

## JOURNAL OF THE SENATE

## Sixty-fourth Legislative Assembly

\* \* \* \* \*

**Bismarck, February 20, 2015**

The Senate convened at 12:00 p.m., with President Pro Tempore Dever presiding.

The prayer was offered by Monsignor Tom Richter, Cathedral of the Holy Spirit, Bismarck.

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

A quorum was declared by the President Pro Tempore.

**CONSIDERATION OF AMENDMENTS**

**SB 2160, as engrossed: SEN. MATHERN (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 2160:** A BILL for an Act to create and enact a new section to chapter 54-59 of the North Dakota Century Code, relating to creation of a health information hub office in the information technology department and a health information hub executive committee; to provide a continuing appropriation; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Laffen

Engrossed SB 2160 passed.

\*\*\*\*\*

**CONSIDERATION OF AMENDMENTS**

**SB 2054: SEN. COOK (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 2054:** A BILL for an Act to create and enact section 57-02-01.1 of the North Dakota Century Code, relating to training and certification of assessors; to amend and reenact sections 11-10.1-01, 11-10.1-05, 57-01-05, and 57-02-33 of the North Dakota Century Code, relating to the county director of tax equalization, state supervisor of assessments, and appointment of certified assessors; and to provide for transition.

**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, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Armstrong; Bekkedahl; Bowman; Burckhard; Carlisle; Casper; Cook; Davison;

Dever; Erbele; Flakoll; Hogue; Holmberg; Kilzer; Krebsbach; Lee, J.; Oehlke; Poolman; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner

**NAYS:** Anderson; Axness; Campbell; Dotzenrod; Grabinger; Heckaman; Klein; Larsen; Lee, G.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Robinson; Rust; Warner

**ABSENT AND NOT VOTING:** Laffen

Engrossed SB 2054 passed.

\*\*\*\*\*

#### CONSIDERATION OF AMENDMENTS

**SB 2037: 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 2037:** A BILL for an Act to amend and reenact section 57-06-14.1, and subsection 1 of section 57-38-01.8 of the North Dakota Century Code, relating to taxation of wind turbine electric generation units and an income tax credit for installation of geothermal, solar, wind, or biomass energy devices; to provide for a legislative management study; to provide for a report; 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; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Laffen; O'Connell

Engrossed SB 2037 passed.

\*\*\*\*\*

#### CONSIDERATION OF AMENDMENTS

**SB 2134: SEN. HOGUE (Judiciary 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 2134:** A BILL for an Act to amend and reenact subsection 1 of section 15-10-17 of the North Dakota Century Code, relating to the appointment and removal of institution presidents and the commissioner of higher education by the state board of higher education; 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 30 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson; Axness; Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Murphy;

Nelson; Oban; Robinson; Rust; Schneider; Sinner; Warner

**ABSENT AND NOT VOTING:** Laffen; O'Connell

Engrossed SB 2134 passed but the emergency clause failed.

\*\*\*\*\*

#### CONSIDERATION OF AMENDMENTS

**SB 2045, as engrossed: SEN. J. LEE (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 2045:** A BILL for an Act to provide an appropriation to the department of human services for a voucher system for addiction treatment services; and to provide for a report 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 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; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Laffen; O'Connell

Reengrossed SB 2045 passed.

\*\*\*\*\*

#### CONSIDERATION OF AMENDMENTS

**SB 2041: 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 2041:** A BILL for an Act to provide an appropriation to the department of human services to develop a master plan in conjunction with the department of corrections and rehabilitation for the state hospital and the James River correctional center; 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 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; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**NAYS:** Campbell

**ABSENT AND NOT VOTING:** Laffen; O'Connell

Engrossed SB 2041 passed.

\*\*\*\*\*

**CONSIDERATION OF AMENDMENTS**

**SB 2050: SEN. MATHERN (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 2050:** A BILL for an Act to create and enact a new section to chapter 50-06.2 of the North Dakota Century Code, relating to eligibility for service payments for elderly and disabled.

**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; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Laffen; O'Connell

Engrossed SB 2050 passed.

\*\*\*\*\*

**CONSIDERATION OF AMENDMENTS**

**SB 2046, as engrossed: SEN. J. LEE (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 2046:** A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota century code, relating to medical assistance coverage for certain behavioral health services; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Laffen; O'Connell

Reengrossed SB 2046 passed.

\*\*\*\*\*

**CONSIDERATION OF AMENDMENTS**

**SB 2107, as engrossed: SEN. NELSON (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 2107:** A BILL for an Act to create and enact chapter 12.1-41 of the North Dakota Century

Code, relating to the Uniform Act on Prevention of and Remedies for Human Trafficking; to amend and reenact subsection 1 of section 12.1-32-15 of the North Dakota Century Code, relating to definitions; to repeal chapter 12.1-40 of the North Dakota Century Code, relating to human trafficking; 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 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; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Laffen; O'Connell

Reengrossed SB 2107 passed.

\*\*\*\*\*

#### CONSIDERATION OF AMENDMENTS

**SB 2218, as engrossed: SEN. MATHERN (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 2218:** A BILL for an Act to provide an appropriation to the department of human services for services for individuals with intellectual or developmental disabilities.

#### 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; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Laffen; O'Connell

Reengrossed SB 2218 passed.

\*\*\*\*\*

#### CONSIDERATION OF AMENDMENTS

**SB 2284, 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 2284:** A BILL for an Act to create and enact section 23-16-16 of the North Dakota Century Code, relating to hospital treatment of victims of sexual assault; to provide a penalty; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Laffen; O'Connell

Reengrossed SB 2284 passed.

\*\*\*\*\*

#### CONSIDERATION OF AMENDMENTS

**SB 2355: SEN. DAVISON (Education 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 2355:** A BILL for an Act to create and enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating to the development of a satisfaction survey for the education standards and practices board; to provide for a legislative management study; and to declare an emergency.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Laffen; O'Connell

Engrossed SB 2355 passed and the emergency clause was declared carried.

\*\*\*\*\*

#### CONSIDERATION OF AMENDMENTS

**SB 2048, as engrossed: SEN. J. LEE (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 2048:** A BILL for an Act to provide appropriations to the department of human services for improving behavioral health services and for substance abuse treatment services; to provide for reports to the legislative management; and to provide for legislative management studies.

#### 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; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Laffen; O'Connell

Reengrossed SB 2048 passed.

\*\*\*\*\*

**MOTION**

**SEN. KLEIN MOVED** that SB 2351 be placed at the top of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2351:** A BILL for an Act to create and enact section 10-06.1-12.1 of the North Dakota Century Code, relating to the ownership or leasing of farm and ranch land by corporations.

**MOTION**

**SEN. WARNER MOVED** that SB 2351 be amended as follows.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of issues relating to the economic health of animal agriculture in North Dakota.

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - ECONOMIC HEALTH OF ANIMAL AGRICULTURE IN NORTH DAKOTA.** During the 2015-16 interim, the legislative management shall consider studying issues relating to the economic health of animal agriculture in North Dakota, including trends in markets and commodity prices and business models and structures. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

**REQUEST**

**SEN. WARNER REQUESTED** a verification vote on the motion to adopt the proposed amendments to SB 2351, which request was granted.

The proposed amendments to SB 2351 failed on a verification vote.

**REQUEST**

**SEN. KLEIN REQUESTED** that the Senate divide SB 2351, which request was granted.

**DIVISION A:** Subsection 1

**DIVISION B:** Subsection 2

**ROLL CALL**

The question being on the final adoption of Division A of SB 2351, the roll was called and there were 30 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Axness; Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Murphy; Nelson; Oban; Robinson; Schneider; Sinner; Triplett; Warner

**ABSENT AND NOT VOTING:** Laffen; Lee, J.; O'Connell

Division A of SB 2351 was adopted on a recorded roll call vote.

**ROLL CALL**

The question being on the final adoption of Division B of SB 2351, the roll was called and there were 30 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Axness; Dotzenrod; Flakoll; Grabinger; Heckaman; Marcellais; Mathern; Murphy; Nelson; Oban; Robinson; Schneider; Sinner; Triplett; Warner

**ABSENT AND NOT VOTING:** Laffen; O'Connell

Division B of SB 2351 was adopted on a recorded roll call vote.

**ROLL CALL**

The question being on the final passage of the bill, which includes Division A and Division B, which have been read, the roll was called and there were 27 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Campbell; Carlisle; Casper; Cook; Davison; Dever; Erbele; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Miller; Oehlke; Poolman; Sorvaag; Unruh; Wanzek; Wardner

**NAYS:** Axness; Burckhard; Dotzenrod; Flakoll; Grabinger; Heckaman; Marcellais; Mathern; Murphy; Nelson; Oban; Robinson; Rust; Schaible; Schneider; Sinner; Triplett; Warner

**ABSENT AND NOT VOTING:** Laffen; O'Connell

SB 2351 passed.

\*\*\*\*\*

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1035, HB 1040, HB 1047, HB 1054, HB 1056, HB 1068, HB 1072, HB 1073, HB 1078, HB 1089, HB 1094, HB 1096, HB 1097, HB 1099, HB 1101.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1103, HB 1107, HB 1109, HB 1112, HB 1114, HB 1128, HB 1129, HB 1132, HB 1133, HB 1136, HB 1138, HB 1142, HB 1143, HB 1161, HB 1163.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1108, HB 1110, HB 1117, HB 1118, HB 1119, HB 1120, HB 1124, HB 1125, HB 1130, HB 1131, HB 1135, HB 1141, HB 1145, HB 1148, HB 1149.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1153, HB 1156, HB 1165, HB 1166, HB 1171, HB 1174, HB 1180, HB 1183, HB 1185, HB 1189, HB 1192, HB 1201, HB 1221, HB 1229.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1238, HB 1239, HB 1255, HB 1264, HB 1280, HB 1284, HB 1294, HB 1297, HB 1316, HB 1319, HB 1330, HB 1333, HB 1337, HB 1343.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1347, HB 1352, HB 1356, HB 1365, HB 1375, HB 1376, HB 1378, HB 1379, HB 1381, HB 1391, HB 1445, HB 1448, HB 1467, HB 1470.



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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HCR 3001, HCR 3002, HCR 3004, HCR 3005, HCR 3008, HCR 3009, HCR 3018.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HCR 3014, HCR 3015, HCR 3016, HCR 3017.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1066, HB 1067, HB 1104, HB 1105, HB 1127, HB 1134, HB 1159, HB 1246, HB 1281, HB 1370, HB 1377, HB 1407.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1199.

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2103.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2103**

Page 1, line 2, remove "school districts,"

Page 1, line 2, replace "an appropriation" with "appropriations"

Page 1, line 3, after the first "for" insert "distributions to counties and for"

Page 1, line 3, after the second semicolon insert "to provide for a report to the budget section; to provide an exemption;"

Page 1, line 8, replace "\$836,250,000" with "\$298,000,000"

Page 1, line 9, after "distributions" insert "and allocations"

Page 1, line 9, remove "school districts,"

Page 1, remove lines 11 through 23

Page 2, remove lines 1 through 6

Page 2, line 7, replace "2." with "1."

Page 2, line 7, replace "\$140,000,000" with "\$100,000,000"

Page 2, line 16, replace "\$5,000,000" with "\$3,600,000"

Page 2, line 19, replace "\$30,000,000" with "\$21,400,000"

Page 2, line 21, replace "\$30,000,000" with "\$21,400,000"

Page 2, line 23, replace "\$20,000,000" with "\$14,300,000"

Page 2, line 25, replace "\$13,000,000" with "\$9,300,000"

Page 2, line 27, replace "\$12,000,000" with "\$8,600,000"

Page 2, line 29, replace "\$12,000,000" with "\$8,600,000"

Page 3, line 1, replace "\$10,000,000" with "\$7,100,000"

Page 3, line 3, replace "\$1,000,000" with "\$700,000"

Page 3, line 5, replace "\$7,000,000" with "\$5,000,000"

Page 3, remove lines 7 through 25

Page 3, line 26, replace "4." with "2."

Page 3, line 26, replace "\$19,200,000" with "\$16,000,000"

Page 3, line 28, remove "based on the most recent data compiled by the upper great plains"

Page 3, remove line 29

Page 3, line 30, remove "bridge infrastructure needs"

Page 3, line 30, remove "be"

Page 3, remove line 31

Page 4, remove lines 1 through 8

Page 4, line 9, replace "relative to the total township road miles in the county" with "provide for an allocation of \$10,000 to each organized and unorganized township within the county"

Page 4, line 18, replace "5." with "3. a."

Page 4, line 18, replace "\$21,250,000" with "\$10,000,000"

Page 4, line 24, replace "a." with "(1)"

Page 4, line 26, replace "b." with "(2)"

Page 4, line 29, replace "(1)" with "(a)"

Page 4, line 30, replace "(2)" with "(b)"

Page 4, line 31, replace "(3)" with "(c)"

Page 5, line 1, replace "c." with "(3)"

Page 5, line 4, replace "(1)" with "(a)"

Page 5, line 5, replace "(2)" with "(b)"

Page 5, after line 5, insert:

"b."

Page 5, line 7, replace "a." with "(1)"

Page 5, line 9, replace "b." with "(2)"

Page 5, line 11, replace "c." with "(3)"

Page 5, line 13, replace "d." with "(4)"

Page 5, line 15, replace "e." with "(5)"

Page 5, line 17, replace "6." with "4."

Page 5, line 17, replace "\$215,000,000" with "\$172,000,000"

Page 5, line 20, replace "\$80,000,000" with "\$64,000,000"

Page 5, line 21, replace "\$55,000,000" with "\$44,000,000"

Page 5, line 22, replace "\$40,000,000" with "\$32,000,000"

Page 5, line 23, replace "\$40,000,000" with "\$32,000,000"

Page 5, after line 25, insert:

"5. a."

Page 5, line 27, after the period insert:

"b."

Page 5, line 27, after "period" insert "beginning"

Page 5, line 27, replace "to" with "and ending"

Page 5, line 29, after "period" insert "beginning"

Page 5, line 29, replace "to" with "and ending"

Page 5, line 29, remove "The funding"

Page 5, remove lines 30 and 31

Page 6, line 1, replace "and 15.1-27 for the 2015-17 biennium." with:

"c."

Page 6, after line 4, insert:

**"SECTION 2. APPROPRIATION - DEPARTMENT OF TRANSPORTATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - EXEMPTION - REPORT TO BUDGET SECTION.** There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$352,000,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of distributions to counties for road and bridge infrastructure needs, for the period beginning with the effective date of this Act, and ending June 30, 2017.

1. The department of transportation shall distribute \$240,000,000 to oil-producing counties based on the most recent data compiled by the upper great plains transportation institute regarding North Dakota's county, township, and tribal road and bridge infrastructure needs. The distribution to each oil-producing county must be proportional to each oil-producing county's total estimated road and bridge investment needs for the years 2015 to 2034, identified by the upper great plains transportation institute relative to the combined total estimated road and bridge investment needs for the years 2015 to 2034, identified by the upper great plains transportation institute of all the eligible oil-producing counties under this subsection. Each county's total estimated road and bridge investment needs include unpaved and paved road and bridge needs. For purposes of this section, "oil-producing counties" means the ten counties that received the highest total allocations under subsection 2 of section 57-51-15 for the period beginning September 1, 2013, and ending August 31, 2014.
2. The department of transportation shall distribute \$112,000,000 to non-oil-producing counties based on county major collector roadway miles, as defined by the department of transportation. The distribution to each non-oil-producing county must be proportional to each non-oil-producing county's total county major collector roadway miles relative to the combined total of county major collector roadway miles of all the eligible non-oil-producing counties under this subsection. For purposes of this section, "non-oil-producing counties" means the forty-three counties that received no allocation of funding or a total allocation under subsection 2 of section 57-51-15 of less than \$5,000,000

for the period beginning September 1, 2013, and ending August 31, 2014.

3. a. Each county requesting funding under this section for county road and bridge projects shall submit the request in accordance with criteria developed by the department of transportation. For oil-producing counties, the request must include a proposed plan for funding projects that rehabilitate or reconstruct paved and unpaved roads and bridges within the county which are needed to support oil and gas production and distribution in the state. For non-oil-producing counties, the request must include a proposed plan for funding projects that rehabilitate or reconstruct paved and unpaved roads and bridges within the county which are needed to support economic activity in the state. The plan must meet the following criteria:
    - (1) Roadways and bridges must provide continuity and connectivity to efficiently integrate and improve major paved and unpaved corridors within the county and across county borders.
    - (2) Projects must be consistent with the upper great plains transportation institute's estimated road and bridge investment needs for the years 2015 to 2034 and other planning studies.
    - (3) Upon completion of a major roadway construction or reconstruction project, the roadway segment must be posted at a legal load limit of 105,500 pounds [47853.995 kilograms].
    - (4) Design speed on the roadway must be at least 55 miles per hour [88.51 kilometers per hour], unless the department of transportation provides an exemption.
    - (5) Projects must comply with the American association of state highway transportation officials pavement design procedures and standards developed by the department of transportation in conjunction with the local jurisdiction.
    - (6) Bridges must be designed to meet an HL 93 loading.
  - b. The department of transportation, in consultation with the county, may approve the plan or approve the plan with amendments. Upon approval of the plan, the department of transportation shall transfer to the county the approved funding for engineering and plan development costs. Upon execution of a construction contract by the county, the department of transportation shall transfer to the county the approved funding for county and township rehabilitation and reconstruction projects. Counties shall report to the department of transportation upon awarding of each contract and upon completion of each project in a manner prescribed by the department.
  - c. Funding provided under this section may be used for construction, engineering, and plan development costs, but may not be used for routine maintenance. Funding provided under this section may be applied to engineering, design, and construction costs incurred on related projects as of January 1, 2015. Section 54-44.1-11 does not apply to funding under this section. Any funds not spent by June 30, 2017, must be continued into the biennium beginning July 1, 2017, and ending June 30, 2019, and may be expended only for the purposes authorized by this section. The funding provided in this section is considered a one-time funding item.
4. The department of transportation shall report to the budget section and to the appropriations committees of the sixty-fifth legislative assembly on the use of this one-time funding, including the amounts distributed to

each county, the amounts spent to date, and the amounts anticipated to be continued into the 2017-19 biennium."

Page 6, line 7, replace "\$300,000,000" with "\$450,000,000"

Page 6, line 8, after the period insert "Of the \$450,000,000, the office of management and budget shall transfer \$200,000,000 within one month of the effective date of this Act and shall transfer \$250,000,000 at the end of the 2013-15 biennium."

Page 6, line 11, replace "\$300,000,000" with "\$450,000,000"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The schedule below compares the funding included in Engrossed Senate Bill No. 2103 (Senate version) and Engrossed Senate Bill No. 2103 with proposed amendments [LC #15.0378.03006] (Proposed House version).

	Engrossed Senate Bill No. 2103 (Senate Version)	Engrossed Senate Bill No. 2103 with Proposed Amendments [LC #15.0378.03006] (Proposed House Version)	Proposed House Version Increase (Decrease) to Senate Version
<b>Oil-producing areas</b>			
Hub cities and other eligible cities			
Williston	\$80,000,000	\$64,000,000	(\$16,000,000)
Dickinson	55,000,000	44,000,000	(11,000,000)
Minot	40,000,000	32,000,000	(8,000,000)
Watford City	40,000,000	32,000,000	(8,000,000)
Total hub and other eligible cities	\$215,000,000	\$172,000,000	(\$43,000,000)
Counties	300,000,000	240,000,000	(60,000,000)
Certain eligible cities	21,250,000	10,000,000	(11,250,000)
Other cities	140,000,000	100,000,000	(40,000,000)
Total oil-producing areas	\$676,250,000	\$522,000,000	(\$154,250,000)
<b>Non-oil-producing areas</b>			
Counties	\$140,800,000	\$112,000,000	(\$28,800,000)
Townships	19,200,000	16,000,000	(3,200,000)
Total non-oil-producing areas	\$160,000,000	\$128,000,000	(\$32,000,000)
<b>Other appropriations</b>			
Department of Transportation state highway projects	\$300,000,000	\$450,000,000	\$150,000,000
Total other appropriations	\$300,000,000	\$450,000,000	\$150,000,000
Total all funding (strategic investment and improvements fund)	\$1,136,250,000	\$1,100,000,000	(\$36,250,000)

The schedule below compares the detail of the sections included in Engrossed Senate Bill No. 2103 and in Engrossed Senate Bill No. 2103 with proposed amendments [LC #15.0378.03006] (Proposed House version).

Engrossed Senate Bill No. 2103 (Senate Version)	Engrossed Senate Bill No. 2103 with Proposed Amendments [LC #15.0378.03006] (Proposed House Version)
<p>The distributions by the State Treasurer in Section 1 of Engrossed Senate Bill No. 2103 include:</p> <ul style="list-style-type: none"> <li>\$300 million to 10 counties with the highest total oil and gas gross production tax allocations for fiscal year 2014 (Subsection 1). The 10 counties include McKenzie, Mountrail, Williams, Dunn, Divide, Bowman, Stark, Burke, Billings, and Bottineau. This subsection requires counties to construct major roadway projects to a posted legal load limit of 105,500 pounds if the county uses the funding received in this bill for a major roadway project.</li> <li>\$140 million to the cities within the 10 counties with the highest total oil and gas gross production tax allocations for fiscal year 2014 (Subsection 2). The distributions are based on the cities' populations.</li> <li>\$140.8 million to non-oil-producing counties based on data compiled by the Upper Great Plains Transportation Institute (Subsection 3). Non-oil-producing counties include counties that did not receive oil and gas gross production tax allocations and counties that received total oil and gas gross production tax allocations of less than \$5 million for fiscal year 2014. This subsection requires counties to construct major roadway projects to a posted legal load limit of 105,500 pounds if the county uses the funding received in this bill for a major roadway project.</li> </ul>	<p>The distributions in proposed changes to Engrossed Senate Bill No. 2103 include:</p> <ul style="list-style-type: none"> <li>\$240 million to 10 counties with the highest total oil and gas gross production tax allocations for fiscal year 2014. The 10 counties include McKenzie, Mountrail, Williams, Dunn, Divide, Bowman, Stark, Burke, Billings, and Bottineau. This funding will be distributed by the Department of Transportation based on data compiled by the Upper Great Plains Transportation Institute, and guidelines are included for the use of the funding.</li> <li>\$100 million by the State Treasurer to the cities within the 10 counties with the highest total oil and gas gross production tax allocations for fiscal year 2014. The distributions are based on the cities' populations.</li> <li>\$112 million to non-oil-producing counties based on county major collector roadway miles as defined by the Department of Transportation. Non-oil-producing counties include counties that did not receive oil and gas gross production tax allocations and counties that received total oil and gas gross production tax allocations of less than \$5 million for fiscal year 2014. This funding will be distributed by the Department of Transportation based on county major collector roadway miles, and guidelines are included for the use of the funding.</li> </ul>

<ul style="list-style-type: none"> <li>• \$19.2 million to non-oil-producing counties for the benefit of organized and unorganized townships within the county (Subsection 4). The distributions to each county are based on data compiled by the Upper Great Plains Transportation Institute. Organized and unorganized townships receive distributions proportional to their road miles within their county. Non-oil-producing counties include counties that did not receive oil and gas gross production tax allocations and counties that received total oil and gas gross production tax allocations of less than \$5 million for fiscal year 2014.</li> <li>• \$21.25 million to certain cities in eligible counties based on the population of each city (Subsection 5). The eligible counties include Adams, Golden Valley, Hettinger, McLean, Mercer, Morton, Renville, Slope, and Ward. Some of the cities within the eligible counties are excluded from the distributions based on population criteria.</li> <li>• \$215 million to hub cities and other eligible cities based on oil and gas gross production tax allocations for fiscal year 2014 (Subsection 6). The distributions include \$80 million to Williston, \$55 million to Dickinson, \$40 million to Minot, and \$40 million to Watford City.</li> </ul> <p>Engrossed Senate Bill No. 2103 provides for a transfer of \$300 million from the strategic investment and improvements fund to the highway fund and provides an appropriation of \$300 million from the highway fund to the Department of Transportation for state transportation infrastructure (Sections 2 and 3).</p>	<ul style="list-style-type: none"> <li>• \$16 million by the State Treasurer to non-oil-producing counties for the benefit of organized and unorganized townships within the county. The distributions to each county must provide for an allocation of \$10,000 to each organized and unorganized township within the county. Non-oil-producing counties include counties that did not receive oil and gas gross production tax allocations and counties that received total oil and gas gross production tax allocations of less than \$5 million for fiscal year 2014.</li> <li>• \$10 million by the State Treasurer to certain cities in eligible counties based on the population of each city. The eligible counties include Adams, Golden Valley, Hettinger, McLean, Mercer, Morton, Renville, Slope, and Ward. Some of the cities within the eligible counties are excluded from the distributions based on population criteria.</li> <li>• \$172 million by the State Treasurer to hub cities and other eligible cities based on oil and gas gross production tax allocations for fiscal year 2014. The distributions include \$64 million to Williston, \$44 million to Dickinson, \$32 million to Minot, and \$32 million to Watford City.</li> </ul> <p>The proposed changes to Engrossed Senate Bill No. 2103 provide for a transfer of \$450 million from the strategic investment and improvements fund to the highway fund and provide an appropriation of \$450 million from the highway fund to the Department of Transportation for state transportation infrastructure.</p>
--	--

### 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 8:00 a.m., Monday, February 23, 2015, which motion prevailed.

### REPORT OF STANDING COMMITTEE

**SB 2003: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2003 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "an exemption" with "exemptions"

Page 1, line 2, after the second semicolon insert "to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to the criminal justice data information sharing system;"

Page 1, line 2, replace "section" with "sections 53-12.1-09,"

Page 1, line 2, after "54-12-11" insert ", and 54-27-25"

Page 1, line 3, after "general" insert ", the lottery operating fund, and the tobacco settlement trust fund; to repeal section 54-59-21 of the North Dakota Century Code, relating to the criminal justice data information sharing system"

Page 1, remove lines 13 through 24

Page 2, replace lines 1 through 4 with:

"Salaries and wages	\$34,806,462	\$5,496,779	\$40,303,241
Accrued leave payments	1,057,247	(1,057,247)	0
Operating expenses	26,994,056	(1,135,961)	25,858,095
Capital assets	2,165,077	714,110	2,879,187
Grants	2,373,947	(611,288)	1,762,659
Criminal justice information sharing	0	5,406,219	5,406,219
Law enforcement grants	0	24,815,507	24,815,507
Litigation fees	50,000	0	50,000

Abortion litigation fees	400,000	0	400,000
Medical examinations	660,000	0	660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	7,368	122	7,490
Total all funds	\$72,657,978	\$34,777,198	\$107,435,176
Less estimated income	<u>35,382,450</u>	<u>25,141,193</u>	<u>60,523,643</u>
Total general fund	\$37,275,528	\$9,636,005	\$46,911,533
Full-time equivalent positions	212.50	35.50	248.00"

Page 2, replace lines 10 through 14 with:

"BCI vehicles	\$198,000	\$220,000
BCI surveillance vehicles	0	300,000
Criminal justice information sharing	0	1,250,000
Computerized business projects FTE	<u>178,100</u>	<u>0</u>
Total all funds	\$376,100	\$1,770,000
Total special funds	<u>0</u>	<u>200,000</u>
Total general fund	\$376,100	\$1,570,000"

Page 2, after line 18, insert:

**"SECTION 3. APPROPRIATION - 2013-15 BIENNIUM.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the attorney general for up to ten full-time equivalent positions to assist with law enforcement activities in areas impacted by oil development, for the period beginning with the effective date of this Act and ending June 30, 2015."

Page 2, replace lines 23 through 30 with:

**"SECTION 5. EXEMPTION - GRANTS TO LAW ENFORCEMENT AGENCIES.** The amount appropriated to the attorney general from the strategic investment and improvements fund for awarding grants to law enforcement agencies, for crime-related needs of the attorney general's office, and for development of a uniform law enforcement and custody manual, as contained in section 11 of chapter 471 of the 2013 Session Laws, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general to award grants to law enforcement agencies, for crime-related needs of the attorney general's office, and for development of a uniform law enforcement and custody manual during the biennium beginning July 1, 2015, and ending June 30, 2017.

**SECTION 6. LAW ENFORCEMENT GRANTS.** The law enforcement grants line item in section 1 of this Act includes \$24,164,271 from the oil and gas impact grant fund, of which \$4,164,271 relates to salaries and wages and equipment for the attorney general for oil-impacted areas and \$20,000,000 in grants is for awarding grants to law enforcement agencies for the biennium beginning July 1, 2015, and ending June 30, 2017. The drug and violent crime policy board of the attorney general, with approval of the board of university and school lands, shall grant funds to law enforcement agencies in oil-impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those counties. The attorney general may spend up to ten percent of the funding provided for grants under this section for defraying the expenses of additional staffing needs or other needs necessary to accomplish the role of the attorney general's office as an assisting agency in ensuring public safety in the affected areas. The funding provided in this section is considered a one-time funding item. The attorney general shall report to the budget section and to the appropriations committees of the sixty-fifth legislative assembly on the use of this one-time funding, including the impact the grant funding has had on crime-related activities.

**SECTION 7. EXEMPTION - LAW ENFORCEMENT GRANTS.** The amount appropriated for law enforcement grants in the law enforcement grants line item in

section 1 of this Act is not subject to section 54-44.1-11, and any unexpended funds from this line item may be continued into the 2017-19 biennium.

**SECTION 8. AMENDMENT.** Section 53-12.1-09 of the North Dakota Century Code is amended and reenacted as follows:

**53-12.1-09. Operating fund - Continuing appropriation - Authorization of disbursements - Report - Net proceeds.**

There is established within the state treasury the lottery operating fund into which must be deposited all revenue from the sale of tickets, interest received on money in the fund, and all other fees and moneys collected, less a prize on a lottery promotion, prize on a winning ticket paid by a retailer, and a retailer's commission. Except for moneys in the lottery operating fund appropriated by the legislative assembly for administrative and operating costs of the lottery under section 53-12.1-10, all other money in the fund is continuously appropriated for the purposes specified in this section. During each regular session, the attorney general shall present a report to the appropriations committee of each house of the legislative assembly on the actual and estimated operating revenue and expenditures for the current biennium and projected operating revenue and expenditures for the subsequent biennium authorized by this section. A payment of a prize or expense or transfer of net proceeds by the lottery may be made only against the fund or money collected from a retailer on the sale of a ticket. A disbursement from the fund must be for the following purposes:

1. Payment of a prize as the director deems appropriate to the owner of a valid, winning ticket;
2. Notwithstanding section 53-12.1-10, payment of a marketing expense that is directly offset by cosponsorship funds collected;
3. Payment of a gaming system or related service expense, retailer record and credit check fees, game group dues, and retailer commissions; and
4. Transfer of net proceeds:
  - a. ~~Fifty~~One hundred thousand dollars must be transferred to the state treasurer each quarter for deposit in the compulsive gambling prevention and treatment fund;
  - b. An amount for the lottery's share of a game's prize reserve pool must be transferred to the multistate lottery association;
  - c. Starting July 1, 2007, one hundred five thousand six hundred twenty-five dollars must be transferred to the state treasurer each quarter for deposit in the attorney general multijurisdictional drug task force grant fund; and
  - d. The balance of the net proceeds, less holdback of any reserve funds the director may need for continuing operations, must be transferred to the state treasurer on at least an annual basis for deposit in the state general fund.

**SECTION 9.** A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

**Criminal justice data information sharing system.**

1. The attorney general shall maintain a criminal justice data information sharing system within the bureau of criminal investigation for the exchange of criminal justice data information by judicial, law enforcement, and emergency services agencies, and the department of transportation. Only an authorized individual employed by a criminal justice agency as defined in section 12-60-16.1, the department of transportation, a state court, or the department of emergency services or



- any other individual approved by the attorney general may access the system. To be eligible for access to the criminal justice data information sharing system, an individual shall undergo a criminal history background check, including a fingerprint check.
2. The criminal justice data information sharing system may be accessed only in accordance with rules adopted under this section. Any law enforcement record in the possession of the attorney general through the criminal justice data information sharing system is an exempt record. Criminal justice data information about an offense committed by a child if the offense has not been transferred under section 27-20-34 to another court having jurisdiction of the offense and information about a child victim or witness is confidential.
  3. The attorney general shall provide staff to maintain the criminal justice data information system and provide administrative support for the advisory board.
  4. A criminal justice information advisory board must be appointed, consisting of:
    - a. The chief justice of the supreme court or the chief justice's designee.
    - b. The director of the department of emergency services or the director's designee.
    - c. The director of the department of corrections and rehabilitation or the director's designee.
    - d. The superintendent of the state highway patrol or the superintendent's designee.
    - e. The chief of the bureau of criminal investigation, who is the chairman of the advisory board.
    - f. The chief information officer of the state or the chief information officer's designee.
    - g. The director of the department of transportation or the director's designee.
    - h. A representative of a city police department, appointed by the attorney general from a list of two or more nominees from the North Dakota chiefs of police association.
    - i. A representative of a county sheriff's office, appointed by the attorney general from a list of two or more nominees from the North Dakota sheriffs and deputies association.
    - j. A state's attorney, appointed by the attorney general from a list of two or more nominees from the North Dakota state's attorney's association.
    - k. A city government representative, appointed by the attorney general from a list of two or more nominees from the league of cities.
    - l. A county government representative, appointed by the attorney general from a list of two or more nominees from the association of counties.
  5. Advisory board members who are not permanent full-time state employees are entitled to compensation of seventy-five dollars per day and mileage and expenses as provided by law for state employees. With the exception of the chief of the bureau of criminal investigation, advisory

board members appointed under this section serve staggered three year terms.

6. The attorney general, after consultation with the advisory board, shall adopt rules to establish eligibility for access to the criminal justice data information sharing system; to implement the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions; and to address the operation of the advisory board."

Page 3, line 4, replace "fifty-three" with "fifty-two"

Page 3, line 5, replace "nine" with "four"

Page 3, line 5, replace "sixteen" with "thirty-six"

Page 3, line 6, replace "sixty" with "fifty-seven"

Page 3, line 6, replace "seventy-two" with "nine"

Page 3, replace line 7 with:

**"SECTION 11. AMENDMENT.** Section 54-27-25 of the North Dakota Century Code is amended and reenacted as follows:

**54-27-25. Tobacco settlement trust fund - Interest on fund - Uses.**

1. There is created in the state treasury a tobacco settlement trust fund. The fund consists of the tobacco settlement dollars obtained by the state under subsection IX(c)(1) of the master settlement agreement and consent agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Except as provided in subsection 2, moneys received by the state under subsection IX(c)(1) must be deposited in the fund. Interest earned on the fund must be credited to the fund and deposited in the fund. The principal and interest of the fund may be appropriated to the attorney general for the purpose of enforcing the master settlement agreement and any disputes with the agreement. All remaining principal and interest of the fund must be allocated as follows:
  - a. Transfers to a community health trust fund to be administered by the state department of health. The state department of health may use funds as appropriated for community-based public health programs and other public health programs, including programs with emphasis on preventing or reducing tobacco usage in this state. Transfers under this subsection must equal ten percent of total annual transfers from the tobacco settlement trust fund of which a minimum of eighty percent must be used for tobacco prevention and control.
  - b. Transfers to the common schools trust fund to become a part of the principal of that fund. Transfers under this subsection must equal forty-five percent of total annual transfers from the tobacco settlement trust fund.
  - c. Transfers to the water development trust fund to be used to address the long-term water development and management needs of the state. Transfers under this subsection must equal forty-five percent of the total annual transfers from the tobacco settlement trust fund.
2. There is created in the state treasury a tobacco prevention and control trust fund. The fund consists of the tobacco settlement dollars obtained by the state under section IX(c)(2) of the agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v.

Philip Morris, Inc. Interest earned on the fund must be credited to the fund and deposited in the fund. Moneys received into the fund are to be administered by the executive committee for the purpose of creating and implementing the comprehensive plan. If in any biennium, the tobacco prevention and control trust fund does not have adequate dollars to fund a comprehensive plan, the treasurer shall transfer money from the water development trust fund to the tobacco prevention and control trust fund in an amount equal to the amount determined necessary by the executive committee to fund a comprehensive plan.

3. Transfers to the funds under this section must be made within thirty days of receipt by the state.

**SECTION 12. REPEAL.** Section 54-59-21 of the North Dakota Century Code is repealed.

**SECTION 13. EMERGENCY.** Sections 3 and section 4 of this Act are declared to be an emergency measure."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2003 - Attorney General - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$34,806,462	\$5,496,779	\$40,303,241
Operating expenses	26,994,056	(1,135,961)	25,858,095
Capital assets	2,165,077	714,110	2,879,187
Grants	2,373,947	(611,288)	1,762,659
Litigation fees	50,000		50,000
Abortion litigation fees	400,000		400,000
Medical examinations	660,000		660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000		10,000
Gaming commission	7,368	122	7,490
Accrued leave payments	1,057,247	(1,057,247)	
Law enforcement grants		24,815,507	24,815,507
Criminal justice information sharing		5,406,219	5,406,219
Total all funds	\$72,657,978	\$34,777,198	\$107,435,176
Less estimated income	35,382,450	25,141,193	60,523,643
General fund	\$37,275,528	\$9,636,005	\$46,911,533
FTE	212.50	35.50	248.00

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

	Adds Funding for Compensation Adjustments <sup>1</sup>	Adds Funding for Programmer Analyst <sup>2</sup>	Adds Funding for New Legal Staff <sup>3</sup>	Adds Funding for New Gaming Staff <sup>4</sup>	Adds Funding for New Concealed Weapons License Staff <sup>5</sup>	Adds Funding for Oil Impact Law Enforcement Grants <sup>6</sup>
Salaries and wages	\$3,692,660	\$142,278	\$270,339	\$121,845	\$212,918	\$131,847
Operating expenses		31,314	37,040	21,985	48,848	
Capital assets						
Grants						
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery	118,957					
Arrest and return of fugitives						
Gaming commission	122					
Accrued leave payments	(1,057,247)					
Law enforcement grants						24,815,507
Criminal justice information sharing						
Total all funds	\$2,754,492	\$173,592	\$307,379	\$143,830	\$261,766	\$24,947,354
Less estimated income	163,857	31,314	307,379	60,923	261,766	24,456,308
General fund	\$2,590,635	\$142,278	\$0	\$82,907	\$0	\$491,046
	0.00	1.00	2.00	1.00	2.00	19.50

FTE

	Transfers and Adds Funding for CJIS <sup>7</sup>	Adds Funding for Medicaid Fraud Unit <sup>8</sup>	Increases Funding for North Dakota Lottery <sup>9</sup>	Adjusts Base Level Funding <sup>10</sup>	Adds One-Time Funding <sup>11</sup>	Total Senate Changes
Salaries and wages		\$724,892		\$200,000		\$5,496,779
Operating expenses		190,502		(1,465,650)		(1,135,961)
Capital assets		20,000		174,110	520,000	714,110
Grants				(611,288)		(611,288)
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery			1,030,000			1,148,957
Arrest and return of fugitives						
Gaming commission						122
Accrued leave payments						(1,057,247)
Law enforcement grants						24,815,507
Criminal justice information sharing	5,406,219					5,406,219
Total all funds	\$5,406,219	\$935,394	\$1,030,000	(\$1,702,828)	\$520,000	\$34,777,198
Less estimated income	886,000	841,855	1,030,000	(3,098,209)	200,000	25,141,193
General fund	\$4,520,219	\$93,539	\$0	\$1,395,381	\$320,000	\$9,636,005
FTE	6.00	4.00	0.00	0.00	0.00	35.50

<sup>1</sup> The following funding is added for base payroll changes, including cost-to-continue 2013-15 biennium salaries and benefit increases and for performance salary adjustments of 2 to 4 percent per year, and increases in monthly health insurance premiums from \$987 to \$1,162:

	General Fund	Other Funds	Total
Base payroll changes	\$251,098	\$17,347	\$268,445
Salary increase - Performance	1,360,255	89,515	1,449,770
Health insurance increase	979,282	56,995	1,036,277
Total	\$2,590,635	\$163,857	\$2,754,492

<sup>2</sup> Funding is added from the general fund and other funds to continue an FTE programmer analyst position (\$142,278) and related operating expenses (\$31,314) provided by the 2013 Legislative Assembly as one-time funding for the 2013-15 biennium.

<sup>3</sup> Funding is added from other funds for two new FTE paralegal positions (\$270,339) and related operating expenses (\$37,040).

<sup>4</sup> Funding is added from the general fund and other funds for one new FTE gaming staff position (\$121,845) and related operating expenses (\$21,985).

<sup>5</sup> Funding is added from other funds for two new FTE paralegal concealed licensing positions (\$212,918) and related operating expenses (\$48,848).

<sup>6</sup> The funding shown below is added for oil impact law enforcement grants. The other funds include \$24,164,271 from the oil and gas impact grant fund.

Purpose	FTE	General Fund	Other Funds	Total
New criminal investigators	5.00		\$1,388,830	\$1,388,830
New intelligence analysts	3.00		480,946	480,946
New BCI agents	4.00	\$270,336	495,555	765,891
New victim advocate	1.00		189,580	189,580
New assistant Attorney General	1.00		302,136	302,136
New assistant Attorney General	1.00		198,619	198,619
New administrative assistants	2.00		264,380	264,380
New grants administrator	1.00		132,190	132,190
New forensic scientist	1.00		165,554	165,554
New attorney	0.50		165,264	165,264
Oil impact law enforcement grants			20,000,000	20,000,000
Operating and other costs			673,254	673,254
Salary increase - Performance			220,710	220,710
Total	19.50	\$270,336	\$24,677,018	\$24,947,354

<sup>7</sup> The criminal justice information sharing (CJIS) system and funding is transferred from the Information Technology Department (ITD) to the Attorney General and adds for

enhancements to the CJIS system as follows:

<b>Criminal Justice Information Sharing</b>	<b>FTE</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
Transfer CJIS system from ITD	5.00	\$2,400,219	\$946,000	\$3,346,219
Transfer one-time CJIS system from ITD		1,000,000		1,000,000
New business analyst position and contracting expenses				0
Ongoing	1.00	250,000		250,000
One-time		250,000		250,000
Law enforcement records management system		230,000		230,000
States' Attorney records system		330,000		330,000
<b>Total</b>	<b>6.00</b>	<b>\$4,460,219</b>	<b>\$946,000</b>	<b>\$5,406,219</b>

<sup>8</sup> Funding for a Medicaid fraud unit is added as shown below. For the first 3 years, 90 percent of the funding will be provided from federal funds and 10 percent from the general fund. After 3 years, 75 percent of the funding will be provided from federal funds and 25 percent from the general fund.

	<b>FTE</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
New attorney, auditor, investigator, and administrative assistant	4.00	\$72,489	\$652,403	\$724,892
Operating expenses		19,050	171,452	190,502
Capital assets		2,000	18,000	20,000
<b>Total</b>	<b>4.00</b>	<b>\$93,539</b>	<b>\$841,855</b>	<b>\$935,394</b>

<sup>9</sup> Funding is increased from \$4,252,778 to \$5,282,778 for North Dakota Lottery for the following:

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
New Monopoly game		\$226,200	\$226,200
Increase funding for public notices		88,800	88,800
New player's club program		715,000	715,000
<b>Total</b>	<b>\$0</b>	<b>\$1,030,000</b>	<b>\$1,030,000</b>

<sup>10</sup> Base level funding is adjusted as follows:

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
Tobacco enforcement		\$200,000	\$200,000
Information technology contractual service and repairs		800,000	800,000
BCI, State Crime Laboratory applications		1,604,000	1,604,000
Building feasibility study		30,000	30,000
Information technology software and supplies	\$262,332		262,332
Federal funds changes		(782,479)	(782,479)
Various operating expenses adjustments	1,133,418	(4,786,532)	(3,653,114)
Removal of 2013-15 biennium capital assets funding	(369)	(163,198)	(163,567)
<b>Total</b>	<b>\$1,395,381</b>	<b>(\$3,098,209)</b>	<b>(\$1,702,828)</b>

<sup>11</sup> Funding is added for the following one-time capital purchases:

<b>One-Time Funding</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
Ten undercover vehicles	\$220,000		\$220,000
Three surveillance vehicles	100,000	\$200,000	300,000
<b>Total</b>	<b>\$320,000</b>	<b>\$200,000</b>	<b>\$520,000</b>

This amendment also:

- Adds a section to appropriate \$1,000,000 from the general fund to the Attorney General for the 2013-15 biennium for early funding to hire up to 10 FTE positions.
- Provides an exemption from North Dakota Century Code Section 54-44.1-11 for funds appropriated to the Attorney General for grants to law enforcement agencies

for the 2013-15 biennium to allow the funds to be continued into the 2015-17 biennium.

- Designates that of the law enforcement grants line item in Section 1 of the bill, \$24,164,271 is from the oil and gas impact grant fund, of which \$20,000,000 is to be used for awarding grants to law enforcement agencies in oil-impacted counties, up to 10 percent of the funds can be used for administrative purposes, and \$4,164,271 is related to salaries and wages and equipment for the Attorney General for oil-impacted areas.
- Provides an exemption from Section 54-44.1-11 for the amount appropriated in the law enforcement grants line in Section 1 of the bill to allow the grant funds to be continued into the 2017-19 biennium.
- Amends Section 53-12.1-09 to increase the transfer of net proceeds of the lottery to the compulsive gambling prevention and treatment fund from \$50,000 each quarter to \$100,000 each quarter.
- Creates a new section to Chapter 54-12 to transfer the CJIS system from ITD to the Attorney General.
- Amends Section 5 of the bill to provide 3 percent annual salary increases for the Attorney General during the 2015-17 biennium.
- Amends Section 54-27-25 to allow the principal and interest of the tobacco settlement trust fund to be appropriated to the Attorney General for the purpose of enforcing the master settlement agreement and any disputes with the agreement.
- Repeals Section 54-59-21 relating to the CJIS system in ITD.

#### REPORT OF STANDING COMMITTEE

**SB 2006: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2006 was placed on the Sixth order on the calendar.

Page 1, replace lines 14 through 23 with:

"Salaries and wages	\$20,138,488	\$3,185,689	\$23,324,177
Accrued leave payments	624,818	(624,818)	0
Operating expenses	7,721,834	510,831	8,232,665
Capital assets	16,000	0	16,000
Homestead tax credit	20,000,000	10,000,000	30,000,000
Disabled veterans' credit	<u>7,678,000</u>	<u>767,000</u>	<u>8,445,000</u>
Total all funds	\$56,179,140	\$13,838,702	\$70,017,842
Less estimated income	<u>125,000</u>	<u>0</u>	<u>125,000</u>
Total general fund	\$56,054,140	\$13,838,702	\$69,892,842
Full-time equivalent positions	134.00	3.00	137.00"

Page 2, line 16, replace "twelve" with "eleven"

Page 2, line 17, replace "five" with "four"

Page 2, line 17, replace "thirty" with "forty-eight"

Page 2, line 17, replace "seventeen" with "fourteen"

Page 2, line 18, replace "thirty-one" with "seven hundred ninety-one"

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

## Senate Bill No. 2006 - State Tax Commissioner - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$20,138,488	\$3,185,689	\$23,324,177
Operating expenses	7,721,834	510,831	8,232,665
Capital assets	16,000		16,000
Homestead tax credit	20,000,000	10,000,000	30,000,000
Disabled veterans credit	7,678,000	767,000	8,445,000
Accrued leave payments	624,818	(624,818)	
Total all funds	\$56,179,140	\$13,838,702	\$70,017,842
Less estimated income	125,000	0	125,000
General fund	\$56,054,140	\$13,838,702	\$69,892,842
FTE	134.00	3.00	137.00

## Department No. 127 - State Tax Commissioner - 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 FTE Positions <sup>3</sup>	Adds Funding to Continue 2013-15 Biennium Salary Adjustments <sup>4</sup>	Increases Funding for Operating Expenses <sup>5</sup>	Increases Funding to Continue Homestead Tax Credit <sup>6</sup>
Salaries and wages	\$941,784	\$1,421,858	\$392,118	\$332,929	\$97,000	
Operating expenses			47,076		463,755	
Capital assets						
Homestead tax credit						2,000,000
Disabled veterans credit						
Accrued leave payments	(624,818)					
Total all funds	\$316,966	\$1,421,858	\$439,194	\$332,929	\$560,755	\$2,000,000
Less estimated income	0	0	0	0	0	0
General fund	\$316,966	\$1,421,858	\$439,194	\$332,929	\$560,755	\$2,000,000
FTE	0.00	0.00	3.00	0.00	0.00	0.00

	Adds Funding to Expand Homestead Tax Credit <sup>7</sup>	Increases Funding to Continue Disabled Veterans' Tax Credit <sup>8</sup>	Total Senate Changes
Salaries and wages			\$3,185,689
Operating expenses			510,831
Capital assets			
Homestead tax credit	8,000,000		10,000,000
Disabled veterans credit		767,000	767,000
Accrued leave payments			(624,818)
Total all funds	\$8,000,000	\$767,000	\$13,838,702
Less estimated income	0	0	0
General fund	\$8,000,000	\$767,000	\$13,838,702
FTE	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	\$830,316	\$0	\$830,316
Health insurance increase	591,542	0	591,542
Total	\$1,421,858	\$0	\$1,421,858

<sup>3</sup> Funding is provided from the general fund for FTE positions as follows:

	FTE Positions	Salaries and Wages	Operating Expenses	Total General Fund
Compliance officer	1.00	\$124,924	\$15,692	\$140,616
Property tax specialist	1.00	133,597	15,692	149,289
Research analyst	1.00	133,597	15,692	149,289

Total	3.00	\$392,118	\$47,076	\$439,194
-------	------	-----------	----------	-----------

<sup>4</sup> Funding is added to continue 2013-15 biennium salary adjustments.

<sup>5</sup> Funding is added for Nexus software programs and the Multistate Tax Commission audit programs (\$64,440), GenTax service maintenance contractions (\$200,000), temporary wages (\$97,000), and postage costs (\$199,315).

<sup>6</sup> This amendment increases funding to continue the homestead tax credit changes made by the 2013 Legislative Assembly to provide a total of \$22 million for the homestead tax credit.

<sup>7</sup> This amendment adds \$8 million to expand the eligibility income threshold from \$42,000 to \$50,000 for the homestead tax credit program for total funding of \$30 million.

<sup>8</sup> This amendment increases funding to continue the disabled veterans' tax credit changes made by the 2013 Legislative Assembly to provide a total of \$8,445,000 for the disabled veterans' tax credit.

---

Section 4 is amended to reflect a 3 percent annual increase to the Tax Commissioner's salary.

#### REPORT OF STANDING COMMITTEE

**SB 2018: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2018 was placed on the Sixth order on the calendar.

Page 1, replace lines 11 through 22 with:

"Salaries and wages	\$11,367,710	\$2,923,228	\$14,290,938
Accrued leave payments	211,332	(211,332)	0
Operating expenses	2,666,016	2,016,649	4,682,665
Capital assets	1,699,725	4,875,569	6,575,294
Grants	1,000,000	(100,000)	900,000
Cultural heritage grants	504,500	0	504,500
Exhibits	0	300,000	300,000
Yellowstone-Missouri-Fort Union	4,492	0	4,492
Total all funds	\$17,453,775	\$9,804,114	\$27,257,889
Less estimated income	<u>3,221,964</u>	<u>258,753</u>	<u>3,480,717</u>
Total general fund	\$14,231,811	\$9,545,361	\$23,777,172
Full-time equivalent positions	68.00	11.00	79.00"

Page 2, replace lines 4 through 14 with:

"North Dakota studies eighth grade curriculum	\$150,000	\$0
Historic sites exhibits	50,000	0
Project pool	950,000	0
State's 125th celebration planning	100,000	0
Technology costs	0	100,650
Fort Totten and Stutsman repairs	0	1,175,000
Double Ditch	0	3,500,000
Electronic records project	0	264,000
Whitestone hill native memorial	0	<u>50,000</u>
Total all funds	\$1,250,000	\$5,089,650
Less estimated income	0	<u>175,000</u>
Total general fund	\$1,250,000	\$4,914,650"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:



## Senate Bill No. 2018 - State Historical Society - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$11,367,710	\$2,923,228	\$14,290,938
Operating expenses	2,666,016	2,016,649	4,682,665
Capital assets	1,699,725	4,875,569	6,575,294
Grants	1,000,000	(100,000)	900,000
Cultural heritage grants	504,500		504,500
Yellowstone-Missouri-Fort Union Comm	4,492		4,492
Accrued leave payments	211,332	(211,332)	
Exhibits		300,000	300,000
Total all funds	\$17,453,775	\$9,804,114	\$27,257,889
Less estimated income	3,221,964	258,753	3,480,717
General fund	\$14,231,811	\$9,545,361	\$23,777,172
FTE	68.00	11.00	79.00

## Department No. 701 - State Historical Society - 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 Technology Administrator <sup>3</sup>	Adds Funding for New Visitor Services/Security Officer <sup>4</sup>	Adds Funding for New Historic Site Supervisor <sup>5</sup>	Adds Funding for New Electronic Records Archivist <sup>6</sup>
Salaries and wages	\$263,564	\$768,609	\$184,157	\$179,639	\$163,091	\$140,068
Operating expenses						
Capital assets						
Grants						
Cultural heritage grants						
Yellowstone-Missouri-Fort Union Comm						
Accrued leave payments	(211,332)					
Exhibits						
Total all funds	\$52,232	\$768,609	\$184,157	\$179,639	\$163,091	\$140,068
Less estimated income	(174,133)	57,886	0	0	0	0
General fund	\$226,365	\$710,723	\$184,157	\$179,639	\$163,091	\$140,068
FTE	0.00	0.00	1.00	1.00	1.00	1.00

	Transfers FTE and Funding for Maintenance Positions <sup>7</sup>	Adds Funding for Temporary Employees <sup>8</sup>	Adds Funding for Technology Core Services <sup>9</sup>	Adds Funding for Welk Homestead Operations <sup>10</sup>	Adjusts Base Level Funding <sup>11</sup>	Adds One-Time Funding <sup>12</sup>
Salaries and wages	\$678,269	\$460,831		\$85,000		
Operating expenses	100,000		320,304	50,000	1,181,695	364,650
Capital assets					150,569	4,725,000
Grants					(100,000)	
Cultural heritage grants						
Yellowstone-Missouri-Fort Union Comm						
Accrued leave payments						
Exhibits					300,000	
Total all funds	\$778,269	\$460,831	\$320,304	\$135,000	\$1,532,264	\$5,089,650
Less estimated income	0	0	0	0	200,000	175,000
General fund	\$778,269	\$460,831	\$320,304	\$135,000	\$1,332,264	\$4,914,650
FTE	7.00	0.00	0.00	0.00	0.00	0.00

	Total Senate Changes
Salaries and wages	\$2,923,228
Operating expenses	2,016,649
Capital assets	4,875,569
Grants	(100,000)
Cultural heritage grants	
Yellowstone-Missouri-Fort Union Comm	
Accrued leave payments	(211,332)
Exhibits	300,000
Total all funds	\$9,804,114
Less estimated income	258,753
General fund	\$9,545,361
	11.00

FTE

<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 from \$987 to \$1,162:

	General Fund	Other Funds	Total
Salary increase - Performance	\$404,029	\$32,106	\$436,135
Health insurance increase	306,694	25,780	332,474
Total	\$710,723	\$57,886	\$768,609

<sup>3</sup> Funding is added from the general fund to continue a technology administrator FTE position (\$184,157) provided by the 2013 Legislative Assembly as one-time funding for the 2013-15 biennium.

<sup>4</sup> Funding is added from the general fund for a new visitor services/security officer FTE position (\$179,639).

<sup>5</sup> Funding is added from the general fund for a new historic site supervisor FTE position (\$163,091).

<sup>6</sup> Funding is added from the general fund for a new electronic records archivist FTE position (\$140,068).

<sup>7</sup> Transfers funding from the general fund and 7 FTE positions (\$678,269) and related operating expenses (\$100,000) from the Office of Management and Budget to the State Historical Society.

<sup>8</sup> The following funding is added for temporary employees:

	General Fund	Other Funds	Total
Funding for temporary seasonal employees	\$305,605		\$305,605
Temporary employee salary increases	155,226		155,226
Total	\$460,831	\$0	\$460,831

<sup>9</sup> Funding is provided for ongoing technology core services for the operation of the agency.

<sup>10</sup> Funding is provided from the general fund for temporary employee salary and wages (\$85,000) and related operating costs (\$50,000) of the Welk Homestead.

<sup>11</sup> Base level funding is adjusted as follows:

	General Funds	Other Funds	Total
Electronic records project ongoing funding	\$172,800		\$172,800
Traveling and historic sites exhibits funding	300,000		300,000
Fourth grade and governing North Dakota curriculum funding	100,000		100,000
Promotion funding for historic events	200,000		200,000
Operating expense increase from \$3,086,320 to \$4,268,015	458,895	\$200,000	658,895
Capital asset funding increase from \$1,649,725 to \$1,800,294	100,569		100,569
Total	\$1,332,264	\$200,000	\$1,532,264

<sup>12</sup> One-time funding is added for the following items:

	General Fund	Other Funds	Total
Double Ditch Historic Site repairs	\$3,500,000		\$3,500,000
Fort Totten and Stutsman County Courthouse repairs	1,000,000	175,000	1,175,000

Technology funding for digital storage	100,650		100,650
Electronic records project one-time funding	264,000		264,000
Whitestone Hill native memorial	50,000		50,000
Total	\$4,914,650	\$175,000	\$5,089,650

**REPORT OF STANDING COMMITTEE**

**SB 2019: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2019 was placed on the Sixth order on the calendar.

Page 1, replace lines 17 through 24 with:

"Administration	\$2,573,593	\$644,805	\$3,218,398
Accrued leave payments	181,577	(181,577)	0
Park operations & maintenance	15,045,525	28,000,661	43,046,186
Recreation	<u>5,585,875</u>	<u>2,021,544</u>	<u>7,607,419</u>
Total all funds	\$23,386,570	\$30,485,433	\$53,872,003
Less estimated income	<u>10,505,431</u>	<u>4,174,795</u>	<u>14,680,226</u>
Total general fund	\$12,881,139	\$26,310,638	\$39,191,777
Full-time equivalent positions	55.00	7.00	62.00"

Page 2, replace lines 5 and 6 with:

"International Peace Garden	\$973,699	\$585,297	\$1,558,996
Total general fund	\$973,699	\$585,297	\$1,558,996"

Page 2, replace lines 11 and 12 with:

"Lewis and Clark interpretive center	\$0	\$580,000	\$580,000
Total general fund	\$0	\$580,000	\$580,000"

Page 2, replace lines 17 through 19 with:

"Grand total general fund	\$13,854,838	\$27,475,935	\$41,330,773
Grand total special funds	<u>10,505,431</u>	<u>4,174,795</u>	<u>14,680,226</u>
Grand total all funds	\$24,360,269	\$31,650,730	\$56,010,999"

Page 2, remove lines 25 through 31

Page 3, replace lines 1 through 8 with:

"Parks capital projects	\$3,897,800	\$22,400,000
Parks equipment	350,000	600,000
Lewis and Clark interpretive center grant	1,350,000	0
Parks strategic plans	100,000	0
Community grant program	500,000	0
International Peace Garden capital projects	1,250,000	335,297
Trail lease renewals	0	200,000
Web application for snowmobile registration	0	310,299
Statewide comprehensive outdoor recreation plan	0	90,000
Repairs at Lewis and Clark interpretive center	0	75,000
50th anniversary	0	25,000
Retirement leave payouts	0	100,000
Lewis and Clark interpretive center expansion project	0	125,000
International Peace Garden demolition project	0	250,000
Community grant program	0	<u>500,000</u>
Total all funds	\$7,447,800	\$25,010,596
Less estimated income	<u>1,270,300</u>	<u>345,000</u>
Total general fund	\$6,177,500	\$24,665,596"

Page 3, line 14, replace "\$200,000" with "\$122,000"

Page 3, line 21, replace "\$335,297" with "\$585,297"

Page 3, line 22, replace the first "and" with a comma

Page 3, line 22, after "purchases" insert ", and one-time costs for the peace tower demolition project"

Page 3, line 24, replace "and" with a comma

Page 3, line 24, after "equipment" insert "purchases, and the one-time costs of the peace tower demolition project"

Page 3, line 26, replace "\$455,000" with "\$580,000"

Page 3, line 29, replace ". The" with ", \$125,000 for one-time costs relating to the Lewis and Clark interpretive center expansion project, and"

Page 3, line 29, remove "listed as one-time funding in section 2 of this Act is to be used"

Page 3, line 29, after "for" insert "one-time"

Page 4, line 18, replace "\$30,400,000" with "\$22,400,000"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2019 - Parks and Recreation Department - Senate Action

	Base Budget	Senate Changes	Senate Version
Administration	\$2,573,593	\$644,805	\$3,218,398
Natural resources	15,045,525	28,000,661	43,046,186
Recreation	5,585,875	2,021,544	7,607,419
International Peace Garden	973,699	585,297	1,558,996
Accrued leave payments	181,577	(181,577)	
Lewis and Clark		580,000	580,000
Total all funds	\$24,360,269	\$31,650,730	\$56,010,999
Less estimated income	10,505,431	4,174,795	14,680,226
General fund	\$13,854,838	\$27,475,935	\$41,330,773
FTE	55.00	7.00	62.00

#### Department No. 750 - Parks and Recreation 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 to Convert Temporary Administrative Assistant Positions <sup>3</sup>	Adds Funding for New Park Ranger Position <sup>4</sup>	Adds Funding to Convert Four .75 FTE Positions to Four 1 FTE Positions <sup>5</sup>	Adjusts Base Level Funding <sup>6</sup>
Administration	\$119,449	\$325,392				\$74,964
Natural resources	241,633	308,500	524,093	133,354	93,647	3,799,434
Recreation	(119,801)	25,772				915,274
International Peace Garden						
Accrued leave payments	(181,577)					
Lewis and Clark						380,000
Total all funds	\$59,704	\$659,664	\$524,093	\$133,354	\$93,647	\$5,169,672
Less estimated income	(91,566)	15,282	0	0	0	3,906,079
General fund	\$151,270	\$644,382	\$524,093	\$133,354	\$93,647	\$1,263,593
FTE	0.00	0.00	5.00	1.00	1.00	0.00

	Adds One-Time Funding for Various Projects <sup>7</sup>	Adds One-Time Funding for State Park Enhancements <sup>8</sup>	Total Senate Changes
Administration	\$125,000		\$644,805
Natural resources	500,000	22,400,000	28,000,661
Recreation	1,200,299		2,021,544
International Peace Garden	585,297		585,297

Accrued leave payments Lewis and Clark	200,000		(181,577) 580,000
Total all funds	\$2,610,596	\$22,400,000	\$31,650,730
Less estimated income	345,000	0	4,174,795
General fund	\$2,265,596	\$22,400,000	\$27,475,935
FTE	0.00	0.00	7.00

<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	\$382,929	\$9,029	\$391,958
Health insurance increase	261,453	6,253	267,706
Total	\$644,382	\$15,282	\$659,664

<sup>3</sup> Funding is added from the general fund to convert 5 temporary administrative assistant positions into 5 FTE positions.

<sup>4</sup> Funding is added from the general fund to add 1 park ranger FTE position at Cross Ranch State Park.

<sup>5</sup> Funding is added from the general fund to convert four .75 FTE positions into four 1.00 FTE positions.

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

	General Fund	Other Funds	Total
Bond payment Adjustment	(\$36)	\$0	(\$36)
Equipment funding adjustment	(10,000)	0	(10,000)
Increase for extraordinary repairs at state parks	345,521	250,005	595,526
Increases temporary salaries by \$1 per hour	220,220	0	220,220
Additional seasonal temporary employees	213,543	0	213,543
Operating cost increases	114,345	1,142,800	1,257,145
Game and Fish Department cooperative agreement adjustment	0	122,000	122,000
Federal grant fund increases	0	2,113,274	2,113,274
Building-related costs at the Lewis and Clark Interpretive Center	380,000	0	380,000
Purchase of land adjacent to a state park	0	278,000	278,000
	\$1,263,593	\$3,906,079	\$5,169,672

<sup>7</sup> Adds one-time funding for the following projects:

	General Fund	Other Funds	Total
Lease renewal of trails at Little Missouri Bay	\$200,000	\$0	\$200,000
Equipment	300,000	300,000	600,000
Web application of snowmobile registration and renewals	310,299	0	310,299
Statewide comprehensive outdoor recreation plan	45,000	45,000	90,000
Maintenance projects at the Lewis and Clark Interpretive Center	75,000	0	75,000
Maintenance and equipment at the International Peace Garden	335,297	0	335,297
Department's 50th anniversary preparation costs	25,000	0	25,000
Leave payouts from anticipated employee retirements	100,000	0	100,000
Lewis and Clark Interpretive Center expansion project	125,000	0	125,000
Community grant program	500,000	0	500,000
International Peace Garden Peace Tower demolition project	250,000	0	250,000
	\$2,265,596	\$345,000	\$2,610,596

<sup>8</sup> Adds one-time funding for park improvement plan:

	General Fund	Other Funds	Total
Lake Sakakawea State Park	\$8,000,000	\$0	\$8,000,000
Fort Ransom State Park	1,090,000	0	1,090,000
Fort Abraham Lincoln State Park	3,700,000	0	3,700,000
Cross Ranch State Park	970,000	0	970,000
Pembina Gorge State Recreational Area	750,000	0	750,000
Lewis and Clark State Park	1,060,000	0	1,060,000
Grahams Island State Park	2,200,000	0	2,200,000
Fort Stevenson State Park	800,000	0	800,000
Icelandic State Park	850,000	0	850,000
Lake Metigoshe State Park	1,480,000	0	1,480,000
Turtle River State Park	1,050,000	0	1,050,000
Little Missouri State Park	100,000	0	100,000
Sully Creek State Park	250,000	0	250,000
Beaver Lake State Park	60,000	0	60,000
Other	40,000	0	40,000

Total

\$22,400,000

\$0

\$22,400,000

**REPORT OF STANDING COMMITTEE**

**SB 2020: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2020 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 2, replace "an exemption" with "exemptions; to amend and reenact section 54-35-02.7 of the North Dakota Century Code, relating to the water topics overview committee; to repeal section 61-02-78, relating to the infrastructure revolving loan fund; to provide legislative intent; to provide for legislative management reports; and to provide for a legislative management study"

Page 1, replace lines 11 through 15 with:

"Accrued leave payments	\$325,774	(\$325,774)	\$0
Administrative and support services	4,716,665	(208,991)	4,507,674
Water and atmospheric resources	<u>822,365,166</u>	<u>166,853,582</u>	<u>989,218,748</u>
Total all funds	\$827,407,605	\$166,318,817	\$993,726,422
Less estimated income	<u>827,407,605</u>	<u>141,333,658</u>	<u>968,741,263</u>
Total general fund	\$0	\$24,985,159	\$24,985,159
Full-time equivalent positions	90.00	8.00	98.00"

Page 2, after line 19, insert:

**"SECTION 6. FARGO FLOOD CONTROL PROJECT FUNDING.** Funds designated by the sixty-first legislative assembly, the sixty-second legislative assembly, the sixty-third legislative assembly, and the sixty-fourth legislative assembly for Fargo flood control are available only for levee and dike protection until the Fargo flood control project receives federal authorization, a project partnership agreement is executed, a federal appropriation is provided for project construction, and the budget for the Fargo flood control project is approved by the state water commission.

**SECTION 7. FARGO FLOOD CONTROL PROJECT FUNDING AGREEMENT.** Prior to the state water commission expending any state cost-sharing funds, an advance funding agreement between the United States army corps of engineers and the local Fargo flood control sponsor must precede any state funding used to advance construction work considered to be a federal responsibility.

**SECTION 8. LEGISLATIVE INTENT - FARGO FLOOD CONTROL PROJECT FUNDING.** It is the intent of the sixty-fourth legislative assembly that the state provide one-half of the local cost-share of constructing a federally authorized Fargo flood control project and that total Fargo flood control project funding to be provided by the state not exceed \$450,000,000. It is further the intent of the sixty-fourth legislative assembly that the \$206,000,000 yet to be designated by the state for the Fargo flood control project be made available in equal installments over the next three bienniums.

**SECTION 9. FARGO FLOOD CONTROL PROJECT FUNDING - EXEMPTION.** Of the funds appropriated in the water and atmospheric resources line item in section 1 of this Act, \$69,000,000 is for Fargo flood control projects, for the biennium beginning July 1, 2015, and ending June 30, 2017. Any funds not spent by June 30, 2017, are not subject to section 54-44.1-11 and must be continued into the next or subsequent bienniums and may be expended only for Fargo flood control projects, including levees and dikes. Except as otherwise provided, these funds may be used only for land purchases and construction, including right-of-way acquisition costs and may not be used for the purchase of dwellings. No more than ten percent of these funds may be used for engineering, legal, planning, or other similar purposes. The city of Fargo, Cass County, and the Cass County joint water resource district must approve any expenditures made under this section. Costs incurred by

nonstate entities for dwellings or other real property which are not paid by state funds are eligible for application by the nonstate entity for cost-sharing with the state.

**SECTION 10. GRANTS - WESTERN AREA WATER SUPPLY - INCREMENTAL FUNDING AND RESTRICTIONS.** Funds specified for western area water supply authority projects in the water and atmospheric resources line item in section 1 of this Act must be distributed as grants from the resources trust fund. The funds must be awarded in increments of up to \$10,000,000 upon determination by the state water commission that sufficient domestic demand has been demonstrated for the project for which the funds are requested. Funds may not be used solely to construct industrial water infrastructure or to provide industrial water for exploration or development of the oil and gas industry. The western area water supply authority may request funds, in increments of up to \$10,000,000, through individual applications to the commission up to the amount specified in this Act for the western area water supply authority.

**SECTION 11. STATE WATER COMMISSION PRIORITY PROJECTS LIST - REPORTS TO THE WATER TOPICS OVERVIEW COMMITTEE.** The state water commission shall report to the legislative management's water topics overview committee every six months during the 2015-16 interim regarding any changes made to the state water commission priority projects list presented to the sixty-fourth legislative assembly for the biennium beginning July 1, 2015, and ending June 30, 2017.

**SECTION 12. FARGO FLOOD CONTROL - REPORTS TO THE WATER TOPICS OVERVIEW COMMITTEE.** During the 2015-16 interim, the F-M area diversion authority board shall report to the legislative management's water topics overview committee biannually regarding an update on congressional authorization of the diversion project and the status of the self-insured crop insurance pool; mitigation efforts, alternatives, and costs; easements; and the project budget. The MNDak upstream coalition shall report to the budget section biannually regarding an update on the impacts of the Fargo flood control project and mitigation efforts, alternatives, and costs.

**SECTION 13. STATE WATER COMMISSION STUDY OF FARGO DIVERSION PROJECT.** The state water commission shall contract with North Dakota state university to expand the scope of the current agricultural impacts study of the F-M area diversion project at a cost that may not exceed \$80,000. The expanded study is contingent upon hydraulic modeling performed by the diversion authority and supplied to the state water commission and North Dakota state university research team. The hydraulic modeling performed by the diversion authority is eligible for cost share by the state water commission. The expanded study must focus on:

1. The impacts in the area outside the area recognized by the United States army corps of engineers for which mitigation is required and must address impacts from greater than six inches of additional water, which is consistent with preliminary indications from the federal emergency management agency.
2. Agricultural production income impacts due to operation of the diversion project.
3. Agricultural production income losses resulting from a ten-year, twenty-five-year, fifty-year, one hundred-year, and five hundred-year flood event.

**SECTION 14. AMENDMENT.** Section 54-35-02.7 of the North Dakota Century Code is amended and reenacted as follows:

**54-35-02.7. Water topics overview committee - Duties.**

The legislative management, during each interim, shall appoint a water topics overview committee in the same manner as the legislative management appoints other interim committees. The committee must meet quarterly and is responsible for legislative overview of water topics and related matters, the Garrison

diversion project, and for any necessary discussions with adjacent states on water topics. The committee shall work collaboratively with the state water commission to develop policies to further define the state role in major flood control projects. The committee shall prepare a schedule of priorities with respect to water projects. The state water commission and state engineer shall assist the committee in developing the schedule of priorities, and the committee may seek input from stakeholders within the state regarding water project priorities. The committee shall report on the committee's project prioritization process, provide updates on allocated program expenditures, and report on the fund balances of projects, grants, and contracts. The committee also shall study policies regarding the development and financing of municipal projects, including water treatment plants; pipelines, including pipeline expansion, public and industrial use of water, cost analysis of future project development, and ongoing maintenance cost of current and future projects; and technology, including the use of technology for permitting and electronic metering. ~~During the 2013-14 interim, the committee shall review water supply routes and alternatives for the Red River valley water supply project.~~ The legislative management shall designate the chairman of the committee. The committee shall operate according to the statutes and procedure governing the operation of other legislative management interim committees.

**SECTION 15. REPEAL.** Section 61-02-78 of the North Dakota Century Code is repealed.

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2020 - State Water Commission - Senate Action

	Base Budget	Senate Changes	Senate Version
Administrative and support services	\$4,716,665	(\$208,991)	\$4,507,674
Water and atmospheric resources	822,365,166	166,853,582	989,218,748
Accrued leave payments	325,774	(325,774)	
Total all funds	\$827,407,605	\$166,318,817	\$993,726,422
Less estimated income	827,407,605	141,333,658	968,741,263
General fund	\$0	\$24,985,159	\$24,985,159
FTE	90.00	8.00	98.00

#### Department No. 770 - State Water Commission - Detail of Senate Changes

	Changes Funding Source for Administrative Costs <sup>1</sup>	Adds Funding for Base Payroll Changes <sup>2</sup>	Adds Funding for Salary and Benefit Increases <sup>3</sup>	Adds Funding for New Water Permitting Positions <sup>4</sup>	Adds Funding for New Regulatory Director Position <sup>5</sup>	Adds Funding for New Water Supply Project Manager Position <sup>6</sup>
Administrative and support services		\$147,600	\$159,087			
Water and atmospheric resources		690,132	979,117	979,015	273,871	229,840
Accrued leave payments		(325,774)				
Total all funds	\$0	\$511,958	\$1,138,204	\$979,015	\$273,871	\$229,840
Less estimated income	(21,789,687)	0	130,200	0	0	0
General fund	\$21,789,687	\$511,958	\$1,008,004	\$979,015	\$273,871	\$229,840
FTE	0.00	0.00	0.00	5.00	1.00	1.00

	Adds Funding for New Sovereign Lands Position <sup>7</sup>	Adjusts Water Projects Funding <sup>8</sup>	Adjusts Base Level Funding <sup>9</sup>	Total Senate Changes
Administrative and support services			(\$515,678)	(\$208,991)
Water and atmospheric resources	192,784	152,132,255	11,376,568	166,853,582
Accrued leave payments				(325,774)
	\$192,784	\$152,132,255	\$10,860,890	\$166,318,817



Total all funds				
Less estimated income	0	152,132,255	10,860,890	141,333,658
General fund	\$192,784	\$0	\$0	\$24,985,159
FTE	1.00	0.00	0.00	8.00

<sup>1</sup> The funding source for administrative, salaries and benefits, and operating costs is changed from the resources trust fund to the general fund. The amounts shown reflects the following base level operating cost reductions as a result of becoming a general fund supported agency:

	General Fund	Other Funds	Total
Rent		(\$315,000)	(\$315,000)
Statewide cost allocation		(235,000)	(235,000)
Legal fees		(488,000)	(488,000)
Total	\$0	(\$1,038,000)	(\$1,038,000)

<sup>2</sup> Funding is added for cost-to-continue 2013-15 biennium salaries and benefit increases and for other base payroll changes.

<sup>3</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	\$634,518	\$80,543	\$715,061
Health insurance increase	373,486	49,657	423,143
Total	\$1,008,004	\$130,200	\$1,138,204

<sup>4</sup> Funding is added from the general fund for 5 new water permitting FTE positions (\$979,015) that were approved by the Emergency Commission during the 2013-14 interim.

<sup>5</sup> Funding is added from the general fund for a new regulatory director FTE position (\$273,871).

<sup>6</sup> Funding is added from the general fund for a new water supply project manager FTE position (\$229,840).

<sup>7</sup> Funding is added from the general fund for a new sovereign lands FTE position (\$192,784).

<sup>8</sup> Water projects funding is adjusted to provide a total of \$500 million for new water projects in the 2015-17 biennium.

<sup>9</sup> Base level funding is adjusted as follows:

	General Fund	Other Funds	Total
Consultant engineering and attorney's fees increase		\$10,727,828	\$10,727,828
Operating costs adjustment		133,062	133,062
Total	\$0	\$10,860,890	\$10,860,890

In addition, this amendment:

- Adds a section to provide that funds designated by the Legislative Assembly for Fargo flood control are available only for levee and dike protection until the project receives federal authorization, a project partnership agreement is executed, a federal appropriation is provided for construction, and the budget for the Fargo flood control project is approved by the State Water Commission.
- Adds a section to require an advance funding agreement between the United States Army Corps of Engineers and the local Fargo flood control sponsor prior to any state funding being used to advance construction work considered to be a federal responsibility.
- Adds a section of legislative intent that the state provide one-half of the local cost-share of constructing a federally authorized Fargo flood control project, total Fargo flood control project funding not exceed \$450 million, and that the \$206 million yet to

be designated for Fargo flood control is to be made available in equal installments over the next three bienniums.

- Adds a section providing funds appropriated for Fargo flood control are exempt from Section 54-44.1-11 and must be continued into the next or subsequent biennium.
- Adds a section directing funds appropriated for Western Area Water Supply Authority projects in the water and atmospheric resources line item to be distributed in the form of grants from the resources trust fund in increments of \$10 million upon the satisfaction of the State Water Commission that sufficient domestic demand has been demonstrated, restricts the funds from being used to construct industrial water infrastructure or to provide industrial water for exploration or development of the oil and gas industry and requires the Western Area Water Supply Authority to submit an application to the State Water Commission in increments of \$10 million up to the amount specified for Western Area Water Supply Authority projects.
- Adds a section requiring the State Water Commission to report to the Legislative Management's Water Topics Overview Committee every six months during the 2015-16 interim regarding any changes made to the State Water Commission priority projects list presented to the 64th Legislative Assembly.
- Adds a section requiring the F-M Area Diversion Authority Board and the MNDak Upstream Coalition to report to the Legislative Management's Water Topics Overview Committee.
- Amends Section 54-35-02.7 regarding the Water Topics Overview Committee to require a report on the committee's project prioritization process, provide updates on allocated program expenditures, and report on the fund balances of projects, grants, and contracts.
- Repeals Section 61-02-78 regarding the infrastructure revolving loan fund.
- Adds a section requiring the State Water Commission to contract with North Dakota State University to study the Fargo diversion project.

#### REPORT OF STANDING COMMITTEE

**SB 2026: Agriculture Committee (Sen. Miller, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2026 was placed on the Sixth order on the calendar.

Page 2, line 5, replace "identification of hydric soils" with "preparation of soil survey maps and reports"

Page 2, line 10, remove ", including the practice"

Page 2, line 11, remove "of environmental engineering"

Page 5, line 5, remove ", including hydric soils"

Page 5, line 9, remove "Septic system sitings:"

Page 5, line 10, remove "f."

Page 5, line 11, replace "g." with "f."

Page 5, line 13, replaced the underscored comma with an underscored period

Page 5, remove lines 14 through 18

Page 6, line 6, remove ", provided there is a waiting period of at least six"

Page 6, line 7, replace "months from the date of the previous attempt" with "at the next regularly scheduled time or at a time agreed to under subsection 3"

Page 6, remove lines 9 and 10

Page 6, line 20, replace "November" with "December"

Page 7, line 28, replace "private" with "for profit"

Page 8, line 1, after "(3)" insert "The individual is deemed qualified to conduct wetland delineation by the regulatory agency for which the wetland delineation is to be performed;"

(4)"

Page 8, line 3, replace "(4)" with "(5)"

Page 8, line 4, after "must" insert "consist of at least forty hours and"

Page 8, remove lines 9 and 10

Page 8, line 11, replace "b." with "a."

Page 8, line 13, replace "c." with "b."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2058, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2058 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2076, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2076 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2133: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2133 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "amend and reenact section 44-04-18.21" with "create and enact a new section to chapter 44-04"

Page 1, line 2, remove "and individuals"

Page 1, line 3, remove "communicating with public entities"

Page 1, replace lines 5 through 13 with:

**"SECTION 1.** A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

#### **Student addresses and telephone numbers exempt.**

The personal and institution-issued electronic mail addresses, home address, postal address, and telephone numbers of a student enrolled in an institution under the supervision of the state board of higher education are exempt records."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2147: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2147 was placed on the Sixth order on the calendar.

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

Page 1, line 14, remove "second"

Page 1, line 14, overstrike "where no excavation"

Page 1, line 15, overstrike "has occurred"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2185: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2185 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "In an order or decision issued by the board in resolution of a"

Page 1, overstrike lines 10 through 12

Page 1, line 13, overstrike "in the investigation and prosecution of the case."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2189: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2189 was placed on the Sixth order on the calendar.

Page 2, line 2, replace "two hundred and fifty" with "one hundred twenty-five"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2191: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2191 was placed on the Sixth order on the calendar.

Page 5, line 23, remove ", and their use, practice, prescription, or administration by individuals not licensed"

Page 5, line 24, remove "to practice acupuncture is not prohibited by this chapter"

Page 5, line 30, after the first set of underscored quotation marks insert "Licensed"

Page 5, line 30, replace "L.Ac." with "LAc"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2207, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2207 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2249: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2249 was placed on the Sixth order on the calendar.

Page 1, line 6, after "Grafton" insert "volunteer"

Page 1, line 10, replace "7.45" with "5.44"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2299: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends

**DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2299 was placed on the Sixth order on the calendar.

Page 2, line 16, after "political" insert "party, political"

Page 2, line 16, after "committee" insert an underscored comma

Page 7, line 7, after the underscored period insert "The conduit also shall include on the statement the occupation, employer, and principal place of business of each contributor, or the political committee if not already registered according to state or federal law, which contributed five thousand dollars or more in the aggregate during a reporting period applicable to the candidate, political party, or political committee."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2308: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2308 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2314: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2314 was placed on the Sixth order on the calendar.

Page 1, line 15, remove "A fifty-fifty raffle may be conducted either by a manual drawing or by an alternate fair"

Page 1, remove line 16

Page 1, line 17, replace "number generator" with "A licensed organization that supports amateur collegiate athletics may conduct a fifty-fifty raffle either by a manual drawing or the use of a random number generator"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2343, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2343 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "orders" with "actions"

Page 1, line 9, replace "**orders**" with "**actions**"

Page 1, line 10, after "If" insert "any order, regulation, or policy of"

Page 1, line 10, replace "makes an order that" with "to implement the provisions of chapter 38-08"

Page 1, line 11, replace "five" with "twenty"

Page 1, line 13, replace "order" with "action"

Page 1, line 15, replace "orders" with "actions"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2353: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2353 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2356: Energy and Natural Resources Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2356 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a"

Page 1, line 1, replace "study" with "studies"

Page 1, line 2, after "practices" insert "and standards"

Page 1, line 5, replace "study oil and gas and" with "consider studying"

Page 1, line 6, replace "must" with "may"

Page 1, line 7, remove "oil and gas"

Page 1, line 8, remove "development-impacted areas and"

Page 1, line 8, remove ", natural erosion events,"

Page 1, line 9, after "projects" insert "on state and county lands"

Page 1, line 9, remove "clean"

Page 1, line 10, replace "water initiatives" with "other economic enterprises"

Page 1, line 10, replace "shall" with "may"

Page 1, line 11, remove "or repurposed"

Page 1, line 12, replace "shall" with "may"

Page 1, after line 18, insert:

**"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - RECLAMATION STANDARDS.** During the 2015-16 interim, the legislative management shall consider studying whether reclamation standards related to oil and gas development can be improved to ensure the successful reclamation of agricultural lands in this state, and to ensure that productivity of these agricultural lands following reclamation is as near as possible to the land's productivity before being used for oil and gas production. The study may include the consideration of whether performance standards found in North Dakota Administrative Code chapter 69-05.2 and used by the North Dakota public service commission for reclamation of surface coal-mined lands should be utilized by the North Dakota industrial commission for reclamation of lands used for oil and gas development. The study may examine whether additional and more detailed reclamation standards should be included in state law and administrative rule, what standards should be included, and in what manner such standards should be included. The study may consider input from representatives from the department of mineral resources, the school of natural resource sciences' department of soil science at North Dakota state university, the department of trust lands, the public service commission, the state department of health, landowner groups, and professional soil classifiers regulated by the state board of registration for professional soil classifiers. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2369: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2369 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2378: 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 2378 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 create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for contributions to qualified community of life projects; to provide an effective date; and to provide an expiration date.

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

**SECTION 1.** A new section to chapter 57-38 of the North Dakota Century Code is created and enacted as follows:

**Income tax credit for contributions to qualified community of life projects.**

1. A taxpayer is entitled to a credit against the tax imposed under section 57-38-30 or 57-38-30.3 in an amount equal to forty percent of the amount contributed by the taxpayer during the taxable year to a qualified nonprofit organization for qualified community of life projects. Eligible recipients of the contributions under this section include units of local government, state government, tribal government, and nonprofit organizations serving communities in this state. An individual may not qualify for a grant under this section. The maximum credit that may be claimed under this section in a taxable year is twenty thousand dollars for an individual or forty thousand dollars for married individuals filing a joint return. The credit allowed under this section may not exceed that taxpayer's income tax liability.
2. A passthrough entity entitled to the credit under this section must be considered to be the taxpayer for purposes of this section, and the amount of the credit allowed must be determined at the passthrough entity level. The amount of the total credit determined at the entity level must be passed through to the partners, shareholders, or members in proportion to their respective interests in the passthrough entity.
3. The amount of the contribution upon which an allowable credit is computed must be added to federal taxable income in computing North Dakota taxable income in any taxable year in which the contribution reduces federal taxable income, but only to the extent that the contribution reduced federal taxable income.
4. For purposes of this section:
  - a. "Qualified community of life projects" include the construction, refurbishing, reconstruction, rehabilitation, acquisition, or improvement of recreational, arts, science, and quality of life amenity projects.
  - b. "Qualified nonprofit organization" means a North Dakota incorporated or established tax-exempt organization under 26 U.S.C. 501(c)(3) to which contributions qualify for federal charitable income tax deductions with an established business presence or situs in North Dakota.

**SECTION 2.** A new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code is created and enacted as follows:

Qualified community of life project income tax credit under section 1 of this Act.

**SECTION 3. EFFECTIVE DATE - EXPIRATION DATE.** This Act is effective for the first four taxable years beginning after December 31, 2014, and is thereafter ineffective."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4008: Energy and Natural Resources Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SCR 4008 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "more than a billion" with "thousands of"

Page 1, after line 8, insert:

"**WHEREAS**, these molten liquid fueled reactors are inherently safe, cannot blowup, cannot meltdown, cannot cause a widespread radiation release event in the worst possible scenario, and can consume nearly one hundred percent of the fissionable energy in the fuel which limits and minimizes nuclear waste and geologic storage issues; and"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4009: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4009 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4012: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4012 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4014: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4014 was placed on the Sixth order on the calendar.

Page 1, line 19, remove "seventy-five percent of annual legacy fund earnings from 2017 through 2039,"

Page 1, line 19, after "if" insert "legacy fund earnings are"

Page 1, line 20, after the comma insert "the fund"

Page 1, line 20, remove "the legacy fund"

Renumber accordingly

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

**Jane Schaible, Secretary**