FTE resident living specialist positions and related funding removed by the House.

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

A section is added to the bill to allow the Veterans' Home to continue into the 2013-15 biennium funds appropriated for an electronic health record system in 2009 and continued into the 2011-13 biennium. The Veterans' Home anticipates continuing the total amount provided of \$98,400 for the electronic health record system into the 2013-15 biennium. This provision was not included in the House or Senate version.

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

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

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### Senate Bill No. 2007 - Department of Veterans' Affairs - Conference Committee Action

	Budget	Version	Committee Changes	Committee Version	Version	to House
Veterans' affairs	\$1,343,167	\$1,347,673	(\$22,093)	\$1,325,580	\$1,306,769	\$18,811
Accrued leave payments			10,123	10,123	10,123	
Transport Vans			30,000	30,000		30,000
Total all funds	\$1,343,167	\$1,347,673	\$18,030	\$1,365,703	\$1,316,892	\$48,811
Less estimated income	0	0	0	0	0	0
General fund	\$1,343,167	\$1,347,673	\$18,030	\$1,365,703	\$1,316,892	\$48,811
FTE	8.00	8.00	0.00	8.00	8.00	0.00

### Department No. 321 - Department of Veterans' Affairs - Detail of Conference Committee Changes

	Adjusts State Employee Compensation and Benefits Package <sup>1</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>2</sup>	Adds Funding for Stand Down Events <sup>3</sup>	Adds One-time Funding to Purchase Vans <sup>4</sup>	Total Conference Committee Changes
Veterans' affairs	(\$21,970)	(\$10,123)	\$10,000		(\$22,093)
Accrued leave payments		10,123			10,123
Transport Vans				30,000	30,000
Total all funds	(\$21,970)	\$0	\$10,000	\$30,000	\$18,030
Less estimated income	0	0	0	0	0
General fund	(\$21,970)	\$0	\$10,000	\$30,000	\$18,030
FTE	0.00	0.00	0.00	0.00	0.00

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

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

<sup>2</sup> A portion of salaries and wages funding from the general fund for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

<sup>3</sup> Funding is added for two stand down events, the same as the House version. This funding was not included in the executive recommendation nor the Senate version.

<sup>4</sup> One-time funding is added to purchase two vans to transport veterans. This funding was not included in the executive recommendation nor in the House or Senate versions of the bill.

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

A section is added to provide legislative intent that the Department of Veterans' Affairs prepare and provide a transport van replacement plan to the 64<sup>th</sup> Legislative Assembly and introduce legislation seeking state funding for the replacement of transport vans based on the plan.

Reengrossed SB 2007 was placed on the Seventh order of business on the calendar.

### REPORT OF CONFERENCE COMMITTEE

**SB 2009, as engrossed:** Your conference committee (Sens. Krebsbach, G. Lee, Warner and Reps. Dosch, Grande, Boe) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1320-1321, adopt amendments as follows, and place SB 2009 on the Seventh order:

That the House recede from its amendments as printed on pages 1320 and 1321 of the Senate Journal and pages 1376 and 1377 of the House Journal and that Engrossed Senate Bill No. 2009 be amended as follows:

Page 1, replace lines 11 through 13 with:

"Capital assets	\$210,000	\$2,540,000	\$2,750,000
Premiums	<u>520,000</u>	<u>26,000</u>	<u>546,000</u>
Total general fund	\$730,000	\$2,566,000	\$3,296,000"

Page 1, replace lines 19 and 20 with:

"Repair flood damage	\$0	\$2,750,000
Total general fund	\$0	\$2,750,000"

Re-number accordingly

### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2009 - State Fair Association - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Capital assets	\$3,500,000	\$3,500,000	(\$750,000)	\$2,750,000	\$2,500,000	\$250,000
Premiums	<u>546,000</u>	<u>546,000</u>		<u>546,000</u>	<u>546,000</u>	
Total all funds	\$4,046,000	\$4,046,000	(\$750,000)	\$3,296,000	\$3,046,000	\$250,000
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$4,046,000	\$4,046,000	(\$750,000)	\$3,296,000	\$3,046,000	\$250,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

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

	Reduces Funding for Flood Damage Repair <sup>1</sup>	Total Conference Committee Changes
Capital assets	(\$750,000)	(\$750,000)
Premiums	<u></u>	<u></u>
Total all funds	(\$750,000)	(\$750,000)
Less estimated income	<u>0</u>	<u>0</u>
General fund	(\$750,000)	(\$750,000)
FTE	0.00	0.00

<sup>1</sup> This amendment reduces funding for flood damage repair by \$750,000, from \$3.5 million to \$2.75 million. The executive recommendation and the Senate provided \$3.5 million. The House reduced funding by \$1 million, from \$3.5 million to \$2.5 million.

This amendment does not include a section added by the House to allow the Highway Patrol to use space on the state fairgrounds for an emergency vehicle operations course and related training.

Engrossed SB 2009 was placed on the Seventh order of business on the calendar.

**POINT OF PERSONAL PRIVILEGE**

**SEN. HECKAMAN** rose on a point of personal privilege.

**REMARKS OF SENATOR HECKAMAN**

**MR. PRESIDENT:** It is my privilege to speak a few words of thanks to an individual who has made all of our jobs easier. Secretary of the Senate, Bill Horton, has provided many presentations with words of undeniable strength, but quite frankly, on most occasions, outside the realm of my vocabulary.

Mr. Horton, today we thank you for your service to this chamber and to the state of North Dakota. You have served with quiet fortitude, unmistakable quantitative yet receptive perseverance, honorable, quintessential, molecular, infinitesimal protocol, and undeniably, you are the most artistically articulate purveyor of noble verisimilitude that omnisciently pervaded this hallowed chamber.

As you transform to another plane of ethereal morphology, we would like to wish you continual accessibility to the greater existential ideology of the beautification of all things.

In other words, Mr. Horton, thanks a million and we wish you the best.

**REQUEST**

**SEN. KLEIN REQUESTED** that the remarks of Sen. Heckaman be printed in the Journal, which request was granted.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ROBINSON MOVED** that the conference committee report on Reengrossed SB 2007 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2007, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2007:** A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and department of veterans' affairs; to provide legislative intent; to provide an exemption; and to declare an emergency.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Berry

Reengrossed SB 2007 passed and the emergency clause was declared carried.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. KREBSBACH MOVED** that the conference committee report on Engrossed SB 2009 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2009, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2009:** A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association; and to declare an emergency.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Berry

Reengrossed SB 2009 passed and the emergency clause was declared carried.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. CARLISLE MOVED** that the conference committee report on Engrossed SB 2002 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2002, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2002:** A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to amend and reenact section 27-02-02, subsection 1 of section 27-05-02.1, and section 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges and disposition of vacant judgeships.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Berry

Reengrossed SB 2002 passed.

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**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. KLEIN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1015 and Reengrossed HB 1233, which motion prevailed.

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

**Engrossed HB 1015:** Sens. Holmberg, Wardner, Schneider

**Reengrossed HB 1233:** Sens. Oehlke, Wanzek, Dotzenrod

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

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

**HB 1015:** Sens. Holmberg; Wardner; Schneider

**HB 1233:** Sens. Oehlke; Wanzek; Dotzenrod

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2002.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2369, SCR 4030.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1007, HB 1452.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2007, SB 2009.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently failed to pass: SB 2222.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1009, HB 1011, HB 1017.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2233.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2369, SCR 4030.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2016, SB 2022, SB 2072, SB 2094, SB 2226, SB 2354.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1004, HB 1005, HB 1025, HB 1041.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1010, HB 1014, HB 1302.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2005, SB 2006, SB 2008, SB 2010, SB 2017, SB 2023, SB 2160, SB 2211, SB 2267.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2016, SB 2022, SB 2072, SB 2094, SB 2226, SB 2354.

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

**MR. SPEAKER:** The President has signed: SB 2005, SB 2006, SB 2008, SB 2010, SB 2016, SB 2017, SB 2022, SB 2023, SB 2072, SB 2094, SB 2160, SB 2211, SB 2226, SB 2267, SB 2354.

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

**MR. SPEAKER:** The President has signed: HB 1004, HB 1005, HB 1025, HB 1041.

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

**MR. SPEAKER:** The President has signed: HB 1010, HB 1014, HB 1302.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1002, HB 1021, HB 1022, HB 1300, HCR 3006.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HB 1010, HB 1014, HB 1302.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 26, 2013: SB 2005, SB 2006, SB 2008, SB 2010, SB 2016, SB 2017, SB 2022, SB 2023, SB 2072, SB 2094, SB 2160, SB 2211, SB 2226, SB 2267, SB 2354.

**MOTION**

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

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, and Seventh orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Monday, April 29, 2013, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1009, as engrossed:** Your conference committee (Sens. Bowman, Erbele, O'Connell and Reps. Monson, Skarphol, Boe) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1296-1299, adopt amendments as follows, and place HB 1009 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1296-1299 of the House Journal and pages 1177-1180 of the Senate Journal and that Engrossed House Bill No. 1009 be amended as follows:

Page 1, line 6, after "board" insert "; to provide for a report to the sixty-fourth legislative assembly"

Page 1, remove lines 15 through 24

Page 2, replace lines 1 and 2 with:

"Salaries and wages	\$9,712,364	\$1,148,831	\$10,861,195
Operating expenses	6,451,453	(566,191)	5,885,262
Capital assets	17,000	(5,000)	12,000
Grants	3,170,828	1,425,000	4,595,828
State board of animal health	2,153,952	(44,124)	2,109,828
Wildlife services	1,417,400	0	1,417,400
Crop harmonization board	75,000	0	75,000
Accrued leave payments	0	<u>237,295</u>	<u>237,295</u>
Total all funds	\$22,997,997	\$2,195,811	\$25,193,808
Less estimated income	<u>14,801,251</u>	<u>953,340</u>	<u>15,754,591</u>
Total general fund	\$8,196,746	\$1,242,471	\$9,439,217
Full-time equivalent positions	77.00	0.00	77.00"

Page 2, line 8, replace "\$5,997,408" with "\$6,064,403"

Page 2, line 15, remove "agriculture"

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

Page 2, replace lines 25 through 30 with:

**"SECTION 7. NORTH DAKOTA MEDIATION SERVICE - REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The agriculture commissioner shall provide a report to the appropriations committees of the sixty-fourth legislative assembly regarding the activities of the North Dakota mediation service. The report must include information regarding the amount of funding used for the program, the use of contracted services for the program, the success of resolving disputes, and the amount of services provided for agriculture mediation, energy development mediation, and other mediation areas.

**SECTION 8. 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 two thousand four hundred eighteen dollars thereafter."

Page 3, line 6, replace "\$485,000" with "\$727,500"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1009 - Department of Agriculture - Conference Committee Action**

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$11,258,319	\$10,622,109	\$239,086	\$10,861,195	\$11,284,531	(\$423,336)
Operating expenses	5,772,262	5,772,262	113,000	5,885,262	5,885,262	
Capital assets	12,000	12,000		12,000	12,000	
Grants	4,050,828	3,970,828	625,000	4,595,828	4,675,828	(80,000)
State Board of Animal Health	2,135,803	2,109,828		2,109,828	2,135,803	(25,975)
Wildlife Services	1,417,400	1,417,400		1,417,400	1,417,400	
Crop Harmonization Board	75,000	75,000		75,000	75,000	
Accrued leave payments		237,295		237,295		237,295
<b>Total all funds</b>	<b>\$24,721,612</b>	<b>\$24,216,722</b>	<b>\$977,086</b>	<b>\$25,193,808</b>	<b>\$25,485,824</b>	<b>(\$292,016)</b>
Less estimated income	15,209,546	15,024,394	730,197	15,754,591	15,846,079	(91,488)
<b>General fund</b>	<b>\$9,512,066</b>	<b>\$9,192,328</b>	<b>\$246,889</b>	<b>\$9,439,217</b>	<b>\$9,639,745</b>	<b>(\$200,528)</b>
FTE	77.00	77.00	0.00	77.00	77.00	0.00

**Department No. 602 - Department of Agriculture - Detail of Conference Committee Changes**

	Removes House Changes to Executive Compensation Package <sup>1</sup>	Adjusts State Employee Compensation and Benefits Package <sup>2</sup>	Adds Funding for Information Technology Desktop Support <sup>3</sup>	Expands Mediation Services Program <sup>4</sup>	Adds Funding for Livestock Auction Market News Reporting <sup>5</sup>	Increases Federal Funds Authority for Specialty Crop Grants <sup>6</sup>
Salaries and wages	\$451,102	(\$212,016)				
Operating expenses			48,000	50,000	15,000	
Capital assets						
Grants						625,000
State Board of Animal Health						
Wildlife Services						
Crop Harmonization Board						
Accrued leave payments						
<b>Total all funds</b>	<b>\$451,102</b>	<b>(\$212,016)</b>	<b>\$48,000</b>	<b>\$50,000</b>	<b>\$15,000</b>	<b>\$625,000</b>
Less estimated income	196,685	(91,488)	0	0	0	625,000
<b>General fund</b>	<b>\$254,417</b>	<b>(\$120,528)</b>	<b>\$48,000</b>	<b>\$50,000</b>	<b>\$15,000</b>	<b>\$0</b>
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Total Conference Committee Changes
Salaries and wages	\$239,086
Operating expenses	113,000
Capital assets	
Grants	625,000
State Board of Animal Health	
Wildlife Services	
Crop Harmonization Board	
Accrued leave payments	
<b>Total all funds</b>	<b>\$977,086</b>
Less estimated income	730,197
<b>General fund</b>	<b>\$246,889</b>
FTE	0.00

<sup>1</sup> Changes made by the House to the executive compensation package are removed.

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

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

<sup>3</sup> 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. The Senate also added this funding.

<sup>4</sup> Funding of \$50,000 is added to expand the mediation services program to address mediation issues arising from energy development. The Senate also added this funding.

<sup>5</sup> Funding from the general fund is added for livestock auction market news reporting to replace estimated decreases in federal funds. The Senate also added this funding.

<sup>6</sup> Other funds authority for specialty crop grants is increased by \$625,000 to reflect anticipated federal funds to be received for the program.

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This amendment also:

- Adjusts Section 3 of the bill regarding the amount of funding appropriated from the environment and rangeland protection fund.
- Adjusts Section 7 of the bill to provide a 4 percent salary increase on July 1, 2013, and a 3 percent salary increase on July 1, 2014, for the Agriculture Commissioner. The House provided 3 percent annual salary increases and the Senate provided 4 percent annual salary increases.
- Amends Section 8 of the bill to deposit the first \$727,500 of commercial feed inspection, licensing, and registration fees in the environment and rangeland protection fund rather than all fees as provided in the Senate version. The House provided for the first \$485,000 of fee revenue to be deposited in the fund. Total fee revenue is estimated to be \$970,000 during the 2013-15 biennium.
- Adds a section to require the Agriculture Commissioner to provide a report to the Appropriations Committees of the 64th Legislative Assembly regarding the activities of the North Dakota Mediation Service.

Engrossed HB 1009 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1011, as engrossed:** Your conference committee (Sens. Bowman, Wanzek, Warner and Reps. Kempenich, Hawken, Guggisberg) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1057-1058, adopt amendments as follows, and place HB 1011 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1057 and 1058 of the House Journal and pages 827-829 of the Senate Journal and that Engrossed House Bill No. 1011 be amended as follows:

Page 1, replace lines 11 through 16 with:

"Salaries and wages	\$1,519,978	\$153,785	\$1,673,763
Operating expenses	706,441	(121,349)	585,092
Accrued leave payments	<u>0</u>	<u>38,927</u>	<u>38,927</u>
Total all funds	\$2,226,419	\$71,363	\$2,297,782
Less estimated income	<u>317,199</u>	<u>(147,199)</u>	<u>170,000</u>
Total general fund	\$1,909,220	\$218,562	\$2,127,782"

Page 1, after line 17, insert:

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

<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
Information technology equipment upgrades	<u>\$0</u>	<u>\$25,850</u>
Total general fund	<u>\$0</u>	<u>\$25,850</u>

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

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1011 - Securities Department - Conference Committee Action**

	<u>Executive Budget</u>	<u>House Version</u>	<u>Conference Committee Changes</u>	<u>Conference Committee Version</u>	<u>Senate Version</u>	<u>Comparison to Senate</u>
Salaries and wages	\$1,735,950	\$1,640,682	\$33,081	\$1,673,763	\$1,741,696	(\$67,933)
Operating expenses	585,092	585,092		585,092	585,092	
Accrued leave payments		<u>38,927</u>		<u>38,927</u>		<u>38,927</u>
Total all funds	\$2,321,042	\$2,264,701	\$33,081	\$2,297,782	\$2,326,788	(\$29,006)
Less estimated income	<u>195,850</u>	<u>195,850</u>	<u>(25,850)</u>	<u>170,000</u>	<u>170,000</u>	<u>0</u>
General fund	\$2,125,192	\$2,068,851	\$58,931	\$2,127,782	\$2,156,788	(\$29,006)
FTE	9.00	9.00	0.00	9.00	9.00	0.00

**Department No. 414 - Securities Department - Detail of Conference Committee Changes**

	<u>Removes House Changes to Executive Compensation Package<sup>1</sup></u>	<u>Adjusts State Employee Compensation and Benefits Package<sup>2</sup></u>	<u>Adjusts Funding Source for Information Technology Upgrades<sup>3</sup></u>	<u>Total Conference Committee Changes</u>
Salaries and wages	\$62,087			\$33,081
Operating expenses		(\$29,006)		

Accrued leave payments				
Total all funds	\$62,087	(\$29,006)	\$0	\$33,081
Less estimated income	0	0	(25,850)	(25,850)
General fund	\$62,087	(\$29,006)	\$25,850	\$58,931
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Changes made by the House to the executive compensation package are removed.

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

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

<sup>3</sup> The funding source for \$25,850 of information technology upgrades for the Securities Department is changed from the investor education and technology fund to the general fund, the same as the Senate version. A section is also added to provide that the funding is considered a one-time funding item. The Senate also added this section.

Engrossed HB 1011 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1017, as engrossed:** Your conference committee (Sens. Wanzek, Carlisle, O'Connell and Reps. Brandenburg, Thoreson, Glassheim) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1148-1149, adopt amendments as follows, and place HB 1017 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1148 and 1149 of the House Journal and pages 919-921 of the Senate Journal and that Engrossed House Bill No. 1017 be amended as follows:

Page 1, line 2, after "department" insert "; and to amend and reenact subsection 1 of section 54-17.8-06 of the North Dakota Century Code, as created by House Bill No. 1278, as approved by the sixty-third legislative assembly, relating to the membership of the outdoor heritage advisory board"

Page 1, remove lines 12 through 23

Page 2, replace line 1 with:

"Salaries and wages	\$24,019,028	\$1,880,578	\$25,899,606
Operating expenses	12,524,493	432,235	12,956,728
Capital assets	4,183,170	(298,109)	3,885,061
Grants	7,718,500	(596,000)	7,122,500
Land habitat and deer depredation	12,904,686	(197,283)	12,707,403
Noxious weed control	600,000	50,000	650,000
Missouri River enforcement	200,000	75,939	275,939
Grants, gifts, and donations	800,000	0	800,000
Nongame wildlife conservation	120,000	0	120,000
Lonetree reservoir	1,749,065	186,571	1,935,636
Wildlife services	868,800	(484,400)	384,400

Accrued leave payments	0	816,366	816,366
Total special funds	\$65,687,742	\$1,865,897	\$67,553,639"

Page 2, after line 6, insert:

**"SECTION 3. AMENDMENT.** Subsection 1 of section 54-17.8-06 of the North Dakota Century Code as created by House Bill No. 1278, as approved by the sixty-third legislative assembly, is amended and reenacted as follows:

1. There is created a North Dakota outdoor heritage advisory board consisting of twelve members. The governor shall appoint representatives from each of the groups listed in this section based upon recommendations made by the appropriate group. The advisory board consists of:
  - a. Four members from the agriculture community. The governor shall appoint one member from the North Dakota farm bureau, North Dakota farmers union, the North Dakota stockmen's association, and the North Dakota grain growers association.
  - b. Two members from the energy industry. The governor shall appoint one member from the North Dakota petroleum council and one member from the lignite energy council.
  - c. Four members from the conservation community. The governor shall appoint from a list of nominations one member from ducks unlimited of North Dakota, ~~the North Dakota natural resources trust fund,~~ one member from the North Dakota chapter of pheasants forever, and two members from the conservation community at large of statewide conservation groups.
  - d. One member from the business community from the greater North Dakota chamber.
  - e. One member from the North Dakota recreation and park association."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1017 - Game and Fish Department - Conference Committee Action**

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$26,854,290	\$25,450,367	\$449,239	\$25,899,606	\$27,008,399	(\$1,108,793)
Operating expenses	13,097,240	12,956,728		12,956,728	13,156,728	(200,000)
Capital assets	3,885,061	3,885,061		3,885,061	3,885,061	
Grants	6,922,500	6,822,500	300,000	7,122,500	6,822,500	300,000
Land habitat and deer depredation	12,751,103	12,689,583	17,820	12,707,403	12,751,386	(43,983)
Noxious weed control	650,000	650,000		650,000	650,000	
Missouri River enforcement	280,902	273,913	2,026	275,939	280,940	(5,001)
Grants, gifts, and donations	800,000	800,000		800,000	800,000	
Nongame wildlife conservation	120,000	120,000		120,000	120,000	
Lonetree Reservoir	1,961,841	1,924,951	10,685	1,935,636	1,962,009	(26,373)
Wildlife Services	768,800	384,400		384,400	384,400	
Accrued leave payments		816,366		816,366		816,366
<b>Total all funds</b>	<b>\$68,091,737</b>	<b>\$66,773,869</b>	<b>\$779,770</b>	<b>\$67,553,639</b>	<b>\$67,821,423</b>	<b>(\$267,784)</b>
Less estimated income	68,091,737	66,773,869	779,770	67,553,639	67,821,423	(267,784)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	157.00	158.00	0.00	158.00	158.00	0.00

**Department No. 720 - Game and Fish Department - Detail of Conference Committee Changes**

	Removes House Changes to Executive Compensation Package <sup>1</sup>	Adjusts State Employee Compensation and Benefits Package <sup>2</sup>	Increases Grant Funding for Shooting Ranges <sup>3</sup>	Total Conference Committee Changes
Salaries and wages	\$793,618	(\$344,379)		\$449,239
Operating expenses				
Capital assets				
Grants			300,000	300,000
Land habitat and deer depredation	31,481	(13,661)		17,820
Noxious weed control				
Missouri River enforcement	3,579	(1,553)		2,026
Grants, gifts, and donations				
Nongame wildlife conservation				
Lonetree Reservoir	18,876	(8,191)		10,685
Wildlife Services				
Accrued leave payments				
Total all funds	\$847,554	(\$367,784)	\$300,000	\$779,770
Less estimated income	847,554	(367,784)	300,000	779,770
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Changes made by the House to the executive compensation package are removed.

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

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

<sup>3</sup> Funding is increased for grants to improve local shooting ranges.

This amendment also adds a section to amend subsection 1 of section 54-17.8-06 relating to the membership of the outdoor heritage advisory board.

Engrossed HB 1017 was placed on the Seventh order of business on the calendar.

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

**William R. Horton, Secretary**

