

## JOURNAL OF THE SENATE

## Sixty-fourth Legislative Assembly

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Bismarck, April 24, 2015

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

The prayer was offered by Chaplain Merle Hoots, Baptist Health Care Center, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

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

**MR. PRESIDENT:** The House has not adopted the conference committee report on: HB 1018.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1004, HB 1025.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2010.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2304.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2206, as engrossed:** Your conference committee (Sens. Dever, J. Lee, Warner and Reps. Weisz, Hofstad, Muscha) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1504, adopt amendments as follows, and place SB 2206 on the Seventh order:

That the House recede from its amendments as printed on page 1504 of the Senate Journal and pages 1311-1313 and pages 1658 and 1659 of the House Journal and that Engrossed Senate Bill No. 2206 be amended as follows:

Page 1, line 4, after "50-24.1-14" insert ", subsection 3 of section 57-15-01.1, and subsection 34 of section 57-15-06.7"

Page 1, line 6, after "expense" insert "and reduction of county property tax levy authority for social service board budgets to reflect county savings from programs funded at state expense"

Page 1, line 9, replace "establish a social services financing commission" with "provide for a legislative management study"

Page 1, line 9, remove "to provide an"

Page 1, line 10, remove "expiration date;"

Page 1, line 22, remove "beginning"

Page 1, line 23, replace "and continuing for succeeding years must identify" with "may not exceed an amount determined using the departmental budget submitted in 2014 by the county social service board as a starting point, subtracting"

Page 1, line 24, after "responsibility" insert "for 2014"

Page 2, line 2, after "services" insert ", and applying to the resulting amount the percentage salary and benefits increase provided by legislative appropriations for state

employees for taxable year 2015. For purposes of this subdivision, the reduction in the county's social service funding responsibility derived from transferring the county social service costs identified in this subdivision from the county social service board to the department of human services includes the following"

Page 2, line 3, replace "incurred" with "that would have been paid"

Page 2, line 7, replace "incurred" with "which would have been paid by the county"

Page 2, line 9, replace "incurred" with "which would have been paid by the county"

Page 2, line 11, replace "incurred" with "which would have been paid by the county"

Page 2, line 13, replace "incurred" with "which would have been paid by the county"

Page 2, line 15, replace "incurred" with "which would have been paid by the county"

Page 2, line 20, after "b." insert "The departmental budget submitted by the county social service board in 2016 for the 2017 budget may not exceed an amount determined using the 2015 departmental budget as a starting point and applying to that amount the percentage salary and benefits increase provided by legislative appropriations for state employees for 2016."

c."

Page 2, line 21, after "paid" insert "by the county"

Page 2, line 22, after the first "department" insert "of human services"

Page 2, line 22, after the second "department" insert "of human services"

Page 2, line 24, remove "The amount reported must equal the"

Page 2, replace lines 25 through 31 with:

"The county share of the human service budget must be funded entirely from the county's property tax levy for that purpose and the county may not use funds from any other source to supplement the human services budget, with the exception that the county may make use of the identifiable amount of other sources the county has used to supplement its human services budget for 2015 and the county may use grant funds that may be available to the county under section 50-06-20.1.

- d. The department of human services shall develop a process to review a request from a county social service board for any proposed increase in staff needed as a result of significantly increased caseloads for state-funded human services programs, if the increase in staff would result in the county exceeding the budget limitation established under this subsection. As part of its review process, the department shall review countywide caseload information and consider the option of multicounty sharing of staff. If the department approves a request for a proposed increase in staff, the county budget limitation established under subdivision b may be increased by the amount determined necessary by the department to fund the approved additional staff."

Page 7, after line 6, insert:

**"SECTION 9. AMENDMENT.** Subsection 3 of section 57-15-01.1 of the North Dakota Century Code is amended and reenacted as follows:

3. A taxing district may elect to levy the amount levied in dollars in the base year. Any levy under this section must be specifically approved by a

resolution approved by the governing body of the taxing district. Before determining the levy limitation under this section, the dollar amount levied in the base year must be:

- a. Reduced by an amount equal to the sum determined by application of the base year's calculated mill rate for that taxing district to the final base year taxable valuation of any taxable property and property exempt by local discretion or charitable status which is not included in the taxing district for the budget year but was included in the taxing district for the base year.
- b. Increased by an amount equal to the sum determined by the application of the base year's calculated mill rate for that taxing district to the final budget year taxable valuation of any taxable property or property exempt by local discretion or charitable status which was not included in the taxing district for the base year but which is included in the taxing district for the budget year.
- c. Reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district. For purposes of this subdivision, an expired temporary mill levy increase does not include a school district general fund mill rate exceeding one hundred ten mills which has expired or has not received approval of electors for an extension under subsection 2 of section 57-64-03.
- d. If the base year is a taxable year before 2013, reduced by the amount of state aid under chapter 15.1-27, which is determined by multiplying the budget year taxable valuation of the school district by the lesser of:
  - (1) The base year mill rate of the school district minus sixty mills; or
  - (2) Fifty mills.
- e. If the base year is a taxable year before 2016, the base year human services county levy in dollars must be reduced to the amount of the county social service board budget levy for the budget year as determined under section 11-23-01.

**SECTION 10. AMENDMENT.** Subsection 34 of section 57-15-06.7 of the North Dakota Century Code is amended and reenacted as follows:

34. Counties levying an annual tax for human services purposes as provided in section 50-06.2-05 may levy a tax not exceeding the lesser of twenty mills or the number of mills determined by dividing the county budget limitation in dollars as determined under section 11-23-01 by the taxable valuation of the county."

Page 7, remove lines 9 through 31

Page 8, replace lines 1 through 14 with:

**"SECTION 12. LEGISLATIVE MANAGEMENT STUDY - INTERIM COUNTY SOCIAL SERVICES FINANCE COMMITTEE - WORKING GROUP.**

1. During the 2015-16 interim, the chairman of the legislative management shall appoint the legislative management interim county social services finance committee to develop a transition plan for potentially transferring the costs of operating social services programs from county property tax levies to state general fund appropriations. The membership of the committee must include the chairmen of the house and senate finance and taxation committees and the house and senate human services committees, or their designees. The director of the department of human services shall serve as a nonvoting member of the committee. The

chairman of the legislative management may appoint additional members of the legislative assembly to serve on the committee. The chairman of the house human services committee shall serve as the chairman of the committee and the chairman of the senate human services committee shall serve as the vice-chairman.

2. A county social services finance working group is established, with the following voting members:
  - a. The director of the department of human services or designee;
  - b. The chief financial officer of the department of humans services;
  - c. Two members representing elected county officials identified in section 11-10-02 as selected by the North Dakota association of counties;
  - d. The tax commissioner or designee;
  - e. The director of the office of management and budget or designee;
  - f. Two county social services directors selected by the North Dakota county social services directors association; and
  - g. One member representing the North Dakota association of counties.
3. The director of the department of human services shall serve as the chairman of the working group and the four standing committee chairmen who serve on the legislative management interim county social services finance committee shall serve as legislative liaisons to the working group. During the 2015-16 interim, the working group shall make recommendations to and seek direction from the county social services finance committee in assisting the committee with the committee's study charge. At each meeting of the committee, the working group shall report on the progress of the working group's activities and receive direction from the committee on the working group's study charge.
4. Under this section, a proposed transition plan must include a timeline for the major milestones of the transition plan, considerations for the transition, estimated costs, a plan to require a property tax reduction for the amount of the budgeted savings brought about by the transfer of county social services costs to the state, a plan resulting in the elimination of the county social services levy under section 50-06.2-05, and potential legislation to implement recommended changes.
5. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Page 12, line 15, remove "2, 3, 4, 5, 7, 8, and"

Page 12, line 15, after "9" insert ", and 10 of this Act become effective on August 1, 2015. Sections 2, 3, 4, 5, 7, 8, and 11 of this Act"

Page 8, remove lines 17 and 18

Renumber accordingly

Engrossed SB 2206 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1025, as engrossed:** Your conference committee (Sens. Kilzer, Bowman, Robinson and Reps. Kreidt, J. Nelson, Holman) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1531-1532, adopt amendments as follows, and place HB 1025 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1531 and 1532 of the House Journal and pages 1324 and 1325 of the Senate Journal and that Engrossed House Bill No. 1025 be amended as follows:

Page 1, replace line 12 with:

"Veterans' affairs	\$1,410,580	\$365,298	\$1,775,878
Contingent service dogs	0	25,000	25,000"

Page 1, replace lines 15 through 17 with:

"Total all funds	\$1,420,703	\$395,175	\$1,815,878
Less estimated income	0	<u>288,018</u>	<u>288,018</u>
Total general fund	\$1,420,703	\$107,157	\$1,527,860"

Page 2, replace lines 1 and 2 with:

"Service dogs	0	25,000
Contingent service dogs	0	25,000"

Page 2, replace line 4 with:

"Total general fund	\$295,000	\$50,000"
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Page 2, replace lines 9 through 13 with:

**"SECTION 4. CONTINGENT FUNDING - SERVICE DOGS.** Funding provided in the contingent service dogs line item in section 1 of this Act includes \$25,000 from the general fund for service dogs to assist North Dakota veterans with posttraumatic stress disorder. The department of veterans' affairs may spend these funds subject to:

1. The dogs having completed service dog training;
2. Eligible veterans having been approved to receive the service dogs; and
3. Budget section approval."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1025 - Department of Veterans' Affairs - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Veterans' Affairs	\$1,410,580	\$1,752,651	\$23,227	\$1,775,878	\$1,865,978	(\$90,100)
Accrued leave payments	10,123					
Transport Vans		15,000		15,000	15,000	
Contingent service dogs			25,000	25,000		25,000
Total all funds	\$1,420,703	\$1,767,651	\$48,227	\$1,815,878	\$1,880,978	(\$65,100)
Less estimated income	0	284,453	3,565	288,018	288,018	0
General fund	\$1,420,703	\$1,483,198	\$44,662	\$1,527,860	\$1,592,960	(\$65,100)
FTE	8.00	9.00	0.00	9.00	9.00	0.00

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

	Adjusts Funding for Health Insurance Premium Increases <sup>1</sup>	Increases Funding for Stand Down Events <sup>2</sup>	Adds One-Time Funding for Service Dogs <sup>3</sup>	Adds Contingent One-Time Funding for Service Dogs <sup>4</sup>	Total Conference Committee Changes
Veterans' Affairs	(\$6,773)	\$5,000	\$25,000		\$23,227
Accrued leave payments					

Transport Vans					
Contingent service dogs				25,000	25,000
Total all funds	(\$6,773)	\$5,000	\$25,000	\$25,000	\$48,227
Less estimated income	3,565	0	0	0	3,565
General fund	(\$10,338)	\$5,000	\$25,000	\$25,000	\$44,662
FTE	0.00	0.00	0.00	0.00	0.00

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

<sup>2</sup> Funding is increased by \$5,000 for stand down events to provide a total of \$20,000 from the general fund, the same as the Senate version.

<sup>3</sup> One-time funding of \$25,000 is added for service dog training to provide two service dogs to veterans with posttraumatic stress disorder (PTSD). The Senate included \$50,000 for four service dogs.

<sup>4</sup> Contingent one-time funding is added for two service dogs for veterans with PTSD. The funding is contingent on service dogs that have completed training, eligible and approved veterans, and Budget Section approval. The Senate version included \$50,000 for service dogs, but did not include the contingency.

This amendment also:

- Removes the section related to contingent funding for stand down events added by the House, the same as the Senate version.
- Adds a section relating to contingent funding for two service dogs for veterans with PTSD that is subject to service dogs that have completed training, eligible and approved veterans, and Budget Section approval. Neither the House nor Senate version included this section.

Engrossed HB 1025 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. KLEIN MOVED** that the conference committee report on Reengrossed SB 2175 as printed on SJ page 1716 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2175, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2175:** A BILL for an Act to amend and reenact sections 4-05.1-20 and 57-43.1-03.1 of the North Dakota Century Code, relating to the agricultural research fund, the creation of the supplemental extension and research fund, and the transfer of revenue from fuel tax refunds; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 0 YEAS, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2175 failed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. WANZEK MOVED** that the conference committee report on Engrossed SB 2006 as printed on SJ pages 1734-1735 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2006, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2006:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the tax commissioner and for payment of state reimbursement under the homestead tax credit and disabled veterans credit; to amend and reenact section 57-01-04 of the North Dakota Century Code, relating to the tax commissioner's salary; to provide for a transfer; and to provide an exemption.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2006 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. DEVER MOVED** that the conference committee report on Engrossed SB 2206 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2206, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2206:** A BILL for an Act to create and enact sections 50-06-05.8 and 50-06-20.1 of the North Dakota Century Code, relating to the department of human services assuming certain costs of certain social service programs and to the establishment of a human services grant program; to amend and reenact sections 11-23-01, 50-01.2-00.1, 50-03-08, 50-06-20, 50-09-27, and 50-24.1-14, subsection 3 of section 57-15-01.1, and subsection 34 of section 57-15-06.7 of the North Dakota Century Code, relating to county social service board budgets and programs funded at state expense and reduction of county property tax levy authority for social service board budgets to reflect county savings from programs funded at state expense; to repeal sections 50-03-09, 50-06.2-05.1, and 50-09-21.1 of the North Dakota Century Code, relating to the county's share of medical assistance for therapeutic foster care, service payments to the elderly and disabled, and the county share of foster care costs; to provide for a legislative management study; to provide an effective date; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2206 passed and the emergency clause was declared carried.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. KILZER MOVED** that the conference committee report on Reengrossed HB 1002 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1002, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1002:** A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; to provide for the establishment of additional district court judgeships; and to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed HB 1002, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. J. LEE MOVED** that the conference committee report on Reengrossed HB 1049 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1049, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1049:** A BILL for an Act to create and enact a new section to chapter 43-45 of the North Dakota Century Code, relating to loans for certain behavioral health professions; to amend and reenact section 43-45-04 of the North Dakota Century Code, relating to duties of the board of addiction counseling examiners; to provide for a statement of legislative intent; to provide for reports to the legislative management; to provide an appropriation; to provide a continuing appropriation; and to provide for a transfer.

**ROLL CALL**

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

**YEAS:** Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Klein; Krebsbach; Laffen; 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

**NAYS:** Kilzer

Reengrossed HB 1049, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. KILZER MOVED** that the conference committee report on Reengrossed HB 1025 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1025, as amended, was placed on the Fourteenth order of business.



**SECOND READING OF HOUSE BILL**

**HB 1025:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of veterans' affairs; and to provide an exemption.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed HB 1025, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. DEVER MOVED** that the conference committee report on Reengrossed HCR 3047 be adopted, which motion prevailed on a voice vote.

Reengrossed HCR 3047, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3047:** A concurrent resolution to amend and reenact section 2 of article III of the Constitution of North Dakota, relating to the fiscal impact of initiated measures.

**ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read. The roll was called and there were 20 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Armstrong; Burckhard; Campbell; Carlisle; Casper; Cook; Dever; Erbele; Flakoll; Kilzer; Laffen; Larsen; Lee, G.; Lee, J.; Miller; Oehlke; Poolman; Schaible; Unruh; Wanzek

**NAYS:** Anderson; Axness; Bekkedahl; Bowman; Davison; Dotzenrod; Grabinger; Heckaman; Hogue; Holmberg; Klein; Krebsbach; Luick; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Robinson; Rust; Schneider; Sinner; Sorvaag; Triplett; Wardner; Warner

Reengrossed HCR 3047, as amended, was declared lost on a recorded roll call vote.

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**MOTION**

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

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

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2006.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1002, HB 1025, HB 1049.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2206.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently failed to pass: SB 2175.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently failed to pass: HCR 3047.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1015.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2048, SB 2205.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1046, HB 1176, HB 1217, HB 1359, HB 1377.

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

**MR. SPEAKER:** The President has signed: SB 2017, SB 2120, SB 2304.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 24, 2015: SB 2017, SB 2120, SB 2304.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2340, as engrossed:** Your conference committee (Sens. Laffen, Bekkedahl, Dotzenrod and Reps. Vigesaa, Toman, Strinden) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1320, adopt amendments as follows, and place SB 2340 on the Seventh order:

That the House recede from its amendments as printed on page 1320 of the Senate Journal and pages 1473 and 1474 of the House Journal and that Engrossed Senate Bill No. 2340 be amended as follows:

Page 1, line 1, remove "create and enact a new subdivision to subsection 3 of section 1 of Senate"

Page 1, remove lines 2 and 3

Page 1, line 4, after "57-38-01.33" insert "and subdivision r of subsection 7 of section 57-38-30.3"

Page 1, line 6, replace "and" with "to provide a statement of legislative intent;"

Page 1, line 6, after "date" insert "; and to provide an expiration date"

Page 1, remove lines 8 through 11

Page 1, line 14, remove the overstrike over "~~(Effective for the first three taxable years beginning after December 31,~~"

Page 1, line 15, after "~~2012~~" insert "2014"

Page 1, line 15, remove the overstrike over the boldfaced ending parentheses

Page 2, line 22, overstrike "The" and insert immediately thereafter "For the 2015 calendar year, the"

Page 2, line 23, overstrike "in any calendar year"

Page 2, line 24, after "purchase" insert "For the 2016 and 2017 calendar years, the aggregate amount of credits allowed each calendar year may not exceed five hundred thousand dollars. However, if the maximum amount of allowed credits are

not claimed in any calendar year, any remaining unclaimed credits may be carried forward and made available in the next succeeding calendar year."

Page 2, line 25, replace "two million dollars" with "the amount available"

Page 2, line 26, remove "allowable amount of"

Page 3, after line 24, insert:

**"SECTION 2. AMENDMENT.** Subdivision r of subsection 7 of section 57-38-30.3 of the North Dakota Century Code is amended and reenacted as follows:

- r. Automating manufacturing processes tax credit under section 57-38-01.33 (effective for the first ~~three~~five taxable years beginning after December 31, 2012).

**SECTION 3. LEGISLATIVE INTENT REGARDING AUTOMATING MANUFACTURING PROCESSES CREDIT.** It is the intent of the sixty-fourth legislative assembly that the income tax credit for purchases of manufacturing machinery and equipment for automating manufacturing processes be one of the economic development tax incentives selected for analysis during the 2015-16 interim by the legislative management interim committee assigned the study responsibility under subsection 3 of section 1 of Senate Bill No. 2057, as approved by the sixty-fourth legislative assembly."

Page 3, line 25, after "**DATE**" insert "**- EXPIRATION DATE**"

Page 3, line 25, replace "purchases made" with "the first three taxable years"

Page 3, line 26, after "2014" insert ", and is thereafter ineffective"

Renumber accordingly

Engrossed SB 2340 was placed on the Seventh order of business on the calendar.

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

**HB 1126, as engrossed:** Your conference committee (Sens. Luick, Armstrong, Grabinger and Reps. Brabandt, K. Koppelman, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1251-1252, adopt amendments as follows, and place HB 1126 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1251 and 1252 of the House Journal and page 969 of the Senate Journal and that Engrossed House Bill No. 1126 be amended as follows:

Page 1, line 1, remove "create and enact section 26.1-26.6-07.1 of the North Dakota Century Code,"

Page 1, line 2, remove "relating to registered recovery agents; to"

Page 1, line 3, remove "and"

Page 1, line 3, after "26.1-26.6-07" insert ", 43-30-01, 43-30-02, 43-30-03, 43-30-04, 53-30-05, 43-30-10, 43-30-11, and 43-30-16"

Page 1, line 4, remove "recovery agents, and"

Page 1, line 4, after "retrieval" insert ", and licensure and regulation of recovery agents"

Page 1, line 14, replace "Registered recovery" with "Recovery"

Page 1, line 14, remove "any person that has been registered by the"

Page 1, line 15, replace "commissioner under this" with "an individual who is licensed as a recovery agent under"

Page 1, line 15, after "chapter" insert "43-30"

Page 1, line 15, after "the" insert "bail bond agent or"

Page 1, line 15, remove "arrest"

Page 1, line 16, replace "authority to take into custody a defendant on a bail bond" with "recovery service authority"

Page 3, line 29, remove "registered"

Page 4, line 5, remove "registered"

Page 4, line 8, remove "registered"

Page 4, line 12, replace "A" with "Subject to chapter 43-30, a"

Page 4, line 16, remove "registered"

Page 4, replace lines 18 through 24 with:

**"SECTION 5. AMENDMENT.** Section 43-30-01 of the North Dakota Century Code is amended and reenacted as follows:

**43-30-01. Definitions.**

As used in this chapter, unless the context or subject matter otherwise requires:

1. "Board" means the private investigative and security board.
2. "Employee" means an employee under a contract of employment as defined in chapter 34-01, and not an independent contractor as defined by the common-law test.
3. "License" includes a registration issued by the board.
4. "Licensee" includes an individual who is registered by the board.
5. "Private investigative service" means, for a fee, reward, or other consideration, undertaking any of the following acts for the purpose of obtaining information for others:
  - a. Investigating the identity, habits, conduct, movements, whereabouts, transactions, reputation, or character of any person or organization;
  - b. Investigating the credibility of persons;
  - c. Investigating the location or recovery of lost or stolen property, missing persons, owners of abandoned property or escheated property, or heirs to estates;
  - d. Investigating the origin of and responsibility for libels, losses, accidents, or damage or injuries to persons or property;
  - e. Investigating the affiliation, connection, or relationship of any person, firm, or corporation with any organization, society, or association, or with any official, representative, or member thereof;
  - f. Investigating the conduct, honesty, efficiency, loyalty, or activities of employees, persons seeking employment, agents, or contractors and subcontractors;
  - g. Investigating or obtaining evidence to be used before any authorized investigating committee, board of award, board of arbitration,

- administrative body, or officer or in preparation for trial of civil or criminal cases; or
- h. Investigating the identity or location of persons suspected of crimes or wrongdoing.
6. "Private security service" means furnishing for hire security officers or other persons to:
- a. Protect persons or property;
  - b. Prevent or detect theft or the unlawful taking of goods, wares, or merchandise, or to prevent the misappropriation or concealment of goods, wares, merchandise, money, bonds, stocks, choses in action, notes, or other valuable documents or papers;
  - c. Control, regulate, or direct the flow of or movements of the public, whether by vehicle or otherwise, to assure protection of private property;
  - d. Prevent or detect intrusion, unauthorized entry or activity, vandalism, or trespass on private property;
  - e. Perform the service of a security officer or other person for any of these purposes; or
  - f. Transport money or negotiable securities to or from a financial institution or between business locations on a regular or daily basis, except for mail delivery.
7. "Recovery agent" means an individual who is licensed under this chapter to provide a recovery service.
8. "Recovery service" means to enforce the terms and conditions of a defendant's release on bail in a civil or criminal proceeding or to apprehend a defendant or surrender a defendant to custody, or both, in accordance with chapter 26.1-26.6. The term includes presenting a defendant for a required court appearance, apprehending or surrendering a defendant to a court, or keeping the defendant under necessary surveillance.

**SECTION 6. AMENDMENT.** Section 43-30-02 of the North Dakota Century Code is amended and reenacted as follows:

**43-30-02. Exemptions.**

This chapter does not apply to:

- 1. Any investigator or officer directly employed by or under any direct contract with the federal government, state, or any county or city thereof, appointed, elected, or contracted with, by due authority of law, while engaged in the performance of official duties. Subcontractors of agencies directly contracted with these entities are not exempted.
- 2. Any state's attorney.
- 3. Any attorneys or counselors at law in the regular practice of their profession and any paralegal or legal assistant employed by an attorney or law firm when the attorney or law firm retains complete responsibility for the work product of the paralegal or legal assistant.
- 4. Any person engaged exclusively in obtaining and furnishing information as to the financial standing, rating, and credit responsibility of persons or as to the personal habits and financial responsibilities of applicants for insurance, indemnity bonds, or commercial credit.

5. A collection agency or finance company licensed to do business under the laws of this state, or an employee of one of those companies, while acting within the scope of employment when making an investigation incidental to the business of the agency, including an investigation as to location of a debtor and of the debtor's assets or property, provided the client has a financial interest in or a lien upon the assets or property of the debtor.
6. Any person making any investigation of any matter in which that person or the person by whom that person is solely employed is interested or involved.
7. A person whose sole investigative business is obtaining or furnishing information about acts or individuals from public records, other than those investigating the location or recovery of abandoned or escheated property, owners of abandoned or escheated property, or heirs to estates.
8. An expert who specializes in a specific, limited area of practice, including automotive accident reconstructions, fire origin and cause investigations, technical surveillance countermeasures, handwriting analysis, auditor, accountant or accounting clerk performing audits or accounting functions, or other areas of practice covered by other licensure in the state, and other areas determined by the board, that fall within the individual's scope of employment, incidental to the investigative profession.
9. Persons reporting for any media, including news reporters or news investigators.
10. A person providing mystery or secret shopping services, or providing a similar service, used for evaluating customer service, products, services, pricing, locations, or consumer issues so long as the evaluation is not for purposes of litigation or discovering violations of law.
11. As it relates to providing a recovery service, a bail bond agent licensed under chapter 26.1-26.6.

**SECTION 7. AMENDMENT.** Section 43-30-03 of the North Dakota Century Code is amended and reenacted as follows:

**43-30-03. Private investigative and security board.**

The governor shall appoint a private investigative and security board. The board must consist of not less than five nor more than eleven members appointed for staggered four-year terms. Appointees to the board must be knowledgeable in private investigative ~~or~~ private security, or recovery matters. A majority of the members of the board must be actively engaged in the private investigative ~~or~~ security, or recovery profession, with at least one member actively engaged in law enforcement. Members of the board may not receive any compensation for their service on the board, but they are entitled to be reimbursed for their expenses incurred in performing their duties in the amounts provided by law for state employees.

**SECTION 8. AMENDMENT.** Section 43-30-04 of the North Dakota Century Code is amended and reenacted as follows:

**43-30-04. Powers of the board.**

1. The board shall establish by rule the qualifications and procedures for classifying, qualifying, licensing, bonding, and regulating persons providing private investigative ~~and~~ security, and recovery services, including armed security personnel. All rules adopted by the board and appeals therefrom must be in accordance with chapter 28-32.

2. The board may hire office personnel ~~deemed~~the board deems necessary by it for carrying on ~~its~~out the board's official duties and shall set the compensation to be paid to the personnel.
3. Upon initial licensure and annually thereafter, the board shall provide the attorney general and the insurance commissioner with a list of the recovery agent licensees. Upon request of the attorney general or the insurance commissioner, the board shall provide information regarding recovery agent licensees.

**SECTION 9. AMENDMENT.** Section 43-30-05 of the North Dakota Century Code is amended and reenacted as follows:

**43-30-05. License required to provide private investigative or, security, or recovery services - Exclusivity.**

A person may not provide private investigative or, security, or recovery services without a license issued by the board. Notwithstanding any other law or ordinance, a person may not be required to obtain a license to provide private investigative or security services in this state other than the license required by this chapter.

**SECTION 10. AMENDMENT.** Section 43-30-10 of the North Dakota Century Code is amended and reenacted as follows:

**43-30-10. Penalty - Injunction - Unlicensed activity.**

1. Any person ~~who~~that violates this chapter or rules adopted under this chapter, or any person ~~who~~that provides a private investigative service or, private security service, or recovery service without a current license issued by the board, or falsely states or represents that the person has been or is a recovery agent or an investigative officer or employed by an investigative or security officer or agency is guilty of a class B misdemeanor.
2. In addition to the criminal penalties provided, the civil remedy of an injunction is available to restrain and enjoin violations of any provisions of this chapter, without proof of actual damages sustained by any person. An injunction does not preclude criminal prosecution and punishment of a violator.
3. The board is not liable for the lost income, costs, or any other expenses that may be incurred by a person against whom an injunction is sought, and the board may not be required to provide security or a bond. The board may seek costs for reimbursement of expenses for obtaining an injunction, including attorney's fees.
4. In addition to issuing the injunction, the court may impose an administrative fee consistent with section 43-30-10.1 if the person has violated a provision of this chapter.

**SECTION 11. AMENDMENT.** Section 43-30-11 of the North Dakota Century Code is amended and reenacted as follows:

**43-30-11. Renewal of licenses.**

A license to provide private investigative or, security, or recovery services must be renewed on an annual basis ending on September thirtieth of each year. License fees must be prorated for the portion of each license period the license is in effect.

**SECTION 12. AMENDMENT.** Section 43-30-16 of the North Dakota Century Code is amended and reenacted as follows:

**43-30-16. Examination, license, and registration fees.**

The board may establish by rule and charge the following fees:

1. The fee to be paid by an applicant for an examination to determine the applicant's fitness to receive a license as a private investigator ~~or~~ a license to provide private security services, or a license as a recovery agent may not exceed one hundred dollars.
2. The fee to be paid by an applicant for the initial issuance or the renewal of a license as a private investigator ~~or~~ a license to provide private security services, or a license as a recovery agent may not exceed one hundred fifty dollars. A late fee not to exceed fifty dollars may be charged for each month the renewal fee is due and unpaid.
3. The fee to be paid by an applicant to apply for a license to conduct a private security or detective agency may not exceed one hundred dollars.
4. The fee for the issuance or the renewal of a license to conduct a private security or detective agency may not exceed three hundred dollars. A late fee not to exceed one hundred dollars may be charged for each month the renewal fee is due and unpaid.
5. The one-time fee to be paid by an applicant for the issuance of a private security training certificate may not exceed twenty-five dollars.
6. The annual fee to be paid by an applicant for the issuance of an armed private security certificate may not exceed twenty-five dollars. A late fee not to exceed ten dollars may be charged for each month the renewal fee is due and unpaid.
7. The fee to be paid for the issuance of a duplicate license may not exceed twenty dollars.
8. The initial registration fee to provide private investigative service or private security service may not exceed twenty-five dollars. The fee for the renewal of a registration to provide private investigative service or private security service may not exceed twenty-five dollars. A late fee not to exceed ten dollars may be charged for each month the renewal fee is due and unpaid.

**SECTION 13. EFFECTIVE DATE.** Sections 1, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of this Act become effective on January 1, 2016."

Renumber accordingly

Engrossed HB 1126 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1004, as engrossed:** Your conference committee (Sens. Kilzer, G. Lee, Mathern and Reps. Bellew, Kreidt, Holman) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1571-1574, adopt amendments as follows, and place HB 1004 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1571-1574 of the House Journal and pages 1338-1341 of the Senate Journal and that Engrossed House Bill No. 1004 be amended as follows:

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

Page 1, line 3, after "program" insert "; to provide a statement of legislative intent; and to provide for legislative management studies"

Page 1, replace lines 13 through 23 with:



"Salaries and wages	\$54,757,510	\$7,877,277	\$62,634,787
Accrued leave payments	2,223,289	(2,223,289)	0
Operating expenses	37,305,014	6,961,674	44,266,688
Capital assets	2,224,288	1,494,944	3,719,232
Grants	57,510,729	451,031	57,961,760
Tobacco prevention	5,544,251	1,365,926	6,910,177
WIC food payments	<u>24,659,861</u>	<u>(4,459,861)</u>	<u>20,200,000</u>
Total all funds	\$184,224,942	\$11,467,702	\$195,692,644
Less estimated income	<u>139,303,434</u>	<u>4,867,530</u>	<u>144,170,964</u>
Total general fund	\$44,921,508	\$6,600,172	\$51,521,680
Full-time equivalent positions	354.00	11.00	365.00"

Page 2, after line 9, insert:

"Forensic examiner x-ray equipment	0	44,000
WIC system upgrade	0	1,712,110"

Page 2, replace lines 11 through 13 with:

"Total all funds	\$1,245,000	\$2,536,110
Less estimated income	<u>265,000</u>	<u>2,200,110</u>
Total general fund	\$980,000	\$336,000"

Page 3, after line 10, insert:

**"SECTION 5. LEGISLATIVE INTENT - GRANTS TO LOCAL PUBLIC HEALTH UNITS.** It is the intent of the sixty-fourth legislative assembly that, of the funds provided for grants to local public health units in the grants line item in section 1 of this Act, \$250,000 from the general fund be made available for grants to local public health units serving non-oil-producing counties in the state during the biennium beginning July 1, 2015, and ending June 30, 2017.

**SECTION 6. LEGISLATIVE INTENT - RURAL EMERGENCY MEDICAL SERVICES GRANT DISTRIBUTION.** It is the intent of the sixty-fourth legislative assembly that, of the sum of \$7,500,000 provided for rural emergency medical services grants in the grants line item in section 1 of this Act, at least eighty-five percent be distributed to emergency medical services providers that do not receive an oil impact grant during the biennium beginning July 1, 2015, and ending June 30, 2017.

**SECTION 7. LEGISLATIVE MANAGEMENT STUDY - UNIVERSITY OF NORTH DAKOTA FORENSIC PATHOLOGY CENTER.** During the 2015-16 interim, the legislative management shall consider studying the feasibility and desirability of the university of North Dakota acquiring the building that houses the university of North Dakota forensic pathology center. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

**SECTION 8. LEGISLATIVE MANAGEMENT STUDY - WASTE MANAGEMENT.** During the 2015-16 interim, the legislative management shall consider studying onsite sewage disposal in the state, including areas of the state lacking environmental programs to address onsite sewage disposal, lack of uniform standards for disposal, regulation authority, and the impact of onsite sewage disposal and waste management on industry and the public. 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

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1004 - State Department of Health - Conference Committee Action

Base Budget	House Version	Conference Committee	Conference Committee	Senate Version	Comparison to Senate
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			Changes	Version		
Salaries and wages	\$54,757,510	\$61,864,139	\$770,648	\$62,634,787	\$64,468,676	(\$1,833,889)
Operating expenses	37,305,014	40,605,327	3,661,361	44,266,688	44,606,538	(339,850)
Capital assets	2,224,288	3,488,810	230,422	3,719,232	3,719,232	
Grants	57,510,729	55,901,090	2,060,670	57,961,760	58,961,760	(1,000,000)
Tobacco prevention	5,544,251	6,413,715	496,462	6,910,177	6,913,715	(3,538)
WIC food payments	24,659,861	20,200,000		20,200,000	20,200,000	
Accrued leave payments	2,223,289					
Total all funds	\$184,224,942	\$188,473,081	\$7,219,563	\$195,692,644	\$198,869,921	(\$3,177,277)
Less estimated income	139,303,434	138,320,871	5,850,093	144,170,964	143,920,964	250,000
General fund	\$44,921,508	\$50,152,210	\$1,369,470	\$51,521,680	\$54,948,957	(\$3,427,277)
FTE	354.00	361.00	4.00	365.00	367.00	(2.00)

### Department No. 301 - State Department of Health - Detail of Conference Committee Changes

	Adjusts Funding for Health Insurance Premium Increases <sup>1</sup>	Adds Funding for Environmental Health Positions <sup>2</sup>	Adds One-Time Funding for Forensic Examiner Equipment <sup>3</sup>	Adjusts Funding for Women's Way <sup>4</sup>	Adjusts Funding for Dental Loan Repayments <sup>5</sup>	Adjusts Funding for Behavioral Risk Factor State Survey <sup>6</sup>
Salaries and wages	(\$257,767)	\$560,582				
Operating expenses		117,936		(14,000)		
Capital assets			44,000			
Grants						
Tobacco prevention	(3,538)					
WIC food payments						
Accrued leave payments						
Total all funds	(\$261,305)	\$678,518	\$44,000	(\$14,000)	\$0	\$0
Less estimated income	(108,257)	0	0	(14,000)	0	0
General fund	(\$153,048)	\$678,518	\$44,000	\$0	\$0	\$0
FTE	0.00	4.00	0.00	0.00	0.00	0.00

	Increases Funding for Rural EMS Grants <sup>7</sup>	Increases Funding for Tobacco Prevention <sup>8</sup>	Adds Funding for Federal Grants <sup>9</sup>	Adds Funding for Cardiac System of Care <sup>10</sup>	Total Conference Committee Changes
Salaries and wages			\$467,833		\$770,648
Operating expenses			3,357,425	200,000	3,661,361
Capital assets			186,422		230,422
Grants	600,000		1,460,670		2,060,670
Tobacco prevention		500,000			496,462
WIC food payments					
Accrued leave payments					
Total all funds	\$600,000	\$500,000	\$5,472,350	\$200,000	\$7,219,563
Less estimated income	0	500,000	5,472,350	0	5,850,093
General fund	\$600,000	\$0	\$0	\$200,000	\$1,369,470
FTE	0.00	0.00	0.00	0.00	4.00

<sup>1</sup> Funding for employee health insurance premiums is adjusted to reflect the revised premium estimate of \$1,130.22 per month and to reflect FTE adjustments made by the conference committee.

<sup>2</sup> Funding is added for 4 FTE positions in the Environmental Health Section, including municipal facilities (1 FTE position), waste management (1 FTE position), and water quality (2 FTE positions) to meet increased demands in oil-impacted areas, including salaries and wages (\$540,407), related salary increase funding (\$20,175), and operating expenses (\$117,936), the same as the Senate version.

<sup>3</sup> One-time funding included in the executive recommendation for digital x-ray equipment for the forensic examiner is added, the same as the Senate version.

<sup>4</sup> Funding for Women's Way is reduced to provide a total of \$400,000 from the community health trust fund, instead of from the general fund as proposed in the executive recommendation and included in the Senate version.

<sup>5</sup> Funding for the dental loan repayment program (\$360,000) is provided from the student loan trust fund instead of the community health trust fund. Funding for the dental loan repayment program was provided from the community health trust fund in the executive recommendation and in the House and Senate versions.

<sup>6</sup> Funding for the behavioral risk factor state survey is adjusted to provide \$24,500 from federal or other funds, and \$496,000 from the community health trust fund, instead of the total funding of \$520,500 provided from the community health trust fund as provided in the executive recommendation and the House and Senate versions.

<sup>7</sup> Funding is increased by \$600,000 from the general fund for rural emergency medical services (EMS) grants to provide a total of \$8.44 million, of which \$1.25 million is from the insurance tax distribution fund and \$7.19 million is from the general fund. Funding is provided for training grants (\$940,000) and rural EMS grants (\$7,500,000). This level of funding is \$500,000 less than the executive recommendation of \$8.94 million. In addition, a section is added to provide that of the \$7.5 million provided for rural EMS grants, at least 85 percent be distributed to EMS providers that do not receive oil impact grant funding.

<sup>8</sup> Funding for tobacco prevention is increased to provide for a grant from the Tobacco Prevention and Control Executive Committee to be used for the Centers for Disease Control and Prevention *Best Practices for Comprehensive Tobacco Prevention and Control Programs*, the same as the Senate version.

<sup>9</sup> Federal funding authority is added for federal grants identified by the department, including funding for colorectal cancer screening capacity, stroke prevention, and Ebola emergency preparedness, lab capacity, and hospital preparedness, the same as the Senate version.

<sup>10</sup> Funding is added for cardiac system of care, the same as the Senate version.

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This amendment also adds:

- A section of legislative intent to provide that the additional \$250,000 from the general fund provided for grants to local public health units be made available to local public health units serving non-oil-producing counties in the state. This section was not included in the House or Senate version. The conference committee increased funding for grants to local public health units by \$250,000 from the general fund to provide a total of \$4,250,000, the same as the House version. This level of funding is \$500,000 less than the amount approved by the Senate and \$750,000 less than the executive recommendation.
- A section of legislative intent to provide that of the sum of \$7.5 million provided for rural emergency medical services grants, at least 85 percent is to be distributed to emergency medical services providers that do not receive oil impact grant funding. This section was not included in the House or Senate version.
- A section to provide for a Legislative Management study of the feasibility and desirability of the University of North Dakota acquiring the building that houses the University of North Dakota Forensic Pathology Center, the same as the Senate version.
- A section to provide for a Legislative Management study of onsite sewage disposal in the state, including areas of the state lacking environmental programs to address onsite sewage disposal, lack of uniform standards for disposal, regulation authority, and the impact of onsite sewage disposal and waste management on industry and the public, the same as the Senate version.

The conference committee removed a section included by the Senate to provide the State Department of Health increase license fees in the Division of Food and Lodging to generate additional revenue necessary to support a portion of the cost of additional FTE positions.

In addition, the conference committee did not include funding for 2 additional inspection FTE positions in the Division of Food and Lodging (\$326,488), targeted salary equity (\$1,559,659), or additional Environmental Health Section legal fees (\$270,000) included in

the executive recommendation and the Senate version.

Engrossed HB 1004 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1015, as reengrossed:** Your conference committee (Sens. Wanzek, Krebsbach, Robinson and Reps. J. Nelson, Pollert, Holman) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1605-1608, adopt amendments as follows, and place HB 1015 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1605-1608 of the House Journal and pages 1378-1381 of the Senate Journal and that Reengrossed House Bill No. 1015 be amended as follows:

Page 1, replace lines 13 through 19 with:

"Adult services	\$175,467,210	\$46,766,631	\$222,233,841
Youth services	28,604,526	2,911,581	31,516,107
Accrued leave payments	<u>4,639,529</u>	<u>(4,639,529)</u>	<u>0</u>
Total all funds	\$208,711,265	\$45,038,683	\$253,749,948
Less estimated income	<u>30,936,922</u>	<u>7,425,784</u>	<u>38,362,706</u>
Total general fund	\$177,774,343	\$37,612,899	\$215,387,242
Full-time equivalent positions	814.29	22.00	836.29"

Page 2, replace lines 8 through 11 with:

"DOCSTARS maintenance	0	150,000
Extraordinary repairs	<u>1,683,296</u>	<u>1,425,267</u>
Total all funds	\$8,339,046	\$7,538,311
Less estimated income	<u>5,198,000</u>	<u>4,900,000</u>
Total general fund	\$3,141,046	\$2,638,311"

Page 2, remove lines 21 through 24

Page 2, line 26, remove "the recidivism reduction reentry"

Page 2, line 27, remove "program pilot project, the prison day bed allocation pilot project,"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1015 - Summary of Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Legislative Council						
Total all funds	\$0	\$50,000	\$0	\$50,000	\$50,000	\$0
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$50,000	\$0	\$50,000	\$50,000	\$0
Department of Corrections and Rehab.						
Total all funds	\$208,711,265	\$247,857,238	\$5,892,710	\$253,749,948	\$259,445,416	(\$5,695,468)
Less estimated income	<u>30,936,922</u>	<u>37,639,260</u>	<u>723,446</u>	<u>38,362,706</u>	<u>38,362,706</u>	0
General fund	\$177,774,343	\$210,217,978	\$5,169,264	\$215,387,242	\$221,082,710	(\$5,695,468)
Bill total						
Total all funds	\$208,711,265	\$247,907,238	\$5,892,710	\$253,799,948	\$259,495,416	(\$5,695,468)
Less estimated income	<u>30,936,922</u>	<u>37,639,260</u>	<u>723,446</u>	<u>38,362,706</u>	<u>38,362,706</u>	0
General fund	\$177,774,343	\$210,267,978	\$5,169,264	\$215,437,242	\$221,132,710	(\$5,695,468)

#### House Bill No. 1015 - Legislative Council - Conference Committee Action

The Senate did not change the House version.

### House Bill No. 1015 - Department of Corrections and Rehab. - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Adult services	\$175,467,210	\$216,385,178	\$5,848,663	\$222,233,841	\$227,929,309	(\$5,695,468)
Youth services	28,604,526	31,472,060	44,047	31,516,107	31,516,107	
Accrued leave payments	4,639,529					
Total all funds	\$208,711,265	\$247,857,238	\$5,892,710	\$253,749,948	\$259,445,416	(\$5,695,468)
Less estimated income	30,936,922	37,639,260	723,446	38,362,706	38,362,706	0
General fund	\$177,774,343	\$210,217,978	\$5,169,264	\$215,387,242	\$221,082,710	(\$5,695,468)
FTE	814.29	826.29	10.00	836.29	849.29	(13.00)

### Department No. 530 - Department of Corrections and Rehab. - Detail of Conference Committee Changes

	Adjusts Funding for Health Insurance Premium Increases <sup>1</sup>	Adds Funding for Targeted Equity <sup>2</sup>	Adds Funding for Parole and Probation Staffing <sup>3</sup>	Adds Funding for Youth Correctional Center Staffing <sup>4</sup>	Removes Funding for Adult Recidivism Program <sup>5</sup>	Adds Funding to Increase Contract Housing and Programming <sup>6</sup>
Adult services	(\$494,435)	\$2,126,442	\$1,668,431		(\$1,300,000)	\$3,000,000
Youth services	(98,095)			142,142		
Accrued leave payments						
Total all funds	(\$592,530)	\$2,126,442	\$1,668,431	\$142,142	(\$1,300,000)	\$3,000,000
Less estimated income	(26,554)	0	0	0	0	0
General fund	(\$565,976)	\$2,126,442	\$1,668,431	\$142,142	(\$1,300,000)	\$3,000,000
FTE	0.00	0.00	9.00	1.00	0.00	0.00

	Adds Funding to Increase Extraordinary Repairs <sup>7</sup>	Adjusts Funding for Facility Maintenance and Operations <sup>8</sup>	Adds Funding for Equipment <sup>9</sup>	Adds Funding for DOCSTARS Maintenance <sup>10</sup>	Total Conference Committee Changes
Adult services	\$150,000	\$250,000	\$298,225	\$150,000	\$5,848,663
Youth services					44,047
Accrued leave payments					
Total all funds	\$150,000	\$250,000	\$298,225	\$150,000	\$5,892,710
Less estimated income	150,000	600,000	0	0	723,446
General fund	\$0	(\$350,000)	\$298,225	\$150,000	\$5,169,264
FTE	0.00	0.00	0.00	0.00	10.00

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

<sup>2</sup> Funding of \$2,126,442 from the general fund is provided for targeted equity salary increases for correctional officer positions, the same as the Senate version.

<sup>3</sup> Funding of \$1,668,431 from the general fund is added for 9 parole and probation FTE positions. This change brings the total number of new parole and probation positions to 16. The House version provided for 7 new parole and probation FTE positions. The Senate version provided for 13 new parole and probation FTE positions and an additional 16 contingent parole and probation FTE positions.

<sup>4</sup> Funding of \$142,142 from the general fund is added for 1 Youth Correctional Center FTE position, the same as the Senate version. Of that amount, \$4,862 is for performance salary increases and \$3,567 is for health insurance premium adjustments related to the position.

<sup>5</sup> Funding of \$1.3 million from the general fund is removed for the adult recidivism reduction

program, the same as the Senate version.

<sup>6</sup> Funding of \$3 million from the general fund is added to increase funding for contract housing and programming to provide a total of \$31,979,762. The Senate version increased funding by \$5,009,931 to provide a total of \$33,989,693.

<sup>7</sup> Funding of \$150,000 from other funds is added to provide for air conditioning in the Roughrider Industries building at the James River Correctional Center. The Senate version included this funding and additional one-time funding that was not included in the conference committee version of \$750,580 from the general fund for perimeter fence and existing sally port renovation and replacement and installation of lighting luminaries at the James River Correctional Center.

<sup>8</sup> Funding of \$600,000 is added from the penitentiary land replacement fund and funding is reduced by \$350,000 from the general fund for facility maintenance and operations, the same as the Senate version. This provides for total funding of \$993,405 for facility maintenance and operations, of which \$393,405 is from the general fund.

<sup>9</sup> Funding of \$298,225 from the general fund is added for parole officer phones and radios, the same as the Senate version.

<sup>10</sup> One-time funding of \$150,000 from the general fund is added for Department of Corrections and Rehabilitation's DOCSTARS maintenance, the same as the Senate version.

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This amendment also:

- Removes Section 4, which designated \$1.3 million of the appropriation in the adult services line item for a recidivism reduction reentry program pilot project in Cass, Burleigh, Morton, and Williams Counties. The Senate also removed this section.
- Does not include a section added by the Senate to identify the criteria for contingent parole and probation FTE positions.
- Does not include funding of \$1,705,382 from the general fund added by the Senate for market equity salary increases.
- Does not include contingent funding of \$1,782,325 from the general fund added by the Senate for 16 contingent parole and probation FTE positions.

Reengrossed HB 1015 was placed on the Seventh order of business on the calendar.

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

**SEN. LAFFEN MOVED** that the conference committee report on Engrossed SB 2340 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2340, as amended, was placed on the Eleventh order of business.

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

**SB 2340:** A BILL for an Act to amend and reenact section 57-38-01.33 and subdivision r of subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for purchases of manufacturing machinery and equipment for automating manufacturing processes; to provide a statement of legislative intent; to provide an effective date; and to provide an expiration date.

#### **ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Poolman

Engrossed SB 2340 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. LUICK MOVED** that the conference committee report on Reengrossed HB 1126 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1126, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1126:** A BILL for an Act to amend and reenact sections 26.1-26.6-01, 26.1-26.6-04, 26.1-26.6-05, 26.1-26.6-07, 43-30-01, 43-30-02, 43-30-03, 43-30-04, 53-30-05, 43-30-10, 43-30-11, and 43-30-16 of the North Dakota Century Code, relating to bail bond agents, defendant retrieval, and licensure and regulation of recovery agents; and to provide a penalty.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Poolman

Reengrossed HB 1126, as amended, failed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. KILZER MOVED** that the conference committee report on Reengrossed HB 1004 be adopted, which motion prevailed on a verification vote.

Reengrossed HB 1004, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1004:** A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; to amend and reenact section 43-29.1-03 of the North Dakota Century Code, relating to selection criteria for the veterinarian loan repayment program; to provide a statement of legislative intent; and to provide for legislative management studies.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed HB 1004, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. WANZEK MOVED** that the conference committee report on Reengrossed HB 1015 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1015, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1015:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to provide an appropriation to the legislative council; to provide for a legislative management study; and to provide legislative intent.

**REQUEST**

**SEN. GRABINGER REQUESTED** that the Senate divide Reengrossed HB 1015, as amended, which request was denied.

**ROLL CALL**

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

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

**NAYS:** Warner

Reengrossed HB 1015, as amended, passed.

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**MOTION**

**SEN. KLEIN MOVED** that the Senate stand in recess until 4:30 p.m., which motion prevailed.

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

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1476.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2340.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1004, HB 1015.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently failed to pass: HB 1126.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2226.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2010.



**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1002, HB 1025, HB 1049, HB 1399.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2010.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2048, SB 2205.

**MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1046, HB 1176, HB 1217, HB 1359, HB 1377.

**COMMUNICATION FROM GOVERNOR JACK DALRYMPLE**  
This is to inform you that on April 24, 2015, I have signed the following: SB 2009.

**REPORT OF CONFERENCE COMMITTEE**  
**SB 2012, as engrossed:** Your conference committee (Sens. Kilzer, Erbele, Mathern and Reps. Pollert, Bellew, Holman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1397-1406, adopt amendments as follows, and place SB 2012 on the Seventh order:

That the House recede from its amendments as printed on pages 1397-1406 of the Senate Journal and pages 1586-1596 of the House Journal and that Engrossed Senate Bill No. 2012 be amended as follows:

Page 1, line 2, remove "to create and enact subdivision aa of subsection 1 of section 50-09-29 and a"

Page 1, remove line 3

Page 1, line 4, replace "assistance for needy families benefits and to the monthly maintenance needs allowance;" with "to authorize the department of human services to convey land in Walsh County; to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to a behavioral health services quarterly report;"

Page 1, line 5, after "sections" insert "6-09-47,"

Page 1, line 5, after the second comma insert "and"

Page 1, line 5, remove ", and subsection 1 of section"

Page 1, line 6, remove "50-09-29,"

Page 1, line 6, after "to" insert "the medical facility infrastructure loan fund,"

Page 1, line 8, after the first semicolon insert "to repeal section 3 of chapter 84 of the 2013 Session Laws, relating to the medical facility infrastructure fund balance transfer;"

Page 1, line 8, replace "an exemption" with "for exemptions"

Page 1, line 8, after the second semicolon insert "to provide a limitation relating to the program of all inclusive care for the elderly;"

Page 1, line 9, after the semicolon insert "to provide advance payments to select enrolled providers; to provide statements of legislative intent;"

Page 1, line 10, remove "a"

Page 1, line 10, replace "study" with "studies"

Page 1, line 10, remove "to provide an"

Page 1, line 11, remove "appropriation to the legislative council;"

Page 1, line 11, remove the first "an"

Page 1, line 11, replace "date" with "dates"

Page 1, remove line 24

Page 2, replace lines 1 through 5 with:

"Salaries and wages	\$23,949,306	\$4,087,271	\$28,036,577
Operating expenses	67,749,348	27,453,384	95,202,732
Capital assets	<u>12,000</u>	<u>14,000</u>	<u>26,000</u>
Total all funds	\$91,710,654	\$31,554,655	\$123,265,309
Less estimated income	<u>53,608,032</u>	<u>17,496,006</u>	<u>71,104,038</u>
Total general fund	\$38,102,622	\$14,058,649	\$52,161,271"

Page 2, replace lines 10 through 17 with:

"Salaries and wages	\$52,422,982	\$5,738,890	\$58,161,872
Operating expenses	107,894,413	1,239,478	109,133,891
Capital assets	0	10,000	10,000
Grants	458,913,620	7,862,181	466,775,801
Grants - medical assistance	<u>1,910,060,462</u>	<u>503,804,141</u>	<u>2,413,864,603</u>
Total all funds	\$2,529,291,477	\$518,654,690	\$3,047,946,167
Less estimated income	<u>1,587,974,557</u>	<u>407,053,419</u>	<u>1,995,027,976</u>
Total general fund	\$941,316,920	\$111,601,271	\$1,052,918,191"

Page 2, replace lines 22 through 26 with:

"Human service centers	\$182,433,538	\$16,237,697	\$198,671,235
Institutions	<u>130,697,211</u>	<u>15,029,659</u>	<u>145,726,870</u>
Total all funds	\$313,130,749	\$31,267,356	\$344,398,105
Less estimated income	<u>126,067,783</u>	<u>6,709,018</u>	<u>132,776,801</u>
Total general fund	\$187,062,966	\$24,558,338	\$211,621,304"

Page 2, remove line 31

Page 3, replace lines 1 through 3 with:

"Grand total general fund	\$1,166,482,508	\$150,218,258	\$1,316,700,766
Grand total special funds	<u>1,767,650,372</u>	<u>431,258,443</u>	<u>2,198,908,815</u>
Grand total all funds	\$2,934,132,880	\$581,476,701	\$3,515,609,581
Full-time equivalent positions	2,201.08	10.00	2,211.08"

Page 3, replace lines 15 through 18 with:

"Early childhood services grants	400,000	0
Developmental disabilities equipment	0	10,000
Heating plant repairs and upgrades - State hospital	0	1,156,000
Heating plant repairs and upgrades - Life skills and transition center	0	75,000
Window replacement - Life skills and transition center	0	0
	44,000	
Equipment over \$5,000 - State hospital	0	275,000
Equipment over \$5,000 - Life skills and transition center	0	200,000
Extraordinary repairs - State hospital	0	1,000,000
Extraordinary repairs - Life skills and transition center	0	0
	<u>1,250,000</u>	
Total all funds	\$15,319,714	\$4,010,000
Less estimated income	<u>10,686,093</u>	<u>10,000</u>
Total general fund	\$4,633,621	\$4,000,000"

Page 3, line 27, after "budget" insert "and the legislative council"

Page 4, after line 13, insert:

**"SECTION 6. CONVEYANCE OF LAND AUTHORIZED.** The state of North Dakota by and through the department of human services may convey real property associated with the life skills and transition center in Grafton. The department may convey the Prairieview building and the real property on which the building is located on the terms and conditions determined appropriate by the department and the attorney general. Section 54-01-05.2 and 54-01-05.5 do not apply to this conveyance.

**SECTION 7. EXEMPTION - LEISURE, RECREATIONAL, AND EDUCATIONAL PROGRAMS.** The grants line item in subdivision 2 of section 1 of this Act includes \$150,000 for providing grants for services to provide leisure, recreational, and educational programs for individuals with intellectual or developmental disabilities in the northeast and southeast human service regions. The requirements of chapter 54-44.4 do not apply to the selection of a grantee, the grant award, or payments made under this section. The department of human services' oversight for these services is limited to receiving information only relating to annual attendance numbers and the expenditure of appropriated funds for these services.

**SECTION 8. DEPARTMENT OF HUMAN SERVICES - PROGRAM OF ALL INCLUSIVE CARE FOR THE ELDERLY - LIMITATION.** The department of human services may not expand the program of all inclusive care for the elderly during the biennium beginning July 1, 2015, and ending June 30, 2017, into a community that is not operating a program site on August 1, 2015.

**SECTION 9. ADVANCE PAYMENTS - ADJUSTMENTS - EXEMPTION.** The department of human services may provide advance payments to select enrolled providers related to the implementation of the new Medicaid management information system for the period beginning with the effective date of this Act, and ending June 30, 2015. The department may spend funds appropriated from the general fund in its grants - medical assistance line item in subdivision 2 of section 1 of this Act for making these advance payments if sufficient funding from the general fund is not available from the department's 2013-15 biennium appropriation. The department shall adjust 2015-17 biennium payments to the enrolled providers to recoup the advance payments. The amount appropriated from special funds in the grants - medical assistance line item in subdivision 2 of section 1 of chapter 12 of the 2013 Session Laws is not subject to section 54-44.1-11, and any unspent funds relating to the federal funds share of any advance payments may be continued and used for paying the federal share of medical assistance payments for the biennium beginning July 1, 2015, and ending June 30, 2017.

**SECTION 10. AMENDMENT.** Section 6-09-47 of the North Dakota Century Code is amended and reenacted as follows:

**6-09-47. (~~Effective through July 31, 2017~~) Medical facility infrastructure loan program fund - Continuing appropriation - Audit and costs of administration.**

1. The Bank of North Dakota shall administer a loan program to provide loans to medical facilities to conduct construction that improves the health care infrastructure in the state or improves access to existing nonprofit health care providers in the state. The construction project may include land purchases and may include purchase, lease, erection, or improvement of any structure or facility to the extent the governing board of the health care facility has the authority to authorize such activity.
2. In order to be eligible under this loan program, the applicant must be the governing board of the health care facility which shall submit an application to the Bank. The application must:
  - a. Detail the proposed construction project, which must be a project of at least one million dollars and which is expected to be utilized for at least thirty years;

- b. Demonstrate the need and long-term viability of the construction project; and
  - c. Include financial information as the Bank may determine appropriate to determine eligibility, such as whether there are alternative financing methods.
3. The governor shall establish a task force to review loan applications under this section and to make recommendations to the Bank on the loan applications. The task force must include representation of medical providers and medical facilities from the oil-producing counties in the state. The task force shall work with the Bank to establish criteria for eligibility for a loan under the program. The criteria established by the task force and the Bank must give priority to applicants that are located in oil-producing counties.
4. A loan provided under this section:
  - a. May not exceed the lesser of fifteen million dollars or seventy-five percent of the actual cost of the project;
  - b. Must have an interest rate equal to one percent; and
  - c. Must provide a repayment schedule of no longer than twenty-five years.
5. A recipient of a loan under this section shall complete the financed construction project within twenty-four months of approval of the loan. Failure to comply with this subsection may result in forfeiture of the entire loan received under this section.
6. The medical facility infrastructure fund is a special fund in the state treasury. This fund is a revolving fund. All moneys intranferred into the medical facility infrastructure fund, interest on moneys in the fund, and collections of principal and interest on loans from the fund are appropriated to the Bank on a continuing basis for the purpose of providing loans under this section.
7. Funds in the medical facility infrastructure fund may be used for loans as provided under this section and to pay the costs of administration of the fund. Annually, the Bank may deduct a service fee for administering the medical facility infrastructure fund maintained under this section.
8. The medical facility infrastructure fund must be audited in accordance with section 6-09-29. The cost of the audit and any other actual costs incurred by the Bank on behalf of the fund must be paid from the fund.
9. The Bank shall deposit loan repayment funds in the medical facility infrastructure fund. ~~After deduction of fees and costs as provided in this section, the Bank shall make an annual transfer of repayment funds deposited in the medical facility infrastructure fund to the state treasurer for deposit in the strategic investment and improvements fund.~~

**~~(Effective August 1, 2017, through July 31, 2043) Medical facility infrastructure loan program - Continuing appropriation - Audit and costs of administration.~~**

- ~~1. The Bank of North Dakota shall service loans made under the medical facility infrastructure loan program. The repayment schedule of these loans may not exceed twenty-five years.~~
- ~~2. Funds in the medical facility infrastructure fund may be used for loans as provided under this section and to pay the costs of administration of the fund. Annually, the Bank may deduct a service fee for administering the medical facility infrastructure fund maintained under this section.~~

3. ~~The medical facility infrastructure fund must be audited in accordance with section 6-09-29. The cost of the audit and any other actual costs incurred by the Bank on behalf of the fund must be paid from the fund.~~
4. ~~The Bank shall deposit loan repayment funds in the medical facility infrastructure fund. After deduction of fees and costs as provided in this section, the Bank shall make an annual transfer of repayment funds deposited in the medical facility infrastructure fund to the state treasurer for deposit in the strategic investment and improvements fund.~~

**SECTION 11.** A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

**Behavioral health services quarterly report.**

The department of human services shall publish a quarterly report of all behavioral health services provided by or supported by the department. The report must include each type of behavioral health service, the number of clients served for each service, and the amount of state and federal funds budgeted and spent for each service. Data must be identified for behavioral health services by human service region and by mental health services provided to children, mental health services provided to adults, and substance abuse services."

Page 6, remove lines 24 through 30

Page 7, replace lines 1 through 15 with:

**"SECTION 15. LEGISLATIVE INTENT - DEVELOPMENTAL DISABILITIES CASE MANAGEMENT.** It is the intent of the sixty-fourth legislative assembly that the department of human services provide case management services for individuals with a developmental disability within the ratio provided pursuant to North Dakota Administrative Code for the biennium beginning July 1, 2015, and ending June 30, 2017. If case management services for individuals with a developmental disability exceed the ratio requirement provided in the North Dakota Administrative Code, the department may hire temporary staff or the department may propose a change to North Dakota Administrative Code to meet the ratio requirement.

**SECTION 16. ROBINSON RECOVERY CENTER FUNDING.**

Notwithstanding the designation of funding for the Robinson recovery center in the appropriation for the department of human services in section 1 of this Act, the department may reprocure the contract for methamphetamine treatment services if the current contractor is unable to provide the full capacity of services anticipated under the current contract for the biennium beginning July 1, 2015, and ending June 30, 2017. Funding otherwise designated for the Robinson recovery center may be used to support the costs of the reprocured contract."

Page 7, line 24, replace "10" with "17"

Page 7, line 28, replace "\$205,000" with "\$75,000"

Page 8, line 7, replace "\$205,000" with "\$75,000"

Page 8, remove lines 16 through 25

Page 8, after line 30, insert:

**"SECTION 22. LEGISLATIVE MANAGEMENT STUDY - MENTAL HEALTH HOTLINE SERVICES.** During the 2015-16 interim, the legislative management shall consider studying the various telephone contact numbers supported by state appropriations to access information regarding services and programs available and determine if multiple numbers are necessary to respond appropriately to the residents of the state. The legislative management shall report its findings and recommendations, along with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

**SECTION 23. REPORT TO LEGISLATIVE MANAGEMENT - ADULT PROTECTIVE SERVICES PROGRAM.** During the 2015-16 interim, the department of human services shall report to the legislative management regarding the adult protective services program, including the effectiveness of the program, information on services and outcomes, and funding by human service region and in total.

**SECTION 24. LEGISLATIVE MANAGEMENT STUDY - AUTISM SERVICES.** During the 2015-16 interim, the legislative management shall consider studying services for children with autism. The study must include a review of services currently provided by the department of human services, the superintendent of public instruction, and other state and local agencies, and an evaluation of the effectiveness of the continuum of care, transition between programs, and outcomes. The study must also identify current funding for these programs and projected funding needs in future bienniums by funding source. The legislative management shall report its findings and recommendations, along with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

**SECTION 25. LEGISLATIVE MANAGEMENT STUDY - LIFE SKILLS AND TRANSITION CENTER.** During the 2015-16 interim, the legislative management shall consider studying the use of the structures and property of the life skills and transition center to determine the best and most efficient use of the properties. If conducted, the study must review the potential to transfer clients from the life skills and transition center to under-utilized facilities on the state hospital campus or to a community-based setting. The study must also review potential alternative uses of structures on the life skills and transition center campus. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-fifth legislative assembly.

**SECTION 26. BEHAVIORAL HEALTH SERVICES - LEGISLATIVE MANAGEMENT REPORTS.** During the 2015-16 interim, the department of human services shall present its quarterly behavioral health services reports to the legislative management."

Page 9, replace lines 1 through 19 with:

"**SECTION 30. REPEAL.** Section 3 of chapter 84 of the 2013 Session Laws is repealed."

Page 9, line 20, replace "10" with "11"

Page 9, line 22, replace "12 and 13" with "17 and 18"

Page 9, line 26, replace "Section 17 of this Act is" with "The medical assistance-grants line item in subdivision 2 of section 1 and sections 9 and 21 of this Act are"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2012 - Summary of Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Legislative Council						
Total all funds	\$0	\$50,000	(\$50,000)	\$0	\$0	\$0
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$50,000	(\$50,000)	\$0	\$0	\$0
DHS - Management						
Total all funds	\$91,710,654	\$123,522,794	(\$257,485)	\$123,265,309	\$122,870,572	\$394,737
Less estimated income	53,608,032	71,213,128	(109,090)	71,104,038	70,840,761	263,277
General fund	\$38,102,622	\$52,309,666	(\$148,395)	\$52,161,271	\$52,029,811	\$131,460
DHS - Program/Policy						
Total all funds	\$2,529,291,477	\$3,074,493,091	(\$26,546,924)	\$3,047,946,167	\$3,025,012,704	\$22,933,463
Less estimated income	1,587,974,557	1,999,696,868	(4,668,892)	1,995,027,976	1,979,262,465	15,765,511
General fund	\$941,316,920	\$1,074,796,223	(\$21,878,032)	\$1,052,918,191	\$1,045,750,239	\$7,167,952

DHS - Field Services						
Total all funds	\$313,130,749	\$348,982,051	(\$4,583,946)	\$344,398,105	\$343,966,086	\$432,019
Less estimated income	126,067,783	131,739,212	1,037,589	132,776,801	132,695,734	81,067
General fund	\$187,062,966	\$217,242,839	(\$5,621,535)	\$211,621,304	\$211,270,352	\$350,952
Bill total						
Total all funds	\$2,934,132,880	\$3,547,047,936	(\$31,438,355)	\$3,515,609,581	\$3,491,849,362	\$23,760,219
Less estimated income	1,767,650,372	2,202,649,208	(3,740,393)	2,198,908,815	2,182,798,960	16,109,855
General fund	\$1,166,482,508	\$1,344,398,728	(\$27,697,962)	\$1,316,700,766	\$1,309,050,402	\$7,650,364

### Senate Bill No. 2012 - Legislative Council - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Operating expenses		\$50,000	(\$50,000)			
Total all funds	\$0	\$50,000	(\$50,000)	\$0	\$0	\$0
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$50,000	(\$50,000)	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

### Department No. 160 - Legislative Council - Detail of Conference Committee Changes

	Removes Funding for Study <sup>1</sup>	Total Conference Committee Changes
Operating expenses	(\$50,000)	(\$50,000)
Total all funds	(\$50,000)	(\$50,000)
Less estimated income	0	0
General fund	(\$50,000)	(\$50,000)
FTE	0.00	0.00

<sup>1</sup> Funding to hire a consultant to assist with a study of the delivery system for children with special health care needs is removed, the same as the House version.

### Senate Bill No. 2012 - DHS - Management - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes <sup>1</sup>	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$23,949,306	\$27,778,596	\$257,981	\$28,036,577	\$29,257,060	(\$1,220,483)
Operating expenses	67,749,348	95,718,198	(515,466)	95,202,732	93,587,512	1,615,220
Capital assets	12,000	26,000		26,000	26,000	
Total all funds	\$91,710,654	\$123,522,794	(\$257,485)	\$123,265,309	\$122,870,572	\$394,737
Less estimated income	53,608,032	71,213,128	(109,090)	71,104,038	70,840,761	263,277
General fund	\$38,102,622	\$52,309,666	(\$148,395)	\$52,161,271	\$52,029,811	\$131,460
FTE	147.10	147.10	0.00	147.10	147.10	0.00

<sup>1</sup>

#### Management - Conference Committee Changes:

	FTE Positions	General Fund	Other Funds	Total
<b>2015-17 Ongoing Funding Changes</b>				
Adjusts funding for base payroll changes, the same as the House Version, except funding is moved from salaries and wages to operating expenses.		\$1,033,645	\$186,838	\$1,220,483
Adjusts funding for employee health insurance premiums to reflect the revised premium estimate of \$1,130.22, the same as the House version.		(73,719)	(37,030)	(110,749)
Adjusts base payroll to increase salaries and wages by \$368,730 and decrease operating expenses by \$368,730, the same as the House version.				0

Adjusts the funding source allocation for salary increase, the House also made this adjustment but in the field services division.	(18,540)	18,540	0	
Adds funding for operating expenses.	150,000	244,737	394,737	
<b>Administration</b>				
Reduces funding for operating expenses, the same as the House version.	(14,259)	(26,288)	(40,547)	
Removes funding for energy impact pool funds, the same as the House version.	(1,033,645)	(186,838)	(1,220,483)	
<b>Informational Technology</b>				
Reduces funding for operating expenses, the same as the House version.	(191,877)	(309,049)	(500,926)	
Total Changes - Management	0	(\$148,395)	(\$109,090)	(\$257,485)

### Senate Bill No. 2012 - DHS - Program/Policy - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$52,422,982	\$58,921,459	(\$759,587)	\$58,161,872	\$58,161,872	
Operating expenses	107,894,413	109,248,284	(114,393)	109,133,891	105,224,035	3,909,856
Capital assets		10,000		10,000	10,000	
Grants	458,913,620	471,383,480	(4,607,679)	466,775,801	464,653,373	2,122,428
Grants - medical assistance	1,910,060,462	2,434,929,868	(21,065,265)	2,413,864,603	2,396,963,424	16,901,179
Total all funds	\$2,529,291,477	\$3,074,493,091	(\$26,546,924)	\$3,047,946,167	\$3,025,012,704	\$22,933,463
Less estimated income	1,587,974,557	1,999,696,868	(4,668,892)	1,995,027,976	1,979,262,465	15,765,511
General fund	\$941,316,920	\$1,074,796,223	(\$21,878,032)	\$1,052,918,191	\$1,045,750,239	\$7,167,952
FTE	347.50	352.00	(3.50)	348.50	348.50	0.00

### Department No. 328 - DHS - Program/Policy - Detail of Conference Committee Changes

	Program and Policy - House Changes <sup>1</sup>	Total Conference Committee Changes
Salaries and wages	(\$759,587)	(\$759,587)
Operating expenses	(114,393)	(114,393)
Capital assets		
Grants	(4,607,679)	(4,607,679)
Grants - medical assistance	(21,065,265)	(21,065,265)
Total all funds	(\$26,546,924)	(\$26,546,924)
Less estimated income	(4,668,892)	(4,668,892)
General fund	(\$21,878,032)	(\$21,878,032)
FTE	(3.50)	(3.50)

<sup>1</sup>

#### Program and Policy - Conference Committee Changes:

	FTE Positions	General Fund	Other Funds	Total
<b>2015-17 Ongoing Funding Changes</b>				
Adjusts funding for employee health insurance premiums to reflect the revised premium estimate of \$1,130.22, the same as the House version.		(126,396)	(135,230)	(261,626)
Adds funding for operating expenses.		100,000	92,308	192,308
<b>Economic Assist Policy - Grants</b>				
Reduces funding for operating expenses, the same as the House version.		(2,637)	(57,947)	(60,584)
Removes funding for child care assistance provider rate increase, the same as the House version.		(2,022,099)	0	(2,022,099)
<b>Child Support Enforcement</b>				
Reduces funding for operating expenses, the same as the House version.		(5,147)	(21,085)	(26,232)



**Medical Services**

Reduces funding for operating expenses, the same as the House version.	(185,106)	(53,130)	(238,236)
Reduces funding for grant cost and caseload changes, the same as the House version.	(1,000,000)	(1,000,000)	(2,000,000)
Adds funding to rebase the ambulance rate increase to a percentage of the WSI fee schedule and to provide the same percentage to each category of the schedule, the same as the House version.	125,000	125,000	250,000
Removes 1 assisted living FTE position, the same as the House version.	(1.00)	(146,234)	0
Reduces funding for physical, occupational, and speech therapy service provider rate increase to a 50 percent fee schedule (SB 2272), the same as the House version.	(427,280)	(750,891)	(1,178,171)
Reclassifies funding to increase operating expenses \$288,299, decrease grants \$332,402, and increase medical assistance grants \$44,103.			0
Reduces funding relating to SB 2043 to allow the department to negotiate additional rebates from drug manufacturers under the medical assistance program and allows the department to join a multistate supplemental drug rebate pool, the same as the House version.	(950,574)	(950,574)	(1,901,148)
Adds funding to Medicare drug clawback payments to reflect a premium rate increase	2,183,214	0	2,183,214
Adjusts funding for the children's health insurance program (CHIP) to reflect a federal matching percentage change from 65 to 88 percent	(6,129,014)	6,129,014	0

**Long-Term Care**

Reduces the increase in the monthly maintenance needs allowance for a community spouse of a medical assistance recipient to \$2,550 effective 1/1/2016, the same as the House version.	(347,625)	(347,625)	(695,250)
Adjusts funding relating to the limitation on expansion of the program of all-inclusive care for the elderly (PACE), the same as the House version.	(500,415)	(546,181)	(1,046,596)
Reduces funding relating to anticipated lower utilization of long term care services. The House version provided a total reduction of \$10 million.	(6,000,000)	(6,000,000)	(12,000,000)
Changes the funding source from the general fund to the health care trust fund for nursing facility asset limit changes, the same as the House version.	(300,000)	300,000	0
Reduces funding for basic care provider payment changes to provide a total of \$386,685, of which \$262,950 is from the general fund, the same as the House version.	(237,050)	0	(237,050)
Adds funding for basic care provider payment changes relating to HB 1359 to provide a total of \$876,479 of which \$814,890 is from the general fund	551,940	(\$62,146)	489,794
Changes the funding source from the general fund to the health care trust fund for the 24-month bed layaway program, the same as the House version.	(546,786)	546,786	0
Adjusts funding from the healthcare trust fund related to nursing home property limits due to changes resulting from HB 1234.	0	(321,187)	(321,187)

**DD Council**

Reduces funding for operating expenses, the same as the House version.	0	(449)	(449)
Adjusts the funding source for salary increase allocation, the same as the House version.	(11,224)	11,224	0

**Aging Services**

Reduces funding for operating expenses, the same as the House version.	(38,808)	(60,598)	(99,406)
Adds funding to increase provider rates for the senior meals program. The Senate and House versions added \$402,300.	100,000	0	100,000
Removes new inflationary increases for senior meals, the same as the House version.	(326,033)	0	(326,033)
Reduces funding for adult protective services, the same as the House version.	(615,179)	0	(615,179)
Reduces funding for increasing guardianship establishments for vulnerable adults from 52 slots to 39 slots. The House version provided for 26 slots.	(32,500)	0	(32,500)

**Children and Family Services**

Reduces funding for operating expenses, the same as the House version.	(17,457)	(25,701)	(43,158)
Reduces funding for positions relating to administering federal child care law changes, the same as the House version.	(1.50)	(172,459)	(118,681)
Adjusts the funding source for funding post adoption services, the same as the House version.	(84,570)	84,570	0
Reduces funding for child care provider incentive grants to provide a total of \$400,000, the same as the House version.	(100,000)	0	(100,000)
Reduces funding for early childhood services specialists grants to provide a total of \$300,000, the same as the House version.	(100,000)	0	(100,000)
Removes funding for a contract rate increase for Chafee Independent Living, the same as the House version.	(89,180)	0	(89,180)

**Mental Health - Substance Abuse**

Reduces funding for operating expenses, the same as the House version.	(42,318)	(42,063)	(84,381)
Reduces funding for extended services for individuals with serious mental illness to reduce the number of new slots from 50 to 35. The House version provided for 25 new slots.	(166,497)	0	(166,497)
Reduces funding for traumatic brain injury prevocational skills training to reduce from 8 hours to 6 hours the amount of time allocated each month for each of the 50 slots. The House version provided for a reduction from 8 hours to 4 hours.	(119,891)	0	(119,891)
Removes funding for trauma-informed system of care program, the same as the House version.	(229,130)	(58,500)	(287,630)
Reduces funding for a grant to a statewide family-controlled parent-to-parent support organization by \$130,000 to provide \$75,000 and to a statewide family-to-family health information and education organization by \$130,000. The House version did not include this funding.	(260,000)	0	(260,000)
Removes increased funding for indigent care services and acute hospitalization and recovery services relating to substance abuse, the same as the House version.	(1,000,000)	0	(1,000,000)
Reduces operating fees relating to mental health hotline services, the same as the House version.	(155,000)	0	(155,000)
Reduces general fund support for the substance use disorder innovation and substance use disorder needs assessment. The House version reduced funding by \$880,492, of which \$353,570 was from the general fund.	(353,570)	0	(353,570)
<b>Vocational Rehabilitation</b>			
Reduces funding for operating expenses, the same as the House version.	(5,122)	(10,530)	(15,652)
Reduces funding for Centers for Independent Living to provide a total of \$2.4 million, the same as the House version.	(500,000)	0	(500,000)
Removes funding for professional development for stipends for vocational counselors to obtain masters degrees, the same as the House version.	(35,571)	(131,429)	(167,000)
<b>Developmental Disabilities</b>			
Reduces funding for operating expenses, the same as the House version	(24,175)	(24,345)	(48,520)
Removes funding for 1 developmental disabilities nurse FTE position, the same as the House version.	(1.00)	(91,454)	(91,455)
Removes funding for a benefit allowance increase for developmental disabilities services providers, the same as the House version.	(1,000,000)	(1,000,000)	(2,000,000)
Removes funding increase for guardianship services for individuals with intellectual disabilities to provide a total of \$2,482,906, the same as the House version.	(193,358)	0	(193,358)
Adds funding to provide leisure, recreational, and educational programs for individuals with intellectual or developmental disabilities, the same as the House version.	150,000	0	150,000
<b>Autism Services</b>			
Reduces funding for operating expenses, the same as the House version.	(1,532)	(1,252)	(2,784)
Reduces funding for new autism waiver slots from 30 to 25. The House version provided 22 slots.	(146,794)	(146,795)	(293,589)
Reduces new autism voucher slots from 20 to 10. Total autism voucher slots are 53, the same as the House version.	(250,001)	0	(250,001)
Total changes - Program and policy	(3.50)	(\$21,878,032)	(\$4,668,892)
			(\$26,546,924)

### Senate Bill No. 2012 - DHS - Field Services - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes <sup>1</sup>	Conference Committee Version	House Version	Comparison to House
Human service centers	\$182,433,538	\$202,171,367	(\$3,500,132)	\$198,671,235	\$198,890,404	(\$219,169)
Institutions	130,697,211	146,810,684	(1,083,814)	145,726,870	145,075,682	651,188
Total all funds	\$313,130,749	\$348,982,051	(\$4,583,946)	\$344,398,105	\$343,966,086	\$432,019
Less estimated income	126,067,783	131,739,212	1,037,589	132,776,801	132,695,734	81,067
General fund	\$187,062,966	\$217,242,839	(\$5,621,535)	\$211,621,304	\$211,270,352	\$350,952
FTE	1706.48	1725.48	(10.00)	1715.48	1715.48	0.00

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#### Field Services - Conference Committee Changes:

	FTE Positions	General Fund	Other Funds	Total
2015-17 Ongoing Funding Changes				
Adjusts funding for employee health insurance premiums to reflect the revised		(\$1,271,700)	(\$27,869)	(\$1,299,569)

premium estimate of \$1,130.22, the same as the House version.

Adds funding for operating expenses.	50,000	36,207	86,207
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#### Institutions

Reduces operating expenses for State Hospital (\$350,000), and Life Skills and Transition Center (\$250,000), the same as the House version.	(397,000)	(203,000)	(600,000)
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Changes the funding source for the 15-bed Tompkins program to collection from the Department of Corrections and Rehabilitation, the same as the House version.	(1,520,369)	1,520,369	0
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Reduces funding for extraordinary repairs to provide a total of \$1.25 million - Life Skills and Transition Center, the same as the House version.	(321,360)		(321,360)
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Reduces funding for equipment over \$5,000 to provide a total of \$200,000 - Life Skills and Transition Center, the same as the House version.	(175,000)		(175,000)
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Reduces 1 FTE position at the State Hospital, the same as the House version.	(1.00)	(130,000)	(130,000)
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Reduces equipment over \$5,000 to provide a total of \$275,000 - State Hospital, the same as the House version.	(124,338)		(124,338)
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Reduces extraordinary repairs to provide a total of \$1 million - State Hospital, the same as the House version.	(359,505)		(359,505)
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Moves \$230 from Human Service Centers to Institutions, the same as the House version			0
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Adjusts equipment over \$5,000 to one-time funding for State Hospital (\$275,000) and Life Skills and Transition Center (\$200,000) and extraordinary repairs to one-time funding for State Hospital (\$1 million) and Life Skills and Transition Center (\$1.25 million), the same as the House version.	(2,725,000)		(2,725,000)
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#### Human Service Centers

Reduces funding for operating expenses, the same as the House version.	(51,454)	(37,671)	(89,125)
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Removes 3 child welfare regional supervisor FTE positions in the North Central, Southeast, and West Central regions, the same as the House version.	(3.00)	(437,771)	(490,044)
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Removes funding for DD case manager positions for North Central, Northeast, and Lake Region, the same as the House version.	(3.00)	(249,669)	(438,018)
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Removes funding for the integrated dual disorder treatment program for West Central region, the same as the House version.	(3.00)	(393,295)	(393,295)
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Removes funding for a 5-bed short-term residential facility for the Badlands region. The Senate added \$601,699 for a 10-bed unit. The House removed \$119,725 to reduce a 10-bed unit to a 5-bed unit.	(601,699)		(601,699)
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Adds funding to provide Mobile-on-Call crisis services in the West Central region, the same as the House version.	250,000		250,000
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Removes funding for mental health disorder prevention services, the same as the House version.	(90,000)		(90,000)
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Removes funding for increasing payment rates for behavioral health care provider services, the same as the House version.	(1,000,000)		(1,000,000)
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Removes funding for operating expenses for Good Health television services, the same as the House version.	(73,375)	(9,825)	(83,200)
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Total ongoing funding changes	(10.00)	(\$9,621,535)	\$1,037,589	(\$8,583,946)
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#### One-time funding items

##### Institutions

Adds one-time funding for heating plant repairs and upgrades - State Hospital, the same as the House version.	\$1,156,000		\$1,156,000
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Adds one-time funding for heating plant repairs and upgrades - Life Skills and Transition Center, the same as the House version.	75,000		75,000
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Adds one-time funding for window replacement of the domestic violence shelter on the Life Skills and Transition Center campus, the same as the House version.	44,000		44,000
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Adjusts equipment over \$5,000 from ongoing funds for State Hospital (\$275,000) and Life Skills and Transition Center (\$200,000) and extraordinary repairs from ongoing funds for State Hospital (\$1 million) and Life Skills and Transition Center (\$1.25 million), the same as the House version.	2,725,000		2,725,000
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Total one-time funding changes	0.00	\$4,000,000	\$0	\$4,000,000
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Total changes - Field services	(10.00)	(\$5,621,535)	\$1,037,589	(\$4,583,946)
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#### This amendment also:

- Includes funding for 3 percent annual provider inflationary increases. The same as the Senate version. The House included funding for 2 percent annual inflationary increases.
- Removes Section 9 relating to an annual percentage increase in the TANF benefit amount that is equal to the annual percentage increase in the consumer price index,

the same as the House version.

- Removes Section 10 relating to monthly maintenance needs allowance for a community spouse and annual increases in the monthly maintenance needs allowance, the same as the House version.
- Removes Section 11 providing legislative intent that the Department of Human Services develop a plan for a medically fragile intensive care facility for certain individuals transitioning from the Life Skills and Transition Center during the 2015-16 interim and that the plan consider the resident's and their family's preferences regarding the location of the facility and that the department include funding for the facility in its 2017-19 biennium budget request, the same as the House version.
- Removes Section 18 providing for a Legislative Management study of the delivery system for children with special health care needs, the same as the House version.
- Removes Section 19 providing an appropriation to the Legislative Council of \$50,000 for a Legislative Management study of the delivery system for children with special health care needs, the same as the House version.
- Adds a section to provide an exemption from procurement requirements for grants for services to provide leisure, recreational, and educational programs for individuals with intellectual or developmental disabilities in the Northeast and Southeast human service regions, and provides limitation of department oversight to program, the House version did not include limitation of department oversight to program.
- Adds a section providing the Department of Human Services may not expand the program of all-inclusive care for the elderly (PACE) into a community which is not operating a program site on August 1, 2015, the same as the House version.
- Adds a section to allow the Department of Human Services to provide advance payments to select enrolled providers related to the implementation of the new Medicaid management information system, the same as the House version.
- Adds a section changing the medical facility infrastructure loan fund to a revolving loan fund, the same as the House version.
- Repeals the section which would have required any balance remaining in the medical facility infrastructure loan fund on June 30, 2017, to be transferred to the strategic investment and improvements fund, the same as the House version.
- Adds a legislative management study of the Life Skills and Transition Center, the same as the House version.
- Adds a section to allow the Department of Human Services to reprocure the contract for methamphetamine treatment services, if the current contractor is unable to provide the full capacity of services anticipated under the current contract, the same as the House version.
- Adds a section providing for a Legislative Management study of the various telephone contact numbers supported by state appropriations to access information regarding services and programs available and to determine if multiple numbers are necessary to respond appropriately to the citizens of the state, the same as the House version.
- Adds a section requiring the Department of Human Services to provide a Legislative Management report regarding the adult protective services program, including the effectiveness of the program, information on services and outcomes, and funding by human service region and in total, the same as the House version.
- Adds a section of legislative intent, to allow the Department of Human Services to hire temporary staff or propose changes to North Dakota Administrative Code if the developmental disabilities case management ratio exceeds administrative code provisions.
- Adds a section providing for a Legislative Management study of services to children with autism, the same as the House version.
- Adds a section requiring the Department of Human Services to publish a quarterly report on behavioral health services, the same as the House version.
- Adds a section allowing the department to convey the Prairieview building and real property on the Life Skills and Transition Center campus.
- Changes the emergency clause section, the same as the House version.

In addition, the conference committee did not include funding from the health care trust fund

for a one-time grant for critical access hospital in the West Central human service region, which the House added.

Engrossed SB 2012 was placed on the Seventh order of business on the calendar.

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

**SEN. KILZER MOVED** that the conference committee report on Engrossed SB 2012 as printed on SJ pages 1685-1721 be adopted.

#### **REQUEST**

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

#### **ROLL CALL**

The question being on the motion to adopt the conference committee report on Engrossed SB 2012, the roll was called and there were 27 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Axness; Davison; Dever; Dotzenrod; Grabinger; Heckaman; Larsen; Lee, J.; Marcellais; Mathern; Murphy; O'Connell; Oban; Oehlke; Robinson; Schneider; Sinner; Triplett; Warner

**ABSENT AND NOT VOTING:** Nelson

The conference committee report on Engrossed SB 2012 was adopted on a recorded roll call vote.

Engrossed SB 2012, as amended, was placed on the Eleventh order of business.

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

**SB 2012:** A BILL for an Act providing an appropriation for defraying the expenses of the department of human services; to authorize the department of human services to convey land in Walsh County; to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to a behavioral health services quarterly report; to amend and reenact sections 6-09-47, 50-06-16, 50-06-32.1, and 50-06-37 of the North Dakota Century Code, relating to the medical facility infrastructure loan fund, rulemaking authority, the expiration date on the autism spectrum disorder voucher program pilot project, and the assessment used for the developmental disabilities system reimbursement project; to repeal section 3 of chapter 84 of the 2013 Session Laws, relating to the medical facility infrastructure fund balance transfer; to provide for exemptions; to provide a limitation relating to the program of all inclusive care for the elderly; to provide payments to counties out of enhanced federal payment; to provide advance payments to select enrolled providers; to provide statements of legislative intent; to provide reports to the legislative management; to provide for legislative management studies; to provide effective dates; and to declare an emergency.

#### **ROLL CALL**

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

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

**NAYS:** Marcellais; Mathern; Miller; Sinner

**ABSENT AND NOT VOTING:** Nelson

Reengrossed SB 2012 passed and the emergency clause was declared carried.

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

**MR. SPEAKER:** The Senate respectfully requests the return of: SB 2206.

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

**MR. PRESIDENT:** The House accedes to the Senate request for the return of: SB 2206.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2012.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1021.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2006.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1009.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2023, SB 2178.

**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 2022.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2022**

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

Page 1, line 2, after "transfers" insert "; to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to uniform group insurance program benefits coverage contract requirements, prescription drug coverage audits, and a report to the legislative audit and fiscal review committee; to amend and reenact subsection 17 of section 54-02-01 and section 54-52-03 of the North Dakota Century Code, relating to the retirement board and section 54-52.1-05 of the North Dakota Century Code, relating to public employee retirement system contracts for health insurance benefits coverage; to provide a statement of legislative intent; to provide for application; to limit the use of health insurance program reserves; and to declare an emergency"

Page 1, replace line 13 with:

"Salaries and wages	\$3,772,504	\$568,047	\$4,340,551"
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Page 1, replace line 17 with:

"Total special funds	\$4,899,369	\$514,056	\$5,413,425"
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Page 1, replace line 23 with:

"Salaries and wages	\$5,016,339	\$972,063	\$5,988,402"
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Page 2, replace line 1 with:

"Operating expenses	2,280,894	377,050	2,657,944"
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Page 2, replace lines 3 and 4 with:

"Total special funds	\$7,650,450	\$1,245,896	\$8,896,346
Full-time equivalent positions	33.00	0.00	33.00"

Page 2, replace lines 9 and 10 with:

"Grand total special funds	\$12,549,819	\$1,759,952	\$14,309,771
Full-time equivalent positions	52.00	0.00	52.00"

Page 2, after line 15, insert:

**"SECTION 3. AMENDMENT.** Subsection 17 of section 54-52-01 of the North Dakota Century Code is amended and reenacted as follows:

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

**SECTION 4. AMENDMENT.** Section 54-52-03 of the North Dakota Century Code is amended and reenacted as follows:

**54-52-03. Governing authority.**

A state agency is hereby created to constitute the governing authority of the system to consist of a board of ~~seven~~nine persons known as the retirement board. No more than one elected member of the board may be in the employ of a single department, institution, or agency of the state or in the employ of a political subdivision. No employee of the public employees retirement system or the state retirement and investment office may serve on the board.

1. The majority leader of the house of representatives or a designee is a member of the board.
2. The majority leader of the senate or a designee is a member of the board.
3. Two members of the legislative assembly appointed by the chairman of the legislative management consisting of one member from the majority party and one member from the minority party are members of the board.
- 1-4. One member of the board must be appointed by the governor to serve a term of five years. The appointee must be a North Dakota citizen who is not a state or political subdivision employee and who by experience is familiar with money management. The citizen member is chairman of the board.
- 2- One member of the board must be appointed by the attorney general from the attorney general's legal staff and shall serve a term of five years.
- 3- The state health officer appointed under section 23-01-05 is a member of the board.
- 4-5. Three board members must be elected by and from among the active participating members, members of the retirement plan established under chapter 54-52.6, members of the retirement plan established under chapter 39-03.1, and members of the job service North Dakota retirement plan. Employees who have terminated their employment for whatever reason are not eligible to serve as elected members of the board under this subsection. Board members must be elected to a five-year term pursuant to an election called by the board. Notice of board elections must be given to all active participating members. The time spent in performing duties as a board member may not be charged against any employee's accumulated annual or any other type of leave.

- 5-6. One board member must be elected by and from among those persons who are receiving retirement benefits under this chapter. The board shall call the election and must give prior notice of the election to the persons eligible to participate in the election pursuant to this subsection. The board member shall serve a term of five years.
- 6-7. The members of the board are entitled to receive one hundred forty-eight dollars per day compensation and necessary mileage and travel expenses as provided in sections 44-08-04 and 54-06-09. This is in addition to any other pay or allowance due the chairman or a member, plus an allowance for expenses they may incur through service on the board.
- 7-8. A board member shall serve a five-year term and until the board member's successor qualifies. Each board member is entitled to one vote, and ~~four~~five of the ~~seven~~nine board members constitute a quorum. ~~Four~~Five votes are necessary for resolution or action by the board at any meeting.

**SECTION 5.** A new section to chapter 54-52.1 of the North Dakota Century Code is created and enacted as follows:

**Health insurance benefits coverage of prescription drug coverage -  
Analysis - Report to legislative audit and fiscal review committee.**

1. At least once every two years, the board shall request the state auditor to select a firm to complete a financial and health care analysis of the prescription drug coverage under the health benefits coverage. This may not be construed to require the firm to be a certified public accounting firm. In contracting for the analysis, the state auditor shall consider input from the board regarding the scope of the evaluation and the review of the proposals. The analysis must include a review of the following, without limitation:
  - a. Based on medi-span definitions of "brand drug" and "generic drug", the average annual brand drug costs and the generic drug costs at each of the following pharmacy channels:
    - (1) Retail;
    - (2) Retail-90; and
    - (3) Mail.
  - b. The average annual drug-by-drug costs of each drug dispensed from specialty drug pharmacies used by the carrier or the pharmacy benefits manager.
  - c. The rebates and other third-party financial benefits passed through to the board, measured in the aggregate and on a per brand drug prescription basis, to verify the carrier satisfied the contract's rebate guarantees.
  - d. (1) At a minimum, an evaluation of the effectiveness of the following programs implemented on behalf of the board by the carrier or the pharmacy benefits manager:
    - (a) Quantity limit program;
    - (b) Step therapy program; and
    - (c) Prior authorization program.
  - (2) The evaluation of effectiveness under this subdivision must include:



- (a) The approval and disapproval rates for each first-line-treatment drug in the prior authorization program; and
  - (b) Recommendations to the board addressing how to improve each of the programs.
- e. An evaluation of and recommendations concerning the refill practices of the carrier or the pharmacy benefits manager to determine, without limitation:
  - (1) Whether and to what extent automatic refills are being dispensed; and
  - (2) The point in time refills are being dispensed.
- 2. Upon the request of the board, the health benefits coverage carrier or pharmacy benefits manager that provides prescription drug coverage under the health benefits coverage shall produce, without limitation:
  - a. The prescription drug coverage contract controlling prescription coverage under this chapter; and
  - b. A list of the prior authorization, step therapy, and quantity limit programs implemented on behalf of the board, identifying, without limitation, each drug in the program and whether the drug is a first- or second-line-of-treatment drug or the relevant quantity limit.
- 3. The board shall submit and present this report to the legislative audit and fiscal review committee.

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

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

- 1. Each uniform group insurance contract entered into by the board must be consistent with the provisions of this chapter, must be signed for the state of North Dakota by the chairman of the board, and must include the following:
  - 4- a. As many optional coverages as deemed feasible and advantageous by the board.
  - 2- b. A detailed statement of benefits offered, including maximum limitations and exclusions, and such other provisions as the board may deem necessary or desirable.
- 2. The term of a uniform group insurance contract for hospital benefits coverage, medical benefits coverage, or prescription drug coverage may not exceed two years. A contract subject to this subsection may not be renewed without solicitation of a bid under section 54-52.1-04.

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

**54-52.1-05.1. Provisions of health insurance benefits coverage.**

- 1. The board contract for health insurance benefits coverage under this chapter must provide that for the duration of the term of that contract except as necessary for treatment, payment, and operations, the carrier may not disclose identifiable or unidentifiable insured or provider data or information with a related or unrelated health care delivery entity.

2. If the board enters a contract for health insurance benefits coverage under this chapter with a carrier that has common ownership with a health care delivery entity, for purposes of the carrier's negotiated provider discount rates with in-state providers:
- a. For a provider that is a critical access hospital that does not have common ownership with the carrier, the negotiated provider discount rates may not be less than the negotiated provider discount rates the carrier has with the related health care delivery entity that is a critical access hospital.
  - b. For a provider that is not a critical access hospital and that does not have common ownership with the carrier, the negotiated provider discount rates may not be less than the negotiated provider discount rates the carrier has with the related health care delivery entity that is not a critical access hospital.

**SECTION 8. UNIFORM GROUP INSURANCE PROGRAM HEALTH INSURANCE BENEFITS - LEGISLATIVE INTENT.** During the period beginning with the effective date of this Act through June 30, 2015, if the public employees retirement system board determines it is necessary to rebid the uniform group insurance program health insurance benefits contract, the carrier providing coverage at the time of that determination may continue under the existing contract until a new contract is finalized, but not to exceed nine months beyond the date the board makes that determination.

**SECTION 9. HEALTH INSURANCE RESERVE FUNDS - LIMITATIONS.** Notwithstanding any other provision of law, for the period beginning with the effective date of this Act and ending June 30, 2017, the public employees retirement system board may not spend any moneys in the fund created under section 54-52.1-06 or any other accumulated reserves under the uniform group insurance program for the purpose of reducing any increase in uniform group insurance premium amounts beyond the rates used by the sixty-fourth legislative assembly for developing 2015-17 state agency budgets.

**SECTION 10. EMERGENCY.** Sections 7, 8, and 9 of this Act are declared to be an emergency measure."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

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

	Base Budget	Senate Version	House Changes	House Version
Retirement and Investment Office				
Total all funds	\$4,899,369	\$5,427,729	(\$14,304)	\$5,413,425
Less estimated income	4,899,369	5,427,729	(14,304)	5,413,425
General fund	\$0	\$0	\$0	\$0
Public Employees Retirement System				
Total all funds	\$7,650,450	\$9,407,473	(\$511,127)	\$8,896,346
Less estimated income	7,650,450	9,407,473	(511,127)	8,896,346
General fund	\$0	\$0	\$0	\$0
Bill total				
Total all funds	\$12,549,819	\$14,835,202	(\$525,431)	\$14,309,771
Less estimated income	12,549,819	14,835,202	(525,431)	14,309,771
General fund	\$0	\$0	\$0	\$0

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

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$3,772,504	\$4,354,855	(\$14,304)	\$4,340,551
Operating expenses	973,324	990,874		990,874
Contingencies	82,000	82,000		82,000

Accrued leave payments	71,541			
Total all funds	\$4,899,369	\$5,427,729	(\$14,304)	\$5,413,425
Less estimated income	4,899,369	5,427,729	(14,304)	5,413,425
General fund	\$0	\$0	\$0	\$0
FTE	19.00	19.00	0.00	19.00

**Department No. 190 - Retirement and Investment Office - Detail of House Changes**

	Adjusts Funding for Health Insurance Premium Increases <sup>1</sup>	Total House Changes
Salaries and wages	(\$14,304)	(\$14,304)
Operating expenses		
Contingencies		
Accrued leave payments		
Total all funds	(\$14,304)	(\$14,304)
Less estimated income	(14,304)	(14,304)
General fund	\$0	\$0
FTE	0.00	0.00

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

**Senate Bill No. 2022 - Public Employees Retirement System - House Action**

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$5,016,339	\$6,479,410	(\$491,008)	\$5,988,402
Operating expenses	2,280,894	2,678,063	(20,119)	2,657,944
Contingencies	250,000	250,000		250,000
Accrued leave payments	103,217			
Total all funds	\$7,650,450	\$9,407,473	(\$511,127)	\$8,896,346
Less estimated income	7,650,450	9,407,473	(511,127)	8,896,346
General fund	\$0	\$0	\$0	\$0
FTE	33.00	34.50	(1.50)	33.00

**Department No. 192 - Public Employees Retirement System - Detail of House Changes**

	Adjusts Funding for Health Insurance Premium Increases <sup>1</sup>	Removes Salary Increase Funding for New FTE Removed <sup>2</sup>	Removes Chief Financial Officer FTE Position <sup>3</sup>	Removes Benefits Support Position <sup>4</sup>	Reduces Temporary Salaries <sup>5</sup>	Total House Changes
Salaries and wages	(\$32,450)	(\$11,262)	(\$195,950)	(\$51,346)	(\$200,000)	(\$491,008)
Operating expenses			(20,119)			(20,119)
Contingencies						
Accrued leave payments						
Total all funds	(\$32,450)	(\$11,262)	(\$216,069)	(\$51,346)	(\$200,000)	(\$511,127)
Less estimated income	(32,450)	(11,262)	(216,069)	(51,346)	(200,000)	(511,127)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	(1.00)	(0.50)	0.00	(1.50)

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

<sup>2</sup> Funding for employee performance salary increases is adjusted to reflect the 1.5 FTE positions which are being removed.

<sup>3</sup> Funding is removed for 1 chief financial officer FTE position.

<sup>4</sup> Funding is removed for 1 benefits support FTE position.

<sup>5</sup> Funding is reduced for additional temporary support.

This amendment also:

- Adds sections to amend North Dakota Century Code Sections 54-52-01 and 54-52-03 to increase retirement board membership from 7 members to 9 members; add the Majority Leader of the House of Representatives, the Majority Leader of the Senate, and two members of the Legislative Assembly appointed by the Chairman of the Legislative Management; and remove members appointed by the Attorney General and the State Health Officer.
- Adds a section to create a new section to Chapter 54-52.1, relating to a health insurance prescription drug coverage audit, and reporting to the Legislative Audit and Fiscal Review Committee.
- Adds a section to amend Section 54-52.1-05, relating to provisions of the health insurance benefits coverage to require a contract may not exceed two years.
- Adds a section to amend Section 54-52.1-05.1, related to uniform group insurance program benefits coverage.
- Adds a section limiting the use of health insurance program reserves.
- Adds a section of legislative intent relating to the extension of the existing health insurance benefits contract if the uniform group insurance program contract is rebid.
- Provides amendments related to uniform group insurance program benefits coverage and health insurance program reserve limitations are emergency measures.

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

**MR. SPEAKER:** The President has signed: HB 1002, HB 1025, HB 1049, HB 1399.

#### **MOTION**

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

#### **MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Monday, April 27, 2015, which motion prevailed.

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

**SB 2008, as engrossed:** Your conference committee (Sens. Sorvaag, G. Lee, O'Connell and Reps. Streyle, Monson, Guggisberg) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1438-1440, adopt amendments as follows, and place SB 2008 on the Seventh order:

That the House recede from its amendments as printed on pages 1438-1440 of the Senate Journal and pages 1580-1583 of the House Journal and that Engrossed Senate Bill No. 2008 be amended as follows:

Page 1, line 2, after "safety" insert "pilot"

Page 1, line 2, after the second semicolon insert "to provide for a railroad training program;"

Page 1, line 4, after the first semicolon insert "to provide a statement of legislative intent;"

Page 1, remove lines 14 through 24

Page 2, replace lines 1 through 3 with:

"Salaries and wages	\$8,506,704	\$1,183,771	\$9,690,475
Accrued leave payments	168,278	(168,278)	0
Operating expenses	1,895,562	80,000	1,975,562
Capital assets	60,665	(34,265)	26,400
Grants	20,000	0	20,000
Abandoned mined lands contractual	8,000,000	0	8,000,000

Rail rate complaint case	900,000	0	900,000
Reclamation and grain licensing litigation	150,000	(150,000)	0
Railroad safety program	0	523,345	523,345
Specialized legal services	0	900,000	900,000
Weights and measures temp employee	0	200,000	200,000
Total all funds	\$19,701,209	\$2,534,573	\$22,235,782
Less estimated income	<u>13,033,549</u>	<u>1,267,026</u>	<u>14,300,575</u>
Total general fund	\$6,667,660	\$1,267,547	\$7,935,207
Full-time equivalent positions	44.00	2.00	46.00"

Page 2, replace lines 9 through 14 with:

"Specialized legal services	\$750,000	\$750,000
Hydraulic soil probe	<u>28,000</u>	<u>0</u>
Total all funds	\$778,000	\$750,000
Total special funds	<u>353,920</u>	<u>336,000</u>
Total general fund	\$424,080	\$414,000"

Page 2, line 19, after "**SAFETY**" insert "**PILOT**"

Page 2, line 19, after "**FUND**" insert "**- LEGISLATIVE INTENT**"

Page 2, line 20, replace "\$972,294" with "\$523,345"

Page 2, line 21, replace "\$762,294" with "\$253,345"

Page 2, line 21, replace "and \$210,000" with "\$70,000"

Page 2, line 21, after "expenses" insert ", and \$200,000 relates to a railroad safety pilot program temporary employee"

Page 2, line 22, after "safety" insert "pilot"

Page 2, line 23, after the period insert "It is the intent of the sixty-fourth legislative assembly that the railroad safety pilot program continue through the 2017-19 biennium."

#### **SECTION 4.**

##### **Railroad training program.**

All railroads shall make training available to all fire departments having jurisdiction along routes traversed by unit oil trains. Training must be made available by June 30, 2016, with refresher training made available at least every three years thereafter. Training must address the general hazards of oil and hazardous substances, techniques to assess hazards to the environment and to the safety of responders and the public, factors an incident commander must consider in determining whether to attempt to suppress a fire or to evacuate the public and emergency responders from the area, and other strategies for initial response by local emergency responders. Training must include suggested protocol or practices for local responders to safely accomplish these tasks."

Page 3, line 23, overstrike "**after June 30**" and insert immediately thereafter "**July 1**"

Page 3, line 23, after "**2015**" insert ", through June 30, 2019"

Page 3, line 26, replace "five" with "two"

Page 3, line 27, after "hundred" insert "seventy-five"

Page 3, after line 29, insert:

**"(Effective after June 30, 2019) Transfer, deposit, and distribution of funds. All taxes, license fees, penalties, and interest collected under this chapter must be transferred to the state treasurer who shall deposit moneys in the highway**

tax distribution fund. The highway tax distribution fund must be distributed in the manner as prescribed by section 54-27-19."

Page 3, line 30, replace "6" with "7"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2008 - Public Service Commission - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$8,506,704	\$10,350,808	(\$660,333)	\$9,690,475	\$9,690,475	
Operating expenses	1,895,562	2,224,410	(248,848)	1,975,562	1,975,562	
Capital assets	60,665	26,400		26,400	26,400	
Grants	20,000	20,000		20,000	20,000	
Abandoned mined lands contractual	8,000,000	8,000,000		8,000,000	8,000,000	
Rail rate complaint case	900,000	900,000		900,000	900,000	
Reclamation & grain licensing litigation	150,000					
Accrued leave payments	168,278					
Railroad safety program		972,294	(448,949)	523,345		523,345
Specialized legal services		900,000		900,000	900,000	
Weights and measures temporary position			200,000	200,000		200,000
Total all funds	\$19,701,209	\$23,393,912	(\$1,158,130)	\$22,235,782	\$21,512,437	\$723,345
Less estimated income	13,033,549	14,978,013	(677,438)	14,300,575	13,777,230	523,345
General fund	\$6,667,660	\$8,415,899	(\$480,692)	\$7,935,207	\$7,735,207	\$200,000
FTE	44.00	50.00	(4.00)	46.00	45.00	1.00

#### Department No. 408 - Public Service Commission - Detail of Conference Committee Changes

	Adjusts Funding for Health Insurance Premium Increases <sup>1</sup>	Removes Funding for New Weights and Measures Inspector <sup>2</sup>	Adds Funding for New Temporary Weights and Measures Inspector <sup>3</sup>	Removes Funding for New Natural Gas Pipeline Inspector <sup>4</sup>	Changes Funding for New Railroad Safety Pilot Program <sup>5</sup>	Removes Funding for Travel Expense <sup>6</sup>
Salaries and wages	(\$43,257)	(\$204,651)		(\$268,211)		
Operating expenses		(116,232)		(82,616)		(50,000)
Capital assets						
Grants						
Abandoned mined lands contractual						
Rail rate complaint case						
Reclamation & grain licensing litigation						
Accrued leave payments						
Railroad safety program					(448,949)	
Specialized legal services						
Weights and measures temporary position			200,000			
Total all funds	(\$43,257)	(\$320,883)	\$200,000	(\$350,827)	(\$448,949)	(\$50,000)
Less estimated income	(8,861)	0	0	(175,414)	(448,949)	0
General fund	(\$34,396)	(\$320,883)	\$200,000	(\$175,413)	\$0	(\$50,000)
FTE	0.00	(1.00)	0.00	(1.00)	(2.00)	0.00
	Removes One- Time Funding for Accrued Leave Payout <sup>7</sup>	Total Conference Committee Changes				
Salaries and wages	(\$144,214)	(\$660,333)				
Operating expenses		(248,848)				
Capital assets						
Grants						
Abandoned mined lands						

contractual		
Rail rate complaint case		
Reclamation & grain licensing litigation		
Accrued leave payments		
Railroad safety program		(448,949)
Specialized legal services		
Weights and measures temporary position		200,000
Total all funds	(\$144,214)	(\$1,158,130)
Less estimated income	(44,214)	(677,438)
General fund	(\$100,000)	(\$480,692)
FTE	0.00	(4.00)

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

<sup>2</sup> Funding is removed from the general fund for a new weights and measures inspector FTE position (\$196,803) and related salary increase (\$7,848) and operating expenses (\$116,232), the same as the House version.

<sup>3</sup> Funding is added from the general fund for salaries and wages and related operating expenses of a temporary employee for the weights and measures program. This item was not included in the Senate or House version.

<sup>4</sup> Funding is removed from the general fund and other funds for a new natural gas pipeline inspector FTE position (\$257,747) and related salary increase (\$10,464) and operating expenses (\$82,616), the same as the House version.

<sup>5</sup> Funding provided for the railroad safety pilot program includes a total of \$523,345 from the rail safety fund, of which \$253,345 is for 1 rail inspector FTE position, \$70,000 for related operating expenses, and \$200,000 for a temporary railroad safety pilot program employee. The conference committee adjusted funding for a new state railroad safety pilot program as follows:

	FTE	General Fund	Other Funds	Total
New railroad safety inspectors	(2.00)		(\$508,949)	(\$508,949)
Operating and other costs			(140,000)	(140,000)
Temporary employee			200,000	200,000
Total	(2.00)	\$0	(\$448,949)	(\$448,949)

<sup>6</sup> Funding for travel expense is reduced from \$1,400,525 to \$1,350,525, the same as the House version.

<sup>7</sup> One-time funding is removed for accrued leave payouts, the same as the House version.

This amendment also:

- Changes Section 3 of the bill, which designates funding for the railroad safety pilot program to fund salaries and operating costs for 1 FTE position and funding for a railroad safety pilot program temporary employee. The Senate version provided salary and operating costs for 3 FTE positions and the House version removed this section.
- Changes Section 6 of the bill, which creates the rail safety fund and amends North Dakota Century Code Section 57-43.2-19 regarding the allocation of special fuels excise taxes collected on sales of diesel fuel to a railroad reducing the annual deposit from \$500,000 to \$275,000 and sunsetting the provisions on June 30, 2019. The Senate version provided \$500,000 annually with no sunset and the House removed this section.
- Adds a section to require railroads to provide a training program to fire departments having jurisdiction along routes traversed by unit oil trains. This section was not included in the Senate or House version.

Engrossed SB 2008 was placed on the Seventh order of business on the calendar.

### REPORT OF CONFERENCE COMMITTEE

**SB 2019, as engrossed:** Your conference committee (Sens. Krebsbach, Sorvaag, O'Connell and Reps. Streyle, Dosch, Guggisberg) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1539-1542, adopt amendments as follows, and place SB 2019 on the Seventh order:

That the House recede from its amendments as printed on pages 1539-1542 of the Senate Journal and pages 1669-1672 of the House Journal and that Engrossed Senate Bill No. 2019 be amended as follows:

Page 1, line 2, after "department" insert "; to provide a 2013-15 appropriation; to provide"

Page 1, replace lines 17 through 24 with:

"Administration	\$2,573,593	\$598,129	\$3,171,722
Accrued leave payments	181,577	(181,577)	0
Park operations and maintenance	15,045,525	20,128,406	35,173,931
Recreation	5,585,875	2,021,544	7,607,419
Total all funds	\$23,386,570	\$22,566,502	\$45,953,072
Less estimated income	<u>10,505,431</u>	<u>4,357,404</u>	<u>14,862,835</u>
Total general fund	\$12,881,139	\$18,209,098	\$31,090,237
Full-time equivalent positions	55.00	11.00	66.00"

Page 2, replace lines 5 and 6 with:

"International Peace Garden	<u>\$973,699</u>	<u>\$535,297</u>	<u>\$1,508,996</u>
Total general fund	\$973,699	\$535,297	\$1,508,996"

Page 2, replace lines 12 and 13 with:

"Lewis and Clark interpretive center	<u>\$0</u>	<u>\$1,005,279</u>	<u>\$1,005,279</u>
Total general fund	\$0	\$1,005,279	\$1,005,279"

Page 2, replace lines 18 through 20 with:

"Grand total general fund	\$13,854,838	\$19,749,674	\$33,604,512
Grand total special funds	<u>10,505,431</u>	<u>4,357,404</u>	<u>14,862,835</u>
Grand total all funds	\$24,360,269	\$24,107,078	\$48,467,347"

Page 2, replace line 26 with:

"Parks enhancements	\$3,897,800	\$14,750,000"
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Page 2, replace line 30 with:

"Community grant program	500,000	500,000"
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Page 3, replace lines 6 through 11 with:

"International Peace Garden demolition project	<u>0</u>	<u>200,000</u>
Total all funds	\$7,447,800	\$17,185,596
Less estimated income	<u>1,270,300</u>	<u>345,000</u>
Total general fund	\$6,177,500	\$16,840,596"

Page 3, line 24, replace "\$585,297" with "\$535,297"

Page 3, line 30, replace "\$580,000" with "\$455,000"

Page 4, line 2, remove ", \$125,000 for one-time costs relating to the Lewis and Clark interpretive center expansion"

Page 4, line 3, remove "project,"



Page 4, line 5, replace "Fort Mandan foundation" with "Lewis and Clark interpretive center"

Page 4, after line 6, insert:

**"SECTION 6. 2013-15 BIENNIUM APPROPRIATION - LEWIS AND CLARK INTERPRETIVE CENTER OPERATING COSTS.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$125,000, or so much of the sum as may be necessary, to the parks and recreation department for the purpose of defraying operating costs of the Lewis and Clark interpretive center, for the period beginning with the effective date of this Act, and ending June 30, 2015.

**SECTION 7. STATE PARK ENHANCEMENTS.** The park operations and maintenance line item in subdivision 1 of section 1 of this Act includes one-time funding of \$14,750,000 for state park enhancements. Of this amount, \$3,000,000 is for the Lewis and Clark interpretive center, of which \$2,050,000 is for the transfer of the center and certain assets from the Lewis and Clark foundation, and \$950,000 is for operating costs of the Lewis and Clark interpretive center; and \$11,750,000 is for state park enhancements as determined necessary by the director of the parks and recreation department, including consideration for the repair, removal, or replacement of a timber bridge at the Roughrider Bridge trail, for the biennium beginning July 1, 2015, and ending June 30, 2017. The director of the parks and recreation department shall use funding from the \$11,750,000 to match federal funds of up to \$222,000 for the purchase of property adjacent to the north boundary of Fort Abraham Lincoln state park."

Page 4, after line 21, insert:

**"SECTION 10. EXEMPTION.** Up to \$200,000 of Pembina gorge area project funding from the general fund included in the natural resources line item contained in section 30 of chapter 15 of the 2013 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation may be expended during the biennium beginning July 1, 2015, and ending June 30, 2017, for renting property in the Pembina gorge area for the purpose of providing office space for employees or individuals responsible for monitoring or patrolling the trail systems in the area, developing a plan for continued monitoring and patrolling of the trail systems, and to determine the feasibility of establishing an interpretive center."

Page 4, line 22, replace "\$22,400,000" with "\$14,750,000"

Page 4, line 24, replace "is" with "and section 6 of this Act are"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

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

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Administration	\$2,573,593	\$3,218,398	(\$46,676)	\$3,171,722	\$3,196,722	(\$25,000)
Natural resources	15,045,525	43,046,186	(7,872,255)	35,173,931	33,423,931	1,750,000
Recreation	5,585,875	7,607,419		7,607,419	7,607,419	
International Peace Garden	973,699	1,558,996	(50,000)	1,508,996	1,508,996	
Accrued leave payments	181,577					
Lewis and Clark		580,000	425,279	1,005,279	1,005,279	
Total all funds	\$24,360,269	\$56,010,999	(\$7,543,652)	\$48,467,347	\$46,742,347	\$1,725,000
Less estimated income	10,505,431	14,680,226	182,609	14,862,835	14,862,835	0
General fund	\$13,854,838	\$41,330,773	(\$7,726,261)	\$33,604,512	\$31,879,512	\$1,725,000
FTE	55.00	62.00	4.00	66.00	66.00	0.00

### Department No. 750 - Parks and Recreation Department - Detail of Conference Committee Changes

	Adjusts Funding for Health Insurance Premium Increases <sup>1</sup>	Reduces Funding for Temporary Salaries <sup>2</sup>	Reduces One- Time Funding for Park Improvement Plan <sup>3</sup>	Reduces One- Time Funding for Peace Tower Demolition Project <sup>4</sup>	Removes One- Time Funding for Lewis and Clark Expansion Project <sup>5</sup>	Adds FTE Positions - Lewis and Clark <sup>6</sup>
Administration	(\$46,676)					
Natural resources		(222,255)	(7,650,000)			
Recreation						
International Peace Garden				(50,000)		
Accrued leave payments						
Lewis and Clark					(125,000)	550,279
Total all funds	(\$46,676)	(\$222,255)	(\$7,650,000)	(\$50,000)	(\$125,000)	\$550,279
Less estimated income	(1,286)	0	0	0	0	183,895
General fund	(\$45,390)	(\$222,255)	(\$7,650,000)	(\$50,000)	(\$125,000)	\$366,384
FTE	0.00	0.00	0.00	0.00	0.00	4.00

	Total Conference Committee Changes
Administration	(\$46,676)
Natural resources	(7,872,255)
Recreation	
International Peace Garden	(50,000)
Accrued leave payments	
Lewis and Clark	425,279
Total all funds	(\$7,543,652)
Less estimated income	182,609
General fund	(\$7,726,261)
FTE	4.00

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

<sup>2</sup> Funding for temporary salaries is reduced due to converting 5 temporary administrative assistant positions to 5 FTE positions. The same as the House version.

<sup>3</sup> One-time funding for park improvement projects is reduced by \$7.65 million to provide a total of \$14.75 million, of which:

- \$3 million is for the Lewis and Clark Interpretive Center, of which \$2,050,000 is to purchase assets from the Lewis and Clark Foundation and \$950,000 is for operating costs for the Lewis and Clark Interpretive Center for the 2015-17 biennium.
- Up to \$11.75 million may be used at the discretion of the Director of the Parks and Recreation Department for any state park enhancement projects including consideration of the repair, removal, or replacement of a timber bridge at the Roughrider Bridge trail. The Director shall use up to \$222,000 of the \$11.75 million to match federal funds for the purchase of property adjacent to the north boundary of Fort Abraham Lincoln State Park.

<sup>4</sup> One-time funding is reduced for the International Peace Garden's Peace Tower demolition project to provide a total of \$200,000 for the demolition project, the same as the House version.

<sup>5</sup> One-time funding is removed for the Lewis and Clark Interpretive Center expansion project, the same as the House version.

<sup>6</sup> Positions and funding are added for the Lewis and Clark Interpretive Center for the 2015-17 biennium, the same as the House version.

This amendment also adds:

- A section to provide a 2013-15 biennium appropriation of \$125,000 from the general fund for the Lewis and Clark Interpretive Center, the same as the House version.
- A section to provide an exemption of up to \$200,000 from the 2013-15 biennium for Pembina Gorge area project funding to allow funds to be expended during the 2015-17 biennium, the same as the House version.

The conference committee did not include:

- A section by the House to provide a dissolution and distribution of inventory relating to the Dakota Institute of the Lewis and Clark Fort Mandan Foundation.
- A section by the House to amend North Dakota Century Code Section 43-30-05.2 relating to peace officers.

In addition, the conference committee did not include \$25,000 from the general fund for a study of the feasibility and desirability of a new state park.

Engrossed SB 2019 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1009, as engrossed:** Your conference committee (Sens. Krebsbach, Bowman and Reps. Schmidt, Dosch, Guggisberg) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1574-1575, adopt amendments as follows, and place HB 1009 on the Seventh order:

That the Senate recede from its amendments as printed on page 1574 and 1575 of the House Journal and pages 1341 and 1342 of the Senate Journal and that Engrossed House Bill No. 1009 be amended as follows:

Page 1, line 2, after the semicolon insert "to provide for a legislative management study;"

Page 1, replace line 11 with:

"Capital assets	\$0	\$500,000	\$500,000"
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Page 1, replace line 13 with:

"Total general fund	\$546,000	\$524,000	\$1,070,000"
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Page 1, replace lines 20 and 21 with:

"Asphalt overlay project		<u>0</u>	<u>500,000</u>
Total general fund		\$2,750,000	\$500,000"

Page 2, after line 2, insert:

**"SECTION 3. LEGISLATIVE MANAGEMENT STUDY - MAINTENANCE AND REPAIR OF STATE PROPERTY.** During the 2015-16 interim, the legislative management shall consider studying the maintenance and repair of state property and the source of funds to be used for maintenance and repair costs. The study must review current processes being used by state agencies to identify and address maintenance and repairs of state property and the appropriateness of the source of funds being used for these maintenance and repair projects. 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

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1009 - State Fair Association - Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Capital assets		\$250,000	\$250,000	\$500,000	\$1,000,000	(\$500,000)
Premiums	546,000	570,000		570,000	570,000	
Total all funds	\$546,000	\$820,000	\$250,000	\$1,070,000	\$1,570,000	(\$500,000)
Less estimated income	0	0	0	0	0	0
General fund	\$546,000	\$820,000	\$250,000	\$1,070,000	\$1,570,000	(\$500,000)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

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

	Adds Funding for Fairgrounds Asphalt Overlay <sup>1</sup>	Total Conference Committee Changes
Capital assets	\$250,000	\$250,000
Premiums		
Total all funds	\$250,000	\$250,000
Less estimated income	0	0
General fund	\$250,000	\$250,000
FTE	0.00	0.00

<sup>1</sup> One-time funding for the asphalt overlay project on the fairgrounds is increased to provide a total of \$500,000, the Senate version included \$1 million.

This amendment also adds sections to:

- Provide for a Legislative Management study related to maintenance and repair of state property.

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

**REPORT OF CONFERENCE COMMITTEE**

**HB 1021, as engrossed:** Your conference committee (Sens. Wanzek, G. Lee, Robinson and Reps. Skarphol, Streyle, Glassheim) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1529-1531, adopt amendments as follows, and place HB 1021 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1529-1531 of the House Journal and pages 1323 and 1324 of the Senate Journal and that Engrossed House Bill No. 1021 be amended as follows:

Page 1, line 2, after the semicolon insert "to provide appropriations to certain agencies for desktop support services; to provide a legislative report;"

Page 1, line 2, remove "and"

Page 1, line 2, after "transfers" insert "; to create and enact a new section to chapter 54-59 of the North Dakota Century Code, relating to centralized desktop support services; and to amend and reenact the new section to chapter 54-59 of the North Dakota Century Code as created by section 8 of Senate Bill No. 2326, as approved by the sixty-fourth legislative assembly, relating to the mandatory disclosure of information to the information technology department"

Page 1, remove lines 12 through 24

Page 2, replace lines 1 through 4 with:

"Salaries and wages	\$51,553,251	\$6,559,964	\$58,113,215
Accrued leave payments	2,626,084	(2,626,084)	0
Operating expenses	64,734,643	6,262,534	70,997,177
Capital assets	12,500,600	(3,650,600)	8,850,000
Center for distance education	5,868,391	3,378,214	9,246,605
Statewide longitudinal data system	1,870,754	4,879,907	6,750,661
Educational technology council	1,614,609	1,091,338	2,705,947
EduTech	8,052,094	1,247,897	9,299,991
K-12 wide area network	4,928,177	75,271	5,003,448
Geographic information system	1,245,294	26,044	1,271,338
Health information technology office	4,750,723	1,129,921	5,880,644
Criminal justice information sharing	3,069,361	(3,069,361)	0
Federal stimulus funds	6,800,000	(6,800,000)	0
Total all funds	\$169,613,981	\$8,505,045	\$178,119,026
Less estimated income	149,674,553	2,038,486	151,713,039
Total general fund	\$19,939,428	\$6,466,559	\$26,405,987
Full-time equivalent positions	340.30	10.00	350.30"

Page 2, after line 12, insert:

"Health data study	0	500,000
Statewide longitudinal data system	0	1,250,000"

Page 2, replace lines 14 through 16 with:

"Total all funds	\$1,315,000	\$2,800,000
Less estimated income	0	500,000
Total general fund	\$1,315,000	\$2,300,000"

Page 2, after line 20, insert:

**"SECTION 3. HEALTH DATA STUDY - REPORT TO INFORMATION TECHNOLOGY COMMITTEE.** The health information technology office line item includes the sum of \$500,000, from special funds, federal funds, or other funds, for the purpose of hiring a consultant to provide a health data study, for the biennium beginning July 1, 2015, and ending June 30, 2017. Before July 1, 2016, the information technology department shall report the findings of the consultant to the information technology committee."

Page 3, after line 2, insert:

**"SECTION 6. AMENDMENT.** Section 8 of Senate Bill No. 2326, as approved by the sixty-fourth legislative assembly, is amended and reenacted as follows:

**State agencies - Mandatory provision of information - Confidentiality.**

1. The information technology department may request from any state agency:
  - a. All information required by 20 U.S.C. 9871(e)(2)(D); and
  - b. Any other educational information the statewide longitudinal data system committee determines is required for a longitudinal data system to comply with state or federal law; and
  - c. Unemployment insurance wage data from job service North Dakota for education and workforce development program evaluations, except that job service North Dakota may not disclose any data identifying an individual.
2. Subject to applicable restrictions on the use and disclosure of confidential information required to comply with federal and state privacy laws, any state agency receiving a request for information under subsection 1 shall

provide the information at the time and in the manner required by the information technology department.

**SECTION 7.** A new section to chapter 54-59 of the North Dakota Century Code is created and enacted as follows:

**Required use of centralized desktop support services.**

1. The following state agencies shall obtain centralized desktop support services from the information technology department:
  - a. Office of administrative hearings.
  - b. Office of the governor.
  - c. Commission on legal counsel for indigents.
  - d. Public employees retirement system.
  - e. North Dakota university system office.
  - f. Department of career and technical education.
  - g. Department of financial institutions.
  - h. Department of veterans' affairs.
  - i. Aeronautics commission.
  - j. Tobacco prevention and control executive committee.
  - k. Council on the arts.
  - l. Agriculture commissioner.
  - m. Department of labor and human rights.
  - n. Indian affairs commission.
  - o. Protection and advocacy project.
  - p. Secretary of state.
  - q. State treasurer.
  - r. State auditor.
  - s. Securities department.
2. The office of management and budget, after receiving advice from the information technology department, shall establish policies and guidelines for the delivery of desktop support services, including the transition from existing systems to functional consolidation, with consideration given to the creation of efficiencies, cost-savings, and improved quality of service. For purposes of this section "desktop support services" means technical assistance and device management relating to the use of personal computers and peripheral devices.

**SECTION 8. APPROPRIATION - DESKTOP SUPPORT.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds and other income to the agencies named for the purpose of defraying the expenses of desktop support services provided by the information technology department, for the biennium beginning July 1, 2015, and ending June 30, 2017.

<u>Agency</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Office of administrative hearings	\$0	\$17,600	\$17,600
Office of the governor	97,760	0	97,760
Commission on legal counsel for indigents	214,855	0	214,855
Public employees retirement system	0	152,950	152,950
North Dakota university system office	175,350	0	175,350
Department of career and technical education	210,590	0	210,590
Department of financial institutions	0	66,325	66,325
Department of veterans' affairs	34,635	0	34,635
Aeronautics commission	0	17,090	17,090
Total	\$733,190	\$253,965	\$987,155

**SECTION 9. ONE-TIME FUNDING.** The following amounts reflect the 2015-17 one-time funding items included in the appropriations in section 8 of this Act:

<u>Agency - One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>
Office of administrative hearings	\$0	\$14,040
Office of the governor	45,200	0
Commission on legal counsel for indigents	122,275	0
Public employees retirement system	0	77,370
North Dakota university system office	81,750	0
Department of career and technical education	106,750	0
Department of financial institutions	0	66,325
Department of veterans' affairs	26,895	0
Aeronautics commission	0	14,810
Total	\$382,870	\$172,545"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1021 - Summary of Conference Committee Action

	<u>Base Budget</u>	<u>House Version</u>	<u>Conference Committee Changes</u>	<u>Conference Committee Version</u>	<u>Senate Version</u>	<u>Comparison to Senate</u>
Governor's Office						
Total all funds	\$0	\$0	\$97,760	\$97,760	\$0	\$97,760
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$97,760	\$97,760	\$0	\$97,760
Information Technology Department						
Total all funds	\$169,613,981	\$172,448,080	\$5,670,946	\$178,119,026	\$177,385,971	\$733,055
Less estimated income	149,674,553	149,163,459	2,549,580	151,713,039	149,979,984	1,733,055
General fund	\$19,939,428	\$23,284,621	\$3,121,366	\$26,405,987	\$27,405,987	(\$1,000,000)
Office of Administrative Hearings						
Total all funds	\$0	\$0	\$17,600	\$17,600	\$0	\$17,600
Less estimated income	0	0	17,600	17,600	0	17,600
General fund	\$0	\$0	\$0	\$0	\$0	\$0
Commission on Legal Counsel for Indigents						
Total all funds	\$0	\$0	\$214,855	\$214,855	\$0	\$214,855
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$214,855	\$214,855	\$0	\$214,855
Public Employees Retirement System						
Total all funds	\$0	\$0	\$152,950	\$152,950	\$0	\$152,950
Less estimated income	0	0	152,950	152,950	0	152,950
General fund	\$0	\$0	\$0	\$0	\$0	\$0
University System Office						
Total all funds	\$0	\$0	\$175,350	\$175,350	\$0	\$175,350
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$175,350	\$175,350	\$0	\$175,350
Dept. of Career and Technical Education						
Total all funds	\$0	\$0	\$210,590	\$210,590	\$0	\$210,590

Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$210,590	\$210,590	\$0	\$210,590
Department of Veterans' Affairs						
Total all funds	\$0	\$0	\$34,635	\$34,635	\$0	\$34,635
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$34,635	\$34,635	\$0	\$34,635
Aeronautics Commission						
Total all funds	\$0	\$0	\$17,090	\$17,090	\$0	\$17,090
Less estimated income	0	0	17,090	17,090	0	17,090
General fund	\$0	\$0	\$0	\$0	\$0	\$0
Department of Financial Institutions						
Total all funds	\$0	\$0	\$66,325	\$66,325	\$0	\$66,325
Less estimated income	0	0	66,325	66,325	0	66,325
General fund	\$0	\$0	\$0	\$0	\$0	\$0
Bill total						
Total all funds	\$169,613,981	\$172,448,080	\$6,658,101	\$179,106,181	\$177,385,971	\$1,720,210
Less estimated income	149,674,553	149,163,459	2,803,545	151,967,004	149,979,984	1,987,020
General fund	\$19,939,428	\$23,284,621	\$3,854,556	\$27,139,177	\$27,405,987	(\$266,810)

### House Bill No. 1021 - General Fund Summary

	Base Budget	House Version	Conference Committee Changes <sup>1</sup>	Conference Committee Version	Senate Version	Comparison to Senate
Governor's Office			\$97,760	\$97,760		\$97,760
Office of Administrative Hearings						
Commission on Legal Counsel for Indigents			214,855	214,855		214,855
Public Employees Retirement System						
University System Office			175,350	175,350		175,350
Dept. of Career and Technical Education			210,590	210,590		210,590
Department of Veterans' Affairs			34,635	34,635		34,635
Aeronautics Commission						
Department of Financial Institutions						
Total general fund			\$733,190	\$733,190		\$733,190

### House Bill No. 1021 - Other Funds Summary

	Base Budget	House Version	Conference Committee Changes <sup>1</sup>	Conference Committee Version	Senate Version	Comparison to Senate
Governor's Office			17,600	17,600		17,600
Office of Administrative Hearings						
Commission on Legal Counsel for Indigents						
Public Employees Retirement System			152,950	152,950		152,950
University System Office						
Dept. of Career and Technical Education						
Department of Veterans' Affairs			17,090	17,090		17,090
Aeronautics Commission			66,325	66,325		66,325
Department of Financial Institutions						
Total other funds			\$253,965	\$253,965		\$253,965

### House Bill No. 1021 - All Funds Summary

	Base Budget	House Version	Conference Committee Changes <sup>1</sup>	Conference Committee Version	Senate Version	Comparison to Senate
Governor's Office			\$97,760	\$97,760		\$97,760
Office of Administrative Hearings			17,600	17,600		17,600
Commission on Legal Counsel for Indigents			214,855	214,855		214,855
Public Employees Retirement System			152,950	152,950		152,950
University System Office			175,350	175,350		175,350
Dept. of Career and Technical Education			210,590	210,590		210,590



Department of Veterans' Affairs			34,635		34,635	34,635
Aeronautics Commission			17,090		17,090	17,090
Department of Financial Institutions			66,325		66,325	66,325
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Total all funds			\$987,155		\$987,155	\$987,155
FTE	0.00	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding of \$987,155, of which \$733,190 is from the general fund is provided to the listed agencies for defraying the cost of desktop support services provided by the Information Technology Department. The appropriations include the following one-time funding items relating to desktop support:

	General Fund	Other Funds	Total
Governor's office	\$45,200		\$45,200
Office of Administrative Hearings		\$14,040	14,040
Commission on Legal Counsel for Indigents	122,275		122,275
Public Employees Retirement System		77,370	77,370
North Dakota University System Office	81,750		81,750
Department of Career and Technical Education	106,750		106,750
Department of Financial Institutions		66,325	66,325
Department of Veterans' Affairs	26,895		26,895
Aeronautics Commission		14,810	14,810
Total	\$382,870	\$172,545	\$555,415

### House Bill No. 1021 - Information Technology Department - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$51,553,251	\$58,290,270	(\$177,055)	\$58,113,215	\$58,113,215	
Operating expenses	64,734,643	69,738,122	1,259,055	70,997,177	69,764,122	1,233,055
Capital assets	12,500,600	8,850,000		8,850,000	8,850,000	
Center for distance education	5,868,391	6,607,946	2,638,659	9,246,605	8,996,605	250,000
Statewide longitudinal data system	1,870,754	5,505,409	1,245,252	6,750,661	8,000,661	(1,250,000)
Educational technology council	1,614,609	2,707,304	(1,357)	2,705,947	2,705,947	
EduTech	8,052,094	9,087,495	212,496	9,299,991	9,299,991	
K-12 wide area network	4,928,177	5,006,161	(2,713)	5,003,448	5,003,448	
Geographic information system	1,245,294	1,272,016	(678)	1,271,338	1,271,338	
Health information technology office	4,750,723	5,383,357	497,287	5,880,644	5,380,644	500,000
Criminal justice information sharing	3,069,361					
Federal stimulus	6,800,000					
Accrued leave payments	2,626,084					
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Total all funds	\$169,613,981	\$172,448,080	\$5,670,946	\$178,119,026	\$177,385,971	\$733,055
Less estimated income	149,674,553	149,163,459	2,549,580	151,713,039	149,979,984	1,733,055
<hr/>			<hr/>			
General fund	\$19,939,428	\$23,284,621	\$3,121,366	\$26,405,987	\$27,405,987	(\$1,000,000)
FTE	340.30	345.30	5.00	350.30	350.30	0.00

### Department No. 112 - Information Technology Department - Detail of Conference Committee Changes

	Adjusts Funding for Health Insurance Premium Increases <sup>1</sup>	Adds Funding for Centers for Distance Education <sup>2</sup>	Adds Funding for K-12 College and Career Readiness <sup>3</sup>	Adds Funding for Security Analyst <sup>4</sup>	Adds Funding for Desktop Support <sup>5</sup>	Adds One-Time Funding for Statewide Longitudinal Data System <sup>6</sup>
Salaries and wages	(\$177,055)					
Operating expenses				26,000	1,233,055	
Capital assets						
Center for distance education	(17,638)	2,406,297	250,000			
Statewide longitudinal data system	(4,748)					1,250,000
Educational technology council	(1,357)					
EduTech	(20,351)			232,847		

K-12 wide area network	(2,713)					
Geographic information system	(678)					
Health information technology office	(2,713)					
Criminal justice information sharing						
Federal stimulus						
Accrued leave payments						
Total all funds	(\$227,253)	\$2,406,297	\$250,000	\$258,847	\$1,233,055	\$1,250,000
Less estimated income	(180,754)	997,279	0	0	1,233,055	0
General fund	(\$46,499)	\$1,409,018	\$250,000	\$258,847	\$0	\$1,250,000
FTE	0.00	4.00	0.00	1.00	0.00	0.00

	Adds One-Time Funding for Health Care Study <sup>7</sup>	Total Conference Committee Changes
Salaries and wages		(\$177,055)
Operating expenses		1,259,055
Capital assets		
Center for distance education		2,638,659
Statewide longitudinal data system		1,245,252
Educational technology council		(1,357)
EduTech		212,496
K-12 wide area network		(2,713)
Geographic information system		(678)
Health information technology office	500,000	497,287
Criminal justice information sharing		
Federal stimulus		
Accrued leave payments		
Total all funds	\$500,000	\$5,670,946
Less estimated income	500,000	2,549,580
General fund	\$0	\$3,121,366
FTE	0.00	5.00

<sup>1</sup> Funding for employee health insurance premiums is adjusted to reflect the revised premium estimate of \$1,130.22 per month. The same as the Senate.

<sup>2</sup> Funding is added for the Centers for Distance Education for K-12 education, including funding for temporary employees, software, contractual services and repairs (\$1,706,578), as well as 4 teacher FTE positions (\$678,791) and related salary increases (\$20,928), the same as the Senate version.

<sup>3</sup> Provides funding to Centers for Distance Education to offer remedial and advanced placement courses. The Senate did not provide the funding.

<sup>4</sup> Funding is added for a security analyst FTE position (\$225,000) and related operating expenses (\$26,000) and salary increase (\$7,847) to provide security at the Fusion Center, the same as the Senate version.

<sup>5</sup> Funding is provided for the Information Technology Department to provide desktop support services to the following agencies:

- Office of Administrative Hearings.
- Office of the Governor.
- Commission on Legal Counsel for Indigents.
- Public Employees Retirement System.
- North Dakota University System Office.
- Career and Technical Education.
- Department of Veterans' Affairs.
- Aeronautics Commission.
- Department of Financial Institutions.

The Senate did not provide funding for the desktop support services.

<sup>6</sup> One-time funding is added for contractor and development expenses to continue the statewide longitudinal data system project. The Senate provided one-time funding of \$2.5 million for the project.

<sup>7</sup> Provides one-time funding from special funds, federal funds, or other funds to hire a consultant to provide a health care study. The Senate did not provide funding for the study.

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This amendment also provides:

- A new section which amends Section 8 of House Bill No. 2326 as approved by the 64<sup>th</sup> Legislative Assembly which requires Job Service North Dakota to disclose unemployment insurance wage data for education and workforce development evaluations, unless it is individual data.
- A new section which provides \$500,000 from the health information technology office line item for the purpose of hiring a consultant to conduct a health care study. The funding is considered one-time funding.
- A section requiring certain agencies to obtain desktop support services from the Information Technology Department.

Engrossed HB 1021 was placed on the Seventh order of business on the calendar.

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

**Jane Schaible, Secretary**

