

JOURNAL OF THE SENATE

Sixty-fourth Legislative Assembly

* * * * *

Bismarck, June 16, 2015

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

The prayer was offered by Senator Dever, District 32.

The roll was called and all members were present except Senators Grabinger, Hogue, and Nelson.

A quorum was declared by the President.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2022 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed SB 2022: Sens. Wardner, G. Lee, Heckaman.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2022, and the President has appointed as a new conference committee to act with a like committee from the House on:

SB 2022: Sens. Wardner; G. Lee; Heckaman

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

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

SB 2022: Reps. Carlson; Vigasaa; Hogan

MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 10:45 a.m., which motion prevailed.

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

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Poolman, Chairman)** has carefully examined the Journal of the Seventy-eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1984, after line 39, insert:

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1014, HB 1020."

Page 1984, after line 45, insert:

"MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The President has signed: HB 1014, HB 1020."

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

REPORT OF CONFERENCE COMMITTEE

SB 2022, as engrossed: Your conference committee (Sens. Wardner, G. Lee, Heckaman and Reps. Carlson, Vigesaa, Hogan) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1778-1784, adopt amendments as follows, and place SB 2022 on the Seventh order:

That the House recede from its amendments as printed on pages 1778-1784 of the Senate Journal and pages 1982-1988 of the House Journal and that Engrossed Senate Bill No. 2022 be amended as follows:

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

Page 1, line 2, after "transfers" insert "; to create and enact section 54-52.1-05.1 of the North Dakota Century Code, relating to the terms of public employees retirement system contracts for uniform group health insurance benefits coverage; to amend and reenact subsection 17 of section 54-52-01 and sections 54-52-03 and 54-52.1-05 of the North Dakota Century Code, relating to the public employees retirement system board and disclosure of information by uniform group health insurance benefits coverage carriers; and to limit the use of health insurance program reserves"

Page 1, replace line 13 with:

"Salaries and wages	\$3,772,504	\$568,047	\$4,340,551"
---------------------	-------------	-----------	--------------

Page 1, replace line 17 with:

"Total special funds	\$4,899,369	\$514,056	\$5,413,425"
----------------------	-------------	-----------	--------------

Page 1, replace line 23 with:

"Salaries and wages	\$5,016,339	\$1,339,021	\$6,415,360"
---------------------	-------------	-------------	--------------

Page 2, replace line 1 with:

"Operating expenses	2,280,894	397,169	2,678,063"
---------------------	-----------	---------	------------

Page 2, replace lines 3 and 4 with:

"Total special funds	\$7,650,450	\$1,692,973	\$9,343,423
Full-time equivalent positions	33.00	1.50	34.50"

Page 2, replace lines 9 and 10 with:

"Grand total special funds	\$12,549,819	\$2,207,029	\$14,756,848
Full-time equivalent positions	52.00	1.50	53.50

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIFTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-third legislative assembly for the 2013-15 biennium and the 2015-17 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2013-15</u>	<u>2015-17</u>
Public employees retirement system - temporary salaries	\$0	\$100,000
Total special funds	\$0	\$100,000

The 2015-17 one-time funding amounts are not part of the entity's base budget for the 2017-19 biennium. The public employees retirement system shall report to the appropriations committees of the sixty-fifth legislative assembly on the use of the one-time funding for the biennium beginning July 1, 2015, and ending June 30, 2017."

Page 2, after line 15, insert:

"SECTION 4. AMENDMENT. Subsection 17 of section 54-52-01 of the North Dakota Century Code is amended and reenacted as follows:

17. "Retirement board" or "board" means the ~~seven persons designated by this chapter as the governing authority for the retirement system created under section 54-52-03.~~

SECTION 5. AMENDMENT. Section 54-52-03 of the North Dakota Century Code is amended and reenacted as follows:

54-52-03. Governing authority.

A state agency is hereby created to constitute the governing authority of the system to consist of a board of ~~seven persons~~nine individuals known as the retirement board. No more than one elected member of the board may be in the employ of a single department, institution, or agency of the state or in the employ of a political subdivision. ~~No~~An employee of the public employees retirement system or the state retirement and investment office may not serve on the board.

1. Two members of the legislative assembly must be appointed by the chairman of the legislative management to serve on the board.
 - a. If the same political party has the greatest number of members in both the house and senate, one member must be from that majority party and one member from the political party with the next greatest number of members in the house and senate.
 - b. If the same political party does not have the greatest number of members in both the house and senate, one member must be from the majority party in the house and one member must be from the majority party in the senate.
2. One member of the board must be appointed by the governor to serve a term of five years. The appointee must be a North Dakota citizen who is not a state or political subdivision employee and who by experience is familiar with money management. The citizen member is chairman of the board.
- ~~2-3.~~ One member of the board must be appointed by the attorney general from the attorney general's legal staff and shall serve a term of five years.
- ~~3-4.~~ The state health officer appointed under section 23-01-05 or the state health officer's designee is a member of the board.
- ~~4-5.~~ Three board members must be elected by and from among the active participating members, members of the retirement plan established under chapter 54-52.6, members of the retirement plan established under chapter 39-03.1, and members of the job service North Dakota retirement plan. Employees who have terminated their employment for whatever reason are not eligible to serve as elected members of the board under this subsection. Board members must be elected to a five-year term pursuant to an election called by the board. Notice of board elections must be given to all active participating members. The time spent in performing duties as a board member may not be charged against any employee's accumulated annual or any other type of leave.
- ~~5-6.~~ One board member must be elected by and from among those ~~persons~~individuals who are receiving retirement benefits under this chapter. The board shall call the election and must give prior notice of the election to the ~~persons~~individuals eligible to participate in the election pursuant to this subsection. The board member shall serve a term of five years.
- ~~6-7.~~ The members of the board are entitled to receive one hundred forty-eight dollars per day compensation and necessary mileage and travel expenses as provided in sections 44-08-04 and 54-06-09. This is in addition to any other pay or allowance due the chairman or a member,

plus an allowance for expenses they may incur through service on the board.

- ~~7-8.~~ A board member shall serve a five-year term and until the board member's successor qualifies. Each board member is entitled to one vote, and ~~four~~five of the ~~seven~~nine board members constitute a quorum. ~~Four~~Five votes are necessary for resolution or action by the board at any meeting.

SECTION 6. AMENDMENT. Section 54-52.1-05 of the North Dakota Century Code is amended and reenacted as follows:

54-52.1-05. Provisions of contract - Term of contract.

1. Each uniform group insurance contract entered into by the board must be consistent with the provisions of this chapter, must be signed for the state of North Dakota by the chairman of the board, and must include the following:
 - ~~1-~~ a. As many optional coverages as deemed feasible and advantageous by the board.
 - ~~2-~~ b. A detailed statement of benefits offered, including maximum limitations and exclusions, and such other provisions as the board may deem necessary or desirable.
2. The initial term or the renewal term of a fully insured uniform group insurance contract for hospital benefits coverage, medical benefits coverage, or prescription drug coverage may not exceed two years.
 - a. The board may renew a contract subject to this subsection without soliciting a bid under section 54-52.1-04 if the board determines the carrier's performance under the existing contract meets the board's expectations and the proposed premium renewal amount does not exceed the board's expectations.
 - b. In making a determination under this subsection, the board shall:
 - (1) Use the services of a consultant to concurrently and independently prepare a renewal estimate the board shall consider in determining the reasonableness of the proposed premium renewal amount.
 - (2) Review the carrier's performance measures, including payment accuracy, claim processing time, member service center metrics, wellness or other special program participation levels, and any other measures the board determines relevant to making the determination and shall consider these measures in determining the board's satisfaction with the carrier's performance.
 - (3) Consider any additional information the board determines relevant to making the determination.
 - c. If the board determines the carrier's performance under the existing contract does not meet the board's expectations or the proposed premium renewal amount exceeds the board's expectations and the board determines to solicit a bid under section 54-52.1-04, the board shall specify its reasons for the determination to solicit a bid.

SECTION 7. Section 54-52.1-05.1 of the North Dakota Century Code is created and enacted as follows:

54-52.1-05.1. Health insurance benefits coverage - Insured and provider data disclosure.

Except as necessary for treatment, payment, or health care operations, a carrier providing health insurance benefits coverage under this chapter may not disclose identifiable or unidentifiable insured or provider data or information to a related or unrelated health care delivery entity. The board may establish exceptions to the disclosure limitations under this section for the limited purpose of addressing public interest and benefit activities or for the limited purpose of addressing research, public health, or health care operations. An exception established by the board under this section may not be more permissive than allowed under state and federal privacy laws.

SECTION 8. HEALTH INSURANCE RESERVE FUNDS - LIMITATIONS.

Notwithstanding any other provision of law, during the 2015-17 biennium, the public employees retirement system board may not spend any moneys in the fund created under section 54-52.1-06 or from any other source for the purpose of reducing any increase in uniform group insurance premium amounts beyond the rates used by the sixty-fourth legislative assembly for developing 2015-17 state agency budgets."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2022 - Summary of Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Retirement and Investment Office						
Total all funds	\$4,899,369	\$5,427,729	(\$14,304)	\$5,413,425	\$5,413,425	\$0
Less estimated income	4,899,369	5,427,729	(14,304)	5,413,425	5,413,425	0
General fund	\$0	\$0	\$0	\$0	\$0	\$0
Public Employees Retirement System						
Total all funds	\$7,650,450	\$9,407,473	(\$64,050)	\$9,343,423	\$8,896,346	\$447,077
Less estimated income	7,650,450	9,407,473	(64,050)	9,343,423	8,896,346	447,077
General fund	\$0	\$0	\$0	\$0	\$0	\$0
Bill total						
Total all funds	\$12,549,819	\$14,835,202	(\$78,354)	\$14,756,848	\$14,309,771	\$447,077
Less estimated income	12,549,819	14,835,202	(78,354)	14,756,848	14,309,771	447,077
General fund	\$0	\$0	\$0	\$0	\$0	\$0

Senate Bill No. 2022 - Retirement and Investment Office - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$3,772,504	\$4,354,855	(\$14,304)	\$4,340,551	\$4,340,551	
Operating expenses	973,324	990,874		990,874	990,874	
Contingencies	82,000	82,000		82,000	82,000	
Accrued leave payments	71,541					
Total all funds	\$4,899,369	\$5,427,729	(\$14,304)	\$5,413,425	\$5,413,425	\$0
Less estimated income	4,899,369	5,427,729	(14,304)	5,413,425	5,413,425	0
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	19.00	19.00	0.00	19.00	19.00	0.00

Department No. 190 - Retirement and Investment Office - Detail of Conference Committee Changes

Adjusts Funding for Health Insurance Premium	Total Conference Committee Changes
--	------------------------------------

	Increases ¹	
Salaries and wages	(\$14,304)	(\$14,304)
Operating expenses		
Contingencies		
Accrued leave payments		
Total all funds	(\$14,304)	(\$14,304)
Less estimated income	(14,304)	(14,304)
General fund	\$0	\$0
FTE	0.00	0.00

¹ Funding for employee health insurance premiums is adjusted to reflect the revised premium estimate of \$1,130.22 per month.

Senate Bill No. 2022 - Public Employees Retirement System - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$5,016,339	\$6,479,410	(\$64,050)	\$6,415,360	\$5,988,402	\$426,958
Operating expenses	2,280,894	2,678,063		2,678,063	2,657,944	20,119
Contingencies	250,000	250,000		250,000	250,000	
Accrued leave payments	103,217					
Total all funds	\$7,650,450	\$9,407,473	(\$64,050)	\$9,343,423	\$8,896,346	\$447,077
Less estimated income	7,650,450	9,407,473	(64,050)	9,343,423	8,896,346	447,077
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	33.00	34.50	0.00	34.50	33.00	1.50

Department No. 192 - Public Employees Retirement System - Detail of Conference Committee Changes

	Adjusts Funding for Health Insurance Premium Increases ¹	Reduces Temporary Salaries ²	Adds Portability of Retiree Health Credit ³	Adds One-Time Funding for Temporary Salaries ⁴	Total Conference Committee Changes
Salaries and wages	(\$27,102)	(\$180,000)	\$43,052	\$100,000	(\$64,050)
Operating expenses					
Contingencies					
Accrued leave payments					
Total all funds	(\$27,102)	(\$180,000)	\$43,052	\$100,000	(\$64,050)
Less estimated income	(27,102)	(180,000)	43,052	100,000	(64,050)
General fund	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00

¹ Funding for employee health insurance premiums is adjusted to reflect the revised premium estimate of \$1,130.22 per month including FTE adjustments made by the Conference Committee.

² Funding is reduced for additional temporary support to provide an increase of \$122,352. The Senate increased temporary salaries by \$302,352 and the House included a temporary salaries increase of \$102,352.

³ Funding is added for additional workload due to the portability of retiree health credit. This funding was not included in the House version, but was included in the temporary salary increase provided by the Senate.

⁴ One-time funding is added for temporary salaries. Neither the Senate nor the House versions included funding for one-time temporary salaries.

This amendment also:

- Adds sections to amend North Dakota Century Code Sections 54-52-01 and 54-52-03 to increase retirement board membership from seven to nine members by adding two members of the Legislative Assembly appointed by the Chairman of the Legislative Management. The House version added four members of the Legislative Assembly to the board and removed members appointed by the Attorney General and the State Health Officer.
- Adds a new section to statute relating to the process to rebid the health insurance contract.
- Adds a new section to statute relating to the disclosure of health information.
- Adds a section limiting the use of health insurance program reserves. The House version included a similar section relating the use of health insurance program reserves.

Engrossed SB 2022 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. WARDNER MOVED that the conference committee report on Engrossed SB 2022 be adopted.

REQUEST

SEN. SCHNEIDER REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed SB 2022, the roll was called and there were 30 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Erbele; Flakoll; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Lee, G.; Lee, J.; Luick; Miller; Oehlke; Poolman; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

NAYS: Axness; Dotzenrod; Heckaman; Larsen; Marcellais; Mathern; Murphy; O'Connell; Oban; Robinson; Schneider; Sinner; Triplett; Warner

ABSENT AND NOT VOTING: Grabinger; Hogue; Nelson

The conference committee report on Engrossed SB 2022 was adopted on a recorded roll call vote.

Engrossed SB 2022, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2022: A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies; to provide various transfers; to create and enact section 54-52.1-05.1 of the North Dakota Century Code, relating to the terms of public employees retirement system contracts for uniform group health insurance benefits coverage; to amend and reenact subsection 17 of section 54-52-01 and sections 54-52-03 and 54-52.1-05 of the North Dakota Century Code, relating to the public employees retirement system board and disclosure of information by uniform group health insurance benefits coverage carriers; and to limit the use of health insurance program reserves.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Miller; Murphy; Oban;

Oehlke; Poolman; Robinson; Rust; Schaible; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner

NAYS: Axness; Marcellais; Mathern; O'Connell; Schneider; Warner

ABSENT AND NOT VOTING: Grabinger; Hogue; Nelson

Reengrossed SB 2022 passed.

SENATE INTERIM COMMITTEES

PRESIDENT WRIGLEY ANNOUNCED the following Senate Interim Committees:

Legislative Management

Sen. Wardner
Sen. Holmberg
Sen. Unruh
Sen. Klein
Sen. Schaible
Sen. Schneider
Sen. Axness
Sen. Triplett

Capitol Grounds Planning Commission

Sen. Laffen

Comprehensive Health Association of North Dakota Board

Sen. J. Lee

State Council for Interstate Adult Offender

Sen. Unruh

Education Commission of the States

Sen. Schaible

Governor's Residence Selection Committee

Sen. Anderson
Sen. Heckaman

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2022.

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 2022.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: Your signature is respectfully requested on: SB 2022.

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

MR. PRESIDENT: The Speaker has signed: SB 2015.

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

MR. PRESIDENT: The Speaker has signed: SB 2022.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The President has signed: SB 2003, SB 2014, SB 2016, SB 2020, SB 2031, SB 2039, SB 2206, SCR 4003.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The President has signed: SB 2015.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)
MR. SPEAKER: The President has signed: SB 2022.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval: SB 2003, SB 2014, SB 2015, SB 2016, SB 2020, SB 2031, SB 2039, SB 2206.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on June 16, 2015: SB 2022.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on April 29, 2015, I have signed the following: SB 2008, SB 2018, SB 2019, and SB 2226.

Also, on May 12, 2015, I have signed the following: SB 2012, SB 2013, SB 2014, SB 2020, SB 2031, and SB 2206.

Also, on May 12, 2015, I have signed the following: SB 2003 and SB 2039.

Also, on May 13, 2015, I have signed the following: SB 2016.

Also, on May 13, 2015, I have signed the following: SB 2015.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

May 13, 2015

The Honorable Drew Wrigley
President, ND Senate
State Capitol
Bismarck, ND 58505

RE: Senate Bill 2003

Dear President Wrigley:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed Section 6 and Section 8 of Senate Bill 2003.

Section 6 requires a district court to pay the expenses incurred by an expert witness, including a witness from the state crime laboratory. The section also tends to encourage witnesses to testify via interactive video by exempting district courts from any costs associated with their testimony in this situation. Section 6 is vetoed because the district courts did not receive funding for this purpose from either the Executive Budget or through legislative appropriations. Additionally, the language was never presented to the appropriations committees in either the House or Senate when they considered the proposed budget for the judicial system.

Further, it is doubtful that witnesses would be able to take meaningful advantage of the cost-saving opportunity for interactive video testimony because North Dakota Supreme Court Administrative Rule 52(4)(B)(2) provides "A witness may not testify by reliable electronic means unless the defendant knowingly and voluntarily waives the right to have the witness testify in person."

It is also questionable whether it is appropriate for the district court to pay the costs of expert witnesses. In addition, section 6 contains an incorrect reference to North Dakota Century Code section 44-04-04, which pertains to "Aliens convicted of felony or adjudged mentally ill."

I have also vetoed Section 8 of this legislation. Managing the volume of work and available staff time required to respond to requests for Attorney General Opinions must remain a management decision made at the discretion of the Attorney General. The proposed timeline for producing opinions increases the likelihood that an excessive volume of requests could make it impossible to effectively prioritize the use of staff and resources.

For these reasons, I have vetoed section 6 and 8 of Senate Bill 2003.

Sincerely,

Jack Dalrymple
Governor

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

May 13, 2015

The Honorable Drew Wrigley
President, ND Senate
State Capitol
Bismarck, ND 58505

RE: Senate Bill 2015

Dear President Wrigley:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed Section 24 of Senate Bill 2015.

Section 24 is vetoed because the new language serves no constructive purpose and is an excessive requirement on the human resources management of the university system. Any new chancellor, when entering office for the first time, has the authority to remove vice-chancellors and hire replacements at their discretion, because the vice-chancellors are not "classified" employees. To require vice-chancellors to resign is likely detrimental to the effective operation of the university system during a period of transition and could have a negative effect on the education of our students. Therefore, section 24 of Senate Bill 2015 is vetoed.

Sincerely,

Jack Dalrymple
Governor

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

May 13, 2015

The Honorable Drew Wrigley
President, ND Senate
State Capitol
Bismarck, ND 58505

RE: Senate Bill 2039

Dear President Wrigley:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed subsection 1(c) of Section 6 of Senate Bill 2039.

This subsection would require that the income, including interest payments on loans from the coal development trust fund, as authorized in North Dakota Century Code 57-62-02, be made part of the School Construction Assistance Loan Fund. This language conflicts with the North Dakota Constitution, Article X, Section 21, which requires that "the interest earned on the moneys in said fund shall be used first to replace uncollectable loans made from the fund, and the balance shall be credited to the general fund of the state." I have vetoed this section because the language clearly conflicts with the constitution.

Therefore, subsection 1(c) of section 6 of Senate Bill 2039 is vetoed.

Sincerely,

Jack Dalrymple
Governor

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing: SCR 4003.

MOTION

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

MOTION

SEN. WARDNER MOVED that the Senate be on the Fourth, Fifteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned sine die.

Pursuant to Senator Wardner's motion, the Senate stood adjourned sine die.

Jane Schaible, Secretary

