

## JOURNAL OF THE SENATE

## Sixty-fourth Legislative Assembly

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**Bismarck, February 24, 2015**

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

The prayer was offered by Pastor Bob Thune, First Evangelical Free Church, Bismarck.

The roll was called and all members were present except Senators Marcellais and Triplett.

A quorum was declared by the President Pro Tempore.

**CONSIDERATION OF AMENDMENTS**

**SB 2312: SEN. SINNER (Transportation Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2312:** A BILL for an Act to create and enact sections 39-29.2-05, 39-29.2-06, 39-29.2-07, 39-29.2-08, 39-29.2-09, 39-29.2-10, 39-29.2-11, 39-29.2-12, 39-29.2-13, 39-29.2-14, 39-29.2-15, 39-29.2-16, 39-29.2-17, 39-29.2-18, 39-29.2-19, and 39-29.2-20 of the North Dakota Century Code, relating to unconventional vehicles; to amend and reenact subsection 3 of section 26.1-40-01, subsection 10 of section 26.1-41-01, subsection 49 of section 39-01-01, subsection 2 of section 39-29.2-01, and subsection 5 of section 39-29.2-03, and section 39-29.2-04 of the North Dakota Century Code, relating to unconventional vehicles; to provide a penalty; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Axness; Bowman; Burckhard; Campbell; Casper; Cook; Davison; Dever; Dotzenrod; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, J.; Luick; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Unruh; Wanzek; Wardner; Warner

**NAYS:** Bekkedahl; Carlisle; Erbele; Lee, G.

**ABSENT AND NOT VOTING:** Marcellais; Triplett

Engrossed SB 2312 passed and the emergency clause was declared carried.

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**CONSIDERATION OF AMENDMENTS**

**SB 2372: SEN. UNRUH (Energy and Natural Resources Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2372:** A BILL for an Act to provide for a legislative management study of environmental protection agency regulations regarding carbon dioxide emissions for new and existing electric generation units.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS,

0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Marcellais; Triplett

Engrossed SB 2372 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2368: SEN. CASPER (Transportation Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2368:** A BILL for an Act to create and enact chapters 26.1-40.1 and 39-34 of the North Dakota Century Code, relating to transportation network company services.

#### ROLL CALL

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

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

**NAYS:** Anderson

**ABSENT AND NOT VOTING:** Marcellais; Triplett

Engrossed SB 2368 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2300: SEN. COOK (Government and Veterans Affairs Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2300:** A BILL for an Act to amend and reenact sections 54-35.2-01, 54-35.2-02, 54-35.2-03, 54-35.2-04, and 54-35.2-05 of the North Dakota Century Code, relating to transforming the advisory commission on intergovernmental relations into legislative management appointed task forces on intergovernmental issues.

#### ROLL CALL

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

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

**NAYS:** Mathern

**ABSENT AND NOT VOTING:** Marcellais; Triplett

Engrossed SB 2300 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2056: SEN. UNRUH (Finance and Taxation Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2056:** A BILL for an Act to create and enact section 11-11-05.1, a new subsection to section 11-11-14, and a new subsection to section 40-05-01 of the North Dakota Century Code, relating to joint meetings of boards of county commissioners and financial information requests for city or county governing body consideration of property tax levy requests of unelected governing bodies; to amend and reenact subsections 8 and 9 of section 2-06-10, sections 2-06-14, 2-06-15, 4-02-27, 4.1-47-14, and 4.1-47-25, subsection 2 of section 11-11-53, sections 11-11.1-04, 11-28-06, 11-28-17, 11-36-14, 11-37-13, 23-18.2-12, 23-24-09, and 40-38-02, subsection 6 of section 40-57.4-03, and sections 40-57.4-04 and 61-04.1-26 of the North Dakota Century Code, relating to approval authority of boards of county commissioners and city governing bodies over property tax levies of unelected governing bodies; and to provide an effective date.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Marcellais; Triplett

Engrossed SB 2056 passed.

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#### MOTION

**SEN. KLEIN MOVED** that SB 2240, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

#### MOTION

**SEN. KLEIN MOVED** that SB 2031 and SB 2178 be placed at the bottom of the calendar, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**SB 2311: SEN. BURCKHARD (Political Subdivisions Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2311:** A BILL for an Act to amend and reenact section 23-06-27 of the North Dakota Century Code, relating to protection of human burial sites; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 24 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bekkedahl; Bowman; Carlisle; Cook; Dever; Dotzenrod; Erbele; Grabinger;

Heckaman; Kilzer; Klein; Larsen; Lee, G.; Luick; Miller; O'Connell; Oban; Oehlke; Poolman; Robinson; Schaible; Unruh; Wanzek; Warner

**NAYS:** Anderson; Armstrong; Axness; Burckhard; Campbell; Casper; Davison; Flakoll; Hogue; Holmberg; Krebsbach; Laffen; Lee, J.; Mathern; Murphy; Nelson; Rust; Schneider; Sinner; Sorvaag; Wardner

**ABSENT AND NOT VOTING:** Marcellais; Triplett

Engrossed SB 2311 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2015: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2015:** A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to repeal section 54-44-06 of the North Dakota Century Code, relating to duties of the office of management and budget as to school fund; to provide an exemption; to provide for various transfers; and to provide legislative intent.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Marcellais; Triplett

Engrossed SB 2015 passed.

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#### MOTION

**SEN. KLEIN MOVED** that SB 2227 be moved to the top of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2227:** A BILL for an Act to provide an appropriation to the office of management and budget for community service supervision grants; and to provide legislative intent.

#### ROLL CALL

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

**NAYS:** Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais; Triplett

SB 2227 failed.

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**CONSIDERATION OF AMENDMENTS**

**SCR 4014: SEN. FLAKOLL (Government and Veterans Affairs Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4014:** A concurrent resolution directing the Legislative Management to study reinvestment scenarios and potential priorities for legacy fund earnings.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed SCR 4014 was declared adopted on a voice vote.

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**SECOND READING OF SENATE BILL**

**SB 2344:** A BILL for an Act to create and enact a new chapter to title 54 of the North Dakota Century Code, relating to the North Dakota legacy foundation.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Armstrong; Axness; Bekkedahl; Campbell; Dotzenrod; Grabinger; Heckaman; Mathern; Murphy; Nelson; O'Connell; Oban; Robinson; Schneider; Sinner; Warner

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

**ABSENT AND NOT VOTING:** Marcellais; Triplett

SB 2344 failed.

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**SECOND READING OF SENATE BILL**

**SB 2042:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax deduction for retired military personnel pay; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 26 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Carlisle; Davison; Dever; Dotzenrod; Flakoll; Grabinger; Heckaman; Kilzer; Klein; Krebsbach; Murphy; Nelson; O'Connell; Oban; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag

**NAYS:** Anderson; Campbell; Casper; Cook; Erbele; Hogue; Holmberg; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Mathern; Miller; Oehlke; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais; Triplett

Engrossed SB 2042 passed.

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**SECOND READING OF SENATE BILL**

**SB 2298:** A BILL for an Act to create and enact a new section to chapter 4-02.1 of the North

Dakota Century Code, relating to requiring the state fair association to allow the access, operation, and maintenance of property on the state fairgrounds by the Ward County historical society.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Axness; Bekkedahl; Carlisle; Erbele; Grabinger; Heckaman; Klein; Larsen; Luick; Miller; O'Connell; Oban; Rust; Schneider; Sorvaag; Wanzek; Warner

**NAYS:** Armstrong; Bowman; Burckhard; Campbell; Casper; Cook; Davison; Dever; Dotzenrod; Flakoll; Hogue; Holmberg; Kilzer; Krebsbach; Laffen; Lee, G.; Lee, J.; Mathern; Murphy; Nelson; Oehlke; Poolman; Robinson; Schaible; Sinner; Triplett; Unruh; Wardner

**ABSENT AND NOT VOTING:** Marcellais

SB 2298 failed.

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### MOTION

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

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

### REPORT OF STANDING COMMITTEE

**SB 2013: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2013 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "and 15.1-36-02" with "24-02-03.3, and 39-01-03"

Page 1, line 6, remove "and school construction"

Page 1, line 7, replace "loans; and to provide for a transfer" with "the management and use of motor vehicles owned by the state"

Page 1, remove lines 20 through 24

Page 2, replace lines 1 through 10 with:

"Salaries and wages	\$15,940,953	\$2,415,113	\$18,356,066
Accrued leave payments	322,068	(322,068)	0
Operating expenses	29,430,802	1,397,390	30,828,192
Integrated formula payments	1,752,100,000	278,700,000	2,030,800,000
Grants - special education contracts	16,500,000	800,000	17,300,000
Grants - transportation	53,500,000	6,500,000	60,000,000
Grants - other grants	272,996,261	(2,115,539)	270,880,722
PowerSchool	0	6,000,000	6,000,000
Rapid enrollment grants	13,600,000	1,200,000	14,800,000
Transportation efficiency	30,000	0	30,000
National board certification	<u>120,000</u>	<u>0</u>	<u>120,000</u>
Total all funds	\$2,154,540,084	\$294,574,896	\$2,449,114,980
Less estimated income	<u>436,996,759</u>	<u>71,684,108</u>	<u>508,680,867</u>
Total general fund	\$1,717,543,325	\$222,890,788	\$1,940,434,113
Full-time equivalent positions	99.75	0.00	99.75"

Page 2, replace lines 15 through 22 with:

"Salaries and wages	\$3,780,053	\$423,714	\$4,203,767
Accrued leave payments	75,354	(75,354)	0
Operating expenses	1,895,726	0	1,895,726
Grants	<u>2,519,000</u>	<u>616,500</u>	<u>3,135,500</u>
Total all funds	\$8,270,133	\$964,860	\$9,234,993
Less estimated income	<u>2,394,145</u>	<u>45,116</u>	<u>2,439,261</u>
Total general fund	\$5,875,988	\$919,744	\$6,795,732
Full-time equivalent positions	29.75	0.00	29.75"

Page 2, remove lines 27 through 31

Page 3, replace lines 1 through 4 with:

"Salaries and wages	\$6,932,905	\$821,327	\$7,754,232
Accrued leave payments	134,846	(134,846)	0
Operating expenses	1,908,794	139,502	2,048,296
Capital assets	191,762	675,412	867,174
Grants	<u>200,000</u>	<u>0</u>	<u>200,000</u>
Total all funds	\$9,368,307	\$1,501,395	\$10,869,702
Less estimated income	<u>1,568,928</u>	<u>124,642</u>	<u>1,693,570</u>
Total general fund	\$7,799,379	\$1,376,753	\$9,176,132
Full-time equivalent positions	44.61	1.00	45.61"

Page 3, replace lines 9 through 16 with:

"Salaries and wages	\$4,415,180	\$369,061	\$4,784,241
Accrued leave payments	87,463	(87,463)	0
Operating expenses	707,006	157,700	864,706
Capital assets	<u>35,364</u>	<u>46,590</u>	<u>81,954</u>
Total all funds	\$5,245,013	\$485,888	\$5,730,901
Less estimated income	<u>743,427</u>	<u>(111,584)</u>	<u>631,843</u>
Total general fund	\$4,501,586	\$597,472	\$5,099,058
Full-time equivalent positions	30.00	0.00	30.00"

Page 3, replace lines 21 through 23 with:

"Grand total general fund	\$1,735,720,278	\$225,784,757	\$1,961,505,035
Grand total special funds	<u>441,703,259</u>	<u>71,742,282</u>	<u>513,445,541</u>
Grand total all funds	\$2,177,423,537	\$297,527,039	\$2,474,950,576"

Page 4, replace lines 4 through 7 with:

" Free or reduced meals information technology	0	30,000
Rapid enrollment grants	0	14,800,000
Total department of public instruction - general fund	\$6,070,000	\$14,830,000"

Page 4, replace lines 11 through 15 with:

"School for the deaf		
Extraordinary repairs	\$1,002,259	\$600,000
Total school for the deaf - estimated income	\$1,002,259	\$600,000"

Page 4, replace lines 23 through 29 with:

" Server and access points	0	16,000
Total school for the blind - all funds	\$3,302,836	\$56,000
Total school for the blind - estimated income	<u>110,329</u>	<u>56,000</u>
Total school for the blind - general fund	\$3,192,507	\$0
Grand total - all funds	\$10,375,095	\$15,736,000
Grand total - estimated income	<u>1,112,588</u>	<u>656,000</u>
Grand total - general fund	\$9,262,507	\$15,080,000"

Page 5, remove lines 4 through 9

Page 9, after line 15, insert:

**"SECTION 10. CARDIOPULMONARY RESUSCITATION TRAINING GRANTS - FUNDING - DISTRIBUTION.** During the 2015-17 biennium, the superintendent of public instruction shall expend up to \$450,000 from the grants - other grants line item in subdivision 1 of section 1 of this Act for the purpose of providing cardiopulmonary resuscitation training grants as provided in chapter 58 of the 2013 Session Laws except that grants may be provided for training made available to students at both the high school and middle school levels."

Page 10, remove lines 21 through 30

Page 11, remove lines 1 through 8

Page 11, line 14, remove "one hundred eighteen thousand thirty-eight dollars through June 30, 2016"

Page 11, line 15, replace "and one hundred twenty-two thousand seven hundred fifty-nine" with "one hundred sixteen thousand nine hundred three dollars through June 30, 2016, and one hundred twenty thousand four hundred ten"

Page 12, remove lines 15 through 30

Page 13, remove lines 1 through 31

Page 14, remove lines 1 through 30

Page 15, remove lines 1 through 30

Page 16, remove lines 1 through 31

Page 17, replace lines 1 through 8 with:

**"SECTION 18. AMENDMENT.** Section 24-02-03.3 of the North Dakota Century Code is amended and reenacted as follows:

**24-02-03.3. Central management system for all state-owned licensed motor vehicles.**

1. The director shall establish within the department a central vehicle management system to regulate the operation, maintenance, and management of all motor vehicles owned or leased by the state subject to registration under chapters 39-04 and 39-05. Upon the request of a state agency and an agreement between the agency and director for the use of the motor vehicle-related equipment, the director may purchase or lease motor vehicle-related equipment and include that equipment within the system. The director shall provide a uniform method of documenting the use and cost of operation of motor vehicles and motor vehicle-related equipment in the system. The director shall advise the director of the office of management and budget as to the need to acquire or dispose of system motor vehicles. The specifications for highway patrol vehicles to be acquired may be set by the highway patrol superintendent. Every state agency, institution, department, board, bureau, and commission unless exempted by the director must use the system. At the request of the director of the North Dakota agricultural experiment station, certain vehicles used in farming operations at the agronomy seed farm and branch research centers shall be exempt from the requirements of this section. However, an agency, institution, department, board, bureau, or commission may authorize the use of an employee's personal motor vehicle pursuant to subsection 4 of section 54-06-09.
2. The director may enter into an agreement with a state employee who has a disability requiring a specially-equipped vehicle to pay a mileage rate greater than the rate established in section 54-06-09 for the employee's use of the employee's specially-equipped motor vehicle while conducting state business. The rate must be based on the rate provided in section 54-06-09, increased by the actual cost per mile caused by the special



equipment, and may not exceed the cost associated with the special equipment expressed as the new value plus the depreciated fair market value in eight years divided by two, divided by twenty thousand miles.

3. Each entity required to use the system shall submit records of the operation of each vehicle as directed by the director.
4. The director may enter an agreement for the use of the motor vehicle-related equipment with the North Dakota art museum established in section 54-02-11.

**SECTION 19. AMENDMENT.** Section 39-01-03 of the North Dakota Century Code is amended and reenacted as follows:

**39-01-03. Motor vehicle owned by the state, North Dakota art museum, or an international peace garden not to be used for private use or in political activities.**

~~No person~~A person, officer, or employee of the state or of any department, board, bureau, commission, institution, industry, or other agency of the state, or person, officer, or employee of the North Dakota art museum, or of any entity located upon the international boundary line between the United States of America and Canada used and maintained as a memorial to commemorate the long-existing relationship of peace and good will between the people and the governments of the United States of America and Canada and to further international peace among the nations of the world, may not use or drive any motor vehicle belonging to the state or to any department, board, bureau, commission, institution, industry, or other agency of the state, or person, officer, or employee of the North Dakota art museum, or of any entity located upon the international boundary line between the United States of America and Canada used and maintained as a memorial to commemorate the long-existing relationship of peace and good will between the people and the governments of the United States of America and Canada and to further international peace among the nations of the world, for private use, or while engaged in any political activity."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2013 - Summary of Senate Action

	Base Budget	Senate Changes	Senate Version
Department of Public Instruction			
Total all funds	\$2,154,540,084	\$294,574,896	\$2,449,114,980
Less estimated income	436,996,759	71,684,108	508,680,867
General fund	\$1,717,543,325	\$222,890,788	\$1,940,434,113
State Library			
Total all funds	\$8,270,133	\$964,860	\$9,234,993
Less estimated income	2,394,145	45,116	2,439,261
General fund	\$5,875,988	\$919,744	\$6,795,732
School for the Deaf			
Total all funds	\$9,368,307	\$1,501,395	\$10,869,702
Less estimated income	1,568,928	124,642	1,693,570
General fund	\$7,799,379	\$1,376,753	\$9,176,132
Vision Services - School for the Blind			
Total all funds	\$5,245,013	\$485,888	\$5,730,901
Less estimated income	743,427	(111,584)	631,843
General fund	\$4,501,586	\$597,472	\$5,099,058
Bill total			
Total all funds	\$2,177,423,537	\$297,527,039	\$2,474,950,576
Less estimated income	441,703,259	71,742,282	513,445,541
General fund	\$1,735,720,278	\$225,784,757	\$1,961,505,035

**Senate Bill No. 2013 - Department of Public Instruction - Senate Action**

	<b>Base Budget</b>	<b>Senate Changes</b>	<b>Senate Version</b>
Salaries and wages	\$15,940,953	\$2,415,113	\$18,356,066
Operating expenses	29,430,802	1,397,390	30,828,192
Integrated formula payments	1,752,100,000	278,700,000	2,030,800,000
Grants - special education contracts	16,500,000	800,000	17,300,000
Grants - transportation	53,500,000	6,500,000	60,000,000
Grants - other grants	272,996,261	(2,115,539)	270,880,722
Rapid enrollment grants	13,600,000	1,200,000	14,800,000
Transportation efficiency	30,000		30,000
National board certification	120,000		120,000
Accrued leave payments	322,068	(322,068)	
PowerSchool		6,000,000	6,000,000
Total all funds	\$2,154,540,084	\$294,574,896	\$2,449,114,980
Less estimated income	436,996,759	71,684,108	508,680,867
General fund	\$1,717,543,325	\$222,890,788	\$1,940,434,113
FTE	99.75	0.00	99.75

**Department No. 201 - Department of Public Instruction - Detail of Senate Changes**

	<b>Adds Funding for Base Payroll Changes<sup>1</sup></b>	<b>Adds Funding for Salary and Benefit Increases<sup>2</sup></b>	<b>Adjusts Funding for Federal and Special Fund Grants<sup>3</sup></b>	<b>Increases Funding for Integrated Formula Payments<sup>4</sup></b>	<b>Increases Funding for Transportation Grants<sup>5</sup></b>	<b>Increases Funding for Special Education Contract Grants<sup>6</sup></b>
Salaries and wages	\$571,798	\$1,065,930				
Operating expenses						
Integrated formula payments				278,700,000		
Grants - special education contracts						800,000
Grants - transportation					6,500,000	
Grants - other grants			(7,869,039)			
Rapid enrollment grants						
Transportation efficiency						
National board certification						
Accrued leave payments	(322,068)					
PowerSchool						
Total all funds	\$249,730	\$1,065,930	(\$7,869,039)	\$278,700,000	\$6,500,000	\$800,000
Less estimated income	(569,781)	717,453	(7,869,039)	78,808,000	0	0
General fund	\$819,511	\$348,477	\$0	\$199,892,000	\$6,500,000	\$800,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	<b>Adds Funding for College and Career Readiness Program<sup>7</sup></b>	<b>Adds Funding for PowerSchool Grants<sup>8</sup></b>	<b>Increases Funding for Mentoring Program Grants<sup>9</sup></b>	<b>Increases Funding for Math and Science Content Positions<sup>10</sup></b>	<b>Increases Funding for Safe and Healthy Schools Unit<sup>11</sup></b>	<b>Increases Funding for STARS and Website<sup>12</sup></b>
Salaries and wages				\$277,351	\$500,034	160,000
Operating expenses	250,000				97,640	
Integrated formula payments						
Grants - special education contracts						
Grants - transportation						
Grants - other grants			700,000			
Rapid enrollment grants						
Transportation efficiency						
National board certification						
Accrued leave payments						
PowerSchool		6,000,000				
Total all funds	\$250,000	\$6,000,000	\$700,000	\$277,351	\$597,674	\$160,000
Less estimated income	0	0	0	0	0	0
General fund	\$250,000	\$6,000,000	\$700,000	\$277,351	\$597,674	\$160,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	<b>Adds Funding for Statewide Accreditation System<sup>13</sup></b>	<b>Adds Funding for Principal and Teacher Evaluation System<sup>14</sup></b>	<b>Increases Funding for Adult Education Grants<sup>15</sup></b>	<b>Increases Funding for Other General Fund Grants<sup>16</sup></b>	<b>Increases Funding for Rapid Enrollment Grants<sup>17</sup></b>	<b>Corrects Funding for Other Grants<sup>18</sup></b>
Salaries and wages						
Operating expenses	799,750	60,000				

Integrated formula payments						
Grants - special education contracts						
Grants - transportation						
Grants - other grants		240,000	1,000,000	121,500		
Rapid enrollment grants					1,200,000	
Transportation efficiency						
National board certification						
Accrued leave payments						
PowerSchool						
Total all funds	\$799,750	\$300,000	\$1,000,000	\$121,500	\$1,200,000	\$0
Less estimated income	0	0	0	0	0	597,475
General fund	\$799,750	\$300,000	\$1,000,000	\$121,500	\$1,200,000	(\$597,475)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds Funding for Free Meals to Students Eligible for Reduced Meals <sup>19</sup>	Increases Funding for the Museum of Art <sup>20</sup>	Increases Funding for the Global Bridges Exchange Program <sup>21</sup>	Adds Funding for English Language Learner Grants <sup>22</sup>	Adds One-Time Funding for Free or Reduced Meal Computer Updates <sup>23</sup>	Total Senate Changes
Salaries and wages						\$2,415,113
Operating expenses					30,000	1,397,390
Integrated formula payments						278,700,000
Grants - special education contracts						800,000
Grants - transportation						6,500,000
Grants - other grants	1,072,000	20,000	100,000	2,500,000		(2,115,539)
Rapid enrollment grants						1,200,000
Transportation efficiency						
National board certification						
Accrued leave payments						(322,068)
PowerSchool						6,000,000
Total all funds	\$1,072,000	\$20,000	\$100,000	\$2,500,000	\$30,000	\$294,574,896
Less estimated income	0	0	0	0	0	71,684,108
General fund	\$1,072,000	\$20,000	\$100,000	\$2,500,000	\$30,000	\$222,890,788
FTE	0.00	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is added for cost-to-continue 2013-15 biennium salaries and benefit increases and for other base payroll changes. In addition, \$100,000 from the general fund is provided for market equity related to attrition in the director of school finance position.

<sup>2</sup> The following funding is added for 2015-17 biennium performance salary adjustments of 2 to 4 percent per year and increases in monthly health insurance premiums:

	General Fund	Other Funds	Total
Salary increase - Performance	\$206,948	\$422,861	\$629,809
Health insurance increase	141,529	294,592	436,121
Total	\$348,477	\$717,453	\$1,065,930

<sup>3</sup> Funding is adjusted for various federal and special fund grants.

<sup>4</sup> Integrated formula payments are increased to provide a total of \$2,030,800,000, of which \$1,811,666,000 is from the general fund and \$219,134,000 is from the state tuition fund. This level of funding represents a \$278,700,000 increase from 2013-15 base level integrated formula payments and a \$130,800,000 increase over the executive recommendation. Base level funding for integrated formula payments is adjusted for the following:

**Executive Budget Adjustments:**

Cost-to-continue second year integrated formula payment increase	\$62,000,000
Projected student growth	104,000,000
Increases in per student integrated formula payment rates	126,400,000
Weighting factor adjustments	600,000
Base adjustment for unobligated 2013-15 appropriation	(25,600,000)
Increase in local cost share, including local property tax and income based on the executive recommendation relating to oil tax production and distribution	(119,500,000)
Total executive budget increase in integrated formula payments	\$147,900,000

**Senate Adjustments:**

Anticipated reductions in local oil tax revenue	\$48,000,000
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Adjustments to property tax estimates	6,000,000
Additional property tax relief	22,000,000
Adjustments to per student integrated formula payment rates	(6,000,000)
Additional professional development days	20,000,000
Increase in "at risk" factor	39,000,000
Adjustments to school size weighting factors	<u>1,800,000</u>
Total Senate increase in integrated formula payments	<u>\$130,800,000</u>
<b>Total adjustment to base budget integrated formula payments</b>	<b><u>\$278,700,000</u></b>

<sup>5</sup> Funding for transportation grants is increased to provide a total of \$60 million from the general fund.

<sup>6</sup> Funding for special education contract grants is increased to provide a total of \$17.3 million from the general fund.

<sup>7</sup> Funding is added for a college and career readiness program to provide for the cost of advanced placement teacher professional development and related expenses.

<sup>8</sup> The PowerSchool factor is removed from the state school aid formula and \$6 million is provided for PowerSchool from the general fund in a separate line of the department's appropriation.

<sup>9</sup> Funding for the mentorship grant program is increased to provide \$3 million from the general fund for an expanded teacher, principal, and instructional coach mentoring program.

<sup>10</sup> Funding for salaries and wages is increased to support content positions in math and science. The department anticipates converting current FTE positions.

<sup>11</sup> Funding is increased for the administration of the safe and healthy schools unit, including salaries and wages and operating expenses.

<sup>12</sup> Funding is increased for information technology maintenance to update the state automated reporting system (STARS) (\$112,000) and updates to the department's website (\$48,000).

<sup>13</sup> Funding is added to support the statewide accreditation system.

<sup>14</sup> Funding is added to support statewide training and implementation activities to advance the deployment of principal and teacher evaluation programs, including \$240,000 for grants.

<sup>15</sup> Funding for adult education grants is increased to provide a total of \$4,110,411 from the general fund.

<sup>16</sup> Funding is increased for the following other grants provided from the general fund:

	General Fund Increase (Decrease)	Total General Fund
Teacher center network	\$54,000	\$414,000
LEAD Center	\$7,500	\$267,500
North Dakota Young Entrepreneur education program	20,000	140,000
"We the People" program	5,000	25,000
Pathfinders Parent project	15,000	146,106
National writing projects	20,000	193,000
Total general fund	\$121,500	\$1,185,606

<sup>17</sup> Funding is increased for rapid enrollment grants to provide a total of \$14.8 million from the general fund as one-time funding.

<sup>18</sup> The funding source of other grants is adjusted to reflect the funding included in the executive recommendation.

<sup>19</sup> Funding for grants is added to provide free breakfast and lunch to students eligible for reduced meals.

<sup>20</sup> Funding for a grant to support the North Dakota Museum of Art educational outreach initiative is increased to provide a total of \$435,000 from the general fund.

<sup>21</sup> Funding for a grant to the Global Bridges exchange program is increased to provide a total of \$250,000 from the general fund.

<sup>22</sup> Funding is added to provide English language learner grants.

<sup>23</sup> Funding is added for the one-time cost of computer updates related to providing free breakfast and lunch to students eligible for reduced meals.

This amendment also:

- Removes a section relating to a transfer of \$300 million from the strategic investment and improvements fund to the school construction loan fund for the purpose of providing additional school construction loans;
- Removes a section relating to assumptions included in the executive recommendation for integrated formula payments;
- Removes a section relating to the establishment and funding of a school construction revolving loan fund;
- Adds sections to amend Sections 24-02-03.3 and 39-01-03 relating to the management of state-owned licensed motor vehicles and the use of motor vehicles owned by the state to allow the North Dakota Museum of Art to use motor pool vehicles;
- Adds a section related to the distribution of CPR grants for training at both the high school and middle school levels; and
- Amends a section related to the salary of the Superintendent of Public Instruction to provide for a 3 percent increase each year of the biennium.

#### Senate Bill No. 2013 - State Library - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$3,780,053	\$423,714	\$4,203,767
Operating expenses	1,895,726		1,895,726
Grants	2,519,000	616,500	3,135,500
Accrued leave payments	75,354	(75,354)	
Total all funds	\$8,270,133	\$964,860	\$9,234,993
Less estimated income	2,394,145	45,116	2,439,261
General fund	\$5,875,988	\$919,744	\$6,795,732
FTE	29.75	0.00	29.75

#### Department No. 250 - State Library - Detail of Senate Changes

	Adds Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Increases Funding for State Aid to Public Libraries <sup>3</sup>	Adds One-Time Funding for Library Repair Grants <sup>4</sup>	Total Senate Changes
Salaries and wages	\$155,283	\$268,431			\$423,714
Operating expenses					
Grants			366,500	250,000	616,500
Accrued leave payments	(75,354)				(75,354)
Total all funds	\$79,929	\$268,431	\$366,500	\$250,000	\$964,860
Less estimated income	23,076	22,040	0	0	45,116
General fund	\$56,853	\$246,391	\$366,500	\$250,000	\$919,744
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is added for cost-to-continue 2013-15 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> The following funding is added for 2015-17 biennium performance salary adjustments of 2 to 4 percent per year and increases in monthly health insurance premiums:

	General Fund	Other Funds	Total
Salary increase - Performance	\$128,060	\$10,835	\$138,895
Health insurance increase	118,331	11,205	129,536
Total	\$246,391	\$22,040	\$268,431

<sup>3</sup> Funding for state aid to libraries is increased to provide a total of \$2,133,000 from the general fund.

<sup>4</sup> One-time funding is added for library repair and maintenance grants.

### Senate Bill No. 2013 - School for the Deaf - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$6,932,905	\$821,327	\$7,754,232
Operating expenses	1,908,794	139,502	2,048,296
Capital assets	191,762	675,412	867,174
Grants	200,000		200,000
Accrued leave payments	134,846	(134,846)	
Total all funds	\$9,368,307	\$1,501,395	\$10,869,702
Less estimated income	1,568,928	124,642	1,693,570
General fund	\$7,799,379	\$1,376,753	\$9,176,132
FTE	44.61	1.00	45.61

### Department No. 252 - School for the Deaf - Detail of Senate Changes

	Adds Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Adds One FTE Adult Services Position <sup>3</sup>	Increases Funding for Extraordinary Repairs <sup>4</sup>	Increases Funding for Equipment <sup>5</sup>	Removes Funding for IT Equipment <sup>6</sup>
Salaries and wages	\$313,251	\$378,476	\$129,600			
Operating expenses						
Capital assets				65,912	52,500	(43,000)
Grants						
Accrued leave payments	(134,846)					
Total all funds	\$178,405	\$378,476	\$129,600	\$65,912	\$52,500	(\$43,000)
Less estimated income	(91,285)	17,231	0	0	52,500	(43,000)
General fund	\$269,690	\$361,245	\$129,600	\$65,912	\$0	\$0
FTE	0.00	0.00	1.00	0.00	0.00	0.00

	Increases Funding for Operating Expenses <sup>7</sup>	Adjusts Funding Source of Operating Expenses <sup>8</sup>	Adds One-Time Funding for Boiler Replacement & Other Projects <sup>9</sup>	Total Senate Changes
Salaries and wages				\$821,327
Operating expenses	139,502			139,502
Capital assets			600,000	675,412
Grants				
Accrued leave payments				(134,846)
Total all funds	\$139,502	\$0	\$600,000	\$1,501,395
Less estimated income	89,196	(500,000)	600,000	124,642
General fund	\$50,306	\$500,000	\$0	\$1,376,753
FTE	0.00	0.00	0.00	1.00

<sup>1</sup> Funding is added for cost-to-continue 2013-15 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> The following funding is added for 2015-17 biennium performance salary adjustments of 2 to 4 percent per year and increases in monthly health insurance premiums:

General	Other	Total
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Salary increase - Performance  
Health insurance increase  
Total

Fund	Funds	
\$141,193	\$8,438	\$149,631
220,052	8,793	228,845
\$361,245	\$17,231	\$378,476

<sup>3</sup> Funding is added for 1 adult services FTE position for the western part of the state.

<sup>4</sup> Funding for extraordinary repairs is increased to provide a total of \$192,174 from the general fund as follows:

Activities building repairs	\$20,174
Parking lot and lighting repairs	64,000
Dining room flooring and ceiling	30,000
Kitchen coolers	46,000
Asbestos testing and abatement	32,000
Total	\$192,174

<sup>5</sup> Funding for equipment over \$5,000 is increased to provide a total of \$75,000 from special funds for a lawn tractor (\$15,000) and a skid steer tractor (\$60,000).

<sup>6</sup> Funding for information technology equipment over \$5,000 provided during the 2013-15 biennium is removed.

<sup>7</sup> Funding for operating expenses is increased.

<sup>8</sup> The funding source of operating expenses is adjusted to increase funding from the general fund.

<sup>9</sup> One-time funding is provided for boiler replacement and Smith Building projects.

#### Senate Bill No. 2013 - Vision Services - School for the Blind - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$4,415,180	\$369,061	\$4,784,241
Operating expenses	707,006	157,700	864,706
Capital assets	35,364	46,590	81,954
Accrued leave payments	87,463	(87,463)	
Total all funds	\$5,245,013	\$485,888	\$5,730,901
Less estimated income	743,427	(111,584)	631,843
General fund	\$4,501,586	\$597,472	\$5,099,058
FTE	30.00	0.00	30.00

#### Department No. 253 - Vision Services - School for the Blind - Detail of Senate Changes

	Adds Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Increases Funding for Reclassification of Position <sup>3</sup>	Increases Funding for Extraordinary Repairs <sup>4</sup>	Increases Funding for Operating Expenses <sup>5</sup>	Adds Funding for Low-Vision Clinic <sup>6</sup>
Salaries and wages	\$119,910	\$221,191	\$27,960			
Operating expenses			22,000		107,200	5,000
Capital assets				14,090		
Accrued leave payments	(87,463)					
Total all funds	\$32,447	\$221,191	\$49,960	\$14,090	\$107,200	\$5,000
Less estimated income	(200,739)	33,162	0	(7)	0	0
General fund	\$233,186	\$188,029	\$49,960	\$14,097	\$107,200	\$5,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One-Time Funding to Replace Server <sup>7</sup>	Adds One-Time Funding for Special Assessments <sup>8</sup>	Adds One-Time Funding for Equipment <sup>9</sup>	Total Senate Changes
Salaries and wages				\$369,061
Operating expenses	2,500		21,000	157,700
Capital assets	13,500	19,000		46,590
Accrued leave payments				(87,463)
Total all funds	\$16,000	\$19,000	\$21,000	\$485,888
Less estimated income	16,000	19,000	21,000	(111,584)

General fund	\$0	\$0	\$0	\$597,472
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is added for cost-to-continue 2013-15 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> The following funding is added for 2015-17 biennium performance salary adjustments of 2 to 4 percent per year and increases in monthly health insurance premiums:

	General Fund	Other Funds	Total
Salary increase - Performance	\$68,192	\$14,829	\$83,021
Health insurance increase	119,837	18,333	138,170
Total	\$188,029	\$33,162	\$221,191

<sup>3</sup> Funding is added to convert an existing vision assistant position to an orientation and mobility specialist position serving the western part of the state, including salaries and wages and operating expenses.

<sup>4</sup> Funding for extraordinary repairs is increased to provide a total of \$49,454 from the general fund.

<sup>5</sup> Funding for operating expenses is increased.

<sup>6</sup> Funding is added for operating expenses related to an annual one-day low-vision clinic in public schools.

<sup>7</sup> One-time funding is added for information technology equipment over \$5,000 (\$13,500) and operating expenses (\$2,500) to install a server and wireless access points.

<sup>8</sup> One-time funding is added to payoff a special assessment.

<sup>9</sup> One-time funding is added for equipment less than \$5,000, including lawn mower/tractor sweep attachment, wall unit air conditioners, floor cleaners, vacuums, washer, dryer, and refrigerator.

#### REPORT OF STANDING COMMITTEE

**SB 2022: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2022 was placed on the Sixth order on the calendar.

Page 1, replace lines 13 through 17 with:

"Salaries and wages	\$3,772,504	\$582,351	\$4,354,855
Accrued leave payments	71,541	(71,541)	0
Operating expenses	973,324	17,550	990,874
Contingencies	<u>82,000</u>	<u>0</u>	<u>82,000</u>
Total special funds	\$4,899,369	\$528,360	\$5,427,729"

Page 1, remove lines 23 and 24

Page 2, replace lines 1 through 4 with:

"Salaries and wages	\$5,016,339	\$1,463,071	\$6,479,410
Accrued leave payments	103,217	(103,217)	0
Operating expenses	2,280,894	397,169	2,678,063
Contingencies	<u>250,000</u>	<u>0</u>	<u>250,000</u>
Total special funds	\$7,650,450	\$1,757,023	\$9,407,473
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	\$2,285,383	\$14,835,202
Full-time equivalent positions	52.00	1.50	53.50"

Renumber accordingly

### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2022 - Summary of Senate Action

	Base Budget	Senate Changes	Senate Version
Retirement and Investment Office			
Total all funds	\$4,899,369	\$528,360	\$5,427,729
Less estimated income	4,899,369	528,360	5,427,729
General fund	\$0	\$0	\$0
Public Employees Retirement System			
Total all funds	\$7,650,450	\$1,757,023	\$9,407,473
Less estimated income	7,650,450	1,757,023	9,407,473
General fund	\$0	\$0	\$0
Bill total			
Total all funds	\$12,549,819	\$2,285,383	\$14,835,202
Less estimated income	12,549,819	2,285,383	14,835,202
General fund	\$0	\$0	\$0

#### Senate Bill No. 2022 - Retirement and Investment Office - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$3,772,504	\$582,351	\$4,354,855
Operating expenses	973,324	17,550	990,874
Contingencies	82,000		82,000
Accrued leave payments	71,541	(71,541)	
Total all funds	\$4,899,369	\$528,360	\$5,427,729
Less estimated income	4,899,369	528,360	5,427,729
General fund	\$0	\$0	\$0
FTE	19.00	0.00	19.00

#### Department No. 190 - Retirement and Investment Office - Detail of Senate Changes

	Adds Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Adds Funding for Salary Adjustments <sup>3</sup>	Adds Funding for Increases in Operating Expenses <sup>4</sup>	Total Senate Changes
Salaries and wages	\$301,879	\$230,472	\$50,000		\$582,351
Operating expenses				17,550	17,550
Contingencies					
Accrued leave payments	(71,541)				(71,541)
Total all funds	\$230,338	\$230,472	\$50,000	\$17,550	\$528,360
Less estimated income	230,338	230,472	50,000	17,550	528,360
General fund	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is added for cost-to-continue 2013-15 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> The following funding is added for 2015-17 biennium performance salary adjustments of 2 to 4 percent per year and increases in monthly health insurance premiums:

	Other Fund	Total
Salary increase - Performance	\$148,434	\$148,434
Health insurance increase	82,038	82,038
Total	\$230,472	\$230,472

<sup>3</sup> Funding is added for additional salary adjustments to increase the agency's compensation ratio from 94.6 to 97 percent of the market policy points for employees.

<sup>4</sup> Funding is added for operating expense increases.

### Senate Bill No. 2022 - Public Employees Retirement System - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$5,016,339	\$1,463,071	\$6,479,410
Operating expenses	2,280,894	397,169	2,678,063
Contingencies	250,000		250,000
Accrued leave payments	103,217	(103,217)	
Total all funds	\$7,650,450	\$1,757,023	\$9,407,473
Less estimated income	7,650,450	1,757,023	9,407,473
General fund	\$0	\$0	\$0
FTE	33.00	1.50	34.50

### Department No. 192 - Public Employees Retirement System - Detail of Senate Changes

	Adds Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Adds Funding for Chief Financial Officer Position <sup>3</sup>	Adds Funding for Benefits Position <sup>4</sup>	Adjusts Base Level Funding <sup>5</sup>	Total Senate Changes
Salaries and wages	\$532,831	\$380,592	\$195,950	\$51,346	\$302,352	\$1,463,071
Operating expenses			20,119		377,050	397,169
Contingencies						
Accrued leave payments	(103,217)					(103,217)
Total all funds	\$429,614	\$380,592	\$216,069	\$51,346	\$679,402	\$1,757,023
Less estimated income	429,614	380,592	216,069	51,346	679,402	1,757,023
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	1.00	0.50	0.00	1.50

<sup>1</sup> Funding is added for cost-to-continue 2013-15 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> The following funding is added for 2015-17 biennium performance salary adjustments of 2 to 4 percent per year and increases in monthly health insurance premiums:

	Other Funds	Total
Salary increase - Performance	\$225,151	\$225,151
Health insurance increase	155,441	155,441
Total	\$380,592	\$380,592

<sup>3</sup> Funding is added from the general fund for 1 chief financial officer FTE position (\$195,950) and related operating expenses (\$20,119).

<sup>4</sup> Funding is added from the general fund for .5 FTE position (\$51,346) to support an increase in the number of retirement benefits processed.

<sup>5</sup> Base level funding is adjusted as follows:

	Other Fund	Total
Remove 2013-15 funding for retirement plan election	(\$22,000)	(\$22,000)
General operating expenses	134,470	134,470
Perslink system refinements	147,000	147,000
Temporary support positions	302,352	302,352
Website redesign	90,080	90,080
Secure reception area	27,500	27,500
Total	\$679,402	\$679,402

### REPORT OF STANDING COMMITTEE

SB 2151, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)

recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2151 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2169: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2169 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2269: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2269 was placed on the Sixth order on the calendar.

Page 3, line 1, replace "The" with "Unless the auditor shows just cause for denial, the"

Page 3, line 3, remove "of the property meets the"

Page 3, line 4, replace "requirements of section 47-19-03.1" with "was obtained from a previously recorded instrument"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2272, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2272 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to direct the department of human services to adjust medical assistance payment rates for selected services.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. DEPARTMENT OF HUMAN SERVICES - MEDICAL ASSISTANCE PAYMENT RATE ADJUSTMENTS.** The department of human services shall adjust its medical assistance payment rates for physical therapy services, occupational therapy services, and speech therapy services to seventy-five percent of the department's professional fee schedule established using the relative value units for the rate year beginning July 1, 2015."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes appropriations to the Department of Human Services and Department of Public Instruction and directs the Department of Human Services to adjust medical assistance payment rates for physical therapy, occupational therapy, and speech therapy services to 75 percent of the department's professional fee schedule beginning July 2015.

#### REPORT OF PROCEDURAL COMMITTEE

**MR. PRESIDENT:** Your procedural **Committee on Committees (Sen. Wardner, Chairman)** respectfully submits the following names for your **Select Committee** to approve nominees Greg Stemen and Nick Hacker to the North Dakota State Board of Higher Education: Sens. Hogue, Anderson, Unruh, Axness, and Oban.

**SEN. KLEIN MOVED** that the report be adopted, which motion prevailed on a voice vote.

#### REPORT OF PROCEDURAL COMMITTEE

**MR. PRESIDENT:** Your procedural **Committee on Committees (Sen. Wardner, Chairman)** respectfully submits the following names for your **Select Committee** to approve nominee Dale Patrick to the Southwestern Low-Level Radioactive Waste Disposal: Sens. Schaible,

Unruh, Armstrong, Hogue, Laffen, Murphy, and Triplett.

**SEN. KLEIN MOVED** that the report be adopted, which motion prevailed on a voice vote.

#### CONSIDERATION OF AMENDMENTS

**SB 2031, as engrossed: SEN. FLAKOLL (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2031:** A BILL for an Act to amend and reenact sections 15-39.1-28, 15.1-06-04, 15.1-09-47, 15.1-09-48, 15.1-27-03.1, 15.1-27-03.2, 15.1-27-04.1, 15.1-27-04.2, 15.1-27-35.3, 15.1-27-45, 15.1-30-04, 15.1-36-02, 40-55-08, 40-55-09, 57-15-01.1, 57-15-14, 57-15-14.2, 57-15-17, 57-15-31, 57-19-01, 57-19-02, and 57-19-09 of the North Dakota Century Code, relating to the determination of state aid payable to school districts; to repeal sections 15.1-27-04, 15.1-27-07.2, 15.1-27-11, 15.1-27-22.1, 15.1-27-42, 15.1-27-43, 15.1-27-44, 15.1-32-20, 57-15-14.4, 57-15-14.5, 57-15-17.1, and 57-19-04 and chapter 57-64 of the North Dakota Century Code, relating to the determination of state aid payable to school districts, school district levies, and mill levy reduction grants; to provide for a study; to provide grants; to provide exemptions; to provide for contingent funding; to provide an expiration date; and to declare an emergency.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Marcellais

Reengrossed SB 2031 passed and the emergency clause was declared carried.

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#### MOTION

**SEN. KLEIN MOVED** that SB 2013 be placed at the top of the Sixth order, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**SB 2013: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2013:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the state library, the school for the deaf, and the North Dakota vision services - school for the blind; to create and enact a new section to chapter 54-24 of the of the North Dakota Century Code, relating to the state library operating fund; to amend and reenact sections 15.1-02-02, 15.1-07-33, 24-02-03.3, and 39-01-03 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction, PowerSchool, the management and use of motor vehicles owned by the state.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Marcellais

Engrossed SB 2013 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2178, as engrossed: SEN. SCHAIBLE (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2178:** A BILL for an Act to create and enact a new section to chapter 15.1-36 and a new section to chapter 26.1-22 of the North Dakota Century Code, relating to the school district construction fund and insurance coverage for real property and improvements leased by a school district; to provide an appropriation; to provide an expiration date; and to declare an emergency.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Marcellais

Reengrossed SB 2178 passed and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**SB 2269: SEN. J. LEE (Political Subdivisions Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2269:** A BILL for an Act to amend and reenact section 11-13-12 of the North Dakota Century Code, relating to a deed or contract for deed that contains a metes and bounds legal description.

#### MOTION

**SEN. J. LEE MOVED** that Engrossed SB 2269 be amended as follows, which motion prevailed on a voice vote.

Page 3, line 4, replace "a previously recorded instrument" with "the most recently recorded conveyance"

Renumber accordingly

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 15 YEAS,

31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Armstrong; Axness; Casper; Davison; Dotzenrod; Erbele; Holmberg; Kilzer; Krebsbach; Miller; O'Connell; Schneider; Unruh; Wanzek; Warner

**NAYS:** Anderson; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Cook; Dever; Flakoll; Grabinger; Heckaman; Hogue; Klein; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Mathern; Murphy; Nelson; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Sinner; Sorvaag; Triplett; Wardner

**ABSENT AND NOT VOTING:** Marcellais

Reengrossed SB 2269 failed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2272, as engrossed: SEN. KILZER (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2272:** A BILL for an Act to direct the department of human services to adjust medical assistance payment rates for selected services.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Marcellais

Reengrossed SB 2272 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2022: SEN. SORVAAG (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### 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; and to provide various transfers.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Marcellais

Engrossed SB 2022 passed.

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### SECOND READING OF SENATE BILL

**SB 2169:** A BILL for an Act to amend and reenact section 15.1-27-04.1 of the North Dakota Century Code, relating to mineral revenue received by school districts; to provide an effective date; and to declare an emergency.

### ROLL CALL

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

**YEAS:** Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Dotzenrod; Heckaman; Hogue; Laffen; Mathern; Murphy; Nelson; O'Connell; Oban; Oehlke; Robinson; Rust; Schneider; Sinner; Unruh; Wardner; Warner

**NAYS:** Anderson; Campbell; Carlisle; Casper; Cook; Davison; Dever; Erbele; Flakoll; Grabinger; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Miller; Poolman; Schaible; Sorvaag; Triplett; Wanzek

**ABSENT AND NOT VOTING:** Marcellais

SB 2169 failed.

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### SECOND READING OF SENATE BILL

**SB 2044:** A BILL for an Act to provide for the creation of a traumatic brain injury program; to provide an appropriation to the department of human services for the establishment of a traumatic brain injury flex fund program; and to provide for reports to the legislative management.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Axness; Davison; Dever; Dotzenrod; Grabinger; Heckaman; Lee, J.; Mathern; Murphy; Nelson; O'Connell; Oban; Robinson; Schneider; Sinner; Triplett; Warner

**NAYS:** Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Erbele; Flakoll; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Luick; Miller; Oehlke; Poolman; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Marcellais

Engrossed SB 2044 failed.

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### SECOND READING OF SENATE BILL

**SB 2369:** A BILL for an Act to create and enact a new section to chapter 16.1-16 of the North Dakota Century Code, relating to audits of ballots and voting equipment.

### ROLL CALL

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

**NAYS:** Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick;

Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

SB 2369 failed.

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#### **SECOND READING OF SENATE BILL**

**SB 2127:** A BILL for an Act to amend and reenact subsection 1 of section 44-08-04 of the North Dakota Century Code, relating to meal reimbursement for travel.

#### **ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Marcellais

SB 2127 failed.

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#### **SECOND READING OF SENATE BILL**

**SB 2308:** A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to volunteer emergency responder number plates.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 12 YEAS, 34 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Armstrong; Axness; Casper; Dotzenrod; Grabinger; Heckaman; Laffen; Mathern; O'Connell; Schneider; Sinner; Warner

**NAYS:** Anderson; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Cook; Davison; Dever; Erbele; Flakoll; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Miller; Murphy; Nelson; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Sorvaag; Triplett; Unruh; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Marcellais

SB 2308 failed.

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#### **SECOND READING OF SENATE BILL**

**SB 2076:** A BILL for an Act to provide for a study on the impact of the Fargo diversion project.

#### **ROLL CALL**

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

**YEAS:** Larsen; Luick



**NAYS:** Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Lee, G.; Lee, J.; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

Engrossed SB 2076 failed.

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## **SECOND READING OF SENATE BILL**

**SB 2207:** A BILL for an Act to provide an appropriation to the state historical society for the cultural heritage grant program.

## **ROLL CALL**

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

**YEAS:** Burckhard; Mathern; Oehlke; Robinson

**NAYS:** Anderson; Armstrong; Axness; Bekkedahl; Bowman; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Miller; Murphy; Nelson; O'Connell; Oban; Poolman; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

Engrossed SB 2207 failed.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2002, SB 2004, SB 2005, SB 2014, SB 2021, SB 2075, SB 2128, SB 2150, SB 2199, SB 2221, SB 2226, SB 2236, SB 2283, SB 2340, SB 2351, SB 2361, SB 2374.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2026, SB 2037, SB 2041, SB 2045, SB 2046, SB 2048, SB 2050, SB 2054, SB 2107, SB 2134, SB 2147, SB 2160, SB 2218, SB 2284, SB 2289, SB 2295, SB 2378.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2027, SB 2096, SB 2175, SB 2197, SB 2202, SB 2251, SB 2253, SB 2320, SB 2332, SB 2336, SCR 4004, SCR 4006, SCR 4015, SCR 4018, SCR 4020, SCR 4021.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2006, SB 2020, SB 2185, SB 2189, SB 2191, SB 2299, SB 2314, SB 2343, SB 2356, SCR 4011.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2008, SB 2016, SB 2087, SB 2355.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2003, SB 2018, SB 2019.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause failed, and your favorable

consideration is requested on: SB 2294.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2159, SB 2177.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HCR 3023.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2159, SB 2177.

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

**MR. SPEAKER:** The President has signed: HCR 3023.

**COMMUNICATION FROM GOVERNOR JACK DALRYMPLE**

This is to inform you that on February 24, 2015, I have signed the following: SB 2103.

**MOTION**

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

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Wednesday, February 25, 2015, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2017: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2017 was placed on the Sixth order on the calendar.

Page 1, line 2, after "department" insert "; to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to governor's proclamation concerning the hunting of elk; and to provide an expiration date"

Page 1, remove lines 12 through 23

Page 2, replace lines 1 and 2 with:

"Salaries and wages	\$25,899,606	\$3,680,756	\$29,580,362
Operating expenses	12,956,728	638,535	13,595,263
Capital assets	3,885,061	1,612,935	5,497,996
Grants	7,122,500	211,912	7,334,412
Land habitat and deer depredation	12,707,403	4,220,548	16,927,951
Noxious weed control	650,000	50,000	700,000
Missouri River enforcement	275,939	7,055	282,994
Grants, gifts, and donations	800,000	28,272	828,272
Nongame wildlife conservation	120,000	0	120,000
Lonetree reservoir	1,935,636	(109,619)	1,826,017
Wildlife services	384,400	0	384,400
Accrued leave payments	816,366	(816,366)	0
Total special funds	\$67,553,639	\$9,524,028	\$77,077,667
Full-time equivalent positions	158.00	3.00	161.00"

Page 2, after line 6, insert:

**"SECTION 3.** A new section to chapter 20.1-08 of the North Dakota Century Code is created and enacted as follows:

**Governor's proclamation concerning the hunting of elk - Annie's house at Bottineau winter park raffle.**

The governor may by proclamation provide for a season to hunt elk in a manner, number, places, and times as the governor prescribes. Licenses to hunt elk must be issued by lottery, except as provided under subsection 7 of

section 20.1-03-11, with only residents eligible to apply; however, the governor may by proclamation make available to Annie's house at Bottineau winter park a license to hunt elk in a manner, places, and times as the governor prescribes. Annie's house at Bottineau winter park shall hold a raffle under rules adopted by the director with residents and nonresidents eligible to participate. No more than ten percent of the gross proceeds of the raffle may be used to promote the raffle and all remaining net proceeds must be used to support the operations of Annie's house at Bottineau winter park. Annie's house at Bottineau winter park shall submit reports concerning the raffle as the director requires. An individual who has been convicted of illegally taking a moose, elk, or bighorn sheep is not eligible to receive a license under this section.

**SECTION 4. EXPIRATION DATE.** Section 3 of this Act is effective through June 30, 2017, and after that date is ineffective."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2017 - Game and Fish Department - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$25,899,606	\$3,680,756	\$29,580,362
Operating expenses	12,956,728	638,535	13,595,263
Capital assets	3,885,061	1,612,935	5,497,996
Grants	7,122,500	211,912	7,334,412
Land habitat and deer depredation	12,707,403	4,220,548	16,927,951
Noxious weed control	650,000	50,000	700,000
Missouri River enforcement	275,939	7,055	282,994
Grants, gifts, and donations	800,000	28,272	828,272
Nongame wildlife conservation	120,000		120,000
Lonetree reservoir	1,935,636	(109,619)	1,826,017
Wildlife services	384,400		384,400
Accrued leave payments	816,366	(816,366)	
Total all funds	\$67,553,639	\$9,524,028	\$77,077,667
Less estimated income	67,553,639	9,524,028	77,077,667
General fund	\$0	\$0	\$0
FTE	158.00	3.00	161.00

#### Department No. 720 - Game and Fish Department - Detail of Senate Changes

	Adds Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Adds Funding for Administrative Officer II <sup>3</sup>	Adds Funding for Administrative Assistant I <sup>4</sup>	Adds Funding for Biologist I <sup>5</sup>	Adjusts Base Level Funding <sup>6</sup>
Salaries and wages	\$1,711,357	\$1,638,564	\$135,054	\$92,966	\$102,815	
Operating expenses			4,421			634,114
Capital assets						1,212,935
Grants						211,912
Land habitat and deer depredation	(509,322)	71,713				2,658,157
Noxious weed control	(63,304)					113,304
Missouri River enforcement	3	7,052				
Grants, gifts, and donations	13,182	9,365			33,868	(28,143)
Nongame wildlife conservation						
Lonetree reservoir	1,086	39,295				(150,000)
Wildlife services						
Accrued leave payments	(816,366)					
Total all funds	\$336,636	\$1,765,989	\$139,475	\$92,966	\$136,683	\$4,652,279
Less estimated income	336,636	1,765,989	139,475	92,966	136,683	4,652,279
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	1.00	1.00	1.00	0.00

	Adds One-Time Funding for Devils Lake Storage Building <sup>7</sup>	Adds One-Time Funding for State Fair Shooting Skills Building <sup>8</sup>	Adds One-Time Funding for Wildlife Private Land Initiative <sup>9</sup>	Total Senate Changes
Salaries and wages				\$3,680,756

Operating expenses				638,535
Capital assets	200,000	200,000		1,612,935
Grants				211,912
Land habitat and deer depredation			2,000,000	4,220,548
Noxious weed control				50,000
Missouri River enforcement				7,055
Grants, gifts, and donations				28,272
Nongame wildlife conservation				
Lonetree reservoir				(109,619)
Wildlife services				
Accrued leave payments				(816,366)
Total all funds	\$200,000	\$200,000	\$2,000,000	\$9,524,028
Less estimated income	<u>200,000</u>	<u>200,000</u>	<u>2,000,000</u>	<u>9,524,028</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	3.00

<sup>1</sup> Funding is added for cost-to-continue 2013-15 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> The following funding is added for 2015-17 biennium performance salary adjustments of 2 to 4 percent per year and increases in monthly health insurance premiums:

	General Fund	Other Funds	Total
Salary increase - Performance	\$0	\$1,083,770	\$1,083,770
Health insurance increase	0	682,219	682,219
Total	\$0	\$1,765,989	\$1,765,989

<sup>3</sup> Funding is added from special funds for a new administrative officer II FTE position (\$135,054) and related operating expenses (\$4,421).

<sup>4</sup> Funding is added from special funds for a new administrative assistant I FTE position (\$92,966).

<sup>5</sup> Funding is added from special funds for a new biologist I FTE position (\$102,815) and related costs (\$33,868).

<sup>6</sup> Base level funding is adjusted as follows:

	General Fund	Other Funds	Total
Cesna airplane engine and propeller replacement	\$0	\$85,000	\$85,000
Operating expenses	0	549,114	549,114
Capital assets	0	847,935	847,935
Grants	0	211,912	211,912
Land habitat and deer depredation	0	2,758,157	2,758,157
Wildlife division general adjustment	0	200,161	200,161
Total	\$0	\$4,652,279	\$4,652,279

<sup>7</sup> Funding is added from special funds for a Devils Lake storage building.

<sup>8</sup> Funding is added from special funds for a State Fair Association shooting skills building.

<sup>9</sup> One-time funding is added from special funds received from the North Dakota outdoor heritage fund for the wildlife private land initiative to increase access to private lands for sportsman.

Section 3 adds a new section to North Dakota Century Code Chapter 20.1-08 to provide a Governor's proclamation to provide Annie's House at Bottineau Winter Park with an elk tag for raffle.

Section 4 provides an expiration date for Section 3.

**REPORT OF STANDING COMMITTEE**

**SB 2035: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2035 was placed on the Sixth order on the calendar.

Page 1, line 3, after "reenact" insert "section 40-57.1-03 and"

Page 1, line 4, after "to" insert "requirements of a city or county granting a property tax exemption and"

Page 1, line 5, replace "and" with "to provide for a legislative management study; and"

Page 1, after line 7, insert:

**"SECTION 1. AMENDMENT.** Section 40-57.1-03 of the North Dakota Century Code is amended and reenacted as follows:

**40-57.1-03. ~~(Effective for the first taxable year beginning after December 31, 2013) Municipality's authority to grant or revoke tax exemption or payments in lieu of taxes -- Notice to competitors -- Limitations.~~**

1. ~~After negotiation with a potential project operator, a municipality may grant a partial or complete exemption from ad valorem taxation on all buildings, structures, fixtures, and improvements used in or necessary to the operation of a project for a period not exceeding five years from the date of commencement of project operations. A municipality may also grant a partial or complete exemption from ad valorem taxation on buildings, structures, fixtures, and improvements used in or necessary to the operation of a project that produces or manufactures a product from agricultural commodities for all or part of the sixth year through the tenth year from the date of commencement of project operations.~~
2. ~~In addition to, or in lieu of, a property tax exemption granted under this section, a municipality may establish an amount due as payments in lieu of ad valorem taxes on buildings, structures, fixtures, and improvements used in the operation of a project. The governing body of the municipality shall designate the amount of the payments for each year and the beginning year and the concluding year for payments in lieu of taxes, but the option to make payments in lieu of taxes under this section may not extend beyond the twentieth year from the date of commencement of project operations. To establish the amount of payments in lieu of taxes, the governing body of the municipality may use actual or estimated levels of assessment and taxation or may establish payment amounts based on other factors. The governing body of the municipality may designate different amounts of payments in lieu of taxes in different years to recognize future project expansion plans or other considerations.~~
3. ~~By November first of each year, the municipality that granted the option to make payments in lieu of taxes shall certify to the county auditor the amount of payments in lieu of taxes due under this section in the following year. After receiving the statement from the municipality, the county auditor shall certify the payments in lieu of taxes to the county treasurer for collection at the time when, and in the manner in which, ad valorem taxes must be certified. Upon receipt by the county treasurer of the amount of payments in lieu of taxes under this section, the county treasurer shall apportion and distribute that amount to taxing districts on the basis on which the general real estate tax levy is apportioned and distributed. The municipality may enter into a written agreement with the local school district and any other local taxing districts that wish to enter the agreement for an alternate method of apportionment and distribution. If such an agreement is entered into, the county treasurer shall apportion and distribute the money according to the written agreement. All provisions of law relating to enforcement, administration, collection, penalties, and delinquency proceedings for ad valorem taxes apply to~~

payments in lieu of taxes under this section. However, the discount for early payment of taxes under section 57-20-09 does not apply to payments in lieu of taxes under this section. The buildings, structures, fixtures, and improvements comprising a project for which payments in lieu of taxes are allowed under this section must be excluded from the valuation of property in the taxing district for purposes of determining the mill rate for the taxing district.

4. Negotiations with potential project operators for tax exemption or payments in lieu of taxes must be carried on by the city council or commission if the project is proposed to be located within the boundaries of a city, and by the board of county commissioners if the project is proposed to be located outside the corporate limits of any city. A partial exemption must be stated as a percentage of the total ad valorem taxes assessed against the property. Unless the governing body of the municipality determines that there is no existing business within the municipality for which the potential project would be a competitor, the potential project operator shall publish two notices to competitors, the form of which must be prescribed by the tax commissioner, of the application for tax exemption or payments in lieu of taxes in the official newspaper of the municipality at least one week apart. The publications must be completed not less than fifteen nor more than thirty days before the governing body of the municipality is to consider the application. The municipality shall determine whether the granting of the exemption or payments in lieu of taxes, or both, is in the best interest of the municipality, and if it so determines, shall give its approval.
5. By motion approved by the governing body of the municipality before the beginning of a taxable year for which a property tax exemption or the option to make payments in lieu of taxes under this section previously has been approved by the governing body, a property tax exemption may be revoked or reduced and payments in lieu of taxes may be revoked or increased for that taxable year for reasons specified in a negotiated agreement or if the governing body finds that:
  - a. Information provided by the project operator during the negotiation and deliberation of a property tax exemption or the option to make payments in lieu of taxes has proven to be inaccurate or untrue;
  - b. Use of the property by the project operator does not comply with the reasonable expectations of the governing body at the time the property tax exemption or the option to make payments in lieu of taxes was approved;
  - c. The property has been improved to a substantially greater extent than the governing body reasonably anticipated at the time the property tax exemption or the option to make payments in lieu of taxes was approved; or
  - d. There has been a change of ownership of the property since the property tax exemption or the option to make payments in lieu of taxes was approved.
6. During the negotiation and deliberation of a property tax exemption or the option to make payments in lieu of taxes under this chapter, a municipality shall include, as nonvoting ex officio members of its governing body, a representative appointed by the school board of each school district affected by the proposed action and a representative appointed by the board of township supervisors of each township affected by the proposed action.

**(Effective for taxable years beginning after December 31, 2014)**  
**Municipality's authority to grant or revoke tax exemption or payments in lieu of taxes - Notice to competitors - Limitations.**

1. After negotiation with a potential project operator, a municipality may grant a partial or complete exemption from ad valorem taxation on all buildings, structures, fixtures, and improvements used in or necessary to the operation of a project for a period not exceeding five years from the date of commencement of project operations. A municipality may also grant a partial or complete exemption from ad valorem taxation on buildings, structures, fixtures, and improvements used in or necessary to the operation of a project that produces or manufactures a product from agricultural commodities for all or part of the sixth year through the tenth year from the date of commencement of project operations. Before a municipality may grant a partial or complete exemption from ad valorem taxation under this section:
  - a. The governing body of the municipality must have received the certification of the department of commerce division of economic development and finance that the project is a primary sector business, as defined in subsection 3 of section 40-57.1-02; or
  - b. The city council or commission, if the project is proposed to be located within the boundaries of a city of fewer than forty thousand population, or the board of county commissioners, of a county of fewer than forty thousand population and if the project is proposed to be located in the county but outside the corporate limits of any city, may grant a partial or complete exemption from ad valorem taxation for a project operating in the retail sector if that governing body has obtained the approval of exemption of property under this subdivision from a majority of the qualified electors of the city or county voting on the question at a city or county election held in conjunction with a statewide general election and if that governing body has established by resolution or ordinance the criteria that will be applied by the governing body to determine whether it is appropriate to grant a partial or complete exemption from ad valorem taxation under this section for a project operating in the retail sector. The ballot for elector approval of exemption of property under this subdivision must present the question at the election for a yes or no vote on the question:

Shall the governing body of [name of county or city] be empowered to grant property tax exemptions upon application of new or expanding retail sector businesses?

Only a governing body of a city or county that meets the requirements of this subdivision may grant a partial or complete exemption from ad valorem taxation under this section for a project operating in the retail sector. Criteria established by the governing body under this subdivision, at a minimum, must be intended to require:

- (1) Evaluation of the potential positive or adverse consequences for existing retail sector businesses in the municipality from granting the exemption;
- (2) Evaluation of the short-term and long-term effects for other property taxpayers in the municipality from granting the exemption;
- (3) A written agreement with the project operator, including performance requirements for which the exemption may be terminated by the governing body of the municipality if those requirements are not met; and
- (4) Evaluation of whether the project operator would locate the project within the municipality without the exemption.

2. In addition to, or in lieu of, a property tax exemption granted under this section, a municipality may establish an amount due as payments in lieu of ad valorem taxes on buildings, structures, fixtures, and improvements used in the operation of a project. The governing body of the municipality shall designate the amount of the payments for each year and the beginning year and the concluding year for payments in lieu of taxes, but the option to make payments in lieu of taxes under this section may not extend beyond the twentieth year from the date of commencement of project operations. To establish the amount of payments in lieu of taxes, the governing body of the municipality may use actual or estimated levels of assessment and taxation or may establish payment amounts based on other factors. The governing body of the municipality may designate different amounts of payments in lieu of taxes in different years to recognize future project expansion plans or other considerations.
3. Before a governing body may grant a partial or complete exemption from ad valorem taxation or the option to make payments in lieu of ad valorem taxes under this chapter, the governing body shall consult with the department of commerce. If the department of commerce determines that the total project costs are estimated to exceed one billion dollars, the department of commerce shall conduct a public hearing and notice of that hearing must be provided to each affected taxing district and any existing business within the municipality for which the potential project would be a competitor.
4. By November first of each year, the municipality that granted the option to make payments in lieu of taxes shall certify to the county auditor the amount of payments in lieu of taxes due under this section in the following year. After receiving the statement from the municipality, the county auditor shall certify the payments in lieu of taxes to the county treasurer for collection at the time when, and in the manner in which, ad valorem taxes must be certified. Upon receipt by the county treasurer of the amount of payments in lieu of taxes under this section, the county treasurer shall apportion and distribute that amount to taxing districts on the basis on which the general real estate tax levy is apportioned and distributed. The municipality may enter into a written agreement with the local school district and any other local taxing districts that wish to enter the agreement for an alternate method of apportionment and distribution. If such an agreement is entered into, the county treasurer shall apportion and distribute the money according to the written agreement. All provisions of law relating to enforcement, administration, collection, penalties, and delinquency proceedings for ad valorem taxes apply to payments in lieu of taxes under this section. However, the discount for early payment of taxes under section 57-20-09 does not apply to payments in lieu of taxes under this section. The buildings, structures, fixtures, and improvements comprising a project for which payments in lieu of taxes are allowed under this section must be excluded from the valuation of property in the taxing district for purposes of determining the mill rate for the taxing district.
- ~~4.5.~~ Negotiations with potential project operators for tax exemption or payments in lieu of taxes must be carried on by the city council or commission if the project is proposed to be located within the boundaries of a city, and by the board of county commissioners if the project is proposed to be located outside the corporate limits of any city. A partial exemption must be stated as a percentage of the total ad valorem taxes assessed against the property. Unless the governing body of the municipality determines that there is no existing business within the municipality for which the potential project would be a competitor, the potential project operator shall publish two notices to competitors, the form of which must be prescribed by the tax commissioner, of the application for tax exemption or payments in lieu of taxes in the official newspaper of the municipality at least one week apart. The publications must be completed not less than fifteen nor more than thirty days before the governing body of the municipality is to consider the application. The



municipality shall determine whether the granting of the exemption or payments in lieu of taxes, or both, is in the best interest of the municipality, and if it so determines, shall give its approval.

5-6. By motion approved by the governing body of the municipality before the beginning of a taxable year for which a property tax exemption or the option to make payments in lieu of taxes under this section previously has been approved by the governing body, a property tax exemption may be revoked or reduced and payments in lieu of taxes may be revoked or increased for that taxable year for reasons specified in a negotiated agreement or if the governing body finds that:

- a. Information provided by the project operator during the negotiation and deliberation of a property tax exemption or the option to make payments in lieu of taxes has proven to be inaccurate or untrue;
- b. Use of the property by the project operator does not comply with the reasonable expectations of the governing body at the time the property tax exemption or the option to make payments in lieu of taxes was approved;
- c. The property has been improved to a substantially greater extent than the governing body reasonably anticipated at the time the property tax exemption or the option to make payments in lieu of taxes was approved; or
- d. There has been a change of ownership of the property since the property tax exemption or the option to make payments in lieu of taxes was approved.

6-7. During the negotiation and deliberation of a property tax exemption or the option to make payments in lieu of taxes under this chapter, a municipality shall include, as nonvoting ex officio members of its governing body, a representative appointed by the school board of each school district affected by the proposed action and a representative appointed by the board of township supervisors of each township affected by the proposed action.

7-8. A city or county may not supersede or expand the provisions of this section under home rule authority."

Page 3, after line 9, insert:

**"SECTION 4. LEGISLATIVE MANAGEMENT STUDY - ECONOMIC DEVELOPMENT IMPACT.** During the 2015-16 interim, the legislative management shall consider studying the impact of large economic development projects on political subdivisions. The study may include a review of the current process for seeking out input from political subdivisions potentially impacted by a large economic development project and any mechanisms in place to address the potential impact. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Page 3, line 10, replace "This" with "Section 1 of this Act is effective for taxable years beginning after December 31, 2014. Sections 2 and 3 of this"

Page 3, line 10, replace "is" with "are"

Page 3, line 11, replace "applies" with "apply"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2066: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2066 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 43-28-02.1 and"

Page 1, line 2, after the first "to" insert "tribal sovereignty and"

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

Page 1, line 2, after "sections" insert "43-20-01.3,"

Page 1, line 3, after the third comma insert "43-28-03, 43-28-04,"

Page 1, line 3, remove "and"

Page 1, line 3, after "43-28-18.2" insert ", and 43-28-25"

Page 1, line 5, after "dentists" insert "; and to provide a penalty"

Page 1, after line 6, insert:

**"SECTION 1. AMENDMENT.** Section 43-20-01.3 of the North Dakota Century Code is amended and reenacted as follows:

**43-20-01.3. Licensure by credential review.**

Applications for licensure to practice dental hygiene by credential review must be made on forms provided by the board and submitted thirty days before the examination administered by the board. The board may issue a license and certificate of registration to practice dental hygiene to an applicant who meets all of the following requirements:

1. The applicant, ~~for at least three~~within the five years immediately preceding application, has been licensed in good standing and has been actively practicing dental hygiene in another jurisdiction where the requirements are at least substantially equivalent to those of this state.
2. Grounds for denial of the application under section 43-20-05 do not exist.
3. The applicant has paid to the board the fee established by the board by rule.
4. The applicant has delivered to the board a certificate from the examining or licensing board of every jurisdiction in which the individual is licensed to practice, certifying that the individual is a licensed and registered dental hygienist in good standing in that jurisdiction.
5. The applicant has passed a written examination on the laws and rules governing the practice of dentistry in this state administered by the board at a meeting.
6. The applicant has met any requirement for licensure established by the board by rule."

Page 2, line 17, remove the underscored period

Page 2, line 18, remove "4. The applicant met any requirement for registration established by the board by rule"

Page 2, after line 18 insert:

**"SECTION 5.** Section 43-28-02.1 of the North Dakota Century Code is created and enacted as follows:

**43-28-02.1. Tribal sovereignty.**

This section reaffirms the sovereignty of native American tribes in the state. The legislative assembly recognizes that in accordance with federal law, a native American tribe in this state may authorize a dental provider, who is licensed, certified, or otherwise sanctioned by another jurisdiction to provide dental services, to provide dental services on that Indian reservation.

**SECTION 6. AMENDMENT.** Section 43-28-03 of the North Dakota Century Code is amended and reenacted as follows:

**43-28-03. State board of dental examiners - Members - Appointment - Terms of office - Oath - Vacancies.**

The state board of dental examiners consists of ~~seven~~eight members appointed by the governor. The membership of the board must include five dentist members, one dental hygienist member, one registered dental assistant member, and one consumer member. Appointment to the board is for a term of five years, with terms of office arranged so that one term expires on March sixteenth of each year, except that each fifth year there must be two new board members appointed, one of whom is a dentist and the other a dental hygienist ~~and~~, two years later two new board members must be appointed, one of whom is a dentist; and one of whom is a consumer member, and two years later two new board members must be appointed, one of whom is a dentist and one of whom is a registered dental assistant. ~~The first five-year term of the consumer member commences on July 1, 1993, and continues through March 15, 1998.~~ Each member of the board shall hold office until a successor is appointed and qualified. Persons appointed to the board shall qualify by taking the oath required of civil officers. No member may serve more than ten years or two 5-year terms of office. If the terms of more than two board members expire in the same year, the governor may extend for no more than two years the terms of one or more of those board members in order to comply with this section. If a member of the board is absent from two consecutive regular meetings, the board may declare a vacancy to exist. All vacancies on the board must be filled by the governor by appointment.

**SECTION 7. AMENDMENT.** Section 43-28-04 of the North Dakota Century Code is amended and reenacted as follows:

**43-28-04. Qualifications and appointment of members of the board - Limited vote.**

1. An individual may not be appointed as a dentist member of the board unless that individual:
  - a. Is a dentist licensed and registered under this chapter; and
  - b. Is actively engaged in the practice of dentistry and has been so engaged in this state for at least five years immediately preceding the appointment.
2. An individual may not be appointed as the dental hygienist member of the board unless that individual:
  - a. Is a licensed and registered dental hygienist in accordance with chapter 43-20; and
  - b. Is actively engaged in the practice of dental hygiene and has been so engaged in this state for at least five years immediately preceding the dental hygienist's appointment.
3. An individual may not be appointed as the consumer member of the board unless that individual:
  - a. Has been a resident of North Dakota for five years immediately preceding appointment;

- b. Has no personal or family financial relationship with the dental profession; and
  - c. Is not a dentist, a dental hygienist, a dental assistant, a physician, a nurse, or the spouse of an individual engaged in any of those occupations.
4. An individual may not be appointed as the registered dental assistant member of the board unless the individual:
- a. Is a registered dental assistant under chapter 43-20; and
  - b. Is actively engaged in the practice of dental assistance in this state for at least five years immediately preceding the dental assistant's appointment.
5. The dental hygienist, the registered dental assistant, and consumer member of the board shall exercise full voting privileges in all areas except that the dental hygienist may not participate in the clinical examination of dentists for licensure and the registered dental assistant and the consumer member may not participate in the clinical examination of dentists or hygienists for licensure."

Page 2, line 24, overstrike "for at least" and insert immediately thereafter "within the"

Page 5, after line 4, insert:

**"SECTION 11. AMENDMENT.** Section 43-28-25 of the North Dakota Century Code is amended and reenacted as follows:

**43-28-25. Unlawful acts - Penalty.**

It is a class A misdemeanor:

- 1. For any unlicensed person to construct, alter, repair, or duplicate any denture, partial denture, bridge, splint, or orthodontic or prosthetic appliance, except as provided by rule adopted by the board.
- 2. For any person:
  - a. To falsely claim or pretend to be a graduate from any dental college or the holder of any diploma or degree from such college;
  - b. To practice any fraud and deceit either in obtaining a license or a certificate of registration;
  - c. To falsely claim or pretend to have or hold a license or certificate of registration from the board to practice dentistry; or
  - d. To practice dentistry in this state without a license and certificate of registration.
- 3. For any person, except a dentist, to own more than forty-nine percent of an office practice or business at which the practice of dentistry is performed. This provision does not apply to a board-approved medical clinic, hospital, or public health setting with which a dentist is associated; a board-approved nonprofit organization created to serve the dental needs of an underserved population; or the heir or personal representative of a deceased dentist. The board may inspect and approve a medical clinic, hospital, public health setting, or nonprofit organization at which the practice of dentistry is performed. The heir or personal representative may~~shall~~ appoint a dentist to operate an office under the name of the deceased dentist for a period of not longer than two years from the date of the dentist's death.

The board may institute a civil action for an injunction prohibiting violations of this section without proof that anyone suffered actual damages."

Page 5, line 9, after "dentist" insert "or dentists"

Page 5, line 9, after "director" insert "or directors"

Page 5, line 27, after the underscored semicolon insert "or"

Page 5, line 28, remove the first semicolon

Page 5, line 29, remove "or the heir or personal representative of a deceased dentist"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2196: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2196 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2220: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2220 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2254, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2254 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "section 15.1-09-58,"

Page 1, line 2, replace the second comma with "and"

Page 1, line 2, remove ", and 15.1-27-35"

Page 1, remove lines 16 through 24

Page 2, remove lines 1 through 9

Page 7, remove lines 17 through 31

Page 8, remove lines 1 through 18

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2257, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2257 was placed on the Sixth order on the calendar.

Page 1, line 3, after the first semicolon insert "to provide an appropriation;"

Page 1, line 3, remove "and"

Page 1, line 4, after "date" insert "; and to declare an emergency"

Page 4, after line 14, insert:

**"SECTION 4. APPROPRIATION - TRANSFER - GENERAL FUND TO HOUSING INCENTIVE FUND.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$20,000,000, or so much of the sum as may be necessary, which the office of

management and budget shall transfer to the housing incentive fund, for the period beginning with the effective date of this Act, and ending June 30, 2017. The funding provided in this section is considered a one-time funding item."

Page 4, after line 17, insert:

**"SECTION 6. EMERGENCY.** Section 4 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment provides one-time funding of \$20 million from the general fund for a transfer to the housing incentive fund and provides an emergency clause.

**REPORT OF STANDING COMMITTEE**

**SB 2321, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2321 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to direct the department of human services to seek federal medical assistance coverage for tribal community health representative services; to provide for a legislative management study; to provide for a report; and to provide an effective date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. MEDICAL ASSISTANCE COVERAGE - TRIBAL COMMUNITY HEALTH REPRESENTATIVE SERVICES.** The department of human services shall seek federal medical assistance coverage for tribal community health representative services if the representative provides for the coordination of care and education services and if the services are provided under the supervision of a physician, a physician's assistant, a registered nurse, an advanced practice registered nurse, a behavioral health professional, an optometrist, or a dentist for the period beginning with the effective date of this Act and ending June 30, 2017.

**SECTION 2. REPORT.** The department of human services shall provide a report to the sixty-fifth legislative assembly on the medicaid enrollment by community health representatives and on medicaid service utilization of clients receiving services from tribal community health representatives. The department of human services shall compare medicaid service utilization before and after the medicaid enrollment of community health representatives.

**SECTION 3. LEGISLATIVE MANAGEMENT STUDY.** During the 2015-16 interim, the legislative management shall consider studying the feasibility and desirability of implementing a community health worker-community health representative program to assist with optimizing individual and family health and dental outcomes through services which include informal and motivational counseling and education; interventions to maximize social support; participation in care coordination; participation in case management; facilitation of access to health care, dental care, and social services; and health and dental screenings. The study must consider the requirements for licensing or certifying community health workers including education, experience, and training requirements and review the availability of medical assistance coverage for services provided by community health workers. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

**SECTION 4. EFFECTIVE DATE.** Sections 1 and 2 of this Act become effective on July 1, 2016, or on approval from the centers for medicare and medicaid services for the department of human services to secure one hundred percent federal funding of the medicaid costs for the services of the community health representative, whichever occurs later."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2360: Education Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2360 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "only if the"

Page 1, remove lines 10 through 24

Page 2, replace lines 1 and 2 with ":

- a. Internally; and
- b. To any state or federal governmental agency.
- 2. a. An institution of higher education under the control of the state board of higher education may disclose directory information to persons or entities other than those listed in subsection 1, only if a student has electronically authorized the disclosure.
- b. A student may provide authorization for disclosure under this subsection at any time.
- c. An institution may seek authorization for disclosure under this subsection by providing an electronic prompt to students, at least once each academic year."

Renumber accordingly

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Sinner, Dotzenrod, Erbele, Luick, Miller, Wanzek introduced:

**SCR 4023:** A concurrent resolution directing the Legislative Management to study options for protecting farmers who prepay for chemicals, feed, fertilizer, seed, and similar agricultural supplies.

Was read the first time and referred to the **Agriculture Committee**.

Sen. Schneider introduced:

**SCR 4024:** A concurrent resolution directing the Legislative Management to study the degree of tax collections volatility to which this state may be vulnerable and the feasibility of combining existing funds or creating mechanisms to mitigate potential volatility of tax collections and state budget impact.

Was read the first time and referred to the **Finance and Taxation Committee**.

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

**Jane Schaible, Secretary**

